

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1986 - 91

HOUSE OF ASSEMBLY

Tuesday, June 19, 1990.

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

PRESENT

His Honour L. A. WEEKES, J.P., G.C.M., (Speaker)

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

Rt. Hon. L. E. SANDIFORD, B.A., (Econ.), J.P.,
(Prime Minister and Minister of Finance and Economic Affairs)

Hon. H. deB. FORDE, Q.C., M.A., LL.B.

Hon. P. M. GREAVES, Q.C., B.A., (Deputy Prime Minister, Minister of International Transport, Telecommunications and Immigration and Leader of the House)

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. N. K. SIMMONS, (Minister of Employment, Labour Relations and Community Development)

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

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

Hon. C. A. NEBLETT, B.A., (Parliamentary Secretary, Ministry of the Civil Service)

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.

MINUTES

Mr. SPEAKER: The House is in session. The Minutes of Tuesday, June 12, 1990.

Hon. P. M. GREAVES: Mr. Speaker, I beg to move, Sir, that the Minutes of the Meeting held on June 12, 1990 be taken as read and approved, Sir.

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

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

GOVERNMENT NOTICES Hon. P. M.

GREAVES: Mr. Speaker, I give notice of: A Bill to

amend the Land Registration Act; and The Property

(Miscellaneous) Amendments Bill 1990.

FIRST READINGS OF BILLS

On the separate motions of Hon. P. M. GREAVES, seconded by Hon. M. A. KING, the Bill to amend the Land Registration Act and the Property (Miscellaneous) Amendments Bill 1990 were read a first time.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Hon. P. M. GREAVES: Mr. Speaker, I am moving, Sir, the suspension of Standing Orders Nos. 6, 16, 18, 20, 42(5) 43 and 44 for the remainder of the day's sitting.

This is without prejudice, Sir, to any Private Members' matters that might be done. I am sure we would be delayed, Sir.

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

Hon. H. deB. FORDE: I would grant, Mr. Speaker, Sir, the Minister having given his assurance that the normal time for Private Members' business will be allowed to take place and in accordance with the Rules of the House, that the normal time usually is stipulated in the Rules and that the Minister will not seem to depart from that normal time.

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

GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business is the instant Order of the Day. Order No. 1.

DRUG SERVICE (AMENDMENT) BILL, 1990

Order No. 1 was called - To move the Second Reading of a Bill to amend the Drug Service Act, Cap. 40A.

Hon. C. A. NEBLETT: Mr. Speaker, I put before this Honourable House some amendments to the Drug Service Act, as explained in the Objects and Reasons, for the purpose of clarifying the method of revising the Drug Formulary; clarifying the role of the Drug Formulary Committee; and to validate the work of the Drug Formulary Committee during the period 22nd February, 1987 to 25th May, 1988.

I need to go back a little into the history of the Drug Service Act to explain the necessity for these amendments, Sir. The first Drug Formulary Committee which was appointed by the Minister of Health on the 15th November, 1983 was appointed for a period of three years. Its purpose was to first provide a formulary by which certain drugs that were dispensed in the Drug Service would be determined.

Subsequent to that period, we had the passing of the National Health Service Act. That Act resulted in the transfer of the Minister's powers for appointing the Formulary Committee from the Minister and it passed to the National Health Service Board Act. During that intervening period, there was no evidence that pointed

towards the National Health Service Board addressing the question of the powers that it had acquired concerning the appointment of members of the Drug Formulary Committee.

The Drug Formulary Committee which was appointed in November 1983 continued to sit and, as a result, they carried on the function of providing the necessary additions and deletions to the Drug Formulary down to a period in 1988.

What is now sought here is to clear up one or two problems that had appeared, as a result of this situation. We are dealing with validating what would have transpired between 1985 and 1987 since it would have been this period where it would appear as though the Drug Formulary Committee would have been functioning without the necessary authority, under the law.

The other point that we are trying to clear up in the amendment is that, from the Act, it would appear as though the work of the Drug Formulary Committee would have been concerned purely with providing the first possible Drug Formulary and no provisions have been made for subsequent amendments as would be necessary, from time to time. 12.30 p.m.

What is being sought here is to provide the opportunity for the Act to cater for amendments from time to time to the Drug Formulary, or at least give the Minister the authority to make these adjustments from time to time, remembering at one stage that his powers would have been taken over by the National Health Service Board Act. On the abolition of the National Drug Service Act these powers reverted to the Minister of Health and these amendments are giving him the authority to perform his role in this respect.

Accordingly, Mr. Speaker, there is the necessity to amend the Drug Service Act, Cap. 40A, which would clarify and regularise the role of the Drug Formulary Committee in relation to making recommendations to the Minister concerning what amendments that should be made, and to clarify how the amendments to the Formulary are to be effected, whether by notice or order.

Therefore, Mr. Speaker, I recommend that in accordance with the above stated reasons that this House should validate the work of the Drug Formulary Committee between the period 22nd February, 1985 and 25th May, 1988, and also to amend the Drug Service Act to enable the Minister to amend or revise the existing Drug Formulary, or, to publish a new Formulary at such times as may be deemed necessary, and also to amend the Drug Service Act to clarify and regularise the role of the Drug Formulary Committee in making recommendations to the Minister

concerning the amendments to be made to the Formulary, and to make regulations governing the publication and distribution of the Formulary under this Act.

With these few words, Mr. Speaker, I beg to move that this Bill be read a second time.

Hon. W. O. FRANKLIN: I beg to second that and reserve my right to speak, Sir.

Hon. H. deB. FORDE: Mr. Speaker, I would have been anxious to congratulate the Acting Minister on his first speech as Acting Minister of Health, were it not for the fact that he really did not read his brief as well as I would have expected. He was recommending that in accordance with the above stated reasons that the Bill do now pass. He has misunderstood the period during which it is intended to validate actions taken by the Committee. In his speech to the House he says that the functions which it is now being sought to validate occurred between 1985 and 1987, and the Bill in section 5 speaks of a period for validation between 22nd February, 1987 to the 25th May, 1988, so that if the Minister is correct in his oral presentation, then he has departed substantially from his brief and also departed substantially from the Bill.

Perhaps when he replies at the end of this debate on the Second Reading speech he will correct himself somewhat, or at least ask that the Bill be corrected in Committee. I make the point, Sir, because one at times has to say to this Government "I told you so". I recall very soon after the last elections when the Government had to bring down validating legislation for certain functions in the various Ministries, particularly some relating to the Ministry of Finance, the Government would characterise those acts, which were obviously omissions in the normal course of administration, as though they were some terrible evil performed by an incompetent and negligent Barbados Labour Party Government. That was usually the stand. There is in this House a statement which I made then that before these five years have passed I will witness the situation where this Government will be seeking validation of acts done during its administration that could show that they were, if they were saying we were, being the same negligent and incompetent set of people.

I hope the Government has now had its experience, It is not the first one, to see that within Departments things can go wrong which are not deliberate breaches of the law, but occurred because of the nature of administration. I hope that the Government has now been chastened by its own performance in this respect, that that will not become a big rallying point when they are on the high, should it ever occur of any other success at any time whatsoever.

I really could not allow the opportunity to pass, Mr. Speaker, without making that point, although it is not the major reason why I have intervened in this debate. I want to

say that the Drug Service is one of the success stories of the Barbados Labour Party Government. It was one of the major segments....

Mr. SPEAKER: If the Honourable Member would just give me one minute, is the Honourable Member speaking for the entire Opposition for the first time? Or is the Honourable Member speaking as a Member of the House?

Hon. H. deB. FORDE: Mr. Speaker, I am very much speaking in accordance with the rules of the House. I assume that I caught your eye first and nobody else did. I did not see that anybody else rose to address you either on the Government or on this side, on your right or on your left, and other Honourable Members remained seated. I would hate to think that I am speaking on behalf of the Government, Sir.

Mr. SPEAKER: I have raised that question because I have made a ruling in respect of Members speaking on the Opposition before and I do not intend to change that ruling based on the fact of what I have made. I am just making the point that if there is no confirmation from the Official Opposition, I will take it that the Honourable Member is speaking within the rules of the House as we understand it.

Hon. H. deB. FORDE: Mr. Speaker, this Bill will not warrant any intervention for as long as an hour, if you have any difficulty with that. I have no difficulty with that point, Sir, but I wish to go back to the point I was making, which is really that the National Drug Service is one of the success stories of the Barbados Labour Party's administration in relation to health. I think that everybody is now satisfied that that part of the National Health Service was not only viable, but it has been tremendously beneficial to those persons who have benefited from it, and so it should be. It was founded on the basic tenet to which the party, which I now have the honour to lead, subscribes, which is looking after the welfare, particularly of those most in need in our society, and it is based on the principles of democratic socialism.

The Drug Service was set up by us, Sir. I think the Act came down in 1980 and the service became operational and the persons who benefited from it, particularly for free medicines, are three principal categories, those persons who are over 65 who get their drugs free, those who are under 12-1 believe that is the age - who likewise get their drugs free, and those persons who are chronically ill and who are suffering from diseases such as diabetes and recently I believe that asthmatics have been added to this category of persons. 12.40 p.m.

I have had the experience, Sir, of seeing many older persons in particular and the parents of young children being forever thankful that the service has been implemented. When it was first started, Sir, there was a

tremendous amount of criticism in and out of this House from spokespersons on the opposite side from the Democratic Labour Party against generic drugs. It was said that generic drugs were inferior, there were not of the sort of category that you would wish to give to people, Sir, and it has turned out on the other hand that the Drug Formulary Committee has made sure that the generic drugs which go on the list of drugs have been the best and have been extremely beneficial. It has had the effect of reducing the cost of drugs to the consumer and to the country as a whole, and indeed, Sir, I am happy to see that the model of Barbados has been adopted and recommended by international institutions including the Commonwealth Fund for Technical Cooperation. The head of the drug service here has been called on on several occasions to give technical advice to other third world countries on how to set up a similar drug formulary. In fact, in a recent OECS bulletin it was noted that the OECS countries have now come together to pursue a similar way of selecting and buying drugs for their country, and the article that I read underlined the beneficial effect it has had on reducing the cost of very vital drugs within the system. I am satisfied in my own mind that it has been of extremely good use for the people of Barbados.

I would not allow this opportunity to pass without saying that it is an example also of the cooperation which has occurred between the private sector and the Government in implementing a very farsighted policy. The pharmacists have played their part beyond measure, and I am sure, Mr. Speaker, there would be a look of satisfaction on your face to hear that remark, you having followed that profession with distinction for many a year, but they have played their part beyond measure. But they do have some complaints and one of the complaints that they have, and I have heard from pharmacists in my own constituency and outside of my constituency, is the delay which occurs in the payment of bills, and therefore at any time you could find that pharmacists are carrying the drug service debt. Those who obviously have to pay interest on their overdraft accounts are not getting that interest refunded to them from the drug service or the Government service.

I think this is wrong. The National Health Service levy is generating more income than is spent either on the national drug service or indeed on the polyclinics, or indeed on the scheme for assisting persons with overseas medical aid who cannot be accommodated here. The balance now goes into the general Consolidated Fund, and it seems to me wrong that we cannot set up a system which would enable the pharmacists to be paid promptly. I regret very much to see that some pharmacists have been as a result compelled to drop out of the scheme rather than to remain in the scheme. I don't believe that this is a good sign, and whether it is an administrative problem or whatever problem it is, I believe that it is one that should be addressed. It is unfair to ask pharmacists, and particularly the small pharmacists, to carry an overdraft with interest

accruing on it, whereas there is money coming from the health service to deal with this problem, and there is tardiness in settling his bill and he is having to pay interest to his bank and on his bank loan in order to subsidise the Government in this respect Sir, I make the point because they do not get a large mark-up on the exercise on their selling of these drugs. They are quite reasonable on the thing and I am urging the Government that whatever the reason to take steps to assist them as much as possible.

Now, Sir, I am pleased to see that the pharmacists dispense even in emergency situations. I know that the whole manner of shopping in Barbados is now changing to late hours, but I am pleased to see that an increasing number of pharmacists are available late in the evenings and some of them into the night and certainly on Sundays to accommodate those of our citizens who find it difficult, given their economic and other conditions, to be available during the daytime, and in this regard it is to their credit as opposed to the polyclinics which unfortunately you will recall, Mr. Speaker, reverted to the practice of not going beyond I believe 8 o'clock in the evening. There was a time when the polyclinic was open to service those persons who had to go and work in the industrial estates and elsewhere and who did not get home until late on evenings, and left for work early on mornings. That practice was changed by the then Minister of Health, not the current Minister of Health, the former Minister of Health who is now Minister of Labour and Community Services and Development. It was a retrograde step. I believe that since then the current Minister of Health is taking steps to change this; but what would be the point of having the polyclinics open late on evenings, people being attended to by the doctors, being recommended to take medicines if correspondingly the facilities for dispensing medicine were not also available at that time? I trust that the farsighted policy that was followed under the Barbados Labour Party in this regard would be implemented to the benefit of those in our society for whom that policy was set in place in the first instance.

Now, Sir, I want to revert, if possible again, to the legislation and make two other points on the specific provisions of the legislation. I regret very much the change being made, and I will explain what this change is. It now means that the Minister has again arrogated to himself the power to appoint the Committee, and not only to appoint the Committee but the power to cause the formulary to be prepared. Under the original legislation, Sir, that duty devolved on the Drug Formulary Committee itself, and the Minister's function was merely to approve. It was thought that this was a technical area and there was no need to centralise it within the Ministry itself, and in fact the 1984 legislation made that very vitally clear.

Now we always talk, Sir, in this country about giving people greater participation in their affairs, and I am one who believes that a Minister must not be the alpha and omega of everything that happens in the community, and

that it is vital that we should give to people an opportunity to participate in the day to day management of their affairs, and wherever possible not merely an impressionistic role, but a real and substantive role, that they feel they have a function to perform. In this regard you will recall, Sir, that in setting up the drug service as well as the steps towards the National Health Service provision was being made for Health Committees to operate at the community level within their particular area. Although those committees were appointed, with the change of Government nothing has happened to them, so that the people feel themselves excluded from a service that is obviously more for them and that they should be participating in. 12.50p.m.

Likewise here with the Formulary Committee again the Formulary Committee's role has been downgraded somewhat in terms of responsibility and I regret very much that we think that this is the only way to run the country is to show a centralisation within Ministries rather than a devolution of responsibilities to have a wider community participation.

When we talk about local government in that context we talk about that type of participation making sure that the people feel that they are part and parcel of what is going on in their day to day lives and carrying not only a formal role but a real and genuine role in being able to do things, to take initiatives always, of course, recognising that within this House the Minister has final and ultimate responsibility to the country for what happens within his Ministry and I regret, therefore, that this amendment seems to take away from people's participation and to have more ministerial centralisation in the Drug Service itself.

Again I end on the note on which I began. Obviously it has been necessary to validate matters that have been done outside of the scope of the Act between February 1987 and May 25. I do not know why it is only May 25, 1988 because nothing has changed in the Act to date and unless the Committee has not been functioning between May 25, 1988 and today, unless this Act has been so long within the Ministry in preparation that no-one has taken the opportunity to make that change or there is some other explanation that I would wish to hear the Minister on before this is concluded, Sir.

I am happy to say, Sir, that those aspects of the National Health Service which we had put in place headed by the Drug Service are shining examples of what we had intended to bring to the benefit of people most in need in our community just as the Overseas Medical Aids Scheme has been a success and such as the Polyclinics now remain as outstanding examples of bringing health to the people.

I am pleased to see that yesterday the Minister of Education and the Prime Minister had the privilege and the pleasure of showing Mr. Eglisias the President of the Inter-

American Development Bank, an outstanding example of how well the Labour Party planned and spent the money that it had borrowed as part of the national debt for the development of this country in the Glebe Polyclinic. I hope they remembered to tell him although none of the Labour Party people were invited for the occasion, that the Government which preceded them was an outstanding Government and did well in economic management of the country in the money they borrowed from the Inter-American Development Bank and spent it along the right ways and along the right paths. I assure the country that when we are returned again to the Government we will continue on that path so that you can see the shining examples in St. George and elsewhere as we set them right across the whole length and breadth of this country in making a tremendous contribution as true democratic socialists.

I am thankful to you.

Mr. R. P. BYER: I will not be very long, Sir. I would have hoped that the substantive Minister responsible for Health would have been the person introducing this measure today because there would have been some very harsh things that I would have had to say about the Drug Service and the way it is presently run. It would not be fair at this stage to raise these matters because I would like the substantive Minister of Health to have the opportunity to respond to them whenever I do that.

The member who just sat dealt with some of the matters that I would have liked to deal with, Sir. Suffice it to say at this stage that in terms of the payment of bills I am not too happy with the way the pharmacists are being treated in this regard and for the reasons that the Honourable Member for Christ Church West just mentioned.

It is really unfair, for example, to a small pharmacist who has borrowed substantially from a bank to finance his operation who makes and dispenses drugs and who fills prescriptions then that person having to wait for a very long time to recover money from the Drug Service.

I remember on one occasion the substantive Minister of Health saying that we ought not to draw the Drug Service into politics but it is my considered opinion that if they do not straighten out their act that very soon the manner in which the Drug Service is being run will become a political issue in Barbados.

I am not very happy with the way the Drug Service is being run. I am not very happy with the way the person who is managing the Drug Service is managing it at the moment. I am saying that, Sir, without going into details because, as I said, I would like the substantive Minister of Health to be in his place but another opportunity will arise when the Minister is in his place and I will have the

opportunity to level the charges at the Drug Service in the way it is being conducted.

One of the things I would take issue with is the kind of contractual arrangements the Drug Service has with the pharmacists. They have made two attempts to formulate and devise a contract to meet the exigencies of the drug arrangements but that contract is not of the tightest kind and many people are suffering from the way they interpret the contract. Some people are saying that they are not interpreting or they are not using it in the spirit of professional pharmacists.

Now, that does not make much sense to me because it would appear that if I had entered into a contract with someone and I could benefit in a way that was not even contemplated when the contract was made, certainly I would seek to benefit from whatever advantage I could and I have raised in another place some of the inequities and some of the difficulties in the way in which the contract is interpreted but yet nothing has been done about them.

I have had meetings with the Drug Service Director to thrash out issues relating to a client but yet the matters that I raised there were not taken into account when the contract was being redrafted. A lot of it has to do with the way people and pharmacists for that matter, address the issue of when a prescription is being repeated how many days should elapse before one repeats another, when should you properly charge for your repeat. 1.00p.m.

All of these are things which are interpreted differently in the profession of pharmacy and by the Drug Service Director. He brings one interpretation to bear on it and the pharmacists bring another interpretation to bear on it. As a result of that, Sir, a lot of confusion is created and pharmacists are unjustly accused of ripping off the Drug Service because of the manner in which the interpretation of the contract is done by one person, as against the other person.

I know that there is a principle in law which says that the person who makes a contract, that that contract should be construed against the person making it. That is where you have standard form contract. It is unfair to pharmacists to tell them that they ought not to interpret a contract to benefit them. There is nothing wrong at all with that. If the Drug Service Director feels that the contract ought to be interpreted in the way that he thinks that it should be interpreted, then an amendment should be made to the contract to make it conform with his thinking.

But there are other issues, Sir, which I would go into at another stage for the reasons that I have given here today.

Hon. M. A. KING: Mr. Speaker, the Honourable Member for Christ Church West made the point - a point

which is usually made - about the concentration of power in the hands of the Minister of Health. I believe he made reference to the fact that the Drug Formulary was not prepared by the Minister before. If one looks at the Drug Service Act, Cap. 40A which was passed on the 8th September, 1983, Section 5 of that Act says this:

"The Board shall cause to be prepared a Formulary,"

The Board:

"approved by an order made by the Minister,"

So that the Board caused the Formulary to be prepared and the Minister makes the order.

Aside.

Hon. M. A. KING: The Formulary is approved by an order. But it is an order made by the Minister.

Now when you look at the way in which the existing legislation runs, it says that:

"The Minister shall appoint a Committee to be known as the Drug Formulary Committee" et cetera.

At clause 5:

"The Minister shall cause a Formulary to be known as the Barbados National Drug Formulary, to be prepared;" and

"The Minister shall, by order, approve the Formulary."

There is not much of a difference. When you say the Minister shall cause the Formulary to be prepared, it does not mean that the Minister himself is going to prepare that Formulary. The Formulary is to be prepared by the experts. The role of the Minister, in relation to that Formulary is by order to approve the Formulary. That is really, in essence what the Minister is going to do. What he is going to say up front is, "Look a Formulary needs to be prepared." After all, the policy considerations have to be taken into account. As a matter of policy, a Formulary has to be prepared. And he gives directions that the Formulary must be prepared. That is all 5 says; the Minister shall cause the Formulary to be prepared and once the Formulary is prepared, then he, by order, approves the Formulary. Those are the terms in which the Drug Service Act, Cap. 40A existed. The Board shall cause, rather than the Board causing the Formulary to be prepared and the Minister approving, by order.

I think the Honourable Member is overstating the point about concentration of power when applying it to this particular situation.

A second point made by the Honourable Member for Christ Church West relates to the date in respect of which validation is to take place. He made the point that the Acting Minister referred to the fact that the matters relating to the period 22nd February, 1985 to 25th May, 1988.

Let me deal with the termination date first. The date is fixed at 28th May, 1988 because it was at that time that it was recognized that the work of the Committee may have been *ultra vires* and that at that point, all action by the Committee was stopped. That is the reason for placing the ultimate date at the 25th May, 1988.

In relation to the earlier date, the 22nd February, 1985, 1985 is the correct date and we will have to move an amendment, Mr. Speaker, in Committee. Just let me give a little background to that. When looking at this matter, Mr. Speaker, it would appear that the appointments which had been made by the Minister of Health to the Drug Formulary Committee on the 15th November, 1983, and on analysing the matter, it seemed that those appointments were revoked when the National Health Service Board Act, 1984-22 was proclaimed. So that those appointments seemed to have been revoked by operation of law.

The National Health Service Board Act of 1984-22 had amended the Drug Service Act, among other things, by transferring responsibility for preparation of the Formulary from the Minister to the National Health Service Board and by rendering the Minister's power of appointment to the Drug Formulary Committee, subject to the advice of the Board.

If we take it then that the appointments were revoked by operation of law, it would have been clear then that any work which was done by that Committee subsequent to the time in which the law operated to revoke their appointments, in fact, would have been *ultra vires*.

The work of the Committee would largely have been involved in consultations in relation to the preparation of the Formulary. So the Committee was actually involved in some of that preparatory work.

When one peruses the Minutes of the Meeting of the National Health Service Board which would have been held between the inaugural meeting of the 17th October, 1984 . and its final meeting in July, 1987, there was nothing to suggest that the Board had addressed itself to the question of whether it, in fact, had powers to do the work which they were doing and advise the Minister on the appointments to the Drug Formulary Committee, as the law required.

By an order made on 6th March, 1987, which was, in " fact, published in the Official Gazette, the Minister of Health would approve the National Drug Formulary which was stated in that order to have been prepared in accordance with Section 5(1). The chances of that being so were not

real since, if you start from the premise that the Committee had been abolished and could not have done its work because of the operation of law then that could not have been so.

After analysing the total provision of the work of the Drug Formulary, it seemed to us that the work which they had performed after the 22nd February, 1985 and, in particular, the preparation for the Drug Formulary which was, by order, published in 1987, it seemed that all that work was *ultra vires* because of the way in which the law had operated and nothing had been done in the interval to fill the gaps. The relevant period then which we are considering is the period of time between the 22nd February, 1985 and the date in 1988 when it was discovered that all that was being done seemed to have been done, outside the framework of the law, as it existed. 1.10p.m.

One of the major bits of subsidiary legislation passed in that time was the Barbados National Drug Formulary Order of 1987, which to the extent that the Committee had not been properly constituted and could not properly advise, would have created the problem of validity of that Order.

The whole purpose of the legislation then is to just make assurance doubly sure that the legislation which was passed, particularly the National Drug Formulary, was an authentic piece of legislation. One of the major purposes of this bit of legislation is to validate that Formulary.

There is a specific clause, as you will see, Mr. Speaker, at 5(2) which specifically relates to the National Drug Formulary, which says that the Drug Service (Barbados National Drug Formulary) Order, 1987 has effect and is deemed to have always had effect from the date of its coming into operation on the 19th March, 1987. The object of that is to ensure that that Formulary, if its validity had been suspect, is in fact a valid Formulary. The Formulary is only part of the whole process of the work which had been done by the Committee since 1985 and the purpose of the legislation is to ensure that all the work which has been done during those periods of time is in fact validated and is deemed to have always been validly done.

I do not think there is any more I can add, Mr. Speaker, I just wanted to clear up the technical points in relation to the validating clause.

Thank you, Sir.

Hon. C. A. NEBLETT: Mr. Speaker, I just want to answer a query raised by the Honourable Member for Christ Church West in relation to settlements to local agents and also to private participating pharmacists.

I wish to report that the accounts with distributors are settled promptly and that for the participating pharmacists

these are settled within ten days of the subsequent month. I will demonstrate. For the month of May the Drug Service would expect all claims to be made at least by the 10th June and the cheques would be submitted by the 20th June. If there are any discrepancies when reconciliations are done, any of these adjustments is settled within a two month period, so one can fairly claim that their matter received prompt attention. If there are problems and there are checks to be done, obviously one would not expect these bills to be settled as promptly as when they are clear and straightforward.

The other point I would like to make quickly is that at this stage the Drug Service has surpassed what was originally thought to be a reasonable service, in that it is now providing over a thousand drug products to all residents of Barbados free of cost at the point of service.

With those few pointers, Mr. Speaker, I beg to move that this Bill be now read a second time.

Hon. H. deB. FORDE: The Minister says that the Drug Service is now supplying products to all of the residents of Barbados. I do not believe that could be so, Sir.

Hon. C. A. NEBLETT: I am sorry, Mr. Speaker, a correction. Those who qualify, but we are offering as much as 1 000 products on that basis.

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

On the motion of Hon. M. A. KING, seconded by Mr. C. LeR. TROTMAN, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. L. L. BRATHWAITE in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 to 4 were called and passed. Clause 5 was called.

Hon. C. A. NEBLETT: Mr. Chairman, I beg to move that clause 5 stand part.

Hon. M. A. KING: Mr. Chairman, in seconding this I wish to move an amendment to clause 5. As I indicated in the Second Reading speech I made, the date should be 22nd February, 1985 and not 1987. I beg to move that the clause stand part with "1985" substituted for "1987".

The question that clause 5, as amended, stand part was put and resolved in the affirmative without division.
1.20p.m.

On motion of Hon. M. A. KING seconded by Hon. C. A. NEBLETT, Mr. CHAIRMAN reported the passing of one Bill in Committee with amendment, and Mr. SPEAKER resumed the Chair and reported accordingly.

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

ORDER NO. 5 - THE STUDENT REVOLVING LOAN FUND (AMENDMENT) BILL, 1990

Order No. 5 was called — to move the second reading of a Bill to amend the Student Revolving Loan Fund Act, Cap. 54A.

Hon. C. V. WALKER: Mr. Speaker, the agreement between the Government of Barbados and the Inter-American Development Bank for a stage three loan of The Student Revolving Loan Fund was signed by the Prime Minister in April this year as Minister of Economic Affairs. As we all know The Student Revolving Loan Fund is managed by a committee made up of a representative of BIMAP, a representative of Cave Hill Campus, a representative of the Ministry of Finance and Planning, the Chief Education Officer and the Permanent Secretary in the Ministry of Education is designated to that Committee as the Chairman.

Because of certain changes to the existing structure of the programme, it will be necessary to institute some amendments to The Student Revolving Loan Fund, Cap. 54 A, and consequently to the Regulations.

