
THE House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1991 – 96

HOUSE OF ASSEMBLY

Tuesday, December 08, 1992

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

PRESENT

His Honour L. A. WEEKES, G.C.M., J.P., (Speaker)
His Honour T. C. ESTWICK, B.Sc., LL.B., (Deputy Speaker)
Mr. H. deB. FORDE, Q.C., M.A., LL.B., (Leader of the Opposition)
Hon. B. M. TAITT, B.A. (Hons.), M.P.A., LL.B. (Hons.), (Minister of Health)
Hon. M. A. KING, Q.C., LL.B., (Attorney General and Minister of Foreign Affairs)
Hon. W. O. FRANKLIN, A.I.C., M.I.A.S., J.P., (Minister of Trade, Industry and Commerce)
Mr. H. A. BLACKMAN, B.Sc. (Econ.)
Mr. D. A. C. SIMMONS, Q.C., LL.M.
Hon. C. V. WALKER, (Minister of Education)
Mr. L. L. BRATHWAITE, J.P., (Chairman of Committees)
Hon. E. E. GREAVES, G.C.M., B.A., Ed.M., (Minister of Housing and Lands, Community Development and Culture)
Hon. W. W. HALL, G.C.M., H.B.M., (Minister of Tourism and Sports)
Hon. D. J. H. THOMPSON, LL.B. (Hons.), (Minister of State, Ministry of Finance and Economic Affairs)
Hon. H. B. St. JOHN, Q.C., LL.B.
Mr. L. R. TULL, Q.C., M.A.
Miss B. A. MILLER
Mr. DeL. O. BRADSHAW
Dr. R. L. CHELTENHAM, Q.C., M.A., M.Sc. (Econ.)

Mr. J. O. TUDOR
Hon. D. W. BOWEN, (Minister of Agriculture, Food and Fisheries)

Mr. G. W. PAYNE
Mr. R. C. EASTMOND, B.A., LL.B.

Prayers were led by Rev. Fr. Ivan flarewood

Mr. SPEAKER: The House is in session.

MINUTES

Hon. B. M. TAITT: Mr. Speaker, Sir, the Minutes for Tuesday December 1, 1992 have been circulated and are presumed to have been read. I beg to move that those Minutes be now confirmed.

PAPERS

Hon. W. O. FRANKLIN: Mr. Speaker, I am commanded to lay the Annual Report of the Barbados Industrial Development Corporation for the period April 1, 1990 to March 31, 1991.

GOVERNMENT NOTICES

Hon. B. M. TAITT: Mr. Speaker I beg to give notice of the Local Loans (Amendment) Bill, 1992.

FIRST READING OF BILLS

Hon. B. M. TAITT: Mr. Speaker, Sir, I beg to move that the Local Loans (Amendment) Bill, 1992, be now read a first time.

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

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

Hon. B. M. TAITT: Mr. Speaker, I beg to move that a Bill to amend the Anglican Church Act, Cap. 375, be read a first time.

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

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

ORDERS OF THE DAY

Hon. B. M. TAITT: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the remainder of this sitting.

Hon. H. B. St. JOHN: Sir, there is a matter for which I should like the assurance of Honourable Members that this is without prejudice to our completion of that matter. [Private Members' Business: Sugar Resolution]

Hon. B. M. TAITT: I give the Honourable Member the assurance that time for Private Members' Business, to the extent that it is possible, will be given.

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

GOVERNMENT BUSINESS

Mr. SPEAKER: Government business is the order of the day.

ORDER NO. 3 – BETTING & GAMING DUTIES (VALIDATION) BILL, 1992

Hon. D. J. H. THOMPSON: Mr. Speaker, this matter relates to the Betting and Gaming Duties (Validation) Bill, 1992. The Betting and Gaming Committee was established under the Betting and Gaming Duties Act, Cap. 60, and comprises 7 public officers or their nominees, namely, the Comptroller of Customs as Chairman, the Commissioner of Police, the Commissioner of Inland Revenue, the Solicitor General, the Permanent Secretary, Ministry of Finance, the Permanent Secretary, Ministry responsible for Sports and the Permanent Secretary, Ministry responsible for Community Development and Culture. This Committee sits and determines matters set out at Section 6 of the Betting and Gaming Duties Act.

The tenure of office of this Committee expired on June 30, 1991 and action to reappoint the Committee with effect from July 1, 1991 was not attended to as the papers dealing with the subject were inadvertently put away beyond the date of recall of the file. As a result, this meant that the Committee had no authority to act and any action taken after June 30, 1991 would be null and void.

In the circumstances, the Government has taken the position to validate the actions of the Committee between the period July 1, 1991 and February 14, 1992 and hence this Betting and Gaming Duties (Validation) Bill. The Committee has now been reappointed effective February 15, 1992.

It is a pretty straightforward matter which, I think, Sir, should attract the support of members of the House. 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.
12.30 p.m.

Mr. H. deB. FORDE: Mr. Speaker, when the Government changed in 1986, I used to listen to the strictures and homilies from members of the Democratic Labour Party about the necessity of having to bring legislation to this House to validate the failure of the Barbados Labour Party Government to pass particular matters at a particular time. Hansard will show that I warned the Democratic Labour Party Government then that there will be times in the administration of the affairs of the country when, due to the oversight of either the Public Service or Ministers, there will be maladministration, if I may term it that way. I said then I would sit in this House in Opposition for some time in order to be able to tell the Democratic Labour Party Government that they have maladministered in the way in which they would accuse of mal-administering.

Aside.

Mr. H. deB. FORDE: I am using the phrase, Sir, because I used to listen to their homilies. What the Minister is really saying is first, that the civil servants concerned did not draw to the Minister's attention that he had not reappointed the Betting and Gaming Committee. Secondly, the Minister who has to take responsibility for the matter under our system of Government did not remember or did not himself follow-up the matter, and therefore Parliament is now being asked to correct the omission. Since the Minister is contrite about the matter we will vote for it to put the matter right and will hope that this is a lesson to the Government to show that they are no holier than thou as they often wanted to preach to us when we were on that side and when through some administrative oversight events such as this occurred.

There is another matter, Sir. This is not the only area in which there has been a failure to reappoint boards on time. Some of the other boards have serious implications, even more serious than this one has. I refer in particular to the Income Tax Appeal Board. I would expect some time they will have to come before the House probably to validate some things that have been done.

Aside.

Mr. H. deB. FORDE: If they are not coming for a validation order in that case it would mean that the Board would have adjudicated on matters and cannot give decisions on those matters and taxpayers as litigants would now have to incur the cost of starting all over again and going through this procedure. I believe that the Government must have a ~~time~~ schedule available so that 3 months before the expiry of a board's tenure there is a reminder to sign the necessary order to get the new board functioning in time and there is no hiatus which will occur in those circumstances. That is the narrow point raised by this bit of legislation but there is a wider point. There is the whole area of betting and gaming.

I had the unfortunate experience of being in this House when, in 1977/78, the Barbados Labour Party Government tried to clean up the mess that existed in this country in relation to gambling where all sorts of one-armed bandits had come into the country without the appropriate legislation and where we had black jack being played in casino style within my constituency, so I am speaking from personal knowledge. We had to come down and pass legislation to regularise the position. We appointed actually a commission that reported on how far we should go in relation to betting and gaming. Those days there was a knight in shining armour who bore the armour of the Democratic Labour Party and, like Joan of Arc, he would pitch his arrows at everyone. I am going to use mixed metaphors. He is no longer in this House but he was then the voice, the conscience, the heir anointed, everything to the Democratic Labour Party. The Barbados Labour Party, my party, was cursed in no uncertain terms about how we were encouraging the gamblers and corrupting the country.

You know, Sir, time is a tremendous **revealer** of the truth about people because not one bit of the legislation has been reversed. As a matter of fact, the Government has now accepted the necessity to have some control over games of chance and, instead of a restriction on one-armed bandits, ~~we~~ have had the **Gaming Committee**, ~~within~~ the powers of the law, granting to various organisations the right to carry on instant money games, Lotto, and a whole series of lotteries of various kinds. Big money is **being** collected. It is no small money now. In fact, there are syndicates who from time to time are putting up \$4 000 and \$5 000 a week to play the Lotto. I unfortunately have heard of pitiable cases of people who can ill afford it, who will take their \$150 earnings for the week in order to play the Lotto and at the end of the day have nothing to show for it.

I have heard a lot of argument of persons arguing whether there should be Slate lotteries or non-Slate lotteries. You have heard 2 different voices on the side of the Democratic Labour Party. My friend, the Honourable

Member for St. Michael East holds to the view that this is an area in which the State should have some say as happens in Canada, various States of the United States, Britain, Germany, **Australia** and Malta, and that the funds should be used for various developmental projects including the development of culture, sports and to assist in the welfare field. I have heard a very quick and strident response from another leading member **representing** the **Democratic** Labour Party in the Senate and taking the Honourable Member for St. Michael East to task. I do not know if that is an intra-party row. No doubt the Honourable **Member** for St. Michael East will speak himself.

What I would like the Government to tell me is whether it is merely the Turf Club that runs the Lotto or whether it is not a fact that there is a company or an organisation that runs the Lotto for the Turf Club? I would like to know who are the persons and what is the commission paid in those circumstances. I have reason to believe, if my information is correct, that there are other members of the Democratic Labour Party who may be connected with the company running the Lotto for the Turf Club.

Aside.

Mr. H. deB. FORDE: Not in here but one used to be in here and another is not in here, meaning in this House, but may be in here, meaning in Parliament. When I hear people say that if politicians are connected with things that they are going to be dishonest, I really wonder whether that is not merely a lot of hot air and there are not politicians or former politicians acting as agents, or otherwise, for running the existing LOTTO for the Turf Club. I would like some clarification on it. I hear the statements. I think we must not conceal that type of information from the public and set up all sorts of situations. I am not one of those who consider that, merely because the state is running something, you must find corruption and dishonesty. What is true of a lot of countries is that where the state is running something there is increased pressure on politicians, particularly in appointing people, to use patronage. We must learn to get over that. But I have seen conflict of interest in the private sector as much as I have seen conflict of interest in the public sector. I have to make that statement as well.

12.40 p.m.

Sir, let me put my position clear. I believe that, from time immemorial, men have been gamblers. They still are gamblers. I do not believe that the state is going to stop people gambling. I very much like the high moral ground which the church takes on these matters but I have to live in a realistic world.

Aside.

Mr. H. deB. FORDE: Some of the churches will have a little raffle. The Catholic Church might raffle in a big way. What I believe, however, is that the control must be in such a way that we would avoid excesses. Excesses must be controlled. We have to save those persons who may be weak from destroying themselves in anything, whether it happens to be spending money on the LOTTO, or in the Instant Money Game, or spending money on drinking or in pursuit of pleasure in some way. I believe we have a duty, as citizens, to have some controls. Obviously I am also concerned to make sure in the playing of games of chance of this nature, where money is involved in particular, that young people are protected and do not see it as a way of life and forget that it is necessary to earn an honest dollar. Also I would not like to see either our menfolk or our womenfolk so addicted to games of chance, whether it is the LOTTO or anything else, that they forget their familial duties as parents and as family people and recognize that they must put their priorities right in this regard. To the extent that there may be church strictures on those excesses, I would go along with those strictures. But I really cannot live in the world and outside of the practical, by believing that we are ever going to prevent people from indulging in games of chance of some nature.

The prediction we heard from the Democratic Labour Party when they were in Opposition, and particularly through the mouth of their then Shadow Minister of Finance was that, by bringing the Betting and Gaming Act, we were going to be destroying the whole moral fabric of Barbados and getting all of the gamblers from overseas, that all of the big time gamblers and drugs were going to come in. Drugs and everything have come into Barbados without casino gambling or anything. It is here as a reality. Not only have we got marijuana but we have cocaine and I am led to believe we might even be seeing the beginning of heroin within our country. All that without all of the strictures the then Honourable Member levelled at the Barbados Labour Party and, particularly, at our former distinguished Leader, the late Tom Adams, who had the courage to realize that he had to regulate human conduct in a proper way and make things aboveboard, which he did in a proper manner. We had to put right things that were wrong. History has gone its full course, has vindicated the Barbados Labour Party and has allowed the public to see that we came in recognizing the moral argument as well as looking at the practical necessity of providing for proper regulations.

Sir, I want to talk about the use of funds. I understand that the Turf Club has been donating of part of these funds to other sporting organizations. That is commendable. But I rather believe that, if we are going to collect funds in a big way, some of the decisions as to the allocation of the funds must move outside a narrow group of people and have a broad based committee representing all sporting organizations or the major ones, the Olympics Association,

the Football Association, the Netball Association, the Volleyball Association, all of those Associations, as well as cricket, road tennis a growing sport, draughts – do not forget Suki King's win, Sir – and, of course, the sport that predominates in my own constituency right next to the Turf Club, basketball, as well. I believe also that the cultural organizations should have some say in how this large pool of funds is spent.

I commend the Turf Club on the improvements they are making to Government's property. People do not realize that the Garrison is owned by the Crown, not by the Turf Club. All they have is a lease. Some of their rental of the Garrison area is almost on a month to month basis. They have used their money in order to improve the Government's property, although I cannot help but say when I pass through parts of my constituency and other constituencies and see so many decrepit and run down houses that the horses are now getting stables that are better sheltered and arranged than some of our own people and particularly the homeless in this country. I cannot help but say that. It would be unconscionable of me not to say that.

But I recognize that horse racing, as a sport, has been making a significant contribution to employment, to pleasure and to the tourist industry. Certainly the horse racing industry has had our support and we have, from time to time, appealed to the Government to assist it. It has decided to remain where it is rather than to relocate on a new track and out of the LOTTO it has done a lot to improve these conditions.

I believe, as well, that some of that pool of money must be spent in a much wider manner than the Turf Club is at present spending it and distributing it and I realize they are distributing some of it, Sir. Let me give you an example. I should like to see them adopt some of the young people in the adjoining constituencies, my constituency of Christ Church West and the constituency of Christ Church South. For instance we could do with 2 or 3 basketball courts. We have appealed on many occasions to the National Sports Council to build an additional court, for instance, in Pleasant Hall Housing Area, next to the school. Now that would probably cost \$60 000 or \$70 000. That is the sort of project the Turf Club can adopt and help some of the young boys in Kings Village, in Medford Land, in Dayrells Road.

12.50 p.m.

I would like to see, for instance, that in the Garrison we can have a couple more courts. There is one court which the Government established there. The present Minister of Sports, when he came in, I spoke to him about it. It is used by Springfield and at least one other club, as well as by the Barbados Defence Force. But there are things like that, for public relations and other reasons the Turf Club could do as well. Sir, I would like to

see us really help culture in a much better way than we have, particularly the young musicians of this country and the young performers who need training seminars to market their natural talent and their goods.