Just to give a little background, in 1977, Mr. Speaker, the Student Revolving Loan Fund was established with the assistance of the Inter-American Development Bank through a loan of some US\$800 000, and the purpose of the Fund was to provide sub-loans to eligible Barbadians to pursue studies at undergraduate level in areas which were considered crucial to the economic and social development of Barbados. The Government of Barbados also entered into an agreement with the Inter-American Development Bank in February of 1984 for a second loan of US\$2 million to assist with the expansion and modification of The Student Revolving Loan Fund.

The existing Act, Mr. Speaker, provides for the appointment of a financial agent to undertake the financial responsibilities of the Fund, but under stage three all accounting functions will be undertaken in an internal accounting unit and it will therefore be necessary to appoint a financial institution to act in the role of depository. All the other functions such as the computations, the dealing with the arrears collection, monitoring of accounts, will all be done by the Assistant Accountants supervised by the Accountant. These are some of the requirements based

upon the third loan in order to bring an additional element of better management into the system.

Just for the benefit of Members of this Honourable House, Sir, the maximum family levels which were used to determine the eligibility will be raised. For instance, for a person interested in doing graduate studies now, the family level of income will be raised to \$65 000; for a person doing undergraduate, the family income level will be raised to \$50 000 and the other vocational studies to some \$26 800. We have also taken the opportunity as we will in the Regulations later, Sir, to address the whole question of repayment, and the repayment period after the grace period will be extended from ten to twelve years for graduate and undergraduates, and from eight to twelve years for the technical, post-secondary and vocational education, and from five years to eight years for adult vocational education.

Another adjustment which will have to come will be the interest rate on loans to be set at 8 per cent, Sir, rather than fluctuating between 6 per cent and 12 per cent as it is at present.

Sir, the third stage loan will continue as in the preceding programmes, and we will continue to make loans available to the needy Barbadians who are pursuing certain areas of study which have been determined as a national priority. In addition we will have and we intend to introduce into the programme professional advice to students on the feasibility and proposed programmes which they may study as they relate to job opportunities and prospective levels of remuneration, and also to establish an efficient financing mechanism which will ensure the continuity of the independence of the Fund. In other words, what we are trying to establish is that in fact the Revolving Fund revolves.

The size of the loan was US\$6.8 million, US\$4.7 million from the IDE and \$2.1 million representing Barbados' contribution, and it is interesting to note that the fund will also introduce a guidance and placement unit which will really maintain continuous contact with employers and undertake periodic surveys within the labour market in order that they can advise students to pursue areas which will be of interest and which will meet the national demand. In addition, as I mentioned, there will be preliminary updating of the 1982 manpower survey, and try to tie this in with the national manpower requirements.

Sir, we will also be working in the area of improving the records management so that we can better handle the arrears, and you will also note that, as I mentioned earlier, we will be able to undertake the functions of the maintenance which are presently done by a commercial bank. These features, Mr. Speaker, therefore necessitate the changes in The Student Revolving Loan Fund and I would like to address the changes as they relate to the Act as it

now stands. Under section 2 they are in fact minor, Mr. Speaker. In Section 2 all we are really doing is deleting the definition "bank" and in section 5 we are really just deleting what is presently in there which says "the Minister responsible for Finance shall by notice published in the Official Gazette designate a bank to be the financial agent." Now if we are removing the bank there is therefore no responsibility for the Minister of Finance to designate a bank. 1.30 p.m.

In Section 6 all we are deleting, Sir, are the words "through its financial agent" and this is in Section 6 (a) and (b).

Mr. Speaker, with those few words I beg to move that this Bill be read a second time.

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

Mr. R. P. BYER: Sir, I just want to raise a couple of matters by way of questions to the Minister in relation to this measure that we are looking at and the first one I would like to find out from the Minister is how many loans were made within the last year?

I would also like to have some information as to the solvency of the Fund, Sir. This question is asked because I know there are in a number of cases persons who having benefitted from the Fund defaulted, for example, they go off to University and they fail. I want to know what is the rate of recovery in a situation like that.

I remember when I was acting as Deputy Crown Solicitor there were several persons that we had to move against on behalf of the Government to recover monies but it was always a situation where we did not have a lot of legal staff to go after defaulters in this situation because it was normally a two stage process. One, you would try to recover the money from the student and also, in the second place, if you failed there, you would try to recover the money from the surety. So I would like to know how solvent is this Fund?

The third area of enquiry has to do with the recovery in cases of default. What is the rate of recovery in cases of default? Those are three areas.

Now, in another respect, Sir, I have often felt that the category of persons who benefitted from the Fund, the person who wanted to go off and study some vocation, some areas, was always very narrow and in some cases led to discrimination. I am not so sure that at one stage people who wanted to pursue legal studies could not benefit.

I wonder if the Minister could tell me whether this is still the case? Can persons who want to pursue legal studies, for example, to go off to one of the Law Schools in

either Trinidad or Jamaica benefit from this Fund? My memory tells me "No" but I am speaking under correction and sometimes I often wondered whether a person could not cry discrimination. A person who the rules say could not benefit from the Fund, whether that person could not cry discrimination and have an action in Court against the people who administer the Fund.

There is also another area of discrimination that has to do with age qualification. Only people of a certain age, as far as I can recall, could benefit from this Fund and I would like to find out from the Minister whether there are any moves afoot to broaden in the first case the category of persons who can benefit from the Fund. Over the years the categories have broadened and whether there is any thinking in terms of removing the age qualification. There is an upper limit, whether there is any thought of removing the upper limit in relation to persons who could benefit from the Fund?

Hon. C. V. WALKER: Mr. Speaker, I do not have the specific number of loans for the year but I can say to the Honourable Member for St. George South that we now have money in the Fund. Part of the problem, Sir, and this ties into your other question in terms of the area of legal studies, there was a time, it would appear, that most of the people who were utilising the Fund apparently were people who were going into legal studies. Now, I would also state that it is not automatic. It is not what one considered to be one of the areas that is critical in terms of the Funds and based upon the problems which existed in terms of the revolving or the repayments of the funds. Unfortunately, I have to state to you, Sir, that there were also the greatest offenders, not paying the loans that they borrowed.

The other question about age, in the Regulations it says 18 years of age or over but under 35 years of age. We will be bringing a new Regulation which will follow this but I would say that the age limit will remain.

The exact figure for 1989/90 was 107 loans and that was at a cost of US\$1 950 215.1 think I have answered all your questions.

Aside.

Hon. C. V. WALKER: The recovery rate or methodology of recovery?

Aside.

Hon. C. V. WALKER: In case of default the tradition has been under the old system to appoint an attorney who would go out and if one may state, as you would call it, on a commission basis to try to recover but, as I said, having made the point that most of the attorneys were in default themselves we found difficulty in finding attorneys to recover from themselves.

I hope I have answered the question.

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

On the motion of Hon. P. M. GREAVES seconded by Hon. W. O. FRANKLIN Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. L. L. BRATHWAITE in the Chair. 1.40p.m.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 to 4 inclusive were catted and passed.

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

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

Mr. SPEAKER: Order No. 2.

THE CONSTITUTION OF BARBADOS (AMENDMENT) BILL, 1990

Order No. 2 was called - To move the Second Reading of a Bill to amend the Constitution of Barbados.

Hon. M. A. KING: Mr. Speaker, the purpose of this Bill to amend the Constitution of Barbados is to make further and better provision to restructure the Court of Appeal. There is a Court of Appeal in existence at the moment but it is felt, on all sides, I suppose it is correct to say that the Court of Appeal needs to be restructured.

The restructured Court of Appeal, Mr. Speaker, would comprise of a panel of its own Judges rather than the existing system now where the present Judges of the Supreme Court sit as Judges of the High Court, Judges hearing cases at first instance and also sit as Judges of the Court of Appeal. But that is done in such a way at present, that the Judges who sit on the Court of Appeal are not the same Judges as the ones who would have heard the case, at first instance.

This system, it has generally been felt throughout the legal profession and in the opinion of all those who pay any attention to the court system, that it is an unsatisfactory system. The chief aspect of undesirability, I suppose if I can put it that way, is the fact that one brother judge is required to hear appeals from his brother judges, and this rotates around. So that today, one judge might be sitting on an

appeal from a brother judge and then, on a subsequent occasion, a brother judge may be sitting on appeal from that judge. You can have a situation, in the present system, Mr. Speaker, where even a most junior judge perhaps could sit and hear an appeal from the Chief Justice and from other senior judges who make up the complement of judges of the Supreme Court.

Aside.

Hon. M. A. KING: The Honourable Member for St. Michael North has made the point that even an acting judge, under the present system, may sit and hear an appeal from His Lordship, the Chief Justice and other senior judges.

It is clear, Mr. Speaker, that the functions of the trial judge and appellate judges are sufficiently different and specialized to justify the establishment of a separate Court of Appeal, each with its own Judges, each with its own separate accommodation and each with its own support staff. Clearly, if you have a separate Court of Appeal this can be an impetus to the development of clearly, higher professional standards, promote a greater degree of consistency in decisions and, over time, lead to a truly Barbadian jurisprudence.

I am told that in recent time that the volume of work which is being done by the Supreme Court now has increased considerably. If Judges are freed of the responsibility of sitting as Court of Appeal Judges they will obviously have all their time to devote trial work and *vice versa*. Court of Appeal Judges will not be burdened with the problem of having to do trial work.

I do not think there can be any argument, Mr. Speaker, about the value of having a separate panel of Court of Appeal Judges who will hear and determine appeals from the Supreme Court. The purpose of this constitutional amendment is to facilitate that arrangement.

The jurisdiction of the reconstituted Court of Appeal would cover the jurisdiction which the existing Court of Appeal now exercises, a jurisdiction which it exercises by virtue of Section 52 (2) (c) of the Supreme Court of Judicature Act. It will also be the court which will hear and determine appeals from the Magistrates. In fact, the new Court of Appeal will hear all appeals in the judicial system. So that the Divisional Court which now exists and which hears appeals from the Magistrates' Courts will no longer exist after the coming into force of this amendment, together with the amendment to the Supreme Court of Judicature Act which we will seek to have passed, after this one is completed.

The Judges of the Court of Appeal, when it is established, will be called Justices of Appeal. The Constitution presently which provides for a Court of Appeal

talks about them as Puisne Judges but we thought that a little archaic and undesirable, and they will be called Justices of Appeal. Among the amendments which this measure will ensure is that they are called Justices of Appeal.

Provisions will be made for the Court of Appeal to consist of not less than 3 judges sitting together. 1.50p.m.

The Chief Justice will be President of the Court of Appeal and a minimum of three Judges will constitute the panel for the Court of Appeal.

You will note, Mr. Speaker, that in the Bill itself there is a new section which will enable a Judge of the High Court, who prior to the coming into force of this legislation acted as a Judge of the Court of Appeal, to complete any unfinished business which he would have been engaged in as a trial Judge, but the section of course goes on specifically to state that a Judge functioning in those circumstances shall not be treated as a Judge of the Court of Appeal for the purpose of any enactment relating to appointment or retirement tenure or office or remuneration of a Judge of the Court of Appeal. This is in every sense of the word a transitional provision which permits any Judge who may be appointed a Judge of the Court of Appeal to complete any work which he may have been doing as a High Court Judge. This provision would facilitate that.

As I indicated before, Mr. Speaker, the Chief Justice will be President of the Court of Appeal and it will consist of not less than two or more than four Judges, who will be all called Justices of Appeal.

Those are the major provisions of the Bill, Mr. Speaker, which as I say I imagine would have all-party support, because the establishment of a separate Court of Appeal is something which the profession has been asking for for a long time, and something which I think all people who practise law in the courts will find highly desirable.

Establishing the court will of course require provision of suitable accommodation for the court and accommodation of course will have to be appropriate to the requirements of that court and the appropriate support staff of course will be necessary. These matters, the ancillary matters necessary for making the court a reality are being addressed at the moment, including the whole question of accommodation for the courts, but the purpose of the legislation now before us is to set the legislative framework for the establishment of the Court of Appeal.

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

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

Mr. R. P. BYER: Sir, let me begin by welcoming the move by Government to form the establishment of the Court of Appeal. The legislative framework for the establishment of the Court of Appeal was done as far back as 1985, I think it was, when Cap. 117A which is styled in the same way as Cap. 117, the Supreme Court of Judicature Act, was debated in this House and was passed. It has not been proclaimed as yet and a number of moves were made in that a number of measures were taken to establish the Court of Appeal, and these measures here today are merely a step to further firm the legal framework, tighten the legal framework within which this anticipated Court of Appeal will function.

The Attorney General adverted to some of the reasons that have given rise to these measures before the House, but there are a number of other things that one can point to. The present situation is that I think we have five Judges who now man the Court of Appeal, and from time to time you have an Acting Judge, for example, when the Chief Justice acts as Governor-General. When appeal matters are to be heard three of these Judges will sit as the Court of Appeal, and as the learned Attorney General said, this is not the best arrangement, neither is it an arrangement that was favourable in the legal profession, because in one case you would have Judges junior in status to the Chief Justice who will preside over and give decisions on a decision of the Chief Justice should that decision go on appeal. I have heard it said by some of my colleagues that this arrangement could result in inequities in the dispensing of justice.

Apart from these inequities, Sir, I always thought that that arrangement placed an unnecessary burden on those Judges whenever they were called to do Court of Appeal duties. Because of those pressures I always thought that the business in the High Court always suffered. What normally happened in those situations was that sittings of Divisional Court were not very often, and I will deal with the Divisional Court at a later stage, and the enormous pressure that was placed on Judges always led to a backlog of work. This does not have anything to do with the natural laziness of some Judges, Sir, but it was all part and parcel of the pressure that was placed on them.

Aside.

Mr. R. P. BYER: You have to say things, man. You have some Judges that are lazy, some that are hard working.

I always thought also, Sir, that the arrangement as it were always required Judges to have a wider experience than was necessary. Some of the present crop of Judges have spent most of their careers at the criminal Bar and are excellent criminal lawyers, but I would say that it is only by dint of hard work and the capacity to grasp principles of law that compensates for this lack of experience in civil matters. After many years' practice those Judges have

developed a firm grasp of Civil law principles and I can say that they have developed into well rounded Judges.

The present arrangements also had something that resulted, because people always viewed an elevation to the Bench as a kind of promotion from having worked in the Attorney General's Chambers. I believe that the last Judge who was appointed from the private Bar was a former Attorney General of Barbados, now deceased, Mr. Justice Ward. Since then we have not had one person who was a member of the private Bar that is now a Judge. It always appeared as though, people who worked in the Attorney General's Chambers were always elevated to the Bench. I suppose the people at the private Bar did not see a judgeship as being financially attractive. It may have a certain status to go with it, but it was never attractive.

Over the years these same Judges also had to work in the Divisional Court, so that there was an enormous amount of work that had to be done, and this sometimes led to, because of pressure of work and pressure upon them to perform duties in different courts - the Divisional Court, the High Court and also the Court of Appeal - Judges were not known to give decisions within a reasonable time after hearing evidence. 2.00p.m.

I know at present many attorneys-at-law are complaining about the relative length of time that expires between hearing of evidence and the giving of a decision; so that the existing constitutional foundation upon which the Supreme Court is perched is faulty and in need of repair and renewal. I would hope that the fact that there is no physical accommodation as such or that the Court of Appeal does not have a home as such would not prevent the proclamation of the Act. I believe that all the courts are not occupied for every day of the week and I still think that a Court of Appeal can function in the present arrangements. I do not know if the technocrats are opposed to this, but I would hope that the Attorney General would use his considerable persuasive powers to make sure that the Act is proclaimed. It was on the Statute Books from 1985 and this is now 1990, and we as lawyers are crying out for this Act to be proclaimed, and then we will have a better structured Supreme Court, one in keeping with contemporary approaches to the administration of justice.

' Sir, there was also another disability under the present arrangement and that disability was explained in section 27(5) of the present Supreme Court of Judicature Act which I would like to point out, and it was this. Section 27(5) of Cap. 117 of the Supreme Court of Judicature Act reads as follows:

"On the hearing of an appeal by the Court of Appeal pursuant to subsection 4, a judge who sat on the appeal in the Divisional Court shall be competent to sit on the appeal."

You know that the Divisional Court was always viewed as the last court of appeal from the Magistrate's Court except from I think one or two instances. For example, if there was a difference in opinion between the two judges, if one held one opinion and the other held another opinion, then the matter went on to the Court of Appeal, and that section said that on the hearing of an appeal by the Court of Appeal pursuant to subsection 4, a judge who sat on the appeal in the divisional court shall be competent to sit on the appeal, which was always wrong. It is as though you are hearing an appeal from yourself and you might sit to hear that very appeal, and I don't think that your view on the matter when it was canvassed before you in the Divisional Court would change. So whenever the present Supreme Court of Judicature Act which we are debating now is proclaimed, the Divisional Court will go and we will no longer have this inequality that now exists in the law. I will come back after lunch, Sir.

SUSPENSION OF SITTING

Hon. P. M. GREAVES: Mr. Speaker, I think this is a convenient moment to break for lunch.

I therefore move that this sitting be now suspended until 3.00 p.m. o'clock today.

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

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

ON RESUMPTION

Mr. DEPUTY SPEAKER: This sitting is now resumed.

When the sitting was suspended, the Honourable Member for St. George South was addressing the Chair.

Mr. R. P. BYER: Mr. Deputy Speaker, when we broke for lunch, I was explaining those matters which I thought had given rise to the present situation where we are now establishing a court of appeal where the constitutional arrangements that we are now considering would lead to a strengthening of the body, and all of this was said in light of the fact that in 1985 certain amendments were made to the Constitution and the Supreme Court of Judicature Act to allow for the establishment of the Court of Appeal. Having said that, Sir, there are one or two matters that I would like to advert to in the same context of the court of appeal, and the first, Sir, has to do with staffing. I had made the point earlier on that the Judges that sit at present have all come, apart from the present Chief Justice, through the ranks of the Attorney General's Chambers, and I was making the point that an elevation to the judgeship is being seen as

some point of promotion from the Attorney General's Chambers and that this ought not to be so, and that members of the private Bar in Barbados ought to be encouraged to become judges.

I remember the Honourable Member for St. Thomas speaking on this matter very eloquently on some previous occasion and he had told the Attorney General at that time that maybe as an inducement the number of years called to the Bar would act as a kind of starting point in relation to pension rights and so on, because one of the reasons why members of the Bar would probably not want to be considered for judgeships was because of the pensions arrangements that now exist for judges, and the Attorney General at that time I think I recall him saying that he would look at the suggestion. Now I believe that if we are to get the best talent that is available to staff our courts in Barbados that we must offer attractive terms and conditions of employment. This might cost us, but it is my belief, Sir, that an investment in the administration of justice in this country is an important investment and one that we ought not to look upon lightly. We might not be able to get any foreign exchange out of that kind of investment, but certainly any investment that has the administration of justice as its primary aim and purpose ought to be one that should be encouraged.

Now we must have a proper Court of Appeal and we must also have a properly staffed High Court I am certain that it is not beyond the bounds of possibility that whenever the Court of Appeal is established that maybe some of the members of the present High Court would be elevated to sit on that body. Of course this depends on a lot of things, qualifications and things like that, but that is not impossible. So this brings into focus the question of staffing the High Court. Now if you elevate two or three judges to the Court of Appeal, then you have got to look for replacements, and the question is where are these replacements going to come from. The answer is either from the AG's Chambers where you could appoint people who are neither in private practice in Barbados, but from abroad, or you can appoint people from the private Bar in Barbados to be judges. Personally I would like to see members of the private Bar in Barbados being considered for these positions, but as I said before, it is a question of whether we are offering attractive terms of conditions of employment of a sufficient degree to get these people to consider judgeships. I think the Bar in Barbados is very rich with talent and I think that we would then have a good balance in terms of experience in the High Court and on the Court of Appeal and that balance is always necessary. 3.10p.m.

I adverted to the fact before that we have a Bench at the moment that is dominated by people who spent the majority of their lives practising criminal law. Now, I think that if we have people from the private Bar you would be

able to then have a mix of persons who would have had great experience in civil matters as well as criminal matters.

We have two very prominent members of the Bar on this side who, given the results of the 1991 General Elections might consider an appointment as Judges but we will have to wait until the results but, as I said, there is a lot of talent in the private Bar in Barbados. There is a lot of experience.

I think that one of the areas that we need a lot of experience in Barbados at the moment is in the area of civil law. I believe that our judgements could be richer if we had people being attracted from the private Bar to sit as Judges.

Now, this is not a criticism and I am very, very careful. I think in Barbados we have tended to be very careful when we make statements about judicial officers. I believe that any criticism I have to make of the Bench ought to be done in private and not in public because you always run the risk of people saying that you are disrespecting the Bench. At the same time I think that our judicial officers have to be big enough to account for their stewardship so that even if a member of Parliament makes certain comments about judicial officers these comments ought to be taken in good faith. Of course, those comments ought to be tempered with a certain amount of dignity of language and there ought not to be extreme or flamboyant or inflammatory but, at the same time, the criticism, even if made in extreme language, ought to be well taken. I am sure that the Honourable Member for St. John would agree with me in this regard.

In the area of staffing I would implore those persons who are responsible for appointments to try and encourage members of the private Bar to accept appointments.

There is also another thing which concerns me greatly, Sir, and I believe this has to do with the way how we organise things in Barbados. It is something that touches on the order of precincts as well but it always pains me when the Chief Justice of Barbados has to act as Governor-General. For my own way of thinking, for the time that he acts, it is a waste of judicial talent and I would hope that we can have some other arrangement where some other person not so circumstanced as the Chief Justice be given the task of acting as Governor-General.

Now, the way how we organise things in Barbados is that when the Governor-General goes on leave or whatever the Chief Justice should act. I believe this has something to do with the order of precedence. We shall have to look at that and see how best we could accommodate this kind of disruption because whenever the Chief Justice goes off to act as Governor-General, there is a certain amount of disruption that occurs in the Courts because there is always the elevation outwards. Recently the Chief Magistrate has been acting as a Judge so when the Chief Magistrate leaves

his District, District "B", for example, then somebody is appointed to act in his place and matters before the Court are held up for a very long time.

I have a matter, for example, at Boarded Hall, that has been going on from 1988 and all because of the frequent absences of the Chief Magistrate who acts as a Judge. He performs that function very admirably but, at the same time, that movement of the Chief Justice from the Bench to act as Governor-General causes a tremendous disruption and dislocation in the Courts and sometimes lawyers are caught off guard when it happens.

Recently when our Governor-General was installed what people did not know was that from the very moment of her installation everybody fell back one step so that from the next day the Chief Magistrate had to resume his functions at District "B" but that only came to note on the very Wednesday afternoon. So that Thursday when I was thinking that the Chief Magistrate would still be acting as a Judge here I was being summoned to District "B" to appear in the very same matter. So I think we have to look at these things because they do affect the administration of justice in Barbados and anything that affects the administration of justice in Barbados concerns me.

But, Sir, I would say that even though we are strengthening our legal arrangements today I believe that further strengthening of these arrangements have to be looked at and as I said before, an investment in the administration of justice is an investment in the future of a country. Our legal institutions need to be strengthened. For this reason it is necessary that the delays which now plague the present system be ironed out because justice delayed is justice denied.

This is another concern of mine the amount of time that is taken in matters being postponed or adjourned. Sometimes adjournments are necessary. Sometimes lawyers have to appear in more than one matter. We have to if we are to survive but there are still some areas where delays could be avoided although I take the point that I believe in terms of delays in the Law Courts, Barbados probably would rank as one of the lowest in the Commonwealth but, at the same time, the extent of delays is still cause for concern in Barbados.

Now, Sir, I know we are dealing with the Bill to amend the Constitution of Barbados. There is not anything which I find particularly controversial about the Bill or controversial at all. I think everything in here I would agree with. I have no difficulty agreeing with anything that is in here at all but permit me, Sir, to advert to a matter which appears in the next measure that we will consider, the Supreme Court of Judicature Act. That is not before this House but there is still something in there that affects this matter and it has to do with the Court structure.

The Chief Justice will be the head of the Court of Appeal and he will be President of the Court. Now, we do not have any head of the High Court. It seems to me that there should also be a head of the High Court as in keeping with other jurisdictions. For example, in England I believe that we have the Lord Chancellor who heads the House of Lords, then you have the Master of the Roles who heads the Court of Appeal and then the Chief Justice heads the High Court in England. Then you have other stylings, Vice Chancellors and so on and it would seem to me it would be a good thing if there is also a head of the High Court.

I do not know what you would call that person. I do not know if the Attorney General has considered this or if this was ever debated but when the Attorney General responds I would hope that if he could, he could respond to that call that someone be appointed as head of the High Court so we will have the Chief Justice who will be the head of the Court of Appeal and President of that Court and head of the High Court.

I thought, like in Trinidad I know you have a President of the Court of Appeal and a Chief Justice and before reading these amending Bills I thought that we would have had that arrangement in Barbados as well but I see that we have a Chief Justice who will be head of the Court of Appeal and he shall be President of that Court as well. 3.20 p.m.

I would also join with the Honourable Member for St. Thomas in asking that serious consideration be given to the appointment of clerks to judges. At the earliest stage I believe that we could look at appointing clerks to the Court of Appeal Judges because I believe that this would be in keeping with the dignity of the office, it always seems offensive for me to have to see judges having to trudge to the Law Library to research, find their own books and do "their own research. I believe if we have clerks appointed to judges that a lot of the work would be concluded in a quicker manner. I believe that a lot of the delays in the court have to do with the fact that judges have to do their own research and that they do not have clerks to do this kind of research for them.

I know for example that clerks to the Judges of the US Supreme Court sometimes prepare the outlines after decisions and the right decisions from time to time. There is now, I think, one of our scholars Marson Gibson is a clerk to a US Supreme Court Judge or a Judge of the New York Court of Appeal. He has been living in New York now for a couple of years and he is a clerk to Judges. I believe that this would help further to enhance the work of the Judges and also to improve upon the decisions that are written. It could lead to a lot of things, Sir, in terms of the administration of justice in Barbados.

That is my contribution, Sir.

Mr. DEPUTY SPEAKER: The Honourable Member for St. Thomas.

Mr. D. A. C. SIMMONS: Mr. Deputy Speaker, just briefly, Sir, we have, on this part of the Opposition, supported the establishment of a Court of Appeal for many years.

Mr. DEPUTY SPEAKER: Before the Honourable Member goes into the contents of his speech, let me say that I have really permitted relatively wide debate on the subject.

Even though we are looking at an amendment to the Constitution, the Member who just concluded spoke, generally in relation to the administration of justice. But we are really looking at an amendment to the Constitution. I just thought I should set that as a guideline.

Mr. D. A. C. SIMMONS: I recognize your attempt to keep me within very narrow confines early, Sir. I am not going to stray. I do not intend speaking for long. I would not go beyond the bounds of....

Mr. R. P. BYER: On a point of order, Sir. With all due respects, Sir, I would have thought that everything I said was within the four corners of the matter before the House, Sir. We are dealing with the administration of justice in Barbados and better arrangements for that, Sir.

Mr. DEPUTY SPEAKER: I think you made an excellent speech. It is just that I was trying to....

Mr. R. P. BYER: I am not talking about the excellent speech.

Mr. DEPUTY SPEAKER:... set the guidelines for the future.

The Honourable Member for St. Thomas may continue.

Mr. D. A. C. SIMMONS: The Honourable Attorney-General when he opened the debate on this matter expressed himself in very measured terms. There really is nothing controversial in this. The Attorney-General resorted of course to the technique of omission not to remind the House that it was in 1981 that the Barbados Labour Party laid the legislative framework for the establishment of this Court of Appeal. It has taken almost 10 years to get it going. It is something that had been talked about for 20 years before that. Thirty years, probably longer.