Yes, there is enough money coming. How much did they say they have paid out? They have paid out so far \$120 000 to \$150 000. Sir, I understand there is a possible second, that the Olympics Association or someone else has also applied. No doubt there will be other persons who are going to get involved in this exercise. The essential thing is to ensure that the moneys are properly used, not only for the purposes of those persons who primarily run the game, but for the sport that is the primary originator of the game. I believe that when they have attended to their immediate needs, including repairing the barracks, paying better prizes for horse racing, improving the whole of the Garrison, improving breeding stock and having training courses, they must look at the other sports and other areas of entertainment and do likewise for them as well. That will take quite a load off the Government's budget and it would be contributing to the development of Barbados and to sports, not only as games, or activities that form character but that help people in earning their living.

I trust our intervention in this debate makes it quite clear that we are not against holding games of chance of this nature in Barbados. The party has supported this, subject to the safeguards that I have outlined, Sir. I believe we have to be realistic about it. We have to ensure that there is proper accountability for the funds, that there is a reasonable pay out of funds, that there are sufficient safeguards to prevent young people and those who may be weak from overdoing the thing, and that distribution of the funds is more widely based, and not narrowly centred by the originators of that sport.

The last thought I will leave, Sir, with the House is to recommend to the House to read a series of articles published about a year ago in "The Economist" which did a survey worldwide of national lotteries and came up with the conclusion that, were it not for national lotteries, several states and countries might be permanently in deficit. In fact, it was one of the fastest growing industries. While people objected to paying increased taxes, a lot of them seemed to have no difficulty with spending their money in lotto and national lotteries. How many of us pass through an airport and will take a chance to think that we are going to win the Lottery in Ontario or somewhere else? Many of us do it. I, myself, am not a gambler of any class. All the things that I seem to have gained I have had to gain by very hard effort, rather than by chance. I am not even in the position of a former friend of mine, Sir, who is now deceased. When he returned to Barbados accompanied by his wife and his father met them at the seaport, he said, "My God, he must have won her in a lotto, he could not have got her otherwise". I had to work for everything that I have had and cherish and I therefore have appreciated my

efforts in this regard. So I am not a gambler in the sense in which people who gamble are addicted in their way, but I would be less than candid, Mr. Speaker, if I did not say that from time to time I would have bought a ticket here and a ticket there though not with any such consistency. I do not play poker, Sir, in that sense. My friend, the Honourable Member for St. Michael West has asked me if I play poker. No, Sir, I don't play poker in that sense, but I do play card games for pleasure and never for money. It is a leisure form and I consider that for some people playing the lotto is not only for winning money but it is also a form of leisure, Sir.

Mr. J. O. TUDOR: Mr. Speaker, I should like to take this opportunity to address some of the areas that offered me some concern, in particular in relation to my views of the structure of this society, and as it relates to my constituency. Quite recently this question of games of chance was raised at a Branch meeting of mine. I raised it then to indicate to my constituents then that I recognised, as a member of the Government, a social responsibility, being part of the Government, to facilitate the needs of those members of society and constituents of mine who were then without a job, without money, without food, without proper housing, without many things. I felt my responsibility as a representative and as part of the Government was to generate some kind of activity, whether it was training, welfare assistance, cultural development, sporting development, whatever it is, to alleviate several stresses that are prevalent in the society today, in particular, at a time of structural adjustment. I made the comparison and I said that it was strange that at this time when we are in a structural adjustment we have a group of people who are able to identify their financial needs and to apply under existing law for permission to operate a game of chance.

It is my understanding that that is available to all sporting organisations. I have no quarrel with them for applying and satisfying their needs, but I did raise the question that a national lottery, being controlled by one group, was quite unfair to the wider society in the sense that they were only satisfying primarily their needs at a time when people were hurting, and had no jobs, nothing. You have to understand that this is a hostile situation in this country. It is extremely hostile and we, as a Government, have a social responsibility to ensure that we keep doing things to quell the society at large. Just as the Turf Club sought to raise money to do what they have to do as a group, I saw the need for Government to put things in place to generate funds so that it would be able to provide training and so forth.

1.00 p.m.

Hence, my comment was that I did not believe that one group should be able to control a national lottery where the pertinent evidence that is available suggests that it will be successful and that, in 99 per cent of the

cases where state lotteries **are** run, the excess funds are used to the benefit of the wider society. I have no quarrel with the Turf Club and I want to make that very clear. I have no real quarrel with **them**. I am just saying that in the instance of a national lottery I take the criticism of the general public when they suggest that probably Government should not have direct control of it. I really think gambling as a whole should be out of the political domain altogether.

Sir, if we want to be fair, I think that a lot of accusations backward and forward were made against members of the other side and that is unfortunate. We should remove gambling from the political arena. As the Leader of the Opposition indicated, it is an **area** that unfortunately should be separate and apart from both political parties. I really think that an independent broad based group should be given authority over our national lottery as against one group. He raised the point that he was not sure who actually was running the national lottery and I am supportive. I think that an independent broad based group should control the national lottery.

Mr. Speaker, in relation to games of chance and so forth, I am concerned that we have recently opened the gymnasium in Wildey. It has the potential for several sports-tourism types of sports to be of benefit to Barbados. I would like to identify some of them. These are some of the sports that, in my opinion, are sports-tourism related and need to be assisted in the same **vein** as we have horse racing. Golf, basketball, swimming, football, athletics, netball, cricket and water sports are areas that we need to facilitate. None of these associations I have just mentioned, in my assessment, will be able effectively to use the new gymnasium for the development of their particular sport. It is my understanding that the operating cost of the use of the gymnasium, when one has to pay for the lights and security, will be in the vicinity of about \$2 000 which is very prohibitive.

We have here a situation where we have a facility which I think is necessary and I compliment them for having put the facility in place, but we have to move beyond just having a facility. What is the point of having a facility which none of the associations can effectively use? I am saying that in the same way as the Turf Club is this year generating in excess of \$50 million from the Lotto, which means that according to **their** breakdown Government will get some \$5 million, and the excess funds that will be derived will be probably around \$12 million or \$15 million – and other needs must be restricted as the Leader of the Opposition pointed out: I have no problem with them generating money – when we leave it in the domain where it goes into 1, 2, 3 or 5 years, they will accumulate a significant amount of money at a time when none of these other associations are in a position to generate funds or even compete. I recognise that, as I am

sure other Honourable Members recognise, we have to be fair to the other associations.

Sir, if we are looking at a broad based development of sports, we have got to be fair to all of them. I **am** not trying to exclude the Barbados Turf Club. I am a horse racing fan myself. I like horse racing but I am not speaking as a horse racing participant. I am speaking as a citizen of Barbados and a representative who understands my social responsibility to the people who elected me. I **am** not just going to accept that being part of a Government we allow one group to operate. I think we must be fair to all of the associations.

Apart from sports, there are lots of cultural **artistes** in Barbados who have the potential to earn foreign exchange for Barbados as well. That is another area we need to lend some assistance and excess funds to from any national lottery which should be directed to these people. There is need for training of the youth in special areas of self employment. This is of serious concern. When I interview people in my constituency, I find that young people up to the age of 25 years have 1, 2, 3 or 4 children. They have left school in second form or third form. **They** are not employable and many of us in here know that. When we ignore these people, Mr. **Speaker**, this society is going to find itself with a very serious social problem. I do not want to break it down this way, but we cannot have a situation where we have the haves and have nots in the society. We have a situation where we are in a structural adjustment programme and have a large number of people who are denied opportunities even in sporting or culture and we are able to have a situation where a club, which is perceived in Barbados circles as one of a more affluent nature is enjoying the luxuries of a national game of chance.

There are serious welfare cases. I recently went to the Welfare Office with a fire victim, for argument sake, Mr. Speaker, and there were no funds available for me to **assist** a fire victim. It is extremely frustrating when you have a person who has been dispossessed of everything, you go to the Welfare Office and they are not able to provide anything to them.