I accept that the time is right because of the workload or the caseload and because of the very unsavoury situation which we have had in Barbados of having the Judges at first instance turn around and the next day be Judges of Appeal, sitting on appeal on decisions from each other; that it is

about time that that comes to an end. But perhaps the most compelling reason for the establishment of the Court of Appeal is the backlog of appeals at the Divisional Court level and the number of appeals that are being launched both from the Magistrates and from the High Court Judges.

So that we need have no fear that there would be ample work provided for this court. The problem obviously in the past has been to get properly constituted Courts of Appeal and include in that the Divisional Court. Because the courts have been overtaken by so many other matters that it has not been convenient, given the heavy caseload to constitute Courts of Appeal on a regular basis.

This is novel because when I was first in practise, they used to have regular sittings of the Divisional Court on Friday mornings. But that gradually faded out and we need to go back to a system of regular sittings of the Court of Appeal. I think that taking another four people and constituting them separately as Judges of Appeal would enable the work of the other five, at first instance, to go on and allow the work of the Court of Appeal to proceed so that a number of the matters which are pending for many years can be disposed of.

There is one case that I know of, a conviction imposed in 1980. The person appealed the same day. Of course, he paid the recognizance. He did not go up. For ten years, that appeal has not been heard.

Aside.

Mr. D. A. C. SIMMONS: That is a fact.

Aside.

Mr. D. A. C. SIMMONS: Yes. An appeal from the Magistrate. Sir, I have had a lot to say on the need for this Court of Appeal in the past and the type of judges who should staff the Court of Appeal and indeed, the High Court.

My friend, the Honourable Member for St. George South has reiterated the point that we keep drawing from persons who have had limited experience in the sense that they have been tied, almost exclusively, to a particular field of the law. They have not had an overall view of the law from the point of view of practise. There can be no substitute for it

In England, you can get away with it because what they do is that if you have had a criminal practise all your life, they put you into the Court of Appeal, Criminal Division or if you have had a divorce practice, you go into the PDA, the Family Division and so on. But in Barbados, we do not have that kind of system and the Judge is expected to be knowledgeable on a wide variety of matters, even though his practice may have been limited to a

particular field of the law. We have therefore, in due course to recruit from the Bar, provided the incentives to which I had adverted previously and the Honourable Member for St. George South has mentioned are in place.

You know, we talk of having a final Court of Appeal in the Caribbean. The talk is that they are going to pay the President of that court something like EC\$10 000. You are," not going to get anybody of any quality to go for that kind of money. You would have to look at the question of incentives. You have to go for incentives at the level of salary and conditions of service to attract people from the private Bar. 3.30 p.m.

Some of us in due course out of a sense of commitment and national spirit, and out of an interest in the development of the law, may be willing to work for less than what is adequate, but you are not going to find too many of us who are going to show that kind of altruism.

I know that Cabinet two weeks ago has discussed the names of three persons for the Court of Appeal. I know the three persons who have been more or less decided on. There is one vacant position. I have no quarrel with the three names that have been agreed.

Aside.

Mr. D. A. C. SIMMONS: No, the fourth has not been decided. It may be Mr. Deputy Speaker.

Laughter.

I want to make a plea, Sir, that if we are going to have a Court of Appeal that is going to be doing civil cases from the High Court and it is going to be doing what is now the Divisional Court's work, that we have to staff a separate Registry for the Court of Appeal. I suppose there must be over 1200 civil cases filed a year. There must be given the jurisdiction of the Magistrate to try wrongful dismissal cases, and our experience with appeals from Magistrates particularly in wrongful dismissal cases I would think that there would be at least throughout the island another 150 appeals pending in that area of wrongful dismissal, because a lot of employers are certainly unhappy with the decisions that are handed down. There would therefore be a tremendous administrative responsibility in getting together" the records of appeal and preparing all the work that is necessary for the smooth administration of the Court of Appeal.

I think that Government must not only look at it in terms of the number of Judges and their emoluments and conditions, but you have to put in the support staff to assist in the smooth administration of the Court of Appeal.

One great advantage that I hope will come from the establishment of a separate Court of Appeal is that Judges will now have an opportunity to read the records of appeal and do their own pre-appeal reading and preparation before you get into court, because a lot of judicial time can be wasted in having to go through very slowly the record and cases and so on to explain various things to Judges, because -ihey have not had the time to pre-read the records of appeal.

In England they do not have that problem with the Privy Council or Court of Appeal. They get the papers in advance and they concentrate on their appeals. They do not have to be sitting doing trial work. The system that we have had in Barbados has operated to the prejudice of Judges in the Court of Appeal, and indeed to the prejudice of lawyers and the speedy and efficient disposal of appeals.

A Judge today is doing a trial matter and you cite a - number of cases to him and you adjourn. Tomorrow he has got to come and hear with two other Judges points of law and submissions on an appeal. He has had no time, because he has been going from one trial into the next and some of them have to do Assizes on a regular basis, so when they finish Assizes they go straight into civil trials, and in the middle of civil trials they may be called upon to sit in the Court of Appeal. There is little time for them properly to read records of appeal and apply independent thought and - judgement to the records, so they are entirely dependent upon Counsel when they come to argue an appeal to take them through slowly and deal with the matter, perhaps in a more detailed way than would be the case, for example, if it went to Privy Council. You make propositions of law and the ordinary case that would take you here three days to argue on appeal would be dealt with in half a day in the Privy Council, because you go in, they have the list of cases ahead of time, you make the propositions, you do not even have to draw their attention to the lines in the record in the pages and so on, they have them up already, and in a matter of minutes you are over and out and gone.

I think there is one advantage to be gained, that the Judges ought to have more time now to pre-read. This, one hopes, would lead to a more scholarly - I have to say it - type of judgement where cases are considered and the law is dealt with on appeal in a way that could be instructive to the profession and students as a whole.

The fact that Judges very often have to be rushing •' from one case to the next into appeal and so on can lead to a judgement being turned out which is a judgement on facts and does violence to " < e law involved in the matter. It can be very disappointing, very frustrating to find a case bristling with law, you cite about 10 or 12 relevant cases which call for analysis and rationalisation, and then you - find in a judgement there is no reference to one, the matter is resolved on the basis of facts. We are not developing our jurisprudence and we have a responsibility to develop our jurisprudence as we go along. We are not by that method

developing our jurisprudence in the interest of those in the profession and those to come.

As I say, I know pressure of work can lead to short cuts in writing judgements and just finding facts and calling that a day and hoping that you cannot be appealed against because you find facts. As I say, I look forward with a new Court of Appeal to our getting back to a stage where we were, I think, in the 70's where the judgements that came out, both at first instance and in the Court of Appeal, had some depth, some intellectual interest. 3.40 p.m.

I entirely support this Bill. I said last week in another debate that I found that the Government is tinkering with things... I am not saying that this is tinkering, but certainly clause 2 is tinkering. I do not understand for the life of me why it is necessary to come and amend section 79A of the Constitution which does not offend anybody at all. I think in practice section 79A of the Constitution works well. The Attorney General in very very limited cases can give directions to the DPP, and we know what those are; they bear on security matters and so on. I think that in practice since that amendment was introduced in 1974 the thing has worked reasonably well. Subsequent Attorneys General and Directors of Public Prosecution to the best of my knowledge have never had any difficulty in the operation of section 79A, and we come here today to amend treason felony which was in 79A to put in high treason. You had treason, you had treason felony, misprision of treason, all kinds of things; we amend that just to put in high treason. What is the big point about that? Do you anticipate Sydney Alleyne coming?

Hon. M. A. KING: On a point of elucidation, the amendment to that, I did indicate it, but it was purely to tidy up the Constitution in order to comply with the provisions of the Treason Act on the Statute Book. It is just a tidying up measure; it is not a question of tinkering. There is a Treason Act on the Statute Book. The Treason Act on the Statute Book is Cap. 115A and if you look at that, Mr. Deputy Speaker, you will find that the provisions of the present amendment are designed to comply with the requirements of the Treason Act, because the Treason Act Cap. 155 A speaks of high treason, of treason, of misprision of treason, and it does not speak of treason felony, so you have in the Constitution a provision which really means nothing; so all we are saying is that whilst we are amending this Constitution to deal with the provisions of the Supreme Court and the Court of Appeal, we tidy up a little untidiness that was there in that that Constitutional provision had in references to situations which did not exist in our law. That is all. It is not tinkering; it is just tidying up an untidiness.

Mr. D. A. C. SIMMONS: I understand the point. We are harmonising all the offences that are contained in the Treason Act. Sir, I suppose some people may have a concern that a judge of appeal can work until 72 under this

legislation. That is new to Barbados. I think the Judges here can go to 67 with leave, but so long as a judge of course if of sound mind, I don't think there is any difficulty in extending the age limit. As I say, I know it will cause some concern in certain quarters, but the test must be the mental capacity of the judge properly to carry out his duties at age 72, and if he is in good health, there is no problem with that because I think there is one thing that we all know in the law, and it is that the more you practise it the more you learn every day, and there is no substitute for experience in the field in having seen a wide variety of situations.

Since you have asked me to stay within the limits of the Court of Appeal and in view of the fact that I have made speeches most recently about matters connected with this, I shan't delay the House any longer but to ask the Attorney General in his reply if there is any indication as to when this Bill will take effect. Are we looking for example at September, October to coincide with Assizes. I was going to ask whether you have identified any space. I hope that space is found fairly central in Bridgetown, because I am very concerned that the courts that are being planned and designed will be going out to Country Road. You have the Land Titles Registry up by the Garrison. The Corporate Affairs Department, I think is a disgrace to be moving them from where they are and putting them down in the back of somebody's yard. We hear of so much space about Bridgetown; this is what they want you to believe, but I really do not feel that it is in keeping with the image of the Corporate Affairs Registry which is a leading department in the delivery of services to be putting them down in the back yard behind Geddes Grant main building. I make the point, Sir, I don't ask anybody to agree with it, it is my own opinion, but I don't think that we should be doing that.

Perhaps when Sherbourne is finished we will carry it up to Sherbourne where they will have more than enough space. The Prime Minister is nodding. In the year 2003 when Sherbourne is completed, we will carry the Corporate Affairs Registry up there.

So subject to those little concerns, I am prepared to support this Bill and the Opposition Barbados Labour Party lends its support.

Mr. D. J. H. THOMPSON: Mr. Deputy Speaker, I want to join with those colleagues who have in support of this particular piece of legislation. Sir, it cannot be denied that this administration within its first term of office under this dispensation has done a considerable amount of work in relation to improvements in the administration of justice. I can think for example of the paper committal system, I can think of physical improvements to the courts, I can think of all kinds of other recent significant improvements in the administration of justice for which the Attorney General should be congratulated. Of course, there is a lot more to be done. He knows that as well as I know it.

Sir, I am not a romanticist or an incurable romantic when it comes to my profession and I do not profess to take any great pleasure out of dressing up in gown, bands and wigs and that kind of thing on a morning to go and do business but that is just my view. I understand the nature of the profession that I enter into and I give considerable latitude to those who believe that there is some kind of mysticism out there that should be maintained. •

We all have to do it and many of us do not want to have to do it. The Law Courts are about business, not about any esoteric exercise by lawyers launching forth into the rarified atmosphere of aspects of law which may not necessarily deal with the issues of the day.

There will be one or two occasions when that will happen but on the majority of occasions I believe that the litigants want their business conducted quickly that ^{pec}^{1*};; want the issues resolved and that whatever those issues are that they should not be steeped in all of this mysticism and some of the other aspects of procedure which take considerable time and cost considerable sums of money to those who can least afford it. That is just my view.

Therefore, Sir, I believe that this particular amendment is wise and what it will give effect to is wise because it will speed up the process by which we ^{r-a} conduct the people's business in the Courts.

Dr. Liverpool had written some years ago in a Journal that I edited called "The Students Law Review" about the prospect of Judges sitting on their own appeals in the Caribbean and the onerous nature of this practice. I do not know that it has been that common in Barbados. I suppose the older heads would have to tell me whether it is a common exercise but the point is that this legislation would seek to put an end to the semblance of that occurring. It also puts an end to the semblance of persons who, in the wisdom of being incurable romantics who would be upset to think that a Chief Justice decision could be slapped down by a acting Justice. It does not make any difference to me. Once the reasoning is correct, it could be all acting Justices, the Commissioner of Police, if he is called to the Bar, the most junior of Magistrates. So long as his reasons are correct and so long as his business is despatched it does not bother me who hears the appeal. Again, that is just my view. But there are those who feel strongly that persons of junior rank should not sit on appeals from a Chief Justice and Uj;—" legislation seeks to deal with situations like that and I hope will obviate those kinds of occurrences happening.

Now, Sir, some of the points made by the Honourable Member for St. George South are interesting and are worthy of pursuit on this occasion. The first relates to the appointment of members to the private Bar to the Judiciary. I do not know how Judges are appointed in Barbados. That is another aspect of mysticism which has not found its way

into my knowledge and is probably not within the knowledge of more than four or five people in this room.

Aside.

Mr. D. J. H. THOMPSON: Well, the Constitution only sets out the broad parameters. It does not tell you whether the post of Judge is advertised. In other words, I do not understand how the procedure takes place. Now, the reason why I say that is this.

Aside.

Mr. D. J. H. THOMPSON: The point I am making is this. The Constitution may set out how Judges are to be appointed and that is perfectly legitimate but it cannot be said that members of the private Bar do not wish to be selected as Judges just like that and people often say that members of the private Bar would lose a lot of money.

There are a lot of people who would just love the opportunity of serving as a Judge for different kinds of reasons, some may like the mysticism. Some may honestly want to contribute to the well spring of common law in the Caribbean. They have all kinds of different reasons but the point is unless we know what the procedure is, do I have to sit in my office and wait for a call from the Chief Justice to 'tell me, well this evening the Judicial Legal Service Commission is meeting and I want you to be a Judge. Will you accept?

Aside.

Mr. D. J. H. THOMPSON: I am just giving that as an example. I am not going into the procedure. I am only saying to you on what basis are persons selected? Do we advertise locally? Do we receive applications? I understand, there have been applications from time to time.

I only want to say that if the Courts are about business, it seems to me that the procedure by which persons who are selected to carry out the people's business in the Court is not necessarily clear enough and does not encourage persons from the private Bar to come forward.

Nobody wants to write to say I want to become a Judge. Some people would consider that that is arrogant. Other people would consider that people in the profession would laugh at them but there are a lot of private practitioners out there who would love to be Judges tomorrow. A lot of them may have the ability as well who are not interested in what they would lose in relation to the financial consideration but who certainly would like to be Judges.

I am certain the Attorney General cannot tell me at any given time how many private attorneys-at-law had been approached to become Judges so the concept that members

of the private Bar do not want to be Judges does not seem to me to be correct and I wonder how we would ever know whether they do want to become Judges or not This is often said at Bar Association meetings. It is folk-lore in the profession that members of the private Bar do not wish to become Judges.

Aside.

Mr. D. J. H. THOMPSON: What I have heard is this at Bar Association Meetings that with the present conditions of service and the financial considerations as they are, members of the private Bar are not attracted to becoming Judges and I am saying that this is not necessarily so.

Aside.

Mr. D. J. H. THOMPSON: Precisely and that is why I am saying it is a myth and it is folk-lore as well. The Attorney General understands what I am saying. He wants me to say certain things I suppose on this particular matter. I will say them for him. The point is it is true that members of the private Bar should be considered for these kinds of positions. They are those who have considerable experience and ability and who I think could form the complement of Judges at whatever level in this country.

Aside.

Mr. D. J. H. THOMPSON: He would not make a good Judge though, I do not think.

Mr. DEPUTY SPEAKER: Please address the Chair.

Mr. D. J. H. THOMPSON: Yes, Sir. We were talking about recent applicants and I thought that one would not make a good Judge, at least, if I was appearing before him.

Sir, as it stand now this legislation fuses the functions of the Chief Justice and the President of the Court of Appeal and this to me is not the most desirable situation and I say that for a number of reasons.

One would assume that the role of the Chief Justice as it stands is over-burdened with all kinds of other things, the work of the Judicial and Legal Service Commission. I understand he receives a barrage of complaints and I have not verified this from private citizens about the length of time that Magistrates take to write their reasons in relation to appeals. He receives complaints for all kinds of aspects of the functioning of the Magistrates' Courts and I assume the Judiciary. He presently acts as Governor-General for considerable periods of time.

Now, this is the person who is there to administer the Courts and I believe that as it stands now that the workload is already heavy and onerous and it does not seem to me

that a man at the age of 69 or 70 should have to carry out the functions of Chief Justice and President of the Court of Appeal at the same time and I would suggest that, perhaps, we should be more realistic in the kinds of appointments that we make to the post of Chief Justice bearing in mind its administrative functions and perhaps separating the role of the President of the Court of Appeal from that of the Chief Justice. 4.00 p.m.

I believe that it would be a considerable boon to the functioning of the system as proposed, if those two functions were separated. There are precedents for it. Jamaica, I understand, is one. The United Kingdom has a more elaborate system but each division has its own head who deals with the administrative matters. But what we are going to have here in this situation is that the President of the Court of Appeal, mind you, is going to have to be hearing all of these complaints about magistrates, people knocking on his door at all hours of the day to say that they have not got a decision in a matter, that they are waiting on an appeal, that is what he has to hear. He is going to have to act as Governor-General, from time to time. He is going to be President of the Court of Appeal and he is also going to have to see after the functions of both courts. This seems to me to be - I do not know how to describe it - it is burdensome. I believe that we should consider a more businesslike and effective way of managing the court system in this country.

One of the very wise suggestions that has been made by the Honourable Member for St. George South relates to court clerks. Of course in England, the lay Magistrates have legally trained clerks. Of course, right through the system the clerks above that are legally trained as well. This is something that we need in Barbados. I believe that, as it stands in the Magistrates' Courts - I do not know what the functions of the clerks are, other than purely administrative - but they do not have any other kinds of functions which relate to the functions performed by clerks in other jurisdictions.

In the book "The Brethren" it would probably open your mind to discover that in the US Supreme Court, all of the decisions of the maverick Douglas who used to go skiing in the Alps with women 21 years of age for months on end were written by his court clerk. Many of the decisions of the liberal Warrenport were written by the clerks. These clerks themselves are now probably coming out of their shelves and revealing what their contribution was to reaching consensus among the liberals or consensus among the conservatives. Very often a Liberal judge may have a Conservative clerk for the service of balancing out his views because a lot of them simply do not want to write the decisions anyway. But these decisions are written by clerks of the court who are some of the better students in the universities and the better products of the American law school.

In Barbados^ I believe that it would be a considerable boon as well if the Judges of the Court of Appeal bearing in mind the age at which they want to be serving could be given court clerks who are legally trained and, at other levels, that all of the clerks at least have para-legal training. I think that is vital. I do not think that we can continue in a situation where clerks are only involved in a kind of administrative process but they should also have the "" opportunity of improving themselves and improving the system, by getting to understand what the law is all about through the para-legal course.

I understand that there will be some legislation shortly relating to the post of Chief Magistrate which will compliment this legislation and which will answer some of the queries posed by the Honourable Member for St. George South relating to the structure of the courts.

My own view is that in a country like Barbados it ^ might, perhaps, be better if, for example, you had a larger number of High Court Judges and totally remove the tier of Magistrates' Court. But that, again, is just my view. I do not think that it is making sense for people to be driving up to Belleplaine and all parts of Barbados, and for a man to be deployed in Belleplaine to hear 3 or 4 cases involving cows straying on the East Coast Road and, perhaps, a few bottle throwing incidents from time to time and maybe, one murder every 10 years. I believe that, perhaps resources ~ could be deployed a lot more usefully.

The purposes of the Magistrates' Court, as I understand them, the genesis of them in England was District Courts and they had District High Courts too. I really do not think that the summary procedure in Barbados could not be done by a larger number of High Court Judges and that we could not all journey to Bridgetown on a daily basis.

There are a lot of people in the profession who cannot see themselves operating outside of the system, as it now stands, but if you really think about it in relation to the deployment of resources in this country, this concept of driving all over Barbados to deal with a lot of the small summary jurisdiction matters could also be dealt with here. There is nothing wrong with a system that is simplified for simplified procedure in the High Court for civil matters, , for simplified - now that you have the paper committal system - procedures, all of which go to the High Court. Again, that is just my view and not one that I think will be easily acceptable. It means that you would then have 2 layers of court, the High Court and the Court of Appeal and then, eventually the Caribbean Court of Appeal. All matters will be centralized and dealt with in Bridgetown. Your~~deployment of resources could be a lot better and the feasibility of the court system, in my view, and in relation to the time spent by litigants at court would be reduced.

A lot of matters are not done too because lawyers have to be elsewhere. You might have to be in Belleplaine instead of being in Bridgetown or Oistin. This system does not seem to me to make sense in a country as small as Barbados where people do not have considerable difficulty in getting to Bridgetown by 9.30 in the morning.

The last point I want to make, Mr. Deputy Speaker, relates to the establishment - and I hope you would give me latitude just to ask this question - of the Caribbean Court of Appeal and to find out from the Attorney-General if he can give me any information on what progress has been made on this particular matter at the CARICOM level, and whether it is expected that within my lifetime at the Bar that there will be a Caribbean Court of Appeal and that the entire system and structure of the court will, by then have been considerably rationalized.

With those few words, I wish to support this particular legislation and to urge Members also to give it their fullest unconditional support.

Thank you.

Mr. DEPUTY SPEAKER: The Honourable Member for St. Michael South Central.

Dr. R. C. HAYNES: Mr. Deputy Speaker, I shall be very brief in my comments today on this matter since my colleague, the Honourable Member for St. George South had dealt with the Bill so logically and has put this Party's position so eloquently.

Sir, I should like to focus my attention on two things. As far as the Court of Appeal is concerned, as far as I am aware, this has been canvassed for many years, the country has been promised, from time to time, that such an event would take place and we are pleased to see that the time has come when legislation is brought here for the establishment of a Court of Appeal.

The Honourable Member for St. George South has indicated the areas where there could be some improvement and I hope that the Attorney-General has been listening very carefully. I did note that the Honourable Member for St. John was listening to him and I hope that the Honourable Attorney-General was listening as well.

I should like to focus a little more specifically on the words, "amend the Constitution". The Constitution of Barbados is a sacred document. It came into force with the Independence of this country, after a considerable amount of thought borrowing on the experiences of several centuries of government. It is not an instrument that should be amended frivolously. It is not an instrument that should be amended because it does not suit the immediate political desires of certain persons. 4.10p.m.

I think it is important to recognise that if we are to have good government we must always bear in mind that the provisions of the Constitution must be observed, and unless there is very good cause there should be no amendments to the Constitution. This step is being taken here today and supported by us because we feel that there is a good cause, that cause being the better administration of justice in Barbados. If the Constitution has to be amended in order to facilitate that, that I think is a desirable step. It is not a step that is being taken to meet temporary expedencies, it is a step that is being taken to meet permanent situations which shall endure for the betterment of Barbados.

I would also like to draw to your attention, Sir, the procedures which have to be followed in order to amend the Constitution of Barbados. It is necessary to have a majority in this House, as stipulated by the Constitution itself. The measure has been initiated by the Government of Barbados and it has the support of both Opposition parties in this instance. With the appropriate majority it will go from here to the Other Place and, provided a similar majority is obtained, then of course the Constitution will be amended.

It is a serious obligation on those of us in public life not to seek to mislead the public of Barbados as to the purposes for which a Constitution can be morally amended. I think that those who have had some experience of this Constitution, the experience in framing it, the experience in wording it, should not be walking around the place writing letters in the Press suggesting that the Leader of the Barbados Labour Party should come in here with legislation to change the Constitution. It is wicked, deceptive, malicious and dangerous to be doing that kind of thing to Barbadians. It is wicked, malicious, improper and certainly totally misleading to suggest that anyone other than persons who command a two-thirds majority in this Honourable House can alter the Constitution of Barbados.

Aside.

Dr. R. C. HAYNES: I agree with you. It is so illogical that it would seem to me that the individual writing those things in the Press has been having a very long and traumatic menopause.

I believe that we must not tamper with this Constitution. From time to time political events would develop in this country that might not suit a political party at any point in time, but the Constitution must be respected and the Constitution must endure. If a member of the Democratic Labour Party seriously believes that there should be an amendment to the Constitution, he has a duty to put that case to his party, which has the majority in here and has the authority to change the Constitution, and not walk around Barbados saying that other people, who do not have the majority, who do not have the authority, should change the Constitution.

That is the kind of perverse publication we are seeing in the Press week after week. It is almost totally disgraceful to see the way in which someone who has enjoyed high office in this country, has been Deputy Prime Minister for many years, Sir, has been a Member in the Other Place, should be walking around now trying to mislead an entire country and on a matter that is so fundamental to the freedoms of this country, namely the Constitution of Barbados.

Mr. DEPUTY SPEAKER: Just one minute. Please pause for a minute. We are having too much noise in the Chamber.

Dr. R. C. HAYNES: Mr. Deputy Speaker, there are some people who are so consumed with evil that they know not where to draw the line. They do not know when to recognise that there are certain matters of State that must not be reduced to that kind of conduct which we see coming from the hand of a member of the Democratic Labour Party.

Now, Sir, the Prime Minister of this country has to swear an oath of his commitment to defending the Constitution of Barbados.

Mr. DEPUTY SPEAKER: Please pause again. We are having too much noise in the Chamber. It is making it considerably difficult for us to hear the Honourable Member who is making his contribution. Please continue.

Dr. R. C. HAYNES: When someone is busy trying to get the appointment of High Commissioner to Canada, which he has recently got, and in order to get that he is prepared to undermine public confidence in the Constitution of Barbados, you will understand then the kind of animal that you are talking about. I am talking about the principles behind the amendment to the Constitution of Barbados. I have pointed out that you cannot amend the Constitution because political situations may develop which may not please you from time to time, because over time, and we have to think not in terms of five years or ten years, we are talking about 20 years, 50 years, 100 years, 200 years. The Constitution will endure and continue to be a major factor in defending the liberties of the people of Barbados, and it is on that we must focus. We must be extremely careful, Sir, to make sure that we do not allow certain types of charlatans to undermine the Constitution of this country.

The moment I saw this piece of legislation when it came to my home, when these papers were delivered to me, I saw the words "amend the Constitution". My next step was to see for what purpose. I can assure you if that purpose was not a good and proper purpose, it certainly could never have my support. I would hope, Sir, that if the same individual that is calling on minority parties to amend the Constitution were to call on the Government to amend

the Constitution in the matters he has raised, I wonder whether or not the Government would respond to that. 4.20 p.m.

I think it is totally wicked, Sir, it is totally disgusting that the public of Barbados should be misled in that kind of way. Anyhow, Sir, this the main point I wanted to make. I want to deal with the question of the amendment to the Constitution. I will have more to say on other matters, because it is not only in relation to the Constitution, but there are other matters of law which clearly the Democratic Labour Party would subvert at any time. One of your main spokesmen in the press is advocating a subversion of the Constitution of Barbados.

Hon. P. M. GREAVES rose.

Mr. DEPUTY SPEAKER: Just pause, please. There are two Honourable Members on their feet.

Hon. P. M. GREAVES: On a point of order, it is out of order for an Honourable Member to call a person's name who is not a Member of this House, and saying that that person would subvert the Constitution of this country.

Mr. Deputy Speaker, the name was called and I am moving that the Honourable Member is out of order to do it in this way or at all. I rose on a point of order and I am making a submission to the Deputy Speaker which I have done.

Mr. DEPUTY SPEAKER ordered that certain remarks made by the Honourable Member for St. George South be struck from the record.

Mr. DEPUTY SPEAKER also ordered that certain remarks made by the Honourable Member for St. Michael South Central be struck from the record.