• **Aside.**

Mr. J. O. TUDOR: I **am** just speaking my mind. I am just telling it straight and this is the reality of life. It is very frustrating for me as a representative. Everybody knows what the Member for St. Michael East has had to go through in terms of lay-offs and so forth and I do not run away from the problem. I tackle it because I am confronted with **these** situations and it is very frustrating. I am going to decry it because people must know what one is going through when you are told that there is no money to help a fire victim but at the same time I can see a better breed of race horse. I am not attacking the Turf Club so

do not get me wrong. I am just saying that at the same time these things are going on. It is a matter of getting priorities right.

In any event, I will say that I am still not satisfied with the overall general administration of the lottery in any case, because we should be ensuring that certain things are involved. There are no caveats whatsoever apart from one that I recently asked them to introduce dealing with children under 18 years playing the game. There are no warnings for people who go and gamble. Many Barbadians who do not have a cent go and spend their money buying tickets when they should be buying food because they are hoping to get out of their difficulty; in particular when we are in this kind of recession people go and risk what they really should not be risking.

1.10 p.m.

Even in Europe they indicate that there should be a counselling line where, if you are aware of someone who is an excessive gambler, or someone who cannot help himself, you would call and ask them to accept help. It is something like Alcoholics Anonymous. I think we need to say these things to the public.

We also need to say to the public that you do not just entice them to spend money on national games of chance, because you should encourage them to spend within their means. We should not be encouraging people to spend money just willy nilly on gambling, whether it is lotto or any of the other passive lotteries, like the scratch games. We have to be very careful how we do that.

I have some concerns about other things which are not done in Barbados to satisfy the general public such as having the balls to the national lottery weighed. In many other places the balls are weighed and the weight must be consistent. It must be properly monitored and the balls must be kept by Brinks or other security firms. We have to protect the public in these areas.

The Gaming Committee should note that national lotteries are controlled by various States. It is the kind of enterprise that lends itself to monopolistic control and, Mr. Speaker, that is why I feel there should be a broad-based independent body controlling this. The Gaming Committee must not allow a small, specific group to benefit almost exclusively from the proceeds of what, in effect, has become a national lottery.

Universally, national lotteries are designed to benefit diverse groups, as I have mentioned previously. Mr. Speaker, I am sure you are aware of the difficulty that sporting, cultural, social and civic groups are experiencing to obtain sponsorship for their programmes. To mention a few, Suki King, world renowned draughts player, had serious and significant problems in raising sponsorship.

Surfers, the Darts Association – and I could go on and on – the 4-H Club, local community groups, have difficulty. I just came from a tour of the Springer Memorial School in my constituency and I would like some money to help them as well. There are several areas to complain about. The NCF and the development of culture in Barbados need to be properly funded. All of these groups are presently left to accept tokenism from time to time instead of meaningful support.

I have been criticised and it has been said that I am jumping on somebody's bandwagon, or that I am annoyed with the Turf Club or something like that. I was also very badly misrepresented on CBC. CBC sought to project that I said that Government should take away the lottery from the Turf Club. I never said such a thing. If they would do their homework properly, they would not publish foolishness on the radio. I speak my mind. I am airing my concerns, because I do not get caught up in partisan politics. It is a problem. I took a position, but CBC sought to project that I was saying the lottery should be taken from the Turf Club. That is wrong. I never said that. They ran a questionnaire asking: "Do you think Government should take away the lotto?" And everybody said: "No, no, no!" as if this Joseph Onesimus Tudor is the second coming of Joe Tudor. I do not appreciate that kind of behaviour. Anyhow, I will not go into that, but I was not happy, Mr. Speaker.

Aside.

Mr. J. O. TUDOR: I was offered the opportunity to go the following evening and state my position on CBC, but I thought not to do it, because on principle I do not think it would be fair for me to go on television to explain myself and then to be accused of having misused CBC's time trying to explain Johnny Tudor's position. So I said no thanks and I refused to go and explain myself. I said I would wait until I got an appropriate opportunity in the House of Assembly, where I can speak uninterrupted and they can record it however they want to.

Mr. Speaker, I really do not wish to go on and on about gaming, but I think the time has come, as the Leader of the Opposition indicated, when we have to remove the stigma from gambling and casinos. No side should keep accusing the other of anything to do with gambling. It is clear that games of chance are accepted in Barbados and at this time I am further suggesting that the Gaming Committee consider casino gambling, controlled for visitors only, for this country to become competitive in the tourism market. This area generates significant foreign exchange at a time when our economy really needs a boost.

It is clear that this issue could not have been considered in the past, since our acceptance of national gambling was not clear. The record suggests that gambling is present in Barbados in many forms. The tourism

data that is available suggests that casino gambling is expected by some 90% of the travelling public. A large number of the people who travel as tourists are basically gamblers, people who take chances. All over the region there are casinos and we make a big thing out of it, believing that casinos will be some overnight miracle to tourism. That may not necessarily be so. The record suggests that in St. Maarten, where they are all over the place, a dime a dozen, even where many casinos are available, the tourism receipts have gone down, so there will be no overnight boom in tourism from the introduction of casinos.

I think we are making this a big thing. The churches get involved, but the churches have been involved in games of chance for many, many years. The St. Michael's Cathedral was refurbished out of a lottery. St. Dominic's Catholic Church was built out of the proceeds of several bingo games, so we have to be fair.

*Mr. SPEAKER left the **Chair** and Mr. DEPUTY SPEAKER took the **Chair**.*

Mr. J. O. TUDOR: Mr. Deputy Speaker, I think we need to take a look at the possibility of introducing casinos and stop making it a big political debate. If we are going to attract investors in the future, it is not really a big thing, because many of them say they would like to have casino gambling. As the church said in relation to condoms in prison or whatever, get real. As they say in relation to gambling, get real. As the Dean of the Cathedral recently said about drugs, get real. All I am suggesting is that all of us start to understand that we have to get real in this regard.

With those general remarks, Sir, I should like to see some equality in the system with regard to games of chance. We have to understand that there are a number of associations who are unable to help themselves. There are groups within the community that need assistance and we have to be able to find some way to help them. If at present we can identify games of chance, in the form of a national lottery, to assist these people, I am urging, even if my plea is a minority plea, that we look at it with a view to relieving some of the stress that is out there in the community.

Thank you very much.

Mr. H. A. BLACKMAN: Mr. Deputy Speaker, I am going to be very brief. I should like to say, first of all, I hope that my colleague's statement about getting real does not suggest that you give licence to do foolishness.
1.20 p.m.

I would just like to say I am going to speak about the Lotto specifically and the Turf Club as well. I have no

connections with the Turf Club or gambling or anything. I am a practical person.

I think people have to look at what was happening to the Turf Club about 4 or 5 years ago. About 3-5 years ago, Mr. Deputy Speaker, the Turf Club was down on its knees, almost down and out. I recall there was a period when one of the doyens, one of the giants in the Turf Club resigned from his post. There was talk at that time that the Garrison would have been closed down, that they had to look for another place to carry on racing.

Mr. Deputy Speaker, certain persons connected with the Turf Club decided to take a chance with this Lotto. It was a chance. They did not know when they started that it would have been a money spinner. They could not have known but they took the chance. Not only did they take a chance with the Lotto but they came out and they did certain things which many other organisations which involve themselves in games of chance do not do. They came out and said that if a person wins he has to have his picture taken so that the public of Barbados know that they won. They have said how much money they are collecting. This is not normal in Barbados, Mr. Deputy Speaker.

Am I to go ahead with anyone now who believes that people who have the foresight to take a chance to do something and who are successful should then be penalised because they had that foresight? I cannot understand that. If the Lotto people were not making money would you hear all of this noise in Barbados today that you have to put controls, caveats and all sorts of things on them? As I said, Mr. Deputy Speaker, I am a practical person.