Dr. R. C. HAYNES: If I may continue, Sir, I feel very strongly that when it comes to the Constitution of Barbados that those of us in public life have an important duty at all times to maintain a position where we will be defending that instrument, and when it is being amended or changed in any way, then we must exercise the greatest care and attention in respect of any change however minor. I also feel very strongly, Sir, that you should not be changing a Constitution to deal with any occasional unfortunate situation that might develop in respect of an individual or group of individuals, but it should be a matter of public importance and a matter that would have durability and importance almost at the level of the Constitution itself, and such a matter is justice and the administration of justice, and in the context of that I am prepared to give our full support to this piece of legislation. Nevertheless, Sir, I have been at pains to draw to the attention of this Honourable House the dangers in this society of having persons who would deliberately seek to mislead the people of Barbados

as to what the Constitution says on particular matters or how the Constitution might be changed or altered in any particular way. Sir, there is no honest person in Barbados who would not be as disturbed as I am over certain publications in the media in Barbados in respect of....

Mr. DEPUTY SPEAKER: Again let me stop the "Honourable Member. Let me please set the debate straight. We do not have before us the publication of any articles in the media in this Chamber. I am not aware of any articles which were published, they are not presently before this Chamber, and I will continue to impress upon the Honourable Member that he should confine his debate to the matter which is before the Chamber.

Dr. R. C. HAYNES: Mr. Deputy Speaker, I have not made any matter that was published in a newspaper a document of this House.

Mr. DEPUTY SPEAKER: That is precisely why you should speak on the matter which is now before us.

Dr. R. C. HAYNES: And I cannot do so, but I can refer to it in the same way I can refer to somebody's hair outside or something like that in what I speak. There is nothing against the rules in doing that. If I had attempted to come in here and make it a document of the House or "something like that, it would be against the rules. 4.30p.m.

If I may continue, Sir. On the matter of the Court of Appeal, Sir. As I said, we support it and I believe that for years now I have heard the criticism of over-work on the part of the Judges and particularly the potential danger of Judges sitting on top of each other in respect of appeals and so on and that that was not a healthy situation and I hope that this particular measure would give considerable relief __, in that area.

I also would wish to give some support to the suggestion by the Honourable Member for St. George South that some consideration probably should be given to having a separate President of the Appeal Court as different from the Chief Justice.

I believe the Honourable Member for St. John supported the position taken by the Honourable Member for St. George South and even expanded further in pointing out the serious administrative load that might be placed on such a person particularly in his later years.

I have no difficulty with that but where we are different from those on the Other Side is that when we see that there is something that is wrong in this society, we are prepared to get up and talk about it. When we see evil stalking the land...

Mr. DEPUTY SPEAKER: Just pause. When you say "those on the other side" who are you referring to?

Dr. R. C. HAYNES: I am referring to them. Who do you think?

Mr. DEPUTY SPEAKER: Well, the Rules provide a means of making reference to Honourable Members in this Chamber and really I would not permit you to flagrantly violate the Rules of this Chamber in that fashion.

Dr. R. C. HAYNES: Mr. Deputy Speaker, you had better check the Rules before you accuse me of violating the Rules.

I have to refer to them as an Honourable Member when I am referring to him. I can refer to them, they, those. If I address them specifically I have to say the Honourable Member or any category of them but I can say they or them in my speech. "Those on the other side" I can assure you, Mr. Deputy Speaker, is within the Rules of this House. Anyhow, Sir, if you so desire that I apply a misnomer, if I may say "the Honourable Members on the other side". I withdraw that, Mr. Deputy Speaker.

Hon. M. A. KING: On a point of order.

Dr. R. C. HAYNES: The remark is withdrawn.

Mr. DEPUTY SPEAKER: If I may give you the particular Rule because I do not want the record to show that I am giving you wrong information.

Any further contributions to this debate?

Hon. M. A. KING: Mr. Deputy Speaker, one would have thought that the total debate on this matter would have been non controversial but the moment the Honourable Member for St. Michael South Central and the Leader of the Opposition got up to speak, he said he was not going to be long. I was a little surprised at that to start with. He said he was not going to be long because the Honourable Member for St. George South had said all that needed to be said on that side but even when one of the Honourable Members for the majority Opposition makes a substantial contribution I have never known that to be a circumstance which would prevent the Honourable Member for St. Michael South Central from speaking at length so that none of those reasons was a justifiable reason why he would be short.

When the Honourable Member proceeded to develop his statement, I turned to my Honourable friend from St. Michael North and said, "what is the point the Honourable Member is making?" We only had to wait to discover that the Honourable Member for St. Michael South Central the leader of the Opposition, had a specific issue to deal with. He had a specific point to make and he intended to make his

point anyhow. He did not make it well because in order to establish that point he had to dwell on irrelevancies. He had to set up an irrelevant basis on which to found his argument.

Mr. DEPUTY SPEAKER: Order, please.

Hon. M. A. KING: And as he spoke, one just had to recall that it was not so long ago that the very person about whom the Honourable Member was speaking was one of his closest friends and political allies. As I listened that old saying came back to my mind "Heaven hath no rage like love to hatred turn".

Dr. R. C. HAYNES: I object thoroughly, Sir, very thoroughly to that remark because that remark is the most unkind cut of all so far in this debate against the gentleman.

Hon. M. A. KING: I was referring to the statement. You know the statement which in its fullest says "heaven hath no rage like love to hatred turn nor hell of fury like a woman scorned."

Aside.

Hon. M. A. KING: I cannot refer to you.

Dr. R. C. HAYNES: Mr. Deputy Speaker, on a point of order, Sir,

I wish the Honourable Member to make clear that nothing in those remarks particularly the remarks to a woman applies to me.

Hon. M. A. KING: Mr. Deputy Speaker, I said the quotation in its fullest. I was not applying the quotation in its fullest to the Honourable Member for St. Michael South Central. I was applying half of it, the first half because clearly he is not a woman.

Aside,

Hon. M. A. KING: But the point is that the rage and the fury which is being ventilated by the Honourable Member for St. Michael South Central is clearly a result of the change in relationship between himself and the person whom he is so liberally abusing. 4.40 p.m.

The person of whom he speaks.

Aside.

Hon. M. A. KING: I cannot call names in the House. You know that. You are encouraging me to break the Rules now.

Mr. DEPUTY SPEAKER: Please address the Chair.

Hon. M. A. KING: Mr. Deputy Speaker, Your Honour try your best to keep the Honourable Member within the limits of the debate. He was extremely difficult to control. You succeeded to a point.

Mr. DEPUTY SPEAKER: And I will also seek to keep you within the limits. ~^

Hon. M. A. KING: As you please, Mr. Deputy Speaker. There is a number of points which were relevant to the debate which were raised and which, perhaps, I need to respond to.

The Honourable Member for St. George South made the point about the desirability perhaps of having a separate President for the Court of Appeal, about the problems which may be raised by the Chief Justice having to administer the whole system, having to preside in the Court"" of Appeal and having to be head of the High Court. He made the point that he thought the Trinidad system provided for a separate President of the Court of Appeal. I know that Jamaica provides for a separate Chief Justice and a separate President of the Court of Appeal. I believe that that system may have developed out of the peculiarities of the situation at the time between the two incumbents.

I believe also - and I say I believe because it ha?..~^ always been my firm" conviction that since the Honourable Member said otherwise, I do not want to disagree, too categorically - but I strongly believe that the Trinidad system is like the system we have which we are proposing now, in which the Chief Justice of Trinidad presides, and is President of the Court of Appeal. They have two divisions of the Court of Appeal but I believe that the Chief Justice of Trinidad is also President of the Court of Appeal.

The Supreme Court Act, Cap. 117 which we will be bringing before us shortly does provide, Mr. Deputy-Speaker, for a Court Administrator who would assist the Registrar in the administration of the court. This is provided for in Section 76 of the Act of Cap. 117A under the heading of "Administration". So it is recognized that the problem of administration is a serious problem and what would be required and what would be far more effective, I would think, would be that sufficient and effective administrative arrangements be made to provide for the proper administration of the system.

The position for Court Administrator is already established in the Civil Establishments Act. Perhaps we would need to look at the grading of that position again but provision is made for the appointment of a Court Administrator and I think that the terms which have been articulated by the Honourable Member for St. George Sout^ in relation to the problems of administering the court can be far more effectively dealt with through the Registrar, Court Administrator and sufficient administrative staff to deal with those problems.

The Honourable Member for St. Thomas referred to the delays in appeals and referred to the fact that the establishment of the new court would play a part in ensuring that those delays were minimized. I am told, Mr. Deputy Speaker, that the delays are occasioned through appeals from the Magistrates' Court to the Divisional Court and not caused by the Divisional Court not being in a position to hear the appeals but are caused more because the Magistrates delay considerably in getting the appeals ready for hearing, like the reasons not being written and all the procedures for appeals not being in place so that the Divisional Court, even if it could sit, is not in a position to deal with the cases.

What needs to be done is that clearly the magistrates have to get on with writing their reasons and having the appeals ready for hearing by the Divisional Court in order to avoid that aspect of the delay.

Recognizing that this aspect of the administration of justice has created a problem in the past and will continue to do if remedial action is not taken, there are some changes which are being proposed. I am not anticipating legislation but I am just indicating that there are some changes which are being proposed to the Magistrates Jurisdiction and Procedure Act which are intended to remedy the situation of the Magistrates not writing their reasons on time, as the law requires, and getting the documentation and the record, in every sense of the word, available for the Divisional Court Judges to hear appeals. Some consultations are presently going on with the Judges on this matter. Draft legislation is in existence and hopefully, we will have that before this Honourable House in the not too distant future.

I think it was the Honourable Member for St. John who raised the question about the necessity for having a tier, as he called it, of magistrates and suggested that the work of magistrates could probably and perhaps more properly be dealt with by appointment of additional judges. I do not think that this is an answer to the problem. I do not think that you can appoint judges to deal with some of the very minor things like threats and stand-by cases, so to speak which magistrates are called upon to deal with daily.

Perhaps he was arguing the case, and a case could be argued for more centralization of Magistrates' Courts. I thought that was the case which he was making, arguing perhaps that all the Magistrates' Courts could be centralized in Bridgetown where persons could come to Bridgetown. But that is not a course of action which I think is most desirable.

I think what one has to do is to look at the areas of population density and so, where the courts are being reorganized, rebuilt and restructured to relocate courts wherever possible in centres which would make them more easily accessible to the population, as it develops and

spreads out over the length and breadth of Barbados and sort of justice administered in proximity to where the people live is perhaps a better arrangement.

The Honourable Member for St. John also raised questions about the appointment of judges. He was clearly aware of what the constitutional position was that the Judges are appointed by the Governor-General acting on the advice of the Prime Minister. I did not quite get the thrust of his argument about advertisements and this, that and the other. 4.50 p.m.

Perhaps he was raising the question as to how does the Prime Minister determine from time to time whose appointment he should recommend to the Governor-General as Judges. That is the way how the Constitution presently exists, and presumably the Prime Minister would go through the processes of consultation and arrive at the decisions which he thinks in the best interest of the country. It is his decision, as the Constitution provides.

A further question raised by the Honourable Member for St. John is in relation to the Caribbean Court of Appeal. He wondered what was the position in relation to that. I think all Honourable Members know my own personal position on the Caribbean Court of Appeal. I think the establishment of a Caribbean Court of Appeal is highly desirable, is something which I argued for. The Attorneys General of the region have met from time to time with a view to arriving at a consensus on this matter. The Heads of Government of CARICOM at all CARICOM meetings in recent times have had this issue as an item on the Agenda. It will be on the Agenda for the present CARICOM Heads of Government Meeting and I think very shortly there will be a meeting of a Sub-Committee of the Attorneys General of the region with a view to looking a little further at the question of the establishment of a Caribbean Court of Appeal. When I say very shortly I am talking about within the next month or so.

The present position is that there are a number of countries in the region who are clearly interested in the Caribbean Court of Appeal. Jamaica, Trinidad and Tobago and Barbados, from my understanding of the position, the Governments of those countries are clearly in favour of establishing a Caribbean Court of Appeal. The Governments of the OECS countries have indicated that they have a problem with their constitutional arrangements, because in order for them to participate in a Caribbean Court of Appeal they would need to go to referendum, and I think a lot of them felt that this was perhaps not an appropriate time for them to go to the country on a referendum on a matter of this kind.

I believe the existing position among CARICOM States is that those who are ready to go ahead with a Caribbean Court of Appeal perhaps should do so, but with a

provision for accession by other Members of the CARICOM region should they wish to do so. I believe a draft Agreement on setting up a Caribbean Court of Appeal has been prepared for discussion among this Committee of Attorneys General and that matter will be discussed shortly and I believe proposals made to the CARICOM Heads of Government at their up coming meeting this year.

What we are doing here, Mr. Deputy Speaker, does not derogate from Barbados' position in relation to a Caribbean Court of Appeal. This is part of the internal process of getting our own appeal arrangements in good order and I feel, like most other professionals, that a three-tiered system of appeal is perhaps considerably better than a two-tiered system of appeal, which is the one I think which the OECS countries might tend to favour.

If we have our own local arrangements for an effective Court of Appeal in place, this I would consider to be an effective step in preparing the ultimate framework for a totally integrated and staged process of appeal right up, hopefully in the not too distant future, to a Caribbean Court of Appeal in the region.

Mr. Deputy Speaker, I do not know that there is an awful lot more I need to respond to. That would conclude all I need to say in this matter.

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

On the motion of Hon. P. M. GREAVES, seconded by Hon. M. A. KING, Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill, Mr. L. L. BRATHWAITE in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clause 1 was called and passed. Clause 2 was called.

Hon. M. A. KING: Mr. Chairman, I move that clause 2 stand part. The Honourable Member for St. Thomas had raised a point. I trust it has been satisfactorily explained that we are not changing much....

Aside.

Hon. M. A. KING: about high treason. Was it explained? We are just complying with the Treason Act. I move that clause 2 stand part.

Hon. P. M. GREAVES: I beg to second that.

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

Clauses 3 to 11 inclusive were called and passed.

On the motion of Hon. M. A. KING, seconded by Hon. P. M. GREAVES, Mr. CHAIRMAN reported the passing of, -one Bill in Committee, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly. 5.00p.m.

On separate motions of Hon. M. A. KING seconded by Hon. P. M. GREAVES, the Bill was read a third time.

Hon. M. A. KING: Mr. Deputy Speaker, I beg to move that this Bill do now pass.

Hon. P. M. GREAVES: I beg to second that.

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

ORDER NO. 3 - THE SUPREME COURT OF JUDICATURE (AMENDMENT) BILL, 1990

Order No. 3 was called - to move the Second Reading - of a Bill to amend the Supreme Court of Judicature Act, "Cap. 117.

Hon. M. A. KING: Mr. Deputy Speaker, this is a short amendment to Cap. 117A which is not yet proclaimed. I draw that to Your Honour's attention.

The purpose of it is to provide that the Court of Appeal should consist of the Chief Justice who shall be President of the Court of Appeal, and not less than two nor more than four Judges who shall be styled Justices of Appeal. Basically that is what it does. It provides also that the court when it is sitting shall consist of an uneven number of Judges, so that basically there will be three Judges sitting, when you take this together with the Constitution amendment, to hear appeals from the High Court, but there is provision that if a situation may arise that more Judges are needed to hear a specific appeal that four Judges plus the Chief Justice can sit; so it is a facilitating bit of legislation.

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

Hon. P. M. GREAVES: I beg to second that and reserve my right to speak.

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

On the motion of Hon. M. A. KING seconded by Hon. P. M. GREAVES, Mr. DEPUTY SPEAKER left the Chair

and the House went into Committee on the Bill, Mr. L. L. BRATHWAITE in the Chair.

Clauses 1 to 4 were called and passed.

On the motion of Hon. M. A. KING seconded by Hon. P. M. GREAVES, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

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

Hon. M. A. KING: Mr. Deputy Speaker, I beg to move that Private Members' Business be the instant order of the day.

Mr. DEPUTY SPEAKER: If there are no objections, Private Members' Business is the instant order of the day.

PRIVATE MEMBERS' BUSINESS

Hon. H. deB. FORDE: Mr. Deputy Speaker, Order No. 9.

RESOLUTION RE ALLOCATION OF BROADCASTING TIME

Order No. 9 under Private Members' Business was called - to move the passing of a Resolution to annul the General Elections (Allocation of Broadcasting Time) Regulations, 1990.

Hon. H. deB. FORDE: Mr. Deputy Speaker, on 22nd May, 1990 the Prime Minister laid the General Elections (Allocation of Broadcasting Time) Regulations as was required under the Constitution and the Representation of the Peoples Act. 5.10p.m.

Those Regulations are made by the Electoral and Boundaries Commission having regard to the Constitution and the Representation of the Peoples Act. Section 68 of the Act subject the Regulations to negative Resolution and that means, Mr. Deputy Speaker, Sir, that the Regulations will only have ultimate effect if they are not annulled by this House.

We, on this side complained about certain provisions of those Regulations. The particular provisions to which objection is taken relates specifically to the allocation of broadcasting time for the main political parties.

There are three political parties in this country and the Regulations seek to allocate 60 minutes of time, three broadcasts, two of 15 minutes and one of 30 minutes to the party which immediately before dissolution commands the

majority of seats in the House and allocation of two broadcasts of 45 minutes in total, 15 and 30 minutes, to the party which immediately before dissolution of the House commands the majority of seats in the Opposition side and one broadcast of 15 minutes to any other political party which fields 10 candidates and makes the appropriate application to the Electoral and Boundaries Commission.

I am advised that the Regulations were brought before the Commission on the last day before the first Electoral and Boundaries Commission expired.

What is very clear is, Sir, that there was no consultation certainly with the Barbados Labour Party on this matter and the first statement I make is that that is a departure from the procedure which was followed when the Commission first dealt with the question of election broadcast and the allocation of time for such broadcasts.

In 1986 the Commission made Regulations but it did not make those Regulations before it consulted with the political parties then in being and they were, at that time, only two political parties. There were the Democratic Labour Party and the Barbados Labour Party and also consulted with the broadcasters, the main broadcasting stations, the Caribbean Broadcasting Corporation and Voice of Barbados.

I believe that all of the persons consulted responded and gave their comments on the proposed Regulations which were then to be made by the Commission and although the process of consultation was left unto, in my view, would have been a rather late time, there was the process of consultation.

The Democratic Labour Party replied, I believe, on March 17 and the Barbados Labour Party replied on March 25, 1986 and CBC and Voice of Barbados replied, I believe, some days prior to those replies so that their position in relation to the allocation of broadcasting time and even equally important in relation to the conditions under which those broadcasts should take place, were taken into account by the Commission which finally had the last word to make up its mind on the matter.

Now, in this case, no such consultative process took place and that is the first complaint and the first disagreement that I have and we have on this side with the position for allocating broadcasting time.

There are certain obvious overall objectives which must be followed in any democracy and which should guide any authority who is dealing with a subject so important to the democratic principles and democratic life and free elections in this country and one is, Sir, that wherever possible broadcasting stations whether they be governmentally controlled or otherwise, should be encouraged to seek impartiality in their political coverage

particularly during an election period. That should be the number one objective.

The second objective that is equally important is that there should be an equality of exposure of the political parties so that the electorate who are being wooed by the respective parties should have an opportunity to see and hear the parties for themselves.

The reason, Sir, why election broadcasts have become part and parcel of the democratic process in this age of information and technological change is to ensure that there is a fair system within the electoral process and that persons who have money are not the only persons whose voices are heard and although at this time none of the stations are paid for the electoral process, yet a certain degree of equality of exposure and equality of opportunity is available to the political parties in the system.

Now, Sir, the principles which have influenced the allocation of time have varied even within our system and in this regard I want to retrace a bit the history of political election broadcasts in Barbados.

Before I do so let me state that one of the greatest regrets I have of this country is that we are not taught to be mature enough in our system of Government to allow political broadcasts in the broad sense of the word to take place in this country outside of an election period. If we are a matured democracy, there should be no danger of this happening.

In 1966, I believe an initial attempt was made to introduce proposals for broadcasting political broadcasts. The procedure followed then from my research on the matter was that the CBC which was not then called the Caribbean Broadcasting Corporation, through its then General Manager anyhow, Mr. Dennis Vance, sent to the political parties its proposals for political broadcasting and I think the actual letter started off by Mr. Vance in 1965 was certainly addressed to the Secretary of the Barbados Labour Party on April 19, 1966 by Mr. A. N. Forde General Manager and all it did was to forward six copies of a statement of policy of the Caribbean Broadcasting Corporation on the subject of political broadcasting showing the dates on which television and radio broadcasts should take place. There was no consultation then about what should happen.

It was in the last year of the then Democratic Labour Party Government, that session, that five year period, and it allocated the time then as CBC thought it and the three political parties, the Barbados National Party, the Barbados Labour Party and the Democratic Labour Party, were given the opportunity to make political broadcasts leading up to the Elections. 5.20 p.m.

I am not going to comment, at this time, on the reaction from letters in the press and otherwise, editorials of the public to that exercise, and how the exercise was used. What was significant is that there was no process of consultation at the time.

Then immediately, when the election was declared in 1966 for November, on the 22nd October, 1966. again, Mr. A. N. Forde as General Manager sent a statement showing the conditions under which electioneering broadcasts may be made on CBC Television and Radio Barbados. Once again, the process of consultation did not take place. They were merely sent.

The terms that applied, and in those days, what was given really were 6 political broadcasts, 3 of 15 minutes to the DLP, 2 of 15 minutes to the BLP and one of 15 minutes to the BNP, the Barbados National Party.

A similar procedure was followed, Mr. Deputy Speaker, Sir, in 1971. Then there was no Barbados National Party on the scene and what we found were 5 broadcasts, 2 of 15 minutes to the DLP and one of 30 minutes; one of 15 minutes to the BLP and one of 30 minutes. Once again, no consultation.

A similar procedure was followed in 1976. Once again, there was no consultation. A similar amount of broadcasts. There was nothing given to the People's Political Alliance. The reason being that a qualification of having a minimum of 12 candidates contesting the election was introduced. Therefore the People's Political Alliance, at the time, who were fielding only 8 candidates failed to qualify for a broadcast of any nature. This led to some protest and I think the research would show that the independents and others protested about this procedure. In 1981, before the Electoral and Boundaries Commission took over responsibility for the subject, the same procedure as was followed in 1976 applied. There were only 2 political parties, the same division of time except that, for the first time, there was a division of advertisements on radio and on television introduced into the position. Radio time and television time for ads were based on the number of candidates. Each candidate, whether you were a candidate for a political party or an independent person, each candidate was allotted a certain number of ads that that candidate could have. This introduced a degree of fairness into the system which had been missing so far.

Another important procedure, during that time, Mr. Deputy Speaker, Sir, was the beginning of discussions on proposals for political broadcasting in general in Barbados. Those discussions unfortunately, that paper and those proposals have never advanced beyond that stage.

By 1986 the Electoral and Boundaries Commission' assumed responsibility for electoral broadcasts. I have already stated that a process of consultation took place. At

that stage the qualifying figure for any person to have the right to broadcasts was that you had to, at least, nominate 10 candidates. But once again there were only 2 political parties and the procedure was that they had a minimum of 2 and 1 final broadcast. Obviously, the process was one of consultation with the parties, consultation with the media, Regulations drafted after such consultation and those Regulations, although not acceptable and meeting the stand being taken by the respective parties at the time, yet those Regulations were passed and were the regulations in being, until such time as these regulations have been repealed by the Regulations which I am now asking the Honourable House to annul.

Sir, it is my contention that Barbados has reached the stage where there is no longer any case whatsoever for denying equality of time to the political parties who are fielding candidates in this coming election. There is no case at all.

It is significant that if you compare the position with England - and at first we were following some of the criteria being used in England - it has evolved in England that the last 2 general elections, the unofficial committee on election broadcasting consisting of the Prime Minister, representatives of the main political parties, representatives of the IB A and representatives of the BBC sat down in order to allocate the available time. They could not reach agreement amongst the political parties and it was left to the media, the IBA, under the Act regulating its procedure and the BBC, under its Charter to determine the criteria which should apply to the political parties.

It recognized that there were 3 major political organizations contesting the election, the Conservative Party, the British Labour Party and the Political Alliance consisting of the SDP and the SLP. It made sure that each one of those parties was given 5 broadcasts of 10 minutes each. They all had an equal amount of time and the only qualification for any party to qualify for that equal amount of time is that a party must nominate at least 50 candidates in a House of over 600, as the United Kingdom House of Commons is. Although therefore there was a minimum qualification in terms of number of candidates nominated for the election, the principle of equality of time was well recognized.

I am urging on this House that it is the correct principle for a mature democracy. We cannot be serious about believing that we have a mature democracy if we are so going to operate a system in which persons are not being allowed, in these instances, to have a fair chance of wooing the electorate in a situation, Sir. There is no doubt that television has become a most important medium to communicate messages. Obviously, during an election period, it is not only an important medium but in many respects, it is probably the primary source of election material for those persons who do not attend political

meetings, and there is a large number of persons in our community who do not attend such meetings and to whom it is important to listen.

I do not believe, Sir, that this motion should meet with any opposition from any side of this House, if persons believe in it, Sir. I should like to hear the opposition that will come from the Democratic Labour Party. And I should like to hear if the Democratic Labour Party is skinning cuffs. I should like to hear if they are standing on their heads. And if, all of a sudden, the Democratic Labour Party would have changed its contention from what it was contending before the same Commission in 1986. That is what I should like to hear, Sir.

Asides.

Mr. DEPUTY SPEAKER: Order, please. Order.

Hon. H. deB. FORDE: I should like to hear when Peter Morgan, as the Public Relations Officer of the Democratic Labour Party urged the Commission in May 1986 that the principle which should apply is the principle of equality, if that was only grandstanding then by the Democratic Labour Party or if they seriously believed in the principle. I would want to know if they believed that it was right and that that was the principle they had been following then, Sir. I would want to know that.

Asides.

Mr. DEPUTY SPEAKER: Order, please. Order.

Hon. H. deB. FORDE: I would want to know if they believed that that was the correct principle which should inspire the Commission, at that time. That is what I would want to know.

Asides.

Hon. H. deB. FORDE: The Honourable Members have begun to howl. But I would want to know, for instance, if the Democratic Labour Party is satisfied that we are running a fair system in this country, where a programme on CBC, on Sunday night, "Talking Point" is being misused to the disadvantage of other persons who are contesting the election including the sitting Member for the City and the other in the City to be promoting the campaign.

Aside.

Hon. H. deB. FORDE: The Honourable Member for St. John would go silent because he wants to see his political opponent for future office all flattened. So all of a sudden, all of the heckling he was giving me a moment ago has ceased now. I have now come on to the right thing that he wants to hear. So all of a sudden he has ceased.

Asides.

Mr. DEPUTY SPEAKER: Order! Order. Just pause please. Order. Order, please. 5.30 p.m.

Hon. H. deB. FORDE: I believe, Sir, that late last year or earlier this year we had the 350th anniversary of this Parliament. I am not one of those who are going to be hidebound by saying you did this and I did this, we had the 350th anniversary of parliamentary democracy in this country. Do we seriously believe that the electorate are not mature enough to hear differing political views on the platform, as well as in their homes? Are we to be told that the only persons who can put a point of view may be persons who are arguing on behalf of a particular person from a particular party? That is why I am saying the broadcast on Sunday night was of a political nature.

Mr. DEPUTY SPEAKER: Let me just enquire. Was that a broadcast conducted by the Electoral and Boundaries Commission? The matter before us is a matter which concerns the Electoral and Boundaries Commission, and to some extent I think that when Members are going to make their contributions they must recognise that there is a certain guideline which they have to follow.

Hon. H. deB. FORDE: Mr. Deputy Speaker, I like to hear people's arguments when I counterpunch them. What I want to say here is that election broadcasts are only one aspect of political broadcasting. An election broadcast is defined under the Rules and is confined to the time from which the Writ has been issued and nomination takes place, up to two days before we hold the polls. At that stage it stops. I am saying that if people are mature enough during that period to listen to the varying points of view of the political parties, that our democracy after 350 years ought to be considered mature enough, both on the State system and on the private system, to hear different points of view from political persons, and that therefore political broadcasts, although I am annulling rules dealing with election broadcasts of a political nature, I believe that we need to rethink and to have a proper system in place, after due consultation with all of the political parties, on the whole issue of political broadcasting, including broadcasts of the proceedings of this House.

We seem to think that the only time that can take place is during the time of a Budget debate. That is why I made some mention of the 1981 Rules, and what I am saying is that what took place therefore leading up to the current elections and election broadcasts on the television on Sunday night, and that was my contention, can be considered as pushing a particular partisan attitude of one particular person, and to that extent I found it obnoxious. I believe we must be mature enough to be able to widen the system in Barbados.

Now, Sir, there is another aspect of this that I object to.

Mr. DEPUTY SPEAKER: Let me just indicate that the Honourable Member has five minutes.

Hon. H. deB. FORDE: There is another area in these Rules to which some objection is taken, Sir. -It is well known that even if you get the principles of equality of exposure being recognised in the system of allocating time, that you can find this whole system being pulled apart by the scheduling of the broadcasts. Happily, the regulations deal in a large measure with this problem by stipulating discussion on the times, and obviously so far the procedure has been that the broadcast takes place at the same time and hour for everybody, so that no advantage is given to anyone in that respect

I have already said that in relation to ads that an equal number of ads is allotted to each political party both on television and on radio, so that if each of the three parties runs 28 candidates, each of them is entitled to the same number of ads of the same length both on television and radio. The distinction is made, however, when it comes to allocating the time that each of the three parties has to respond or to put forward its point of view.

It cannot in any terms be a fair situation where the distinction between those parties in the allocation of time, particularly when they are all running the same number of candidates at the same time. Where it is well recognised, and to quote the words of Peter Morgan who wrote on behalf of the Democratic Labour Party in 1986, that the moment the Writ is issued you are only a Government *pro tern*, you are only looking after and holding for the time being the position on behalf of whatever happens, and that there is complete equality of people going before the electorate and canvassing their point of view. That was the position of the Democratic Labour Party in 1986. That was its complete position.

The Barbados Labour Party sent in its memorandum on the points and made its points there and it was left to them to determine their position. Our memorandum was sent in by Mr. Ezra Alleyne, who acted on behalf of the party at that time.

Now, Sir, I want to deal as well with the situation of the first and last broadcasts in the remaining time available to me. The first and last broadcasts are given under the Rules to the governing party. Normally in some other countries, the United Kingdom and elsewhere where you can follow the precedent, whichever party has the first broadcast normally is not allowed the last broadcast, but it is normal to allow the governing party to choose whether it wishes the first or the last broadcast. That is normal. From the time that election broadcasts started in Barbados that procedure has never been followed. I have gone through the

procedure from 1966 onwards and I have recited in chronological order what happened on each of those occasions. 5.40 p.m.

There has been from time to time consultation between the parties on the position. They were not always acceptable to us. In fact the first three occasions there was no consultation; it was a take it or leave it position. Consultation took place during our time and consultation took place with the first time that the Boundaries Commission had determined this matter, and I am therefore recommending to this House that we do the correct thing in accordance with democratic principles and ensure therefore that these regulations are annulled. I have written to the Chairman of the Electoral and Boundaries Commission making it quite clear to the Chairman that the Barbados Labour Party would wish to be heard on any new regulations. I have informed him that the Resolution was laid on the House and without prejudice to the outcome of the debate, I would wish to consult with the Commission at the appropriate time and trust that the Commission would do the only decent thing, which is to extend as well equal consultation to all of the political parties who have an interest in this matter.

I therefore move, Mr. Deputy Speaker, that this Resolution do now pass.

Mr. D. A. C. SIMMONS: I beg to second that and reserve my right to speak.

Dr. R. C. HAYNES: Let me say up front that consistent with what I have published on this matter before and what my party has published, I will be supporting the Resolution. However, I think it is important that we set about this matter in a principled manner. I think, Sir, earlier this evening I spoke very strongly and very passionately on the question of respect for the Constitution of Barbados. It is a fact that under our Constitution political parties are not recognised. In the Representation of the People's Act which is a most important piece of legislation derived from the Constitution, again all of the obligations, rights and privileges pertain to candidates at election time. I think that where there has been a fundamental flaw in these regulations, is where there has been a departure from the fundamental principle that the rights whether they be broadcasting, advertising or otherwise in fact reside with the candidates if you are going to remain faithful to the precepts and concepts of the Constitution rather than to the political party. That is why you will see that in these regulations where it deals with advertisements, advertising time and that is related to candidates, then no problem could ever arise because your time is allocated according to the number of candidates appearing on behalf of a political party, and if they wish to surrender their time or nominate one of their members to speak on their behalf, then that time factor automatically sorts it out in relation to

candidates. Where there has been a problem is when you get into the area of importing into these things the concept of a political party which forms no basis in the Constitution of Barbados, and then you have a further problem because the problem is that on dissolution of Parliament there are no Members in here, and to relate broadcasting time to a previous Parliament when elections are in fact about a future Parliament literally makes no sense. So in my view I think that the Regulations are fundamentally flawed in that they are based on a faulty principle. At no time should there have been imported into a consideration of time the position of this House before dissolution of Parliament. You are not electing people for a previous Parliament; you are electing people for a future Parliament, and in fact after dissolution none of us is a Member in here.

Let us get this straight. Now what these things do in point of fact is where you depart from those fundamental positions you end up with all kinds of difficulties. I recall addressing this matter some nine or ten years ago raising that particular point, that is, that to relate the amount of broadcasting time to the composition of the House on a previous occasion prior to dissolution makes no sense, and indeed all it does is that it fixes the privileges in respect of broadcasting in relation to a non existing entity, because that no longer exists, and what our focus should be at that time is on what should be fair and what it is right to do in respect of future Parliaments of Barbados. That is where the basic error has been. So in terms of advertising time, as the Honourable Member for Christ Church pointed out, there has not been a problem with the regulations because they relate to candidates. If you run ten candidates then you get X amount of time allocated per candidate; if you run 28 candidates, you get X amount of time per 28 candidates and those candidates may get together and do what they like with the time available to them. Once we stick to the constitutional principle, and this is important ...the advertising time allocation recognises the fundamental assumptions of the Constitution to candidates, not to parties. It is made to candidates and not to parties, therefore it is important for us to recognise what has been the basic flaw, a departure from a clear recognition of what should have been the constitutional assumptions that should have guided the making of these regulations, and hence you would not have this problem today.

But, Sir, you get a lot of straightforward wickedness being imported into the discussion on these matters. The National Democratic Party has never passed any law in Barbados; the National Democratic Party has had no part whatsoever in relation to these Regulations which you see here are signed by the Chairman who would have been the Chairman of the previous commission, and therefore the National Democratic Party would have had no representation whatsoever on the commission which formulated and published these regulations. So we were not in any way involved, and I want to make that clear, and it is total wickedness for anyone to be suggesting that the

National Democratic Party is trying to deprive the Barbados Labour Party of broadcasting time. It is thoroughly wicked, and Sir, the same individual is inviting me to break the law when he suggests that I should be handing over time to the Barbados Labour Party, and I will tell you why, Sir.

Mr. DEPUTY SPEAKER: Let me just indicate that only one Honourable Member has spoken so far and I have not heard those remarks from him. Are you imputing those remarks to the Honourable Member who has spoken?

Dr. R. C. HAYNES: No, Sir, Everybody knows, Sir. You don't know, but everybody else know. 5.50p.m.

If I may continue, Sir, these Regulations make it quite clear that under the law, and I want to find this, broadcasting time allocated under this Regulation not used by the political party for whom it is reserved lapses and this is from the Statutory Instrument. "Broadcasting time allocated under this Regulation not used by the political party for whom it is reserved lapses".

Aside.

Dr. R. C. HAYNES: I am just showing the wickedness of it. In other words, if we are allocated 45 minutes under these Regulations and we do not use it, it lapses. There is no question of my transferring one minute to anybody else. I would have to be breaking the law, Sir, and this is what we are invited to do in Barbados in this day and age by a senior spokesman for the Democratic Labour Party in the Press week after week. That is the kind of wickedness which I think is very very dangerous and I am very glad for this opportunity.

Hon. M. A. KING: Mr. Deputy Speaker, the Honourable Member, I believe, is misleading the House, maybe not deliberately. If the Honourable Member would just go back a few paragraphs earlier, it says that a particular party may nominate any person or persons to use broadcasting time allocated to it under this Regulation so' the Honourable Member read the Regulation in relation to broadcasting time not being used lapses so that if the Honourable Member has broadcasting time available which he does not want to use, surely he can allocate it to whomsoever he wishes.

Dr. R. C. HAYNES: That is not my legal advice, Sir. My legal advice is that I would be in breach of the law and that legal advice has proved to be very correct in the past and I notice the fines are very heavy - \$5 000. I also believe, Sir, that if the offence is committed by anyone during an election period, it might constitute a basis for his losing his seat so I would be very cautious. I would go along with the advice which I have received from my lawyers in this matter.

The point I am making, Sir, there is no question of time being allocatable, if I may use that, that I can allocate time to anybody else but that is trying to evade a fundamental principle and the fundamental principle is this that I support and that the National Democratic Party supports that when it comes to the Election time you can forget the composition of a previous Parliament and an equal amount of time should be allocated to all the candidates in an election. That means that all the parties running a full slate of candidates would have equal time. What is the problem? What are you hiding from? We have no difficulty.

Further than that, I think in this modern age the Prime Minister should be prepared to have a televised debate with the other party leaders in Barbados at election time for better information of the public as to what has taken place and what the future plans of the previous Government, would be and we would have the opportunity to indicate to the country what our plans are for the country. I am quite sure the Prime Minister would not want to run from that opportunity.

The point I am making is we must not try to evade this issue. If we are going to stick to the political party concept then I think that the Regulations should simply read "all political parties fielding enough candidates to form a government that they should have equal time" and provision should be made for those parties not running enough candidates to form a government. If we are going to stick to the political party concept.

Aside.

Dr. R. C. HAYNES: That is not the point if you are going to stick to the political party concept. These are new political parties, Sir because the Honourable Member for St. Michael South instead of giving consideration to what is right and what is wrong, what is good for Barbados and what is bad for Barbados, he wishes to assign a higher priority to who introduced it. Are you suggesting that they should be published for a while because of that?

Aside.

Dr. R. C. HAYNES: I did not say so. I am asking if he feels so. I have made my point, Sir. The point I have made, Sir, is that if we wish to stick to the party concept in the legislation then I think these Regulations should be reworded to say that all political parties running enough candidates to form a government that they should have equal time and those running fewer candidates that can form a government some kind of ratio arrangement should be made in respect of those parties.

If we are going to stick to the concept of candidates, in other words, if we are going to transfer the concept which

applies' to advertising time to broadcasting time, then an equal amount of time to each candidate which would be about two minutes roughly at the moment and this would also sort that problem out so that there would be equality all around.

Now, Sir, it is interesting and this is why I feel it is so important never ever to stray from constitutional considerations because I really believe that the people who fashion these instruments would have had the benefit of hundreds and hundreds of years of experience and there is a reason why our elections are so organised in our Westminster system that we do not have general elections as such. We have 24 elections on one day.

There is a reason why the whole thing about our Constitution and the Representation of the People's Act that thing is routed in the experience of centuries. Make no mistake about that so that whereas we think that we can from time to time in our limited thoughts make changes here and there we have to remember that we should always look and try to find out what was the thinking behind the various provisions within our Constitution.

I believe, Sir, that we should forget what has gone in the past. There is no point saying the Barbados Labour Party introduced the Regulations and there is no point the Barbados Labour Party saying the Democratic Labour Party introduced them. The point is what is before us is wrong. That is my position. It is wrong. I thought it was wrong when I was sitting over there in 1981 and I think it is wrong now. The principle, Sir, remains the same.

I challenge any person to get up on the Floor of the House and fault the principle and the principle is that if we are going to retain the defective principle in the Constitution and attaching the privileges to parties then, as I say, equal time is what is enshrined in the Constitution, if we are going to reach higher levels of thinking in relation to our Constitution, let us repatriate that right to the candidates and let us allocate a specific time for candidates in an election and give them the right to allocate their time to one or more of their members and allow the Broadcasting Authorities and the various parties to sort it out in an appropriate manner after that.

I think, Sir, that both from a constitutional point of view we have been able to address the matter and a matter of fair play on a matter of equity.

Now, Sir, the emergence of the National Democratic Party has brought to light a lot of things in this country because so long as those Regulations remain as they are, it would be very difficult for any new political party unless they could run 12 candidates at one stage, or 10 candidates in another case, even to have access to broadcasting time but the emergency of a new, strong, vibrant National Democratic Party with the capacity to run a full slate of

candidates has changed the whole thing dramatically and overnight, has highlighted many of these deficiencies. We are pledged to fight for what is right. 6.00 p.m.

Whilst I am prepared to say that the thinking behind these Regulations has been flawed, the time has come now to correct the flaws in the Regulations. All that has happened - the National Democratic Party has not created any problems by its existence is that the existence of the National Democratic Party has brought into sharp focus and into sharp relief the problem, as it stands, with the Regulations.

What fair-minded man in Barbados could really believe that if 3 political parties are running 28 candidates each for an election that one party should have 60 minutes, another 45 minutes and another 15 minutes. I am not in that kind of conduct because it is wrong. It is as simple as that. Because in the long-run, the people who are being cheated are the people who support those political parties out there and who wish to hear what they have to say. So, as a good democrat, and someone who believes in the right of the people to hear those who they wish to support at election time, I am saying that the Regulations should be changed.

I want to emphasize again and again, Sir, that we have had nothing to do with these Regulations or any laws in Barbados. We have never had anything to do with them. So that when the chief spokesman for the Democratic Labour Party on these matters, week after week, tries to suggest that the National Democratic Party in some way stole something from somebody - they were the words used - that we stole rights from people. Sir, we enjoy no rights in Barbados which were....

Mr. D. J. H. THOMPSON: On a point of order, Sir. The Honourable Member for St. Michael South Central is misleading the House. An amendment to certain laws, particularly the Constitution and the Representation of the People Act was recently passed which empowered the Boundaries Commission to make these Regulations.

An Honourable Member from that party sat on the Select Committee both as Chairman of Committees on this side and then as a member of that party and they supported fully those amendments, to the best of my recollection.

Mr. R. P. B YER: If I may put the record straight, Sir. I believe the Honourable Member is referring to me.

Mr. DEPUTY SPEAKER: Is this a point of order or are you making a speech?

Mr. R. P. BYER: Sir, I am rising on a point of privilege. The information that was just given by the Honourable Member for St. John is incorrect, to a point. I sat as the Chairman of that Committee which he has

referred to and then when there were certain rearrangements in this House, at no time when the Committee met, did I sit on that Committee. It was only on one occasion that the Committee sat that I sat on the Committee. What he is saying is otherwise irrelevant because it has nothing to do with the Regulations.

Mr. DEPUTY SPEAKER: In view of . the interruptions, the Honourable Member has a further 8 minutes.

Dr. R. C. HAYNES: Mr. Deputy Speaker, the Honourable Member for St. John has run the very grave risk of attempting to mislead this Honourable House, Sir. As it has emerged now, Sir, the Honourable Member for St. George South sat on no Committee that dealt with these Regulations under discussion here now.

Mr. D. J. H. THOMPSON: On a point of order, Sir. The Honourable Member is misleading the House now by adding to the earlier misleading of the House. The Honourable Member for St. George South was, and is on record, as a member of that Committee. The record of this House will show that the National Democratic Party, the Opposition, supported the amendments which were brought to this House, consequent on the meeting of the Select Committee, of which he was a member. That is what he said the first time. So they have had some say in the present law.

Dr. R. C. HAYNES: If I may continue, Sir. The National Democratic Party has not passed any laws in Barbados, has not been party, in any way, to the making of these Regulations - let us get this clear - since it had no representation whatsoever on the Electoral and Boundaries Commission at the time when these Regulations were made.

Aside.

Dr. R. C. HAYNES: Never mind. I, Sir, believe that the arguments I have put forward, on grounds of proper interpretation of the Constitution, on grounds of equity, on grounds of fairness, those arguments cannot be challenged on the Floor of this House. They also cannot be challenged on the grounds of integrity or on the grounds of morality, or on the grounds of accountability to the electorate of Barbados. On all possible grounds that I can think about. I believe we have an obligation today to do something about these Regulations and to change them. Do you think I want to get an advantage on any political party because they have 15 minutes and we have 45 minutes?

Aside.

Dr. R. C. HAYNES: What would I want that for? It is true that if you were given all 10 hours, it would not make much difference, in the long-run. But the point I am trying

to make is that we have to be fair. These regulations must be grounded in equity. Whatever words we come up with, I think they must be words that we can deal with, no matter what might arise.

It would seem to me that the appropriate formula, the best formula would relate to attaching the privilege of time to the number of candidates. But failing that, as I said, their all political parties running enough candidates to form a government should have equal time. Those not forming enough, come up with some formula in terms of allocation of time to those.

I believe, Sir, that there is no reasonable person in this country who could flaw those arguments. I believe that it would be a matter of the greatest perversion for anyone who is usually seized of the constitutional situation, who is fully seized of the law relating to the allocation of broadcasting time to be making the foulest suggestion in the media to suggest that Honourable Members in here would be seeking to steal something from other members inside here. It is a very evil thing, Sir, to do.

Asides.

Mr. DEPUTY SPEAKER: Order, order.

Dr. R. C. HAYNES: I believe, Sir, that I covered

Mr. DEPUTY SPEAKER: Order, please. The Honourable Member has 2 minutes.

Dr. R. C. HAYNES: ... Most of the points involved here, except for another thing. I see daily - these Regulations only cover the election period, as defined in these laws - but every week there is abuse of broadcasting time in Barbados, particularly on television.

In the United States, if the Chief Executive or any member of the Cabinet is going on television to make a statement, provision is made for the minority party to respond to that immediately.

Almost every night you see various persons on the television screen in Barbados making all kinds of statements, usually irrelevant. There are spokesmen on this side in these matters and they are never given an opportunity to respond.

The democratic system, Sir, works in some countries because they respect the basic assumption. You can be quite sure that if the President of the United States is making a broadcast tonight that there is a spokesman from the other side who is given, at least the opportunity, for an immediate response, and then a debate takes place afterwards. This is thought desirable in the media. Does anyone ever see a response from any member of the Opposition when the

Prime Minister goes and wastes people's time, on television? Have you ever seen that, Sir? I have never seen that, Sir.

Remember, when you are making....

Mr. DEPUTY SPEAKER: Your time is limited.
6.10p.m.

Dr. R. C. HAYNES: When you are making rules, make sure that you make those rules so that they will be fair to you when you are in Government and equally fair to you when you are in Opposition.

Mr. DEPUTY SPEAKER: The Honourable Member's time is exhausted.

Dr. R. C. HAYNES: Thank you very much, Mr. Deputy Speaker. I believe that our position has been made very, very clear and I think it is a principled one rooted in morality and constitutionality and respect for the people of Barbados.

Mr. D. J. H. THOMPSON: Mr. Deputy Speaker, I have taken a particular interest in this legislation and the Regulations, but before we dispose of the matter some pretty important points have to be made.

It is almost incredulous, Sir, that anybody would say in this Chamber that they did not support the amendments to the Representation of the People's Act, the Constitution and all of the other consequential amendments that took place after the Select Committee had made their recommendations to Parliament. I was the only person who abstained on that Select Committee and I abstained particularly on this point of political broadcasts. I abstained because I do not feel, and did not feel then, that any Boundaries Commission has the right or the power, or should have the right or power, to restrict political broadcasts in Barbados, particularly when that Boundaries Commission is covered by an ouster clause, which means that if they do something in pursuance of the legislation, once they are acting within their jurisdiction, you cannot even question the matter in a court of law.

This point was raised. The Honourable Member for Christ Church West was a member of that Select Committee, and I can read from that debate if I have to, because I said on that occasion that the Boundaries Commission had been given broad powers, particularly in relation to political broadcasts, and that these powers cannot even be enquired into by courts of law in this country. Not a murmur from the Honourable Member for Christ Church West. If ever there was a time when members of the Barbados Labour Party needed leadership, it would be now, because when he lost the leadership of the Opposition, not a murmur from him. When he lost his pick on the Electoral and Boundaries Commission, not a murmur

in here or elsewhere from the Leader of the Opposition. Two Senators were removed from the Senate, not a murmur from his or from the members of the Barbados Labour Party. When they kicked you out of the office down here, not a murmur from you, nothing said to the members of the National Democratic Party. A few trite remarks were made.....

Mr. D. A. C. SIMMONS: On a point of order, Mr. Deputy Speaker. I will speak later and deal with all of that, but I just want to say, Sir, for two years now this branch of the Opposition has been asking for alternative accommodation.

Mr. DEPUTY SPEAKER: What is the Standing Order that you are complaining about?

Mr. D. A. C. SIMMONS: You allowed the Honourable Member for St. John to say that we were thrown out of a building over there and we did not make a murmur about it. It is in the Estimates in here twice.

Mr. DEPUTY SPEAKER: What is the Standing Order?

Mr. D. A. C. SIMMONS: We have asked in two succeeding Estimates for accommodation downstairs. I did not murmur, I hollered about that.

Mr. D. J. H. THOMPSON: The Government did not move the Barbados Labour Party from anywhere. If they were moved, it is for them to know who moved them. We took no steps to move them. The Government responded to the remarks they made in an Estimates debate, but there was not a murmur otherwise about any of these things. The only occasion when the Barbados Labour Party has said anything about the position in which it currently finds itself is now, and it is too little and too late.

The point is, Sir, that this idea of equality of exposure to political parties is a myth, and the Honourable Member for Christ Church West should know better. We do not only operate in this country on the basis of public broadcast stations. We have private broadcast stations. The Directors of those stations have their own interest to pursue. The shareholders of those private stations, to which I believe the Honourable Member for St. Thomas will attest, some of them are partisan persons who serve in public office and they have their own agenda, which is legitimate. We have private stations in this country as well, and the Honourable Member for Christ Church West would give you the impression....

Mr. D. A. C. SIMMONS: On a point of order, Sir. The only agenda that I as a shareholder of the Nation corporation would have is the profit motive, the rate of return.

Mr. D. J. H. THOMPSON: Sir, they have private agendas and those private agendas include the furtherance of the interests of certain political parties. Therefore, while it may appear under the rubric of this Boundaries Commission that everything is fair, these private broadcast stations will carry our broadcasts, but ten minutes after they carry the broadcasts they will bring on "In the Eddoes" and for two hours they will lambast you on that broadcast programme, run by a former Barbados Labour Party candidate, then the News will come on and they will lambast a particular political party, if not both of the other political parties, and they will find all kinds of other means outside of the rubric of political broadcast to further their own interests.

The point is that this idea of equality of exposure should be exposed for what it is. No Boundaries Commission, not even this Parliament, can make a private broadcast station project political views which they do not agree with. I am saying that it is a dangerous view the Honourable Member for Christ Church West has, because while he is saying equality, what he is really saying to this House is that people should be made to, carry views with which they might not necessarily agree, and I do not accept that point of view.

Hon. H. deB. FORDE: On a point of explanation, Sir. The Honourable Member, as usual, either has not got the capacity to understand what I said, or he is being deliberately wicked and vexatious and misrepresenting what is said.

I never said that any person should be made to carry political views that they do not agree with. That was not the contention. The contention is that there should be an equality of exposure. The Honourable Member should know that the licence under which radio stations operate in this country, as well as the provision in the CBC Act and the Broadcasting Act, asks for such equality of exposure and will require it.

Mr. D. J. H. THOMPSON: Now, Sir, as I have said, there is nobody who can advance the view that political parties must have equality of exposure, particularly on private broadcast media, without also advancing the view that that private medium must be forced to carry the views of persons with whom they might not agree.

The second thing is that he talks about a fair system so that persons who do not have money are heard. As I have said, if you restrict the number of advertisements that a political party can have during an election period, that does not mean there will be fairness. Each party might get 100 advertisements, but when those advertisements are finished, as I have said already, they will be bombarding you with "In the Eddoes" and they will be putting people to call on "Tell It Like It Is" and they will be carrying out all kinds of other sinister mechanisms by way of news broadcasts, *et*

cetera, to promote the view that they agree with, which in this case happens to be the view of the Barbados Labour Party. It is in his interest to make this point and to conceal from the public that any attempt to impose this equality would make the public think that things are fair, when in deed and in fact when you look carefully at the manner in which the programming of those radio stations is carried out, it will not be fair.

6.20 p.m.

He referred to England and the Committee on election broadcasting. I have looked at that too. That relates essentially to public owned stations. The BBC is a publicly owned station. Nobody in England would be foolish enough to demand that a privately owned station must carry the views of Mrs. Thatcher. This is a democracy in which we live and it is supposed to be a democracy in England. What they can demand is that in relation to stations that are owned by the Government and taxpayers that there must be "some equality of opportunity for all political parties. So that carries no weight at all, it is not even a reference from which to discuss the issue that we have before us.

Now, Sir, the point is a question of maturity. The legislation is there which empowers the Boundaries Commission *carte blanche* to make regulations restricting political broadcasts between the period of the issue of the writ and election day. No guidelines are set out for them. They are entitled to use any reasoning they wish, and therefore they have come to a determination that the Government should have a particular number of minutes' broadcast time and that other parties should have a number of minutes' broadcast time. Who composed this commission that made these decisions? A commission in which the majority of members were members of the Barbados Labour Party. Not one member was a member of the National Democratic Party, and that is the only good thing they can say in this debate, that they did not directly take advantage of the Barbados Labour Party. Their own members took advantage of them on this occasion, and their leader remained silent except to bring some nominees of the Barbados Labour Party then.

Hon. H. deB. FORDE: On a point of explanation, the Honourable Member as usual is saying that the members of the Commission were members of the Barbados Labour Party. I don't know whether Sir Keith Hunte is a member of the Democratic Labour Party still. I know that Mr. Asquith Phillips is still a member of the Democratic Labour Party, but it is not true that all the members on the Commission were members of the Barbados Labour Party. What he should correctly say in the House is that under the terms of the Constitution three members were nominated by the Barbados Labour Party and two by the Democratic Labour party; and the point is, Sir, does he want to say that in order to get equality and fairness you must have a partisan commission? It is the most puerile argument I have heard for a long time, Sir. In other words, because he is appointed

to a High Court Judge and the Prime Minister is going to appoint the Judge, then he expects that that is the only time that he will get fairness, and if it is going to be the type of argument that one must regret, it is that arguments in this country have got to that level. So the Prime Minister's judges will give DLP justice, the Leader of the Opposition's judges will give NDP justice and the leader of this party's judges will give BLP justice. Nobody else would get justice in the country. It is a fallacious and foolish argument.

Mr. D. J. H. THOMPSON: The Honourable Member has put up such a strong defence of that Boundaries Commission, he should not have difficulties with their judgment in relation to the Regulations. If he is now defending them and saying they are so great, why is he arguing about the Regulations that they made. He is wasting my time, he is wasting the time of the House and he is wasting the time of the people he is supposed to be leading. That is the kind of position that the Barbados Labour Party finds itself in today, and I didn't put them in that position. You appointed three people to a commission, you agreed with their report on the boundaries and said you had no problem with it; they were the greatest people on earth. A couple of weeks later they bring regulations for broadcasting and all of a sudden something is wrong with them, but he wants to say something is wrong with the Regulations but nothing is wrong with the people who made them. That is why the Barbados Labour Party needs leadership; it needs consistency, because if you pick a principle on these issues as I did in the Select Committee, and my colleagues did not agree with me. They had their own principles and they felt broadcasts should be regulated, but I took my position and I said that no Boundaries Commission and no other agency in Barbados had the right to regulate political broadcasts. That is my view and I said so then and I maintain that view. I abstained on that particular point. The Honourable Member for Christ Church West went along with the amendment. The Regulations are brought here and he wishes to annul the Regulations, and he has a few minions behind him who have no knowledge of election law or any other kind of law who are egging him on in talking the kind of rubbish that has been explained as a position on annulling the Regulations.