In the BCA Instant Money Game which is similar to Lotto, you do not hear who wins or anything, so there is no noise. The Lotto people decided to tell who has won and how much money they are making and there is criticism of the Turf Club and the Lotto people. I cannot agree with that.

Mr. Deputy Speaker, let me say I do not believe in doing anything to stunt or stop the entrepreneurial spirit of people. I believe that if somebody is willing to take a chance... Are you telling me that if tomorrow the intended golf course became successful all of a sudden you would hear that the money these people are making should be used for something else? Are you telling me that if tomorrow the Lions started something like this and they became successful you would hear that they should take the money they are making and put to something else? Are we going to hear that if the BCA were to decide to come out and publish what profit is being made in the BCA Instant Money Game the profit they are making should be given to other organisations as well?

I believe that there has to be another way to help sporting organisations in Barbados apart from trying to

stop people who are willing to take a chance and are successful. These persons in the other sporting organisations should be able to take a chance and do things for themselves. You cannot sit down and say that because certain persons in the Turf Club had the foresight and were willing to chance their arm at something the money they are making now should be divided up between every person. I cannot agree with that.

I would like to say, Mr. Deputy Speaker, that when I was in the Ministry of Finance – as I said, I have no connections with anything or anybody to do with the Garrison – I gave concessions to persons for the importation of race horses because I felt that any person who is trying to help himself should be helped. I believed the Turf Club was down and out and that it was trying to help itself. They were bringing in horses for breeding purposes and, therefore, when they applied for the concession, I gave them the concession. If I am being accused of anything, I stand accused.

I believed that as long as we are going to stay with racing and you have persons in racing who are willing to take a chance and pull themselves off the floor, they should be given all the incentives and all the encouragement that they need. I am not going with any suggestion by anyone that the Government should have anything to do with the Lotto at all. If the Government wanted to get involved in Lotto, suggestions were made to the Government 3-5 years ago to start one and they should have got involved then, not when somebody has had the courage to jump in and decided, "Let me take a chance with this thing and see if it works", and when it works to hear that the Government should do this or the money that the people are making should be divided up between this and that.

If other organisations want to have money in order to carry out what they are doing let them innovate and look at alternative things to do and do them and see if they are successful. Mr. Deputy Speaker, that is my position. Thank you very much.

Hon. W. W. HALL: Mr. Deputy Speaker, we are here to validate the functions performed by the Betting and Gaming Committee from July 1, 1991 to February 14, 1992. Quite naturally, Sir, I would like to support that to have the record straight.

There has been a lot of talk about lottos, gambling and other forms of fund-raising. Therefore, I should like to say a few words because I reckon I know as much about it as anybody else in Barbados.

In June 1986, when I was made Minister of Labour and Sports, the very first morning I sat in that office, I was interviewed by CBC's reporter, Sam Wilkinson, who asked me what was my vision and how did I think things should go as far as sports were concerned. I told him that, not

only for sports but as far as sports and welfare were concerned, we should have a national lottery and then the money from the lottery would go towards sports and welfare.

I said so because I was aware that there were many youngsters and fledgling clubs in Barbados on the breadline and could not afford to play sports. I also knew, having sat for many years on the Council of the National Sports Council, that the subventions to the national associations, as good as they were, were not enough, and therefore that we should have a national lottery. Lo and behold, Sir, the next day they lambasted me in the Church. I being a man that was brought up in the Church...

1.30 p.m.

Aside.

Hon. W. W. HALL: I am a born again Christian. I want you to serve the Lord. I am a Christian washed in the blood of the Lamb. I have made my call and election sure. You should do the same. I cannot tell you what to do but you would feel good.

Sir, I want to say I was lambasted by the Church. I felt that if the Church in Barbados felt Barbados being a Christian society, that the new Minister should not get involved in such deeds, I should put it on the back burner. I was not interested anymore. If a Christian society felt the Government should not be involved in that sort of thing, I felt as that was my first day at work, if I had started wrong as far as the people were concerned, I would deal with that. So, Sir, the Lotto never surfaced again.

In the same year, Sir, 1986, there was a move to have a Formula I Track at Bushy Park and a new race track in it. I think it would have cost about \$50 million. I think the Honourable Member for Christ Church South agreed with that. It would have been the greatest thing ever to have happened to Barbados. First of all, I had known what Formula I racing had done to Adelaide in Australia. I had known Adelaide as a sleepy little city, nothing like Sydney, Melbourne, Perth or Brisbane. They took the Formula I. The Government was tottering. It was on the brink of financial disaster. Ever since then, Adelaide has been able to challenge not only Perth, but certainly, Sydney, Brisbane and Melbourne, cities that hosted not only the Olympic Games but Commonwealth Games. This year, 1992, Adelaide was beaten only by Malaysia.

The Formula I Race in Adelaide is run on the roads. It is not a track. They put barricades up. They put up all sorts of protective gear. It is the last race of the year. They run it in the city. They run it next to hospitals and schools and it finishes at the race track. Yet, when we were interested in it, they were telling me, the people up

in the valleys of St. George and St. Philip, that the noise does not dissipate and you will hear the noise down in Bridgetown. All manner of things were said. If we had got the \$50 million we would have had a new race track at Bushy Park and, indeed, a Formula I Race Track which would have done wonders for this country just as it has done for every place, Le Mans and all the other racing tracks in the world. I think that was a golden opportunity lost. Only this year when racing was revived at Bushy Park there were no big stars, no real fast cars, just a few **Suzukis** and one fast car from Guyana but they had 20 000 Barbadians there. This is no lie. That is a fact. I am saying it is a sport people like to go to. Therefore we lost the opportunity.

Let us get to the Turf Club. Let us look at the jockey room. The only thing they had changed in the jockey room in the last 50 years was paint. Nothing else was changed. The same seats and everything that Frankie O'Neal, Edgar Crossley and Sonny Holder had were there up to 3 months ago. Look at the offices. They were **terrible**, yet many people were huddled in there day after day to work. Look at the facilities given by club members. I do not mean the hierarchy, the stewards and people like the Honourable Members for St. Thomas and Christ Church South. I mean the people who have the booths and pay lots of money for what can only be regarded **as** not as good as the stalls horses now have that the Honourable Member for Christ Church West talked about.

They were there to support racing. That is true. The people who own horses in Barbados have done it for the love of keeping racing alive, like the Honourable Members for St. Thomas and Christ Church South. The Honourable Member for Christ Church South has had the occasional flutter with a horse, nothing of any great repute. "Flushing Drum", Sir, never won a race. He does not know what it is like to win.

Hon. H. B. St. JOHN: On a point of order, Sir. I am sorry to correct the Honourable Member but one August meeting "Flushing Drum" did hit the tape first.

Hon. W. W. HALL: Sir, I recall that but there was an objection and therefore I do not consider that. The jockey did not lead him in. He went in the other way.

Seriously, Sir, we have to congratulate the Turf Club. I talked about the jockey room and the office but what about the saddling stalls? It was a disgrace having to saddle them up in Dalkeith and then walk them across a road and the horses got upset. Look at the parade rings, nothing to talk about. Now, what is happening in Barbados is you look out at the Garrison Savannah, the rails are as good as the rails at Arlington, or Belmont. There are not many turfs in the world that have inner rails and they have inner rails. What is more, when a jockey and horse crash into these rails you will not find they will be killed or very badly

hurt. They will collapse. If this had not been so in the United States of America, many jockeys would have been killed because of the crashes you do have. On the tracks horses tend to jump over jockeys. They do not come into you unless it is unavoidable. I can tell you.

I wish to say they have done many good things, moving the 7½ gate to the 7.8, something I had a hand in. That was important because I recognised that coming up the straight for the first time you had to be very careful with that very **short track**. The Barbados course is a very sharp and undulating track. I think we must congratulate the Barbados Turf Club for the improvements up there. I know they brought a man from Australia to look at the rails. I do not think it is right to criticise them. The Barbados Turf Club does not run a national lottery. We have to get the record straight. Any sporting organisation in Barbados can apply to run a lottery.

I will get to cricket. A few years ago Kensington Oval as a Test ground was a disgrace. The only ground in the world I felt good on was the Gabba in Queensland. I went to play there for Queensland for 4 years after the 1960 tour. I felt good there because it reminded me of Kensington. Today the same Kensington Oval and the Gabba Cricket ground in Queensland, Australia are two of the prettiest and most beautiful grounds in the world. They put a dog **track** around the one in Queensland. They took the proceeds from racing there and beautified the grounds. I defy anyone to get up and say that the Gabba ground is not the **prettiest** ground in the world.

1.40 p.m.

Let me tell you what they have done at Kensington. They had the 3 Ws stand. At the time – I was a Board Member – they depended on Barclays Bank to support them. Barclays Bank took 2 senior officers and put on the project, Tony Marshall and the other guy who died the other day. They did that. They had seats which you could pay for for 25 years. Do you know, Mr. Deputy Speaker, the Barbados Cricket Association, because of the Instant Money Game, was able to pay back in record time for the 3 Ws stand, to build the Sir Gary Sobers Stand, to build the Hall and Griffith Stand, to renovate the Kensington Stand and the Eric Inniss Stand and then build the Mitchie Hewitt Stand? They have done all these things. You give credit where credit is due. What is even more important is that they have given countless dollars to many sporting clubs during the year as prizes so that they can survive.

I am saying that Kensington Oval is now the Mecca of cricket in the West Indies.

Aside.

Hon. W. W. HALL: I want you to agree with me. As of now, please agree with me all the time because I am speaking the truth.

Aside.

Hon. W. W. HALL: I am a born again Christian. Yes.

Aside.

Hon. W. W. HALL: I do not gamble now. Throwing dice is one of the oldest forms of gambling. I will tell you that in order to fulfil a prophecy which said, "They cast lots for his raiments."

Aside.

Hon. W. W. HALL: No. That is when Jesus was crucified and the soldiers cast lots for his raiments. It fulfilled a prophecy which said, "And they shall cast lots for his raiments." You would not know about this. This is not Latin or Greek. This is the Holy Spirit of God. You do not know anything about that.

Sir, in the case of gambling, you will notice that you will never find, in England – you talk about poor people and gambling – Ladbrokes, you would never find Corals, neither would you find Hills in the upper class districts in London. Where do you find them? You find them all around SW1 and all around Tottenham Court Road and areas like that. That is where they opened betting shops.

Another thing is that we need to stop being hypocritical because poker machines as they call them – I have never played one in my life – but I will tell you something. In 1960 I used to live in Australia at the South Sydney League Club. There were hundreds, nearly thousands of poker machines in there and on Ladies Day – you talk about the people who play these machines? – Kingsford was a ghost town. There were ladies of all sorts and descriptions, young, old, fat, thin, the good, the bad, everybody played. That is the position. The very people who you believe would not play a machine really do. Therefore I just wish to say that I do not play machines. I have owned race horses and I do not even know what I am going to do with them now, Sir. My son could probably have them.

I just wish to say, in closing, that my only reason for talking on this Bill is to let people know that the good work done by the Barbados Turf Club – I have no brief for them, I am not a member of the Turf Club – and the Cricket Board of Control what they have done through the LOTTO and the Instant Money Game really cannot be overlooked. Those who do not like gambling and say to me that it is bad to do it well, that is their opinion. I am saying that the receipts from the LOTTO and the cricket were put to good use. I feel that it should not be allowed where people could say that the Turf Club and the Cricket Board had fleeced poor people or anything like that. If people want to play the LOTTO they will play the LOTTO. The poorer you are and you feel that \$2 can win you \$200 000

the more inclined you are. There are people in this society who would never have a chance of making that sort of money by working for it or otherwise. Therefore, they will put in their \$2. If you go down at Goddard's you will see that 15 minutes before the close of play, as it were, you will find 100 people down there, all sorts of people.

What I would close by saying is that it is hypocritical on race days to have 8-year old boys buying a forecast ticket. Why do we not talk about that? It is also equally bad to have school boys in Baxter's Road or any other road going in and pulling a machine. That is what is wrong about it. That is what is iniquitous. People talk about lotteries and people talk about casinos and all these sorts of things. It is a matter of conscience. I think that as a man who has had race horses and raced them, I have to deal with that.

But, Sir, I would just wish to close by saying that I would like to pay tribute – I do not know if there is any truth that a private company is running the LOTTO and who it belongs to, whether it is B, C or F, I do not know – what I would say is that the monies that they have got from the LOTTO, the evidence of it is out there in the Garrison. You can see it. What I would like to see removed are those shacks that they have there and I would like to see them finish the jogging track. Do you know that they provided a jogging track for the thousands of joggers who go around the Garrison? I would recommend that the Members of this august Chamber use that jogging track. Looking at them it is obvious that they need to do it. That is one thing the Turf Club has done which I think it would be for our betterment and our physical well-being. Having said that, Sir, I would recommend that they do it.

Mr. DEPUTY SPEAKER: The Honourable Member for St. George South.

Mr. L. R. TULL: You called me before I moved, Sir. Mr. Deputy Speaker, Sir, I believe that both sides of the House have generally agreed on the benefits of LOTTOs and these types of activity that provide funds for a number of sporting activities in this country. We are not quarrelling with that. We had the support for the Barbados Cricket Association and their Instant Money Game venture, the former Let's Go To The Races activity and now this LOTTO. We have no quarrel with the principle of it. So the Honourable Member for St. Michael West Central is unnecessarily exuding a lot of heat. I am impressed that he is a Born Again Christian and all that. We accept these things.

But one of the things, Mr. Deputy Speaker, that I find truly amazing about this debate is the way in which the Democratic Labour Party has turned right about turn on this matter of gambling. I was a member of this

House some years ago in the late 1970s, the beginning of the 1980s when there was a vitriolic, unreasonable, a foaming at the mouth approach to questions of gambling by the Democratic Labour Party. I accept the fact that proselytizing by some people have now made them see the light and they are now won over to the usefulness of this kind of activity.

Hon. B. M. TAITT: On a point of order, Sir. I do not know what momentous statement made from this side today would drive the Honourable Member into an effusion or a revelation that we have turned full circle. He should make the point. I do not understand what he is talking about.

Mr. L. R. TULL: Mr. Deputy Speaker, Sir, I am not making any effort to get the Honourable Member to see any light. I am just stating the facts. The Democratic Labour Party ran a campaign at the end of the 1970s and the beginning of the 1980s against gambling in Barbados. I well recall sitting in this Chamber and hearing the then Leader of the Opposition making a speech against gambling. Everything was immoral about it. Everything was wrong with it. They were diametrically opposed to gambling in any form and he predicted that when he had passed on and was drinking milk and honey in some place all the evils of the gambling would be visited upon the people of this country. That is what we went through, Sir. The platforms across this country were alight, night after night with all the noise about the effects of gambling and the kind of harm it was going to do to this society.
1.50 p.m.

I only said that in passing, Sir, because I am truly amazed that we can see this kind of transformation coming from the Government benches today.