Sir, it is a waste of my time.

Mr. D. A. C. SIMMONS: On a point of order, I ask that the Honourable Member withdraw the language about minions, pointing at me and my friend from St. Peter.

Mr. D. J. H. THOMPSON: I withdraw the word "minion". Sir, the word "minion" means favourite, but since he does not want to be known as a favourite of the leader, I will say his enemies then have egged him on to take a position that he has taken. I said "minions" you know, and they objected to minions, so I withdrew it and replaced the word "minions" with the opposite of minions which is "enemies".

Now, Sir, as many points of order as I get in this, I want the points to sink home. If he picked this principle back in 1986 or 1981, we would not have this problem. He was not in the Cabinet then so he had no right to interfere in anything; in fact he was excluded from most things, but at least he could have stated his view to his colleague whom he said wrote memoranda. He did not have a principle then, he did not stick to a principle. We have a Select Committee, he did not enunciate that principle then, we went through the provisions very carefully, the Honourable Member for Christ Church....

Hon. H. deB. FORDE: On a point of order, the Honourable Member either was not at Select Committee or he displays his ignorance as usual. There was never before the Select Committee a consideration of the provision of allocation of broadcasting time. The Honourable Attorney General was on that Committee; the Honourable Member for St. George South, the Honourable Member for St. Thomas. Why must he mislead? The trouble with the Honourable Member is that he does not read.

Mr. D. J. H. THOMPSON: Sir, I want to refer to the proceedings of the Select Committee.

ASIDE: It is i; the current session so you can't read from it.

Mr. D. J. H. THOMPSON: I won't read from it, but I am going to make my position clear. It is a public document and he has challenged the truth of what I just said. He told me that that point that I made should not be purviewed. I have them here; I took up my copy. The Honourable Member for St. George South was present. He was Chairman for the first meeting I attended. The Honourable Member for Christ Church West Central was present. The Regulations were not before the Committee and I never said that. I said that the legislation that empowers the Boundaries Commission to make the regulations to allocate broadcast time between the issue of a writ and election was before the Committee. I said that it is wrong and this kind of legislation should not be brought. I said it should be repealed.

Mr. DEPUTY SPEAKER: Just pause for one moment. There is too much cross talk in the Chamber. If you could please keep the noise level down a bit, we would get on.

Mr. D. J. H. THOMPSON: Sir, I cannot believe that I would hear the Honourable Member for Christ Church West questioning my truth on this matter. The point is that the Honourable Member for St. Thomas was there, the Honourable Member for St. George South and we made the point and the point was not accepted by the Committee. I therefore said that that was my view point. The Honourable Deputy Prime Minister said he did not think it was an issue on which a minority should necessarily be taken and I agreed with him, so I did not adopt a minority position; I

abstained. That is well known. You had the Constitution of Barbados (Amendment) Act, 1989 which this House passed which says: "Any law providing for the election of Members in the House of Assembly shall in particular contain provisions permitting or restricting political broadcasts and the allocation of broadcasting time to political parties." And then the Representation of the People's Act was amended on the recommendation of the said Select Committee which the Honourable Member for Christ Church West was a member of, and which he did not speak to any of these issues except to dismiss my point at that time, because he was the Leader of the Opposition then; he had not been confronted by the quandary in which he now finds himself. He was not confronted by flagging support for the Barbados Labour Party; he was not confronted by opinion polls that said he was less popular than his party. Now he is confronted with all of these he forgets and accuses me of not telling the truth. 6.30 p.m.

Section 40(a) of the Representation of the People's Act is clear and we amended it to give the Boundaries Commission power to allocate and restrict political broadcasts and so on. All of that was gone through. We amended it. You did not delete anything.

Aside.

Mr. D. J. H. THOMPSON: I realise that but what I am saying is that it was re-affirmed. The Honourable Member for St. Peter would not understand what I mean by those kind of words but it was re-affirmed in this House and he unwittingly voted for it.

Now, Sir, the Boundaries Commission operates under an ouster clause. I spoke in this House during the time when the Report of the Boundaries Commission was laid in relation to boundaries. The Honourable Member for Christ Church West again got up and challenged me and said that the Courts could enquire into activities in the Boundaries Commission and I had to correct him again and point out that there was an ouster clause and that so long as the Boundaries Commission was acting within its jurisdiction as it is now, that these matters could not be questioned in a Court of Law.

I am saying that if he had a principle on all of these things why did he state that principle in Select Committee and stick to the principle. Instead of that, Mr. Deputy Speaker, we have a situation where at the last minute the Boundaries Commission, the majority of whose members were appointed by his party with his consent, I assume, made Regulations with which he does not now agree and he wants to blame the Democratic Labour Party.

The present position in which you find yourself is not of our making and the sooner that sticks in the heads of the members of the Labour Party the better. We did not create

the scenario in which you now find yourselves as the minority Opposition and if the 15 minutes cannot be filled by you you can gracefully give it to somebody else.

There is no need for any concept of equality all of a sudden, all the talk about British system under Margaret Thatcher. You forgot all of that before, not a word about that in 1986, not a word about that in 1984, not a word about that in Select Committee, not a word about that until today. All of a sudden the file appears. All the information that was at his finger tips suddenly appear in here and he opens the file and goes back to 1970 somewhere when I was a boy in school and starts to quote all about political broadcasting like a new convert to some religion. That is the problem that I have.

As far as I am concerned, I will not accuse any member in here of hypocrisy but I am saying that a position like that borders on a betrayal of the Members of the Barbados Labour Party. It borders on a betrayal..

Hon. H. deB. FORDE: Sir, I am going to take objection to the implication. An Honourable Member cannot hide behind sophistry. He cannot, having heard a speech and characterised my speech in a particular way then says it borders on a betrayal of the Labour Party and that I am dishonest to the members who constitute the party. If he wants me to be as nasty as he is, then I would suggest that he continues in this strain. If he wants the debate to be conducted on a high that he does not seem to recognise, he would stop being offensive.

Mr. DEPUTY SPEAKER: Let me say that really I do not want the debate to become nasty. The Honourable Member has five minutes in which to conclude and he should try to conclude his remarks without really getting into too much controversy.

Mr. D. J. H. THOMPSON: Sir, I abide by your ruling. I did not bring the controversy into this debate. I did not move any Resolution in here to annul any Regulations and if people cannot take the heat of leadership they must get out of the kitchen. That is my position.

My position on this matter, Sir, is that every time I have had to challenge the Honourable Member for Christ Church West on these things the same scenario that we see now is what occurs. Every time he is challenged on them and I do not think that it would be a fair assessment of him to say that in matters like this he has been altogether consistent. His position has not been consistent and that is why I am saying that the average member of the Labour Party needs a spokes-person at this time. They need somebody to sit down and tell them where their future lies. It does not lie in defending foolishness. It does not lie in attacking people via asides or characterising them as you wish. It lies in looking at your leadership and stating your position. •

If you have difficulty or any member had difficulty, they could have raised that difficulty in Select Committee. I raised my difficulty on the full understanding that if my leadership disagreed with me he would have said so and if my members disagreed and they said so and I said therefore I would abstain.

^ *Aside.*

Mr. DEPUTY SPEAKER: Order, please.

Mr. D. J. H. THOMPSON: You had no difficulty with it. You voted on it without even reading it and now on this occasion you want to support the kind of criticism that the Honourable Member for Christ Church West feels he can get away with inside here.

I am saying, Sir, that as it stands, some of those provisions, in my view, are unconstitutional. It is a deprivation of property, the earning of advertising fees to force a private radio station to carry a political broadcast not for reward. That is the first point.

The second point it is denial of free speech. The Honourable Member for St. Thomas, a shareholder of a private company which has interest in a broadcast station, would be perfectly entitled tomorrow to say I do not want to carry the views of the Democratic Labour Party. Let me carry Elombe's. He can say that if he wishes to because this is a democracy.

Mr. DEPUTY PRESIDENT: Order, please. Order.

Mr. D. J. H. THOMPSON: On issues like this, Sir., we have to stand for principle. There are certain people who sometimes have difficulty with that. The back page of the "Sunday Sun" demonstrated to me more than ever that some people have difficulty with principles from time to time. They breach economic enfranchisement outside but when they go into the hallowed halls of the large companies in Barbados they adopt a difference stance. Their action on the platform is to challenge young black entrepreneurs, academics and others. They are defending vested interest and now today the interest that were once vested have been slightly adjusted.

The Honourable Member for Christ Church West finds difficulty because his vested interests were shifted '--' slightly and now he want to come in here and annul everything. Well, move a resolution that the Mutual should shut down and your vested interests there can also come to a conclusion with least difficulty. You will not be in conflict with the persons who want true democracy for black investors. You will not be defending positions of other persons. Move a resolution to shut down the Mutual.

I cannot take it anymore. I think that I am up to my limit on things like this with the Barbados Labour Party.

Take a principle and stick to it but do not come into this Chamber under this administration. We do not have the intellectual power to answer you and if we have to say harsh things about you, nobody says them because they dislike you personally. But we dislike the position you are taking and I cannot separate the man from his views. That is me. If you can separate yourself from your views that is your business. If you can separate your profession from the practice of politics that is you but as far as I am concerned a man is a man and he has his views on all issues and those views must be consistent so this is the reason why I intervened at this time, Sir. This is why I was strident in the intervention and if I offended the Chair in any way by the controversy I apologise but I do not think I offended the average Barbados Labour Party supporter. I do not think I offended them because on one occasion their voice has been heard. I am sorry that I had to do it myself.

I did not offend the average supporter of the Democratic Labour Party who knows that we will challenge the Barbados Labour Party on these issues. I am not offending the members of the National Democratic Party. The Constitution is in their favour on all of these things. If one thing is in the favour of the National Democratic Party it is the Constitution of Barbados and as a result of that, Sir, I cannot quarrel with them but I will not support this particular Resolution and I hope never to see another resolution like this from the Barbados Labour Party.

I urge the Honourable Member to withdraw it now and save his two colleagues from embarrassment. Withdraw it now. Do not carry the House to the limit on this issue. Withdraw the Resolution now. I am only warning you for the sake of your own supporters for the sake of the opinion polls and for the sake of Barbados as a whole.

Thank you, Mr. Speaker.
6.40 p.m.

Mr. DEPUTY SPEAKER: The Honourable Member for St. Thomas.

Mr. D. A. C. SIMMONS: Mr. Deputy Speaker Sir....

Asides.

Mr. DEPUTY SPEAKER: Order, please.

Mr. D. A. C. SIMMONS:... I understand

Mr. DEPUTY SPEAKER: The Honourable Member for St. Thomas.

Mr. D. A. C. SIMMONS: Do we have some order? The response to the call by the Honourable Member for St. John to withdraw the Resolution, the response from two senior members of the Government, senior members in

Cabinet indicate that the Democratic Labour Party's position on this Resolution is that they are satisfied with the Regulations as published.

I have the message. I want to see them resiling from that position when it is put to the vote. I want to see them change from that position when it is put to the vote. They are happy, they are impliedly in support of the call by the Member for St. John which says, in effect, that he sees nothing wrong with one party fielding 28 candidates being given 15 minutes.

Mr. D. J. H. THOMPSON: On a point of order, Sir.

Mr. D. A. C. SIMMONS: That is what he was submitting.

Mr. D. J. H. THOMPSON: I never said.....

Mr. D. A. C. SIMMONS: That is how I read you.

Mr. DEPUTY SPEAKER: There are two Honourable Members....

Asides.

Mr. DEPUTY SPEAKER: The Honourable Member is on a point of order.

Mr. D. J. H. THOMPSON: Sir, I did not take that position. I said I am unalterably against the Electoral and Boundaries Commission regulating broadcasts. My colleagues took a different position and I am therefore supporting - if we have brought this, I support it. But I am not supporting it when it is brought by the Barbados Labour Party. You can put it in any fashion you want.

Mr. DEPUTY SPEAKER: The Honourable Member may continue.

Mr. D. A. C. SIMMONS: That is the principle. The^x principle is that nothing good can be brought by the Barbados Labour Party.

Let us look at the history of this now, since he is talking about consistency: "We dislike the positions you are taking" he said.

Let us see, Mr. Deputy Speaker, what is the position taken by the Democratic Labour Party, over time. August 21, 1976, the Democratic Labour Party said this, Sir: There should be two television broadcasts of 15 minutes duration and a third and final TV programme of 30 minutes duration. That 30 minutes extra should be for the political party which commanded the majority on the dissolution of Parliament. That was 1976.

In 1986, on March 17, ten years later - the first one I read came when they were the Government. Elections were in September.

Mr. DEPUTY SPEAKER: You said the first one you read. Is this a document you are reading from?

Mr. D. A. C. SIMMONS: They are my notes, Sir. You ; can make my notes a document of the House, Sir.

Mr. DEPUTY SPEAKER: I just want to be sure.

Mr. D. A. C. SIMMONS: They are my notes, Sir. When they are in opposition now - talk about consistency - on March 17, 1986....

Aside.

Mr. D. A. C. SIMMONS: - The same DLP -.... this is > what they wrote to the EEC, the Electoral and Boundaries Commission. They said: Equal time should be allocated to all political parties which nominate members for election.

Aside.

Mr. D. A. C. SIMMONS: Equal time

Aside.

Mr. D. A. C. SIMMONS: - Are you doing my speech, or what? When you are ready, make your speech - should be allocated to all political parties which nominate members for election. Hear this, Sir.

Asides.

Mr. DEPUTY SPEAKER: Order, please.

Mr. D. A. C. SIMMONS: There should be no advantage to a party which commanded a majority in the dissolved Parliament. What they said 10 years before was that the party which commands the majority should have the final 30 minutes. This was in August 1976.

They went on to say, in the same correspondence, signed by Peter Morgan, as Public Relations Officer, that the party which commanded a majority of membership of the House of Assembly prior to dissolution, hear this, should have the option of taking the first or the last election broadcast. But only one. This is what all of them said through Morgan, have one. They should have only one and it should be either the first or the last. You decide whether you want to come first or come last.

All I am concerned in, at this stage, is that the position of the Democratic Labour Party on this question of broadcasting time has changed to accommodate itself whether it was in government or in opposition.

My position....

Asides.

Mr. D. A. C. SIMMONS: That was the party's, that was the Democratic Labour Party's position, represented through Peter Morgan who will soon be back in Barbados, as campaign manager, in exchange for Tudor to Canada. Morgan is coming back. Tudor has to find some use for the 11 suits that he bought expecting to go up to Government House.

Mr. DEPUTY SPEAKER: Please be careful in the use of names.

Aside.

Mr. D. A. C. SIMMONS: I read it. Twice. I like it. Mr. Deputy Speaker, Sir,....

Asides.

Mr. DEPUTY SPEAKER: Order, please.

Mr. D. A. C. SIMMONS: they have been asking for position. My position is very simple, Sir. We are here dealing with a question of fairness. Does fairness admit of all three parties having equal time or not? Or does fairness connote that one party should have more time than the others? That is all that we have to decide. If we wish to be fair then we will accept that all the parties should have an equal amount of time.

I will agree to a rider which says that the party which commanded the majority in the dissolved Parliament should have the right to chose - in fact, go further - should have the last word. I have no quarrel with that. I say that all the parties should have equal time but the party which commanded the majority upon dissolution should have the final word. There is nothing wrong with that.

Asides.

Mr. D. A. C. SIMMONS: What I said in 1986? The representations were made to the EEC and the EEC made regulations which, as far as I know, were not found to be offensive. All we are quarrelling about is the allocation of time.

Asides.

Mr. D. A. C. SIMMONS: What Democratic Labour Party?

Mr. DEPUTY SPEAKER: Order. Order, please.

Mr. D. A. C. SIMMONS: Mr. Deputy Speaker, let us get it straight The only issue before us today in this Resolution is whether the 3 parties should have equal time.

Aside.

Mr. D. A. C. SIMMONS: Who changed what? I changed what? I never brought a Bill in here as Attorney-General and changed anything. 6.50 p.m.

Mr. DEPUTY SPEAKER: Just one moment Again we are having too much noise in the Chamber. Before the Honourable Member for St. Thomas continues, I would just like to have a little more order in the Chamber, please. You may continue.

Mr. D. A. C. SIMMONS: Mr. Deputy Speaker, as I understand it, in 1986 the position was the same as in 1971, 1976 and 1981. One party had 60 minutes, the Government party, the other party had 45 minutes. That is as I understand it from 1971 to 1986. What we are saying now is that there should be parity among the parties now that we are three parties running 28 candidates each, and we should in fact find ourselves supporting the representation made by Mr. Morgan on behalf of the Democratic Labour Party on 17th March, 1986. Because the Democratic Labour Party moved from a position of unequal time in 1971 and 1976 to a position in 1986 of calling for equal time.

Rules used to be made then by a Minister. I do not think there is any disagreement with the historical position that started in 1971 on unequal time. Mr. Barrow introduced the 45 minutes in 1971 and that went right through to 1986. Now we are saying that what has been put out is grossly unfair, grossly unequal in the division of time and that the fairest thing is to give everybody the same time, subject to the "Government" having the right to answer last.

Now, Sir, I said from my place that I had a little sympathy with the point that was made by the Honourable Member for St. John, not a point of any substance. I shall speak to the content of a broadcasting licence held by the stations and issued by the Ministry of Information and the independent Broadcasting Authority. Subject to what is contained in there we have to be careful in terms of the constitutional provision that an Authority can give directions to an individual as to how that individual's property is to be used.

That is the essence of what the Honourable Member for St. John is saying, that we have to be sure, and indeed this is an area that calls for a rethink of these Regulations to determine whether they may not be unconstitutional. How could the Boundaries Commission direct, not CBC, because that is a governmental organisation, but how can the Boundaries Commission give directions to Rediffusion to

tell them that they must give up time and some of their air space, as it were, to somebody for free? The station would have a right in the property that is constituted in the distribution of the information through the air waves, apart from any advertisement, and so on.

Can you direct a man to give up his property? The EEC cannot give me directions on how I must use my television set. I believe that they cannot give a private broadcast authority directions as to how they must use their property, and it is an area we have to look at. Look at how the regulations are worded. The Member for St. John has always been consistent on that when we were in Select Committee. I think that this is an area that we need to look at, and if only for that reason these Regulations ought not to be passed in the present form, because it could well amount, not to confiscation, I want the type of act that is less than confiscation, a requisition of property that may offend that clause of the Constitution that protects the individual from deprivation of property. 7.00 p.m.

I make that point very, very seriously. Now, Sir, in the allocation of broadcasting time, we say that fairness and an equitable distribution of time should prevail. Government during its tenure and before dissolution has a number of options and a number of ways of getting across its message, enhancing its image and so on. We saw on Sunday night the most disgraceful, episode on a public broadcasting station in any part of the world on a programme called "Talking Point" put out by CBC. It was the most wicked and disgraceful piece of broadcasting because the host showed no sympathy whatever. He brought the poor gentleman from down in Swan Street and said to him "Now, let me hear about City politics." He steered the conversation deliberately into the area of partisan politics and got the interviewee to express an opinion about the characters and success and the suitability of Senator Comissiong and his chances of winning a seat and all that. The "dog" man was the interviewer.

Mr. DEPUTY SPEAKER: Please, do not let us get into name calling.

Mr. D. A. C. SIMMONS: I was showing how broadcasting time can be misused. It was a naked usurpation of broadcasting time and I found it offensive. I do not exempt CBC from that. CBC had the power to editorialise that before it came out. If they were not party and co-conspirators in an attempt to use

Mr. DEPUTY SPEAKER: But to say that CBC were conspirators would be to cast some aspersions on the public officers involved, and I don't want us to get into name calling.

Mr. D. A. C. SIMMONS: Do you want me to withdraw "conspirators"?

Mr. DEPUTY SPEAKER: Frame it in more sober language.

Mr. D. A. C. SIMMONS: You want a phrase like "were in league" or "they were riding in tandem" with the dog gentleman?

Mr. DEPUTY SPEAKER: What I am saying is that if you want to do that, you know that the Rules provide for reference to public officers.

Mr. D. A. C. SIMMONS: I am not referring to public officers. I am submitting that the Corporation has a duty under the terms of the licence not to broadcast matter which is openly partisan, and in my submission, that matter having come out in an unedited version as it did, showed very poor judgment on behalf of CBC. All I can say, Sir, is that the Honourable Member for St. John told me today downstairs when I came that he is very pleased or words to that effect about what happened last night. He told everybody.

Mr. D. J. H. THOMPSON: On a point of order, the Honourable Member for St. Thomas is misleading the House. I had absolutely no conversation with him about anything that took place last night or any time in the past. I do not have to say anything for anybody's benefit except mine. I had no discussion and the Honourable Member for St. Thomas I know wishes to rephrase it or totally withdraw it in all decency, and as a man you must do that.

Mr. D. A. C. SIMMONS: He saw me by the bar, and when I asked what had happened last night, you should see how his face lit up in glee. I said "I heard Comissiong get lick up last night" and all he said was "Well you know these things happen", and he smiled that his rival who had been promoted on television Sunday night by the "dog" man

Mr. D. J. H. THOMPSON: Mr. Deputy Speaker, the Honourable Member for St. Thomas is misleading the House. I had no conversation with him on that subject at all. I was in the conversation of another young man, I came to the bar, and no such conversation took place, and you must withdraw it because it is untrue. I had no such conversation, and the Honourable Member must withdraw it, Sir. I don't let these things bother me, but the Honourable Member for St. Thomas knows what his agenda is, just as the Honourable Member for the City knows what his agenda is.

Mr. O. S. ARTHUR: Mr. Deputy Speaker, on a point of order, I happen to have been in the vicinity when this took place, and I can confirm that everything that the Honourable Member for St. Thomas said is absolutely true.

Mr. DEPUTY SPEAKER: Just let me inform the Honourable Member for St. Thomas that his time is running out very quickly. Even if we include injury time, you only have four minutes.

Mr. D. A. C. SIMMONS: Mr. Deputy Speaker, I just want to wind up on this. I feel most strongly that it was a gross misuse of television time to telecast "Talking Point" in that form on Sunday night, and I really call on the Prime Minister to intervene as Minister of Information, because I believe that his sense of fairness would be offended if he did not see when he sees the programme. It was a naked abuse.

Asides.

Mr. D. A. C. SIMMONS: I won't deal with him until he interferes with me at a certain level.

Getting back to the Resolution before the House, Sir, we are submitting in all sincerity that the parties have tinkered with this matter from 1971. We have been trying to establish a practice; I think the overwhelming sentiments of Members, indeed the overwhelming sentiments in terms of public opinion is that there should be a fair distribution of time, that is, in equal proportion, subject to the Government having the last word, and I think no one can quarrel with that where everybody has the same amount of time and the Government has the last word. I also invite the Honourable Attorney General to look at those provisions which call upon the private broadcasting station to carry political broadcasts, and to determine after having consulted the licence, because I say it must be subject to the terms of the licence, I know that the licences will provide, for example, that they must carry CIS broadcasts and so on and if this is in the same nature as that, then perhaps it will pass; but as it stands, and in the absence of checking the terms of the broadcast licence, it is an area that perhaps we should look at and satisfy ourselves that it is not unconstitutional in terms of a deprivation of property on the part of the privately owned station. 7.10p.m.

SUSPENSION OF SITTING

Hon. P. M. GREAVES: Mr. Deputy Speaker, I am moving that this Sitting be suspended until 8:00 p.m. this evening.

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

The question that the Sitting be suspended until 8:00 p.m. was put and resolved in the affirmative without division and Mr. DEPUTY SPEAKER suspended the Sitting accordingly. 7.15p.m.

RESUMPTION

Mr. DEPUTY SPEAKER: This Sitting is resumed. The Honourable Member for St. Peter.

Mr. O. S. ARTHUR: Mr. Deputy Speaker, I believe that this will be the first occasion on which the House will have the opportunity to have an open and free debate on the exact regulations governing the allocation of broadcast time for the purposes of elections. This particular matter, Sir, is likely to be contentious despite the history of the fact that although some inequality in the allocation of broadcast time has been part of our history; the fact that time has been unequally distributed in the past has not stopped the parties enjoying the majority of the air time, from losing an election.

But it is likely to be contentious if only because it is inclined to be judged in part as a struggle over the turf and it is likely to be contentious if only because certain things have to be sanctioned not so much by principle but by long usage and in a sense one hopes that the Government on this occasion would be guided more by the principle of the particular matter than by the fact of long usage.

The case that has been very eloquently put from this side has been that despite what might have obtained in the past, a very strong and very compelling case exist for broadcast time in Barbados to be allocated upon the basis of parity recognising that in the context of elections in Barbados that all candidates are equal and have therefore an equal right to be able to put a case to promote their cause in the same vigour as any other candidate. That is, as I understand it, the substance of the case that has been put by the Honourable Member for Christ Church West and which informs the entire argument of the Barbados Labour Party.

It is the burden of the argument that has been put by the Leader of the Opposition and, indeed, Sir, it is the burden of the argument that was put by the Democratic Labour Party as I understand it, in 1986 when they too saw very clearly that in matters of this sort parity rather than the sanction of long usage should be the guiding principle that determines how we proceed in this particular matter. I therefore rise to support the Resolution before the House and more particularly to also agree with the point of view that parties have in the past changed their positions on various points that have come to this House.

The Democratic Labour Party have taken positions on matters in the past which are different from the position that they would take today and we on this side also reserve for ourselves the right to change our position. I am saying that in this particular case that what is unique about this particular case is that for the first time ever this entire House of Assembly will be having the opportunity not just to have these things laid without debate but to have these things debated as well and a unique opportunity, therefore, has arisen for this House to set a principle that can guide behaviour in this very sensitive matter for all elections to come.

I trust, Sir, that despite the heat of the debate that has been generated on all sides that eventually what will rise above the controversy is the principle that we are seeking to establish as the bench mark to be used at present and in the future on the matter of the allocation of broadcasting time during the process of an election.

For that reason, therefore, I must take the strongest objection to the position that was taken by the Honourable Member for St. John that equality of broadcast time is a myth. It was not a myth March 17, 1986 when that case was very urgently and very strongly pressed from the Barbados Labour Party as the basis of representation of the Democratic Labour Party.

I really must say, Mr. Deputy Speaker that having established a principle, it was very unfortunate that the Honourable Member for St. John did not remain silent in this debate and leave us to wonder why he did not speak rather than speak and leave us to wonder, as we have had to wonder, why he bothered to speak at all because we have heard some very curious arguments advanced by the Honourable Member for St. John in this debate which really must be answered if only in so far as they now form part of the record in this House of Assembly.

We have heard, Sir, the implication and the fallacy which would tell a political party that because you have appointed a Commission or because you have made a series of appointments, then you have to stand by the recommendation of those persons whom you have appointed because we would be led to believe that in so far as these Regulations which we are now questioning have been drafted and recommended by a BLP dominated Commission that we are duty bound to accept them as if merely because the Minister of Finance appoints a Central Bank Board he has a duty to agree to everything that the Central Bank....

Aside.

Mr. O. S. ARTHUR: I heard the Honourable Member' for St. John in respectful silence but it is a great fallacy, Sir, that suggests a very insanitary mind for this House to be bombarded with the point of view that because we have appointed a Commission and that the Commission has come up with a stated position that we are duty bound as if we are mindless creatures to accept those recommendations of the Commission without any criticism.

We are saying, Mr. Deputy Speaker, that we do not accept the proposals of the Boundaries and Electoral Commission in the same way that the Democratic Labour Party did not accept the Report of the Electoral and Boundaries Commission in relation to the...