Now, I have one or 2 questions in relation to this business of the Lotto. I have no difficulty as I said, Sir, nor does my side, with the fact that Lotto is being held to improve the fortunes of the Barbados Turf Club. I am not, unlike the Honourable Member, a born again Christian; I am not one, but I have no interest at all in the Barbados Turf Club. I do not go to races. I know nothing about races but I believe that racing is an important sporting activity in this country and that large numbers of Barbadians are interested in racing. I believe that, if there is that interest, we should have the best facilities possible for that kind of activity to take place.

Having listened to the Honourable Member for St. Michael West Central it seems to me now, that the Turf Club has got what they wanted, and the Cricket Association has got what they wanted. The Cricket Association, according to the Honourable Member, got the new Three Ws stand, the new Hall and Griffith Stand, the new Sobers

Stand and, now according to him, they have one of the finest grounds anywhere in the world.

He also goes a step further and says that the Turf Club now has got top rate facilities. So they have achieved and I am happy that they have achieved. I drove past the Garrison and saw the new rails and, without knowing very much about racing, was impressed with the improvement over what they used to have in the past. But the Turf Club has now achieved. They now have a good track, they have the rails, the jockey rooms, the offices. They have everything now. I am suggesting, Mr. Deputy Speaker, that it is timely that somebody else gets a chance now. The cricket people made it, the Turf Club people made it.

Racing is not an activity that takes place in villages across Barbados. I am not trying to compare the two. They are quintessentially different activities. As I have said, I have no quarrel with the Turf Club achieving what it has, but it is time now, since they have achieved, for us to start looking at other areas of endeavour across this country where there is a shortage of funds for facilities.

I believe, Mr. Deputy Speaker, that Lotto, or whatever form of activity of a sporting nature that goes on, can be shifted in their priorities and emphasis from one sport to another as the need arises.

In my own constituency there are large communities where there is no playing field. You take Workmans in St. George which has a big area and environs. I am suggesting, Sir, that when an individual sport has achieved what it wants to achieve there should be a shift and I believe that a lot of the money that can be made out of these lotteries....

Aside.

Mr. L. R. TULL: The Honourable Member for St. Philip South, for instance, Sir, is less concerned about villages across the country than to put a Tory position for certain special interests in this country. He is more concerned about that. I am a little bit more concerned, Sir, about the shifting...

Asides.

Mr. L. R. TULL: Sir, aren't you going to protect me from him?

Mr. DEPUTY SPEAKER: I am not hearing anything.

Mr. L. R. TULL: So you are not hearing him, Sir. Well let me deal with him first before I move on. He has a penchant for defending certain special interests in this country that make, even Members on his own side, raise their eyebrows. He feels that the only people who should benefit from that kind of activity, the gambling, are people like the Turf Club people.

I am conceding, and he would never understand this because he is always swimming in waters that are too deep for him, that having achieved that...

Mr. H. A. BLACKMAN: Mr. Deputy Speaker, on a point of order, I just want the Honourable Member for St. George South to understand...

Mr. DEPUTY SPEAKER: What is the specific point of order?

Mr. H. A. BLACKMAN: He was misleading the House. Mr. Speaker, I have no one in the Turf Club that I know anything about and I don't care about anybody in the **Turf** Club. I just want him to understand that I speak as I feel and I personally believe that if tomorrow the Barbados Football Association had the guts and the courage to start a lotto and started to make money I don't believe anyone should get in here and say: "Okay they have achieved what they achieved now. Put the money somewhere else". I don't believe in that.

Mr. DEPUTY SPEAKER: Thank you.

Mr. L. R. TULL: I wish, Mr. Deputy Speaker, to continue. I reiterate my point, Sir, that having accepted the principle that these things inject useful funds that are not available out of the Treasury, and having moved in certain directions and reached a point where we can say with satisfaction that we will move in other areas, I believe, Sir, like others who have spoken before me, that there are a lot sporting and cultural activities in Barbados which are starved of funds because of the limited resources that Government can **provide**, particularly at this time. I am throwing out the suggestion, Sir, that the Government, whom I do not want to run Lotto at the moment, but who I believe should be controlling the direction in which these things take place, should use whatever resources they have through a regulatory system to move the activity from one area to another, according as needs admit and other needs arise.

We have volley ball teams, we have netball teams. We have all kinds of activities where young people in this country are constantly having to go around and beg people, particularly in Bridgetown, for money to assist them to hold a tournament and indeed to have an occasional tour to one of the islands nearby and that kind of thing. If we are reaching the point where one activity is making \$25 million or whatever is the figure I have heard, **without** begrudging them one penny because I am convinced, from what I have heard, that the money is well spent, I think that perhaps now we can look at other areas that affect people all across Barbados, young people in particular, and make sure that this bounty, because it really is a bounty, be distributed, not in the sense of taking away from the Turf Club what it has

made, but making the opportunities available for other people to benefit from this kind of activity.

2.00 p.m.

It is foolishness, Sir, for anyone to suggest that everybody should go and start a lottery. There are people who play draughts across the country and road tennis. Can anybody seriously suggest that the road **tennis** boys should suddenly start and organise a lottery or that the men who sit around in the back of shops around the country in their spare time playing draughts should go and start a lottery and stop looking at what other people have achieved and go and get it done themselves? Government has to maintain an activist role in social development in this country. In the allocation of resources, however they come, Government must continue to play a leading role to make that resources and needs coincide.

Mr. Deputy Speaker, while I have no quarrel over the whole question of raising money by these means, we now have to take a look at our priorities. There is one other question I want to raise, Sir, and this relates to the business of those who have a hand in the lottery. It is now a big business. I heard at least one Minister say that he does not know who are the people involved in any agency in Barbados. Why can we not know? We have had a bad track record in the past with these national lotteries. I do not know whether the West Indian Hospital Sweepstake was mentioned already, but that was a shameful blot on this country, not because the concept of the Hospitals' Sweepstake was a bad one but because lots of infelicities, to put it mildly, **took** place and brought a great deal of dishonour to this country abroad and not only at home. It is imperative then that, if we are to get involved in this kind of activity we are in now, guidelines and activities be clear and the persons involved must be clear so that there can be no reason for anybody to spread a lot of rumours and gossip with everybody in doubt over who exactly are the beneficiaries, apart from the winners, of course, in this matter. Why can we not know that, Sir? Has the Government got any role in ensuring that they are giving licences to these people to operate and requiring them to publish all of the information so that the people of Barbados can be satisfied that all the fears as expressed by the Democratic Labour Party a decade or **more** ago will not be **realised**?

Sir, I remember when the Barbados Labour Party sought to regulate the **one-armed** bandits and to make sure that licences were granted according to certain regulations under the **Betting** and Gaming Act, we heard at the time from the then Opposition the usual foolishness when these things come up about Mafia and prostitution. I am suggesting, Mr. Deputy Speaker, that all of those horror stories that were promulgated at the time and the way in which people perceived that kind of thing – there was a hot debate at the time – can be avoided by openness, Sir.

Aside.

Mr. L. R. TULL: Sir, I am going to close on this point. I am suggesting to Government, and they are not having any problems with the Opposition in this matter, that they make all information surrounding this operation public. Government makes the regulations. You give licences and do not make regulations? What are you telling me, Sir? I am asking that there be far greater openness so that we do not have charge and counter-charge in relation to who is running the show and who are the beneficiaries. Thank you, Mr. Deputy Speaker.

SUSPENSION OF SITTING

Hon. B. M. TAITT: Mr. Deputy Speaker, it is 2.05 p.m. and I believe that Honourable Members would want to take a break now. I beg to move that this sitting be suspended until 3:00 p.m. this afternoon.

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

The question that the sitting be suspended until 3.00 p.m. was put and resolved in the affirmative without division.
2.05 p.m.

RESUMPTION

Mr. DEPUTY SPEAKER: This sitting is resumed. The Honourable Member for St. John.