Aside.

Mr. O. S. ARTHUR: And we accepted their right to touch it.

Mr. Deputy Speaker, my essential point in the matter is that it is a great fallacy for any Member of this House to say that to the extent that a party has appointed people to a Commission or a Board then that party itself is bound entirely by any recommendation that that Board proposes.

We have also heard in this debate, Sir, this House regaled with the debate about the leadership of the Barbados Labour Party because unfortunately the Honourable Member for St. John rather than deal with the substance of this Resolution used the opportunity and the occasion of this Resolution coming to the House to launch what I regard as a characteristically patriotic attack on the person of the Leader of the Barbados Labour Party.

He reserves, Mr. Deputy Speaker, for himself the right to tell the Barbados Labour Party how it must administer its own affairs but we have learnt and I, certainly, have learnt to be very careful of the advice that is gratuitously offered to us by the Honourable Member for St. John. In my own particular case, Sir, he is always advising me that I should discuss public finance without reference to numbers. I do not know by what special magic I would be able to discuss public finance without reference to numbers....

Mr. D. J. H. THOMPSON: On a point of order, Sir.

I have never advised the Honourable Member not to discuss public finance with reference to numbers. I have advised him not to discuss public finance period.

Mr. O. S. ARTHUR: ... and leave the field, Mr. Deputy Speaker, entirely to him so that he can portray his complete ignorance of public finance just as he has completely portrayed his ignorance of matters of leadership earlier this afternoon. 8.15p.m.

Mr. O. S. ARTHUR: But he reserves for himself, Sir, the unfortunate right to seek always to offer gratuitous advice to the Barbados Labour Party and to speak on behalf of its average supporters, as if he had the lineage that goes deep within the Barbados Labour Party.

I do not recognize the right of the Member for St. John, Sir, to speak on behalf of the average members of the Barbados Labour Party. He brings to public life the unfortunate attitude of being the hatchet man in the Democratic Labour Party. He is seeking, unfortunately, to malign the Leader of my party, Sir, by the use of techniques....

Mr. D. J. H. THOMPSON: On a point of order, Mr. Deputy Speaker. I do not believe that I should allow the Honourable Member to get that expression, "the hatchet

man" into the record. It is not only vitriolic but I consider it to be most unparliamentary, in the context of any debate. A hatchet man is a person who does the bidding of others who is a hypocrite, *et cetera*.

We know that there have been hatchet men before. But I would not permit him to describe an Honourable Member in that way. I believe it should be struck from the record.

Mr. O. S. ARTHUR: Mr. Deputy Speaker, Sir, he reserves for himself the right....

Mr. DEPUTY SPEAKER: The Honourable Member has risen on a point of order, in relation to the word.

Mr. O. S. ARTHUR: I would withdraw that, Sir, and substitute the following: that he reserves for himself the right to act as the minion in the Democratic Labour Party who believes that he must lead personalized onslaughts on members of the Barbados Labour Party, Sir.

Today, he repeated an argument that, in some respects casts the Honourable Member for St. John in the role of being a very poor advertisement for free secondary education in Barbados. That argument, Sir, an offensive argument, was that there was something that the Barbados Labour Party's administration could have done and should have done and that there was something special that the Leader of the Barbados Labour Party, Sir, should have done to have prevented the NDP from assuming the role of the Opposition Party in this country. It is a purile argument of a "Tudor" dimension which is in conflict with everything that the Constitution of Barbados provides for.

I want to say this, Sir, publicly that there was never any circumstance under which this Barbados Labour Party Administration was ever going to come to this House and beg for or bring any amendment to change any provision that stops any person commanding the support of the majority of members who do not support the Government from becoming the Leader of the Opposition. That provision, Sir, in our view serves as a sensible basis upon which Opposition Leaders, generally speaking, throughout the history of Barbados now and into the future can be used. We feel that Constitutions should not be changed for light, transient and frivolous reasons. And if a rule in the Constitution can serve and stand the test of time, let us use it.

What we might want to concern ourselves with in the constitutional adjustments, Sir, is how we are going to choose a Prime Minister or Leader of the Opposition in the circumstance that you have a tie, or something of that character, where the Constitution right now does not provide any serious guidance.

But we feel that the Constitution, as it presently stands, has served as the basis upon which the Leaders of the Opposition have been chosen in the past. We have a particular situation now, Sir, that is unusual. We feel that, generally speaking, that provision will serve as a sensible basis upon which the Leader of the Opposition would be chosen in the future, and to fiddle with it is frivolous and vexacious, Sir, and characteristic of the political attitudes of the Honourable Member for St. John, and we reject it, Sir.

Aside.

Mr. D. J. H. THOMPSON: On a point of order, Sir. I never suggested that the Constitution should be tampered with or fiddled with. I never said that

My own view, if I can have two seconds to elucidate it is that, just as you have a vote of no confidence in the Prime Minister, such a resolution can be moved, that a resolution should have been moved of no confidence, in the Leader of the Opposition. I am persuaded by the views of Mr. Lennie St. Hill. Somebody should have moved the motion and if it were defeated, he is still the Opposition Leader.

Mr. O. S. ARTHUR: Mr. Speaker, he is the only lawyer in Barbados that will see Lennie St. Hill as a legal authority, Sir.

Let me say what is our position very clearly, that I personally would have voted against any attempt to just change the Constitution for the sake of political expedience because I think that that rule is a proper rule. Let us deal with those areas in which the Constitution is silent

But let us never appear as if we want to change the Constitution for the sake of just temporary expedience, or worse of all, Sir, for the sake of animosity. Because there would have been the impression abroad that would have undermined the workings of our political system to the effect that the Democratic Labour Party itself was conspirator to a change in the Constitution only because they hated the NDP breaking away from them. That, Sir, is simply no way on which we should order the affairs of this country and introduce stability in our political affairs, on a long-term basis.

I am disappointed, Mr. Deputy Speaker, that the Honourable Member for St. John does not see the emptiness in the argument that is being constantly put by a former Minister of the Democratic Labour Party Cabinet for the sole purpose - as he knows - for creating mischief within the ranks of the Barbados Labour Party.

Mr. Deputy Speaker, Sir, I also want to say this. Sir....

Aside.

Mr. O. S. ARTHUR: I am going to come to that - that on May 29, 1986 when the three of us regrouped after that defeat, we made....

Aside.

Mr. O. S. ARTHUR: As you wish. We understood then, Sir, that we had to serve and we pledged that we were going to serve, no matter what burden we had to carry. We were going to be faithful to the people who had voted for us, and our party, that we were going to be regular in our attendance in this House, we were going to "participate without rancour or fear in this House and that matters, such as titles, who is the Leader and who is not the Leader does not matter now because we still know that we enjoy the esteem of the people of this country and that we have been a good, true and faithful Opposition, Sir.

I also want to say this, Sir. I also want to enter this for the record of this House, to say that the Barbados Labour Party also resisted the very sordid and very rancid overture that was put to it, that we should have allowed two backbenchers from the Democratic Labour Party to say that they were supporting us temporarily for the purpose of depriving the NDP.

Aside.

Mr. O. S. ARTHUR: It is a fact! I also want to say this, Sir, for the record of this House that we refused to agree that the Member for St. John should be one of those persons sent to the Barbados Labour Party.

Laughter.

Mr. O. S. ARTHUR: Mr. Deputy Speaker, Sir, it is a fact that the overture was put to us that one of the ways - we are now hearing that the Barbados Labour Party should have fought and struggled. That was put to the Barbados Labour Party. I am very serious. We should have encouraged a situation where two Members of the DLP backbenches should have said they are supporting the Barbados Labour Party and hence, put the NDP in the position where they could not legally

Mr. D. J. H. THOMPSON: Mr. Deputy Speaker, on a point of order. I wish to offer the Honourable Members an assurance that such an arrangement would not meet with my approval or my consent nor my liking, at all.

Mr. O. S. ARTHUR: Mr. Deputy Speaker, Sir, I want to assure him that we would not even have taken him, even if he had decided to devalue our currency, Sir.

But the point is that I am not surprised, as to the quality or lack of quality of argument being put now, as an attack on the Leader of the Barbados Labour Party, in respect of what he should have done in trying to retain a

title that the Constitution clearly said would have to go to the Leader of the NDP. It is a foolish argument, Sir. It is unbecoming of thinking people and I level the just criticism that a person who has enjoyed the benefit of a secondary education and a tertiary education like the Member for St. John should not, himself, come to this House, as he did today and treat us as if we ourselves cannot think and read the Constitution for ourselves.

I say to the House, Sir, that he is a poor advertisement for secondary and tertiary education. And I rather suspect, Sir, that the Professor of Management of the University of the West Indies has him in mind when he is of the view that tertiary education in Barbados, Sir, particularly for law students should not be free. 8.25 p.m.

He raised the question of leadership, that my leader, the Leader of the Barbados Labour Party, bringing this Resolution to the House is an aspect of weak leadership. Why doesn't he speak about the lack of administrative leadership in the Democratic Labour Party which has now given rise to a situation that we have never seen before in the Democratic Labour Party, confusion and convulsion over the choice of candidates. The only time it has ever occurred in the history of the Democratic Labour Party, Sir, is since he has acquired administrative leadership as General Secretary for that party.

I want to warn the Democratic Labour Party today that the way in which the Member for St. John has absolutely mismanaged the selection of candidates, because in every election there has been controversy on administrative matters. People have been complaining about the lack of lists and it all goes back to the General Secretary of the Democratic Labour Party. He is showing a complete lack of ability to handle the affairs of a political institution, and I am sure the Democratic Labour Party must come to recognise and agree with the principle that has been put by a former General Secretary of the party when asked to comment on the performance of the Member for St. John. His only comment was that youth is very often wasted on the young.

It is very sad that he should come to this House this afternoon and talk about leadership. We in the Barbados Labour Party have but one leader. We do not believe in consensus leadership, consensus leadership for us is a situation of a party having all chiefs and no Indians, too many cooks spoiling the broth. Consensus leadership for us means that if a person - and I am using a hypothetical name, Sir - called Don was to say it cannot go so....

Mr. DEPUTY SPEAKER: My only problem is that I do not see how relevant you are at this particular point.

Mr. O. S. ARTHUR: I am responding to the argument of the Member for St. John.

Mr. DEPUTY SPEAKER: Yes, but I do not see how the whole question of selection of candidates relates to that. Probably you should come closer to the debate.

Mr. O. S. ARTHUR: Mr. Deputy Speaker, the issue of leadership was focussed as one of the issues raised, and I am saying that it would do the Honourable Member for St. John well to reflect on the issue of consensus leadership. He would also do well to go back to the speech made by the former Member for St. John in the Estimates debate of 1987 which categorically rejected the notion of consensus leadership as a model for the Democratic Labour Party, when he said "all roads lead to me, the high roads and the low roads. If I choose, I might want to consult, but I do not have to accept anybody's advice, because I am the Alpha and the Omega." He said that in 1987 and the Honourable Member for St. John may want, as a matter of consistency, that was also a fundamental part of his argument, to wonder ..what has happened to the Democratic Labour Party and its leadership in St. John in 1987 as compared to the present Democratic Labour Party in which this notion of consensus leadership is now the all and all of the political institution.

I am not going to level any personalised attack on the leader of the Democratic Labour Party, but I am sad that the Honourable Member for St. John in so many respects believes, as he truly believes, that politics is about invective and that the way to deal with an issue is to discredit one's opponents on the personal level. He has an unfortunate trait which characterises him as a throw back to a more uncouth political age, and I really believe that a young person like himself coming to public life should forget the personal invective and should begin to see the argument and the logic in a case that is put before him. He, more than anybody else in this House, Sir, believes that all arguments must be resolved upon the basis of personal invective. Some Members of this House use personal invective occasionally under stress, but the Member for St. John, a throw back to a more uncouth political age, believes that all there is to politics is personal invective.

I am saying that the Member for St. John is setting a bad example for the young people coming into politics who believe that politics is about cattiness, is about talking people's names. He should be able to come to this House and see an issue as an issue. How he feels about the leader of the Barbados Labour Party is an issue between him and the Leader of the Barbados Labour Party or the Leader of his own party, but personal animosities should never cloud one's perspective about an issue.

As I said in my introduction, Sir, the real issue is whether the House, given the opportunity to discuss this matter for the first time, as we are discussing it for the first time ever, will see the virtue in the equality of broadcast time, that we will reject the fallacy of the Member for St. John which says that equality of broadcast time is a myth. That we will also agree that merely because something has

been sanctioned by long usage does not make it right and that it is for us on this occasion to be able to set a standard of justice, if you will, Sir, of fairness that can take all of the rancour out of the administration of matters such as this which among people should be something that should be decided through consultation and through the pursuit and the application of fairness.

I therefore believe that this Resolution has been brought in good faith to prevent a situation of rampant unfairness from taking place in Barbadian public life. I feel that the House can and should exercise its vote in favour of the creation of a situation where the allocation of broadcast time in Barbados should not only be manifestly fair, but should be seen to be fair. We must all recognise that the two parties who have hitherto been involved in determining this matter have been concerned in a sense with artificially maintaining a partisan advantage, and that it is up to us now to create a new tradition.

I am obliged to you, Mr. Deputy Speaker.

Mr. L. L. BRATHWAITE: Mr. Deputy Speaker, my reason for joining this debate is really to express my own surprise that in the first place the Honourable Member for St. Peter, who just made his contribution, seemed to have taken the importance of this matter in a far too light vein in terms of what I perceive the mover of the Resolution to have made his point. So I am left in the position, Sir, where I am not too sure if the Barbados Labour Party Opposition is very serious about the Resolution. However, I will deal with it from the point of view that the mover of the Resolution, the Honourable Member for Christ Church West, reaches me as not being consistent in so far as his reaction to the decisions of the Electoral and Boundaries Commission. 8.35 p.m.

A little earlier in the session, Sir, we were discussing amendments to the Representation of the People Act, and I remember distinctly making the point that while I believe the Electoral and Boundaries Commission did a job that they were committed to do by the legislation under which they were acting, I was not satisfied with what there was, and the Honourable Member took me to task as making a point that I was not making, because I was not critical of the Commission. He spoke before me, but he rose on a point of order while I was speaking; and he took me to task for making a point that I was not making. However, I am just saying that we have to recognise that human beings are capable of doing things that we will not always agree with, and therefore we cannot take very strong positions. In my view I thought it was primarily because the Electoral and Boundaries Commission was appointed by the Barbados Labour Party Government for the first time and it seems as though they felt they had to make a defence of the Electoral and Boundaries Commission when we were discussing it. That was my opinion.

I want to say, Sir, that the case as put by the Honourable Member for Christ Church West would give the impression that the Government is responsible for the Order that has been laid relating to broadcasting time. I am not saying that he said that, but what I am saying is that....

Hon. H. deB. FORDE: On a point of elucidation, I really don't want to interrupt the Honourable Members, but there has been no consistency in my position in approaching the Electoral and Boundaries Commission on any matter. I don't want to reflect on a vote of this House. When the matter came before the House I began my speech on that occasion by saying that none of us could be fully satisfied with the manner in which boundaries were divided and each one of us could find a flaw with what has been done. But given the circumstances I thought it was the best that could be done. That sentiment was echoed by the Honourable Deputy Prime Minister and the Honourable Member for St. Philip North. That was my position on that. I did not agree with all they had done. On this matter, Sir, I have likewise not set out to give any impression at all that the Order that is before the House is the Order of the Government. What I have said and said quite clearly is that it is an Order made by the Commission in which there was not proper consultation, and I was not arrogating the right to speak on behalf of the Democratic Labour Party or the NDP and I began by saying that in 1986 there was consultation with all of the political parties despite the limited time, and on this occasion there was no consultation with the political parties. That was the gravamen of my submission.

Mr. L. L. BRATHWAITE: Mr. Deputy Speaker, except for the fact that the Honourable Member rose on a point of order while I was speaking and I had to make it abundantly clear that my criticism of the matter we were discussing had nothing to do with the Electoral and Boundaries Commission, it had to do with what I thought were the circumstances under which they had to function, and I made that abundantly clear. What I want to say, Sir, is that I take the position that the Honourable Member is taking today as arising out of a matter of hurt because the same recitation that was given of the circumstances surrounding the election broadcasting by the Honourable Member seems to say to me that there has been no change, and I venture to say that if the Honourable Member was today sitting as the Leader of the Opposition, he would not have had cause to raise the matter, because there would have been the same circumstances under which we operated for a number of elections before. I am saying, Sir that while we make a point that the situation relating to the Barbados Labour Party today looks a little bit lopsided, bearing in mind that the vote of the people of this country at the close of the last election meant that they were the Official Opposition, by the same token the way things have developed in Parliament they cannot now expect special situations to deal with a situation that has arisen since the people had had a vote.

I believe, Sir, that if we are asking the broadcasting stations in this country by the legislation to provide free broadcasting time as political broadcasts, the point has very often been made that broadcasting is a costly affair, and as the point made by the Honourable Member for St. John suggests, you are forcing companies to be involved in broadcast time that is free according to the legislation on an extended basis, and therefore it is a situation which I think "" we would have to look at if it has to be extended for longer times. I want to make the point also that during the Budgetary debate there was a big fuss made about the amount of time that was used by Members on the Government side to discuss the affairs of the people of this country and the affairs of the people of the constituencies from which we have come. I cannot understand this call now for equal broadcasting time when in that situation we all had equal broadcasting time as Members of Parliament, and we are trying now to say that when the election is called, none of us is any longer a Member of Parliament." They have concerns about us having equal time as Members of Parliament, but you want equal time when you are no longer Members of Parliament. That is what I understand by the argument that was made by the Leader of the Opposition and I think supported by the Barbados Labour Party Members.

I want to say, Sir, that the Members of the Barbados Labour Party must recognise that the same positions that they would wish to take now are positions that Opposition Parties will want to take, and since in my view as the Opposition Party in 1986 and in 1981 we had to live with the conditions under which the Barbados Labour Party had set out we were able to win an election in 1986, it appears to me that there is no great thing about election broadcast time.

Hon. H. deB. FORDE: On a point of elucidation, the Honourable Member again misrepresents what has been said in the debate and I wish he would follow quite carefully. I said quite clearly that the rules that applied in 1981 were the same as were applied by the Democratic Labour Party in 1976 and 1971, except that minimum qualifications of 12 Members to get time was changed to ten, and I said that the rules that applied in 1986 were rules not made by any station manager or by any Minister of Information, but were made by the Electoral and Boundaries Commission and consultation had been given to everyone. I made that point, Sir.

Mr. L. L. BRATHWAITE: Mr. Deputy Speaker, I began by saying that I saw no change in the recitation that the Honourable Member made of what transpired or what happened during election times from 1966 on. All I am saying, Sir, is that the Electoral and Boundaries Commission, the Chairman of which signed the last Orders was the creation of the Barbados Labour Party for which they take great pride and which I think is a step in the right direction, but I am saying you can't have your cake and eat

it too, because now that they have done something which works out not to be to their benefit only because of what developed since the last election, they can't cry foul. 8.45 p.m.

I am making the point, Sir, that we as political leaders in this country must always recognise, as the Leader of the Opposition said, you cannot change things purely because you have had a little hurt at a given point or a given time. We have to give these situations time to prove their worth and then we would look at it in a general sense to the improvement of the well being of the people of this country.

The Leader of the Opposition I thought tried to create a situation which, in my view, was not relevant to the matter under debate that we were having but I think we have become accustomed to that kind of trend.

However, Sir, my intervention, as I said, relates purely to the fact that while there are a number of things political in this country that I hold as being very important, I think the basic matter which holds prime importance for me is the electoral system of this country and I have made the point time and time again that when you come to fiddle with the electoral system of this country it has its back lashes somewhere along the line.

I do not make any bones about it. I am not going to support this measure, Sir, because I do not believe that it is consistent with what has been said and what has been happening over the last 15 or so years and I would take the position that if the constitution requires the Electoral and Boundaries Commission as related to the legislation to do certain things, I would live with that until such time as the Constitution is changed to make it more meaningful to the management of parliamentary affairs.

Thank you, Sir.

Mr. P. J. M. MILLER: Mr. Deputy Speaker, I really, in all honesty, had no intention of getting into this debate but I believe that there are certain things that one observes and no matter how long one has been in politics or how short, there is a certain degree of fairness that I believe should obtain and I believe that I would not have any opposition on that statement

The position of this National Democratic Party has been put very clearly by the Honourable Leader of the Opposition and it is that we believe that there should be equal broadcast time. I do tend to agree with other Honourable Members who feel that the party who held the reins of Government or the Members who held Government at the time of the Election should have the say as to whether they would have the last broadcast. I have no problem with that.

Let me also say that I am not here to get into whether it was the DLP or the BLP who started it. I believe that I am in that unenviable position of not having to get between the two great parties. I know we did not start it

Sir, I believe also that fair-mindedness would say it does not matter who started it at this point

Aside.

Mr. P. J. M. MILLER: It would still arise, Mr. Deputy Speaker, because even when I was not over here I still was a fair-minded person.

Aside.

Mr. P. J. M. MILLER: They could have an half hour. What is the problem?

The situation is. Sir, I heard the Honourable Member who just took his seat say that there has been no change about this thing from the past three or four decades, 1966 or whatever. In other words, he admits that it started with the Democratic Labour Party so if we are going to start with that argument all over again then the Honourable Member who just took his seat has indicated that the Democratic Labour Party started the whole thing in 1966, as he said.

My position is, whether it started then or yesterday and there is a need for it to change, we will change it As far as I am concerned, if a Government believes that they have no problem with what they are doing and that they have the people on their side and that all they are doing is well, what is the problem how long an Opposition speak? What can they say? How much harm can they do you? What are you worried about? Give them equal time.

I am sure, Sir, that none of the Honourable Members on that side who really believe, they have to really believe it though, that they are on a winning streak will have any problem with how much broadcasting any Opposition Party gets.

The Honourable Member for St. Philip South says he has no problem with that. I believe him too. There are other fora and there are other means of getting a message across. Some people believe that a television station is magic.

Aside.

Mr. P. J. M. MILLER: Mr. Deputy Speaker, I did not give you any notice that I would call names so I would not speak of other people, the Tudors and so on. I would not get into that You see, Sir, one wants to become a Senator and the other one wants to become a Governor-General so what are you worrying about?

Mr. DEPUTY SPEAKER: How many Members are addressing the Chair at the moment?

Mr. P. J. M. MILLER: I am trying to address you, Sir, but with the noise.

Mr. DEPUTY SPEAKER: You are trying? Well, please try.

Mr. P. J. M. MILLER: I know that you are not hearing the asides but I am hearing them.

Now, Sir, if the Honourable Member who just took his seat wanted to be honest and wanted to be fair - I am not saying that he is dishonest so do not start up. I know the Honourable Member for St. Michael North is ready. If the Honourable Member wanted to be fair, what he would have said was that when you talk about broadcast time we are speaking specifically about after a writ is served. We are speaking specifically about the broadcast time that this Resolution speaks.

We are not speaking about that broadcast time which the Barbados Labour Party was criticised for when they had something where a Minister came on almost every night and told us all the things he did and even some of the things he did not do. He would be fair and remind us that that programme was started in another DLP Administration. I recall seeing the Honourable Member who is not the Deputy Prime Minister on one of those programmes "Your Minister Speaks".

Aside.

Mr. P. J. M. MILLER: Yes. I remember that It shows you how long this thing was going on but we go on and on with this.

I have heard the Honourable Member for St. Michael West who is not now in his place say that was then and this is now. You have this situation where when you are in Opposition you say one thing and you say another thing when you get the Government, you go on and do what you feel like doing then.

Aside.

Mr. P. J. M. MILLER: The Honourable Member for St. Philip South now tells me speak to his leader. I do not know if his leader does that. If he has a problem with his leader that is his problem. That has nothing to do with me. I am staying far, far from that problem.

So, Sir, I do not see what the problem is with the whole question of the two parties having the same time, or three parties or four parties. When you look at the other programmes, if the Honourable Member was listening carefully to the contribution of other Honourable Members

he would have heard that, in fact, the Honourable Members on that side have a lot more time with other programmes. He would have heard that there was a programme which some people described as an insult to the intelligence of Barbadians which came on television only up to Sunday night. 8.55 p.m.

Honourable Members described it as an insult to the intelligence, And, in fact, an Honourable Member on that side said he would not even watch that programme, that he finds it reprehensible, that programme which is called "Talking Point". You could not want a programme - and here you are using public television time - at no time in that programme did I hear anyone say, "This programme is paid for by the Democratic Labour Party." I did not hear them say, "This programme is a programme for the Democratic Labour Party."

But then, as the programme went on - and I agree with the Honourable Member for St. Thomas. By the way, if the Right Honourable Prime Minister who is responsible for the Caribbean Broadcasting Corporation viewed that programme - and I do not think he did - he has the opportunity to view it, I believe it is taped - I am sure, say what you like about the Right Honourable Prime Minister, that he would find it offensive too. Because the same person hosting that programme - recall carefully - used to host a similar kind of programme for the Barbados Labour Party. And Honourable Members on that side, Sir, found it offensive then! That person who has the ability to slither hither and dither.

I believe the Honourable Member for St. John once described a person like that as reptile in nature, being able to slide along on their belly from side to side. I believe so. He is now doing a job for the Democratic Labour Party in a similar way that he did for the Barbados Labour Party, and at the time, the Democratic Labour Party found it offensive. How come they do not find it offensive now? Why is everyone so silent about that programme? The Honourable Member for Christ Church East Central can be excluded because he admits that he never saw the programme, Sir.

Mr. D. A. C. SIMMONS: On a point of order, Sir.

Mr. DEPUTY SPEAKER: Two Honourable Members are on their feet. The Honourable Member is on a point of order.

Mr. D. A. C. SIMMONS: Yes, Sir. It was he who gave us the cheques in 1976 to bring down the Democratic Labour Party and trying to repair the damage now by sucking up to them, Sir.

Mr. P. J. M. MILLER: Yes, Sir. The Honourable Member for Christ Church East Central can be excluded

because he admits - and he is in his place, he can deny it, if I am wrong - that he will not watch those kinds of programmes.

You see, Sir, why I am so offended by that programme, and in particular, the one that was aired on Sunday last is because you would recall that I have said in - this Honourable House already that I find it distasteful, to say the least, when politicians and political aspirants use so-called poor black people to ride on their backs and use them as political footballs. Anybody viewing the programme would have seen that he took that vendor from Swan Street, not knowing what he is getting into, clearly the chap did not know what he was getting into, and tried to ram words down his throat. It was terrible!

Mr. DEPUTY SPEAKER: When that matter came up earlier, I expressed an opinion on it. I really do not want to appear to be interfering with the Honourable Member's speech. Perhaps, if he can bear in mind, the confines which I had outlined earlier....

Asides.

Mr. DEPUTY SPEAKER: Please allow me to make my ruling.

Aside.

Mr. DEPUTY SPEAKER: I will permit him to speak on it but I just want to set the parameters of the debate, to speak on it.

Mr. P. J. M. MILLER: Mr. Deputy Speaker, I am not going to dwell too long on it because, as I said, any decent person, any right-thinking person in this country would see that what you viewed on Sunday night was pure political prostitution.

Aside.

Mr. P. J. M. MILLER: No, I cannot come off.... You see, it is very easy, Sir, to say, "Come off of that." But what has to be understood is that this might be a forerunner to 27 more such programmes. How do we know? It is all well and good to suck your teeth.

Aside.

Mr. P. J. M. MILLER: Twenty-three more? Well twenty-three more to date.

Aside.

Mr. P. J. M. MILLER: You are one of the favourite callers on Elombe's programme. You know it better than me. You and the Honourable Deputy Prime Minister like to talk to Elombe, not me.

Aside.

Mr. P. J. M. MILLER: All the Honourable Member is saying then is that that is an equal opportunity programme. The Honourable Member is saying that Elombe's programme is an equal opportunity programme, Sir, that we can all speak on it.

Mr. Deputy Speaker, there is only one last thing I have to say about that programme, and I would get off of that, because I really rose to support this Resolution. I believe that equal time is the thing. I believe it is the only fair way to deal with it.

The Honourable Member for St. John agreed with me, earlier today - and this was not by any bar, and this is not any figment of my imagination - that the programme, "Talking Point" should not have been aired. I do not know if he only agreed with me because he was supporting the candidature of a certain arch foe of his in the Democratic Labour Party. I do not know if that was his reason. But the fact is that he agreed with me that though the other "Talking Point" programme - just let me make this point, Sir, in closing - You see "Talking Point" is not a bad programme. The concept is right. When it started you had people like Archbishop Granville Williams. I believe I saw the gentleman from the Sugar Producers and other people on and it was enjoyable to watch.

Once it now turns to this kind of programme, this kind of propaganda programme then it becomes distasteful. Either that, or if you are going to run it that way, let us all know and let there be a representative from the BLP, a representative from the NDP and a representative DLP on the programme, and let everybody know that it is a political programme.

Do not let us fool ourselves. Do not let it go down the same track as the newspaper articles which start out pretending to talk about the Constitution and end up being a pure partisan scandal sheet.

Mr. Deputy Speaker, this gets my full support. I believe that, in fairness, that all parties should get the same broadcast time. I have no difficulty with that.

Thank you, Sir.

Mr. R. P. BYER: Sir, I want to lend my support to the Resolution and in so doing, I should like to begin by examining an argument put forward earlier by the Member for St. John. The crux of the argument was that the equality of broadcasting time in Barbados was a myth.

His point was that if the - and I hope I am getting him correctly - time on CBC TV - and this is by way of example - is allocated inequitably in favour of the DLP

then the many columnists and broadcast media persons who expound the BLP view more than compensates for this inequality. Do I have you correctly?

Mr. D. J. H. THOMPSON: On a point of elucidation, Sir. The Honourable Member has not represented my view correctly.

I was talking about equality of time, in relation to private broadcast media. I said that on private broadcast media - not CBC that is publicly owned. And I think there should be a policy in relation to CBC - that a concept of equality of time is a myth because, while they might act in accordance with the regulation that they will then bring pro-labour party views on the news. You will have getting down in the gutter on a day and then "Tell it like it is" in the evening on which members of the labour party and other parties will be calling in, and they will encourage them to call in.

Mr. R. P. BYER: But, Sir, with all due respect to the Honourable Member, I do not think that in putting forward the point, as I did, that I have done any violence to the point that he has made. I have not done any

Aside.

Mr. R. P. BYER: No, no, no, no. Whether it is private or public, I have not done any violence to your views. What I said is merely an expansion by way of development of your point. I do not think I have done any violence to your views.

But you see the fallacy of the argument, Sir, is that if that view is applied to the Barbados Labour Party, one result occurs. If it is applied to the Democratic Labour Party, a different result occurs. And if it applies to the National Democratic Party, a different result occurs. 9.05 p.m.

To say that it is a myth one has to look at the particular context in which the view is formulated.

Aside.

Mr. R. P. Byer: You see, Sir, the point is this. If you view equality in one context and in another context you may come to a different result. I believe that there should be equality of broadcasting time. The only difficulty I might find with that is that one might say - and I do not think, for the reasons given by the Member for the City, that there is any merit in the point that if you are given equality of time then the Opposition parties might have more time than the governing party, but that is not the point. The point is that each party has the same amount of time as the other party.

Aside.

Mr. R. P.- BYER: Right! We are speaking for ourselves. Nobody knows what will be the content of our speech. It might be assumed that our production might be geared towards criticising the Government, but who is to say that our production might not be geared towards a critique of the Barbados Labour Party, and similarly theirs may be a critique of ours, so that argument in itself is not a proper argument. ^

Anything I say I must always remember that there were certain views I supported, that I held before. I believe that over the years one party as against another party has changed in views in relation to a lot of matters in Barbados. I have often held the view that people in public life should aim to be as consistent as possible, because inconsistency at a later date comes back to haunt you. This is a point made by the Member for the City not too long ago.

We are discussing this thing like we are today because of previous views held by the Barbados Labour Party in relation to the allocation of broadcast time during elections and different views held by the Democratic Labour Party on a similar point. We are stating today as the National Democratic Party that we believe that there should be equality of broadcasting time. It is a view that we have always held, it is a view that we have often put forward in our columns and it is a view that we will stick by. It is a view that we will be consistent with in the future. I believe that there should be equality of broadcasting time for the reasons given by the Leader of the Opposition today.

Over the years, Sir, we have had one party using CBC to its advantage and then another party using CBC to its advantage, when that very party who was in Opposition became the Government of the day. They used it as they like, and news items having to do with Opposition parties were often crowded out. They were never ever given any prominence when the news comes over at 7 o'clock. Even today I am noticing the same thing. Whichever party I belonged to, such things have often offended me, because I believe that if we live in a democracy democratic views should prevail and that people who have different views should be given permission to have those views espoused.

It is not all right to say that they have different forums from which one can spread one's views, because one knows how impactful television can be. Certainly it is thought that a person who has the use of the television would have an unfair advantage over the other persons who do not use it, but at the same time the television could also be a very brutal thing and overuse of it might very well operate to the disadvantage of the person who is overusing it. A sensible use of television can bring advantage to that person who is using it in terms of lifting his public image. ^v

Very little, if anything at all, that is said in this House of Assembly on Tuesdays is carried by the Caribbean Broadcasting Corporation in its news items at night having

to do with the National Democratic Party, even for the Barbados Labour Party, I am not speaking for them, they have very good people who can speak for them.

Mr. DEPUTY SPEAKER: I do not want to appear again to be trying to interfere with your contribution, but we are really dealing with a particular issue relating to " broadcasting time as put out by the EEC. Perhaps if you can come a little closer to that.

Mr. R. P. BYER: Yes, I agree with the Deputy Speaker's ruling, but at the same time I have only gone into that area because other people have ventured into it and I am craving for the latitude that was given to other people as well.

Mr. DEPUTY SPEAKER: Yes, but as the hour becomes late the question of relevancy becomes more "" important.

Mr. R. P. BYER: I will not be very long, Sir, I doubt I have another five minutes standing here talking.

The point I am making is that very little is carried in news items by the Caribbean Broadcasting Corporation, and I know it is a deliberate policy not to carry news items having to do with the National Democratic Party or the ""Barbados Labour Party. I know who the person is who does that, I know why she does it, I know all of that. I do not mince my words, I am very plain speaking, so therefore when I say certain things I know all of the things that they get at the Caribbean Broadcasting Corporation and say about me.

Certain remarks made by Mr. R. P. BYER were ordered by Mr. DEPUTY SPEAKER to be expunged from the record at this stage.

Mr. R. P. BYER: I believe that a more equitable system should be followed in terms of carrying of news items for Opposition parties. The governing party has a view, the Opposition parties have a view and all views should be carried in the broadcast media. That is my view about it, Sir, and I do not think it is right and fair that there should be a deliberate policy at the Caribbean Broadcasting Corporation to deliberately crowd out news items having to do with the National Democratic Party or the Barbados Labour Party. That is unfair and it is wrong. All of us pay "taxes to help pay the salaries of the people who work up there, it is a public broadcast institution and I do not think it should be used exclusively for the use and enjoyment of any party who might have the fortune to be the Government of the day. It should not be used as a propaganda arm of that party.

-9.15p.m.

Mr. DEPUTY SPEAKER: I don't want to appear to be crossing the Honourable Member, but we are not debating

CBC in this particular matter. A reference can be made by example or otherwise, but we don't really want to go into a substantive debate on what is happening at CBC. If you can stick closely to what we are debating, I will not have to interrupt you.

Mr. R. P. BYER: That is what I was talking about. I was using it by way of example because it has to do with the way how the time is split up here today, and it is the kind of inequality I am talking about, the inequality in terms of news gathering and news dissemination. That is what I am talking about, and I think that even as a third world country we should be very conscious about this, because this is one of the things that third world countries have been quarrelling about in relation to news dissemination and news gathering, that when news items reach London or the major information centres, only those items having to do with the developed countries get carried to the disadvantage of items having to do with other third world countries. CNN has moved to correct this in that on Sundays they carry a world report which lasts for two hours and which invites programmes from all around the world unedited, and that is how they deal with that, but other news giants like Reuters and BBC and so on do not approach it in that way. I believe as a third world country we should be very conscious of these things and practise the very things that we would talk about when we get at these international organisations that have to do with the way how news is managed.

I believe, Sir, that this Resolution has been fully canvassed. Most of the views that I would have spoken about have been well articulated by Members on this side, and Sir, frankly I do not really want to get into that anymore. I thank you.

Hon. P. M. GREAVES: Mr. Deputy Speaker, the words "hoist on your own petard" has really come to have some very significant meaning in this debate. I will develop that and explain it as I go along. In 1966 the Democratic Labour Party Government at the time decided it would take democracy a step further and for the first time allowed political broadcasting in Barbados. Now let me say here now that there were no broadcasting stations in Barbados prior to 1963 and in 1963 CBC began. Rediffusion was not a broadcasting station, it was a wired station. The broadcasts began in 1963 and the first election after that the Democratic Labour Party decided that it would permit political parties who had candidates seeking a seat in the House of Assembly to do political broadcasts. I remember myself doing a broadcast at that time being one of the very young Ministers then, that is a long time ago, for the Democratic Labour Party. Speaking under correction, the Barbados Labour Party had one broadcast and the Barbados National Party had a broadcast. I speak under correction where that was concerned when Mr. Vance was the General Manager of CBC.

Hon. H. deB. FORDE: If the Honourable Member would give way, the political broadcasts started on a memo sent by the General Manager, Mr. A. N. Forde on 19th April, 1966, and there was a statement of policy then set out, and the DLP had nine political broadcasts, the BMP had three, the BLP had three and Independents had two, and the Electoral Broadcast for that occasion, the DLP had three, the BLP had two and the BMP had one, and what is most interesting then is that the BNP was the official Opposition.

Hon. P. M. GREAVES: The first broadcast really and truly related to the imminent independence of the country at that time; those were the political broadcasts. Anyhow, Sir, in 1970 for the general election in 1971 the Government decided that we would have two television broadcasts of 15 minutes plus another one of thirty minutes. They also decided that any political party that was fielding a slate of not less than 12 persons, half the number of seats in the House, not being the party forming the Government would have one political broadcast, and then there would be another broadcast of thirty minutes for any political party that would qualify, and a party would qualify if they had been able to nominate twelve candidates. That held good for 1971 and also for 1976.

The point I am making here, Sir, is that if the Barbados Labour Party Government had not interfered with that, then at this particular time they would have had at least half an hour in broadcast unless you did not intend to run twelve candidates. There was a fifteen minutes for the Opposition party and a second and final 30 minutes to any party which qualified. In this particular case, Sir, the NDP would qualify and the Barbados Labour Party would qualify and they would have that additional 30 minutes. But for some reason or another, and for what reason I do not know, somewhere along the line that had been changed, and in 1980 and I believe it was at the time when the Leader of the Barbados Labour Party, the Honourable Member for Christ Church West was the Attorney General, there was a constitutional amendment providing for the Electoral and Boundaries Commission, and it also provided for the making of regulations by the Governor-General. This is what happened in 1980, the making of regulations by the Governor-General, and among the things the Governor-General was empowered to do was to make regulations that may require or restrict the allocation of broadcasting time to any political party during a period beginning with the publication of the notice of election in any constituency created under subsection (2) above and ending with the declaration of results of the election. That was given to the Governor-General. So they gave the Governor-General the power to make regulations with regard to political broadcasts. We did not believe that was a proper function for the Governor-General and that has been changed. The Constitution states this; I am not wrong. The Governor-General made the regulation just the same.

Although this was done in 1980, I can find nowhere where the regulations were made for the 1981 general elections. 9.25 p.m.

Now, Sir, along came 1986 and Statutory Instrument No. 68/1986 where we have the Regulations made and signed by the Governor-General. The Regulations made in 1986 by the Governor-General are, in fact, the same Regulations made now by the Electoral and Boundaries Commission. Now, in 1986 when these were made they were made at the time when the Barbados Labour Party was in power. I did not hear them make any complaints at the time about these Regulations that were made when they were in power. It is the same Regulations, mark you, Sir.

Hon. H. deB. FORDE: Once again, Sir, on a point of elucidation.

The Honourable Member really is not even understanding what happened and what was said. The Electoral and Boundaries Commission in the month of March, and I will put it into the debate, he does not recall his own party's position, circulated, and I said this in my speech, both political parties and there were only two political parties, as well as the broadcasting media on the Regulations which it proposed to make recommendation to the Governor-General to make.

Representations were made by both political parties and the broadcasting media and then those Regulations were made in the month of May. Now, I have not checked through. I believe they would have been laid on the Table of the House. That was the position so the Honourable Member knows.

I began the gravamen of my speech by saying that the political parties and the media were given an opportunity to object to the Regulations. It has not happened on this occasion.

Hon. P. M. GREAVES: That is no answer, Mr. Deputy Speaker, with due respect to what I have just said and it does not nullify what I have just said. Whether there was consultation or no consultation I have not heard them said anything against these Regulations. That is the point I made.

Aside.

Hon. P. M. GREAVES: It was said by yourself and it was said by the Honourable Member for St. Thomas what we said but you have not said what you said. At no time in this debate has it been said by the Honourable Member for St. Thomas, the Honourable Member for Christ Church West or the Honourable Member for St. Peter what was their party's position towards these Regulations that were

made by the Governor-General in 1986. We do not know what their position was. We do not know what it is now.

You talked about consistency. You raised the issue of consistency and if you are going to raise the issue of consistency I know where you stand today because you believe that you are adversely affected by these regulations, the same Regulations that were made under your time. I would like to know where did you stand then. Let us hear from you where you stood in 1986 that is the point and that is the point we have to make, Sir.

These Regulations are not the Regulations of the Democratic Labour Party. A lot of play was made of the fact that they were made, as someone said, the day before their term of office came to an end as though they had no power on that particular day to make these but let us face it. That is when these were signed. Of course that means made, as well but it does not mean that these were not being worked on for some time prior to their signing.

I would not believe that the Members of the Commission had the time to sit down on the day before their term expired and work out these Regulations so the question of bringing that in to me is a red herring. The day before they retired is unimportant. The point is that they were made during their term of office and they were made by a Commission the majority of which were appointed by the Other Side. That is the point but now they want us to nullify these Regulations.

I wonder if any thought has been given to the fact what would happen if these Regulations were nullified. I do not believe, Mr. Deputy Speaker, that there had been any enactment that repealed those Regulations made by the Governor General. I may be wrong and if I am wrong I can concede that I am wrong. I have not researched it. I do not know that they have been repealed by anything at all, Mr. Deputy Speaker.

The point I am making is that if we nullify these which are the ones made on March 29, 1990, if we repeal these Regulations and these are not repealed, if the ones recently made are repealed and the ones made by the Governor-General previously in 1986 are not repealed, and there are substantially the same Regulations, now where does that get us? We are back at square one, Mr. Deputy Speaker.

I am saying that I have not researched the point. I want to make that abundantly clear but to repeal these we would still have the same Regulations except made by somebody else and you would still have the same 15 minutes so what is the point? I do not understand it. That is why I began with the words just now "hoist on your own petard" because this is precisely, in my submission, what has taken place in this particular matter.

There are a lot of things that were said and I do not want to get into because lots of things happen around general elections time like the former Prime Minister, the late, lamented, great Mr. Barrow at CBC being made to sit there for several hours while someone else from Jamaica, somebody from CBC was editing his script. I do not know it take 8 hours to edit a script but these are the things that happen and I am hoping and I believe that now that we have the Commission in charge of these particular matters I believe, according to the Regulations, I do not believe that these matters like that would occur.

On the one hand we laud the Electoral and Boundaries Commission for the work that they have done. I joined in that. I said they did a very good job under difficult circumstances. I said it earlier this year when we debated the change in electoral boundaries and I was at that time merely echoing the words of the Members of the Barbados Labour Party on the other side and I believed then that they did a good job. I am consistent. I believe in the circumstances in which they found themselves they also did a good job and for this reason, Sir, I cannot and will not be supporting the Resolution.

Hon. H. deB. FORDE: I am about to wind up. If no other Honourable Member wants to speak, I would like to wind up, please.

I have listened very carefully, Sir, to the various speeches made and would wish to congratulate the two Honourable Members on my side, the Honourable Member for St. Thomas and the Honourable Member for St. Peter who spoke so cogently in support of this Resolution and also the principled stand taken by the Honourable Member for St. Michael South Central, the Leader of the Opposition and his side, the Honourable Member for St. George South and the Honourable Member for the City. 9.35 p.m.

And I regret very much, Sir, to see the weak stand taken on the Government side by the three Members who have spoken. The Member for St. Michael North was not clear why he was not supporting it, except that he said when the Electoral and Boundaries Commission Report on Boundaries came before this House that the Labour Party took the view that they had done as good a job as possible and that there was no reason to make a change, and that, therefore we must be consistent now. It is a similar argument as advanced by the Honourable Member for St. Michael North, the Honourable Deputy Prime Minister. But he voted against those resolutions and used his numbers to annul the regulations because he said, he did not agree with everything they had provided, despite the fact that they had done a good job.

Hon. P. M. GREAVES: Mr. Deputy Speaker, on a point of order, Sir. I am very glad that the Honourable Member did include that little bit. I did in fact vote against

it I said they did a good job. I did not say they could not have done a better job. I think the better job has now been done, Sir.

Hon. H. deB. FORDE: Well, Sir, what was the change he made? They made a change in only two slight ways. It is significant the Members who were accommodated. The Honourable Member for St. Michael North was accommodated and the Honourable Member for St. John.

Hon. P. M. GREAVES: Mr. Deputy Speaker, I am sorry to rise again. I do not know what he means by the word, "accommodated". The word accommodation does not apply to me.

I made the point at the time that was made to me, Sir, by one of the members of the Board. It was felt that, in fact in SL Michael North the boundary should have been revised. I made that point. That has been done. It is not to accommodate me. It is to accommodate the Commission and to accommodate the laws that the late Leader on the other side put on the Statute Books, not to accommodate me.

Hon. H. deB. FORDE: Sir, the effect of the change that were made were to the constituencies that are now represented by the two Honourable Members.

It is significant that, although they said they were consistent, their consistency was to annul the regulations because it was not as good a job, as should have been done.

If they are being consistent, on pure logic, they will find the position that this is not as good a job as could have been done, on a matter of principle. The Honourable Members know that as well, Sir.

Sir, I want to say what is the consistency of the Democratic Labour Party. I said in opening this debate - and I am going to reply - that the Democratic Labour Party on the 17th day of March, 1986 took this position on, political broadcasts, Sir

1. Allocation of time.

Time for allocation for election broadcasts should be allocated to all political parties. There should be no condition that a minimum number of members should be nominated. That, Sir, was their position:

Time should be allocated during the period between notice of election and nomination day to all political parties. After nomination day, limited to only those parties which have nominated candidates. This is what they said, Sir:

"The party system is an important element in our Constitution and parties should not be discriminated

against because they do not nominate enough members, which, if elected, could form a government.

Equal time should be allocated to all political parties which nominate members for election."

That is the position of the Democratic Labour Party taken in March 1986.

The Democratic Labour Party now represents the Government of this country and has the majority of numbers in this House which can make the difference between their being consistent with 1986 and now. If they are not - what the Honourable Member is accusing people of here - of being reptilian in character, one would expect them to be consistent, and, as a matter of the principle which they enunciated in 1986, now they are in a position to lend their support to vote for the situation, Sir. That is the,^ situation. ^

I am not surprised however, Sir, that they have taken this view. Despite all of the boasts of the Honourable Member for St. John about leadership, it is obvious to me that the Government is afraid to be confronted, either in live TV broadcasts or a response from the Barbados Labour Party. They are obviously afraid of a direct confrontation with the public of Barbados, on the media, to have an opportunity to hear the Barbados Labour Party explain its case, in an equal time with them, even if we give them the last word. That is what they are running away from. It is obvious to me they do not want that change made to the rules and regulations, in that way.

The Honourable Member, speaking from his role as Deputy Prime Minister, obviously is not going to support it. I am not sure that he represents the heart and the conscience of everybody in the Democratic Labour Party. I am not sure he represents it. But he is sufficiently powerful in position, Sir, if the archaic view that he takes of these matters to dig in, that obviously he has not been able to come in here and get his colleagues to support a principle stand, on a matter such as this.

Sir, I have no difficulty. Let the Government object. It will become an election issue. The Government is not prepared to support a position in which political parties are going to have equal time for broadcasting. It is as easy as that, Sir. That is what I understand to be the Government's position, in no uncertain terms.

The Government is not going to hide behind any position about they are not making regulations. Nobody has said so. I know who has the authority. As a matter of principle, since 1965, the Honourable Member for St. Michael North will recall that I have always taken the view, since 1965, from the time of the under 40s, that political broadcasts and those matters should be independent. But I also took the view that it was open to all of the parties to

make representations on the issue. The Honourable Member has found no inconsistency in my position. When I speak of federation and all of those issues, I have not changed one bit. The Honourable Member knows that as well, Sir.

I do not normally speak on issues to reply to people who have been so stung because I have happened to make, on a matter of state, the correct representations to ensure that the public of Barbados has, as their Head of State, not Head of Government, someone to whom we could all look up. Obviously, my barbs hit home in a rough manner and I must therefore now spend my time, Sir, listening to lectures on what is the correct stance to take on constitutional issues. That arose in the debate, Sir.

I promise myself not to speak, Sir. When the Democratic Labour Party fractured in 1989, because of leadership difficulties on the part of the Democratic Labour Party, not on the part of the Barbados Labour Party, leadership difficulties in which the same person played one of the behind the scene roles, as usual, he likes the behind the scene roles, when the Democratic Labour Party fractured. 9.45 p.m.

As a result one had a constitutional position in Barbados that a rung of the Democratic Labour Party was now in a position to constitute, according to the Constitution of Barbados, the Official Opposition. On behalf of the Barbados Labour Party, in the month of February 1989, I made a statement which is the position of the Barbados Labour Party. I said then that there is no way that the Barbados Labour Party will in a self-serving manner, and that is reported in the Press, go cap in hand to any political party suggesting a constitutional change. That if one wanted a constitutional change on this issue so that you were depriving Members of Parliament of the right of crossing the Floor, that the correct and decent thing to do would be to submit it first to the electorate to make a constitutional change. That has always been the position of the Barbados Labour Party and my position, Sir.

Aside.

Hon. H. deB. FORDE: It is not a question of leadership. I am sorry for those who now come as neophytes to the political scene and believe that personal invective, rhetoric and attack are any excuse for argument. They have a long way to go. In some respects the persons whom they are overtaking not even to get a chance to run for office show at least more principled stands on matters than that Honourable Member over there. He does not understand that some of us in public life are consistent on the way we approach the Constitution. It is not to be trifled with. No matter of talk about leadership is going to move me from the principle that it would have been self-serving, to say the least, for the Barbados Labour Party to come in

here with a Resolution asking the Democratic Labour Party to join with us to pass that sort of measure.

How would you look down history? How would you feel? That is an issue for the electorate, it is not an issue for me to go conspiring with a political party. That is why when we got the suggestion from the same gentleman that they would lend us two people, even temporarily, including the Honourable Member for St. John, I said there were two objections. One was the objection of principle. The Barbados Labour Party having over 50 years in office and as a party would never find itself in that position, and secondly, I did not think the Honourable Member for St. John was worthy of coming into the Barbados Labour Party, and we would not have him even on a temporary basis, so what is the Honourable Member talking? What are they telling you now, Sir?

That is only a red herring thrown into this debate to continue the foolishness that is written under a column on Tuesday and repeated and regurgitated in Douglas Leopold Phillips on Sundays, believing that it is a great political point that is going to cause difficulty in the Barbados Labour Party. You see, Sir, he must remember that the Barbados Labour Party has contended with change, we have contended with being in office and out of office, we have had changes of leaders and we are not going through the problems that you have. We do not have that sort of problem in the party. We understand how to cope with a situation.

At that time too, in February 1989, I said it was not the first time that the Barbados Labour Party has found itself coming out of an election winning a substantial proportion of the votes to form the Opposition. In fact, we got more percentage of the votes in 1961 than the Democratic Labour Party although they were forming the Government, and we found ourselves afterwards, by a change in persons, and a manipulation of the same gentleman who is writing in the Press, manipulation behind the scenes in trying to subvert people in order to change from principle, as a minority party. We fought back from there, as we are fighting back from here and will fight successfully, to become the Government of the country. That is the position.

They must understand the Barbados Labour Party.

Aside.

Hon. H. deB. FORDE: This one will take five years, this is not taking any 15 years. I know the Prime Minister has told his troops to get ready between October and November. Whenever he wants to call the election I can assure Honourable Members that this will be one of the issues unless it is rectified, whether it is rectified in this House by the matter being annulled, or rectified by the Commission itself. I will make sure that it is submitted to

the jury of public opinion. I have no difficulty, so I am not begging the Democratic Labour Party to vote with me to annul anything. I have performed my constitutional role in the manner in which, in the high office I have held, leading a great party, it should be performed. When I first spoke on this matter I said that we will take every appropriate step within the constitutional framework of Barbados to make representations about this. I also said at the time that I did not want it to be a partisan issue. That was the first statement I made on this issue and I spoke about it only after the Press got hold of a copy of the regulations and asked for a reaction from me.

In my view, the first way I would have approached the matter, as I intended, was to write to the Commission.

Aside.

Mr. D. A. C. SIMMONS: On a point of order, Sir. Yes, Sir. It is rubbish to talk about non-partisanship to the Democratic Labour Party. They only understand rough partisan politics, but non-partisanship? Get together with them on anything? Foolishness! Do not appeal to any principle with them, they have none.

Hon. H. deB. FORDE: I am not appealing to any principle of the Democratic Labour Party, Sir. My view was that I would proceed to talk to the Commission. We had a period of 23 or more days when there was no Commission appointed. The Commission expired on March 30 or 31, there was a period of 23 odd days that there was no Commission in being and no representations could be made. After the Commission was appointed, within a couple of days afterwards the Right Honourable Member for St. Michael South brought the matter before the House. In accordance with the law I promptly moved to annul the position, and I have written to the Commission. I am not begging the Democratic Labour Party to support a matter of

principle. They can stretch their imagination and their actions as much as they like, the point is that we have taken and will continue to take the stand that we are allowed to take on this matter, and in the final resort, if it is not settled satisfactorily, the jury of public opinion of Barbados will decide this issue.

I therefore move, as usual, that this Resolution do now pass.

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

NOES: Rt. Hon. L. E. SANDIFORD, Hon. P. M. GREAVES, Hon. M. A. KING, Hon. W. O. FRANKLIN, Hon. W. W. HALL, Hon. C. V. WALKER, Hon. C. A. NEBLETT, Hon. Mrs. M. BARKER-WELCH, Mr. L. L. BRATHWATTE, Mr. R. L. MORRIS and Mr. D. J. H. THOMPSON-11.

:

AYES: Mr. R. P. BYER, Mr. P. J. M. MILLER, Mr. E. BOURNE, Hon. H. deB. FORDE, Mr. D. A. C. SIMMONS and Mr. O. S. ARTHUR - 6. 9.55 p.m.

THE ADJOURNMENT

Hon. P. M. GREAVES: Mr. Deputy Speaker, I beg to move that this House do now adjourn until Tuesday, '26th June, 1990, at 12 o'clock noon.

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

The question was put and resolved in the affirmative without division, and Mr. DEPUTY SPEAKER adjourned the House accordingly. 9.58 p.m.

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