Hon. D. J. H. THOMPSON: Mr. Deputy Speaker, let me start by expressing gratitude to those who contributed to the debate and also for their understanding of the circumstances under which this particular Bill had to be brought to the House of Assembly. All of them appreciated obviously that a mistake was made.

There were a couple of points made in the course of the debate to which I should respond. The Honourable Leader of the Opposition dealt with the issue of the problems of some other statutory committees or boards for which appointments have sometimes lapsed. He spoke particularly of the Income Tax Appeal Board for which, as I understand it, the appointments had lapsed, but then we had an additional problem as the Chairman of the Income Tax Appeal Board has subsequently been appointed a Judge of the Court of Appeal of the Eastern Caribbean States. However, we have made arrangements to have the Board fully constituted and that Board should meet and probably seek to determine fresh matters and, hopefully, the old Board can be reconvened to deliver the decisions on the old matters and we can perhaps consider a validating Bill for that purpose. I cannot imagine that it would make sense for us to have people reappear before the new Board and commence consideration of all of the

matters which have already been argued before it. I am glad he mentioned this because I did not know that particular Board had many outstanding decisions, but it has been a Board that over time seemed to have had great difficulty in getting things done swiftly and there had been a backlog of decisions also in recent times which needed to be dealt with urgently.

Regarding the concept and role of the Betting and Gaming Committee; I think members should be very clear on how this Committee functions. This Committee is established by statute and the persons who sit on it exercise statutory duties. Those duties are set out in Section 16 of the Betting and Gaming Duties Act, Cap. 60, as follows:

"Determine the applications for licences to hold lotteries, consider all applications and grant or refuse to grant approval for the issue by the Controller of Licences in respect of the importation and use of machines in Barbados, determine the suitability of certain premises licensed under the Liquor Licenses Act for the purpose of a declaration under this Act, prescribe the number of machines that may be made available for gaming on approved premises, enquire into complaints made against licence holders and give generally effect to the provisions of the Act."

As a Minister both previously in the Ministry of Community Development and Culture and now in the Ministry of Finance, there is no contact on policy issues between the Ministers by whose Ministries these persons are chosen in relation to how they should deal with applications. They are exercising a statutory duty and have a right to exercise that discretion independently. There is no policy in relation to the issue of licences which emanates from any Ministry in Barbados and is handed down to members of a Committee. Committees themselves determine the applications which come to them. If people are suggesting that we should change the law so that a Ministry or a Minister responsible for gambling can outline a policy in relation to gambling and have a committee carry out that policy, then that is something that we should make very clear in the course of this debate. Based on the legislation as it stands, I have no greater influence in the determination of any application for a licence for a lottery or for slot machines or any other form of gambling than does any other member of the Government. The only time it would come for consideration by a Minister is, in fact, if there is an appeal if a licence is not approved or if the Committee turns down an application. It is at that point the Minister can exercise a discretion to grant the licence.

I cannot think in the time that I have been in the Ministry of Finance there has ever been an appeal from a decision of this Committee. I am not sure if there have been any appeals previously to other Ministers of Finance where one assumes that, if they come to the Minister,

he can influence policy in this direction. In essence, it is an independent Committee. The fact that it is made up of public servants does not mean they are acting on behalf of the Ministry when they attend those meetings. They exercise statutory duties and they are entitled to exercise those duties based on the representations that are made to them. They have to do them within the spirit of the law on the basis of fairness and all of the other requirements under the Administrative Justice Act.

3.10 p.m.

There are a number of persons who have made comments which relate **strictly** to the question of monitoring gambling in Barbados. Those comments are not comments that I, or any person in the Cabinet, or any Member of this House can really deal with. If the Committee is charged with statutory functions which include monitoring of gambling, then those comments need to be addressed to the Committee, and citizens, Members of Parliament or anybody else who is interested, in more effective monitoring of gambling in Barbados, can feel free to make those representations.

The Honourable Member for St. Michael West Central has commented on the fact that there are children who are gambling at the races and also using the slot machines, and that is something again that the Committee should, based on this debate and assuming they read what we have said in here, look at and seek to control, to regulate and monitor gambling in that way.

There are a lot of people who complain about the system of the ratio of payouts of the slot machines. This apparently is a common complaint, and they complain that there has been no monitoring of the ratio of payouts, and that is something that the Committee also should spend some time examining to ensure that, although gambling is a game of chance, once you say there are certain parameters in which a lawful gambler should function, that he functions within those parameters,

This also brings me on to the point about information being provided on the Lotto. The Honourable Member for St. George South called on the Government to provide information in relation to the principles behind Lotto. That is nothing to do with anybody, again, on this side of the House or on that side of the House. I suppose if one were to ask a Parliamentary Question, that might be one means of getting that information, but the Committee, as I have said already, is vested with statutory duties and anybody who wishes to find out who the principals are behind any gambling operation again has to address those remarks to the Betting and Gaming Committee.

There should be no attempt, in my view, without that information, to seek to link anybody in this House or even former politicians with any of the gambling operations in Barbados. That information, as I said, is not within my

remit and is not about to come to me, because I do not intend to request it. But the Honourable Leader of the Opposition seems concerned that there were politicians, present and former, involved in gambling, and while the concern about present politicians involved in the Lotto **might** be valid, there is no basis for anybody to worry about former politicians being involved in an enterprise like Lotto. They owe no responsibility, **statutory** or by convention, to anybody to say or to state what their interests are in any private enterprise activity they are involved in. Therefore, whether it is the principals are members of a political party, or non-Barbadians, or whatever, that is something the Committee itself would have to address, assuming that the question has been asked.

The issue of gambling has not come up for consideration in any of the Manifestoes of the major parties in the past election, and I do not think it came up in the 1986 Manifestoes, so it is obviously not an area where we are prepared to make any policy decision, and based on that I cannot say myself that Government has any intention of changing the law or of declaring that it is in favour of or against gambling by way of slot machines or Lotto or whatever other form of gambling exists. That point needs to be made very clear. Perhaps the debate demonstrates more than anything else that we should, in political parties, consider the issue of gambling and make our positions respectively clear and then seek to amend the legislation or seek to have the necessary legislation passed to give effect to the views we all share.

The issue of gambling plays a very important role now in terms of investment, particularly in the hotel sector. I think people have to be aware of this. For example, I am certain that the sale of Heywoods Hotel without gambling would be about one third or one fifth of the price we could get with gambling. So we need to have a clear policy from Government, perhaps also from the Opposition in relation to issues such as this. That would mean we would have to have some means of effecting this policy by giving power to policy makers under the legislation to direct the parameters in which the Gambling Committee functions.

Horse racing in Barbados provides considerable employment and I think the Lotto has provided an opportunity for the Turf Club to continue in that trend, hopefully employing more persons. The only comment I would make is that with all the talk about the rosy developments around the Garrison in the past few months or year, the conditions of the Garrison Savannah have deteriorated substantially. Previously the National Conservation Commission was able to do a lot of work at the Garrison and maintain it as a place of historic interest, but in recent times the Garrison had deteriorated. Obviously we have had to cut back in terms of employment, and I would hope that the Turf Club would give a commitment to the people of Barbados that, in addition to the

physical structures it puts up in relation to the Turf Club's operation, it would agree to maintain the Garrison Savannah in conjunction with the Garrison Committee. It really is appalling now the amount of grass on the outskirts and the amount of garbage one sees around the Garrison Savannah. It is clear that Government is not going to be able to devote considerable resources to maintaining this historic place of interest.

The final point I want to make is that, to the best of my knowledge, there is absolutely no reason why other persons cannot apply to run lottos in Barbados, and that should be made clear. Whether it is a Government agency or a private sector entity, there is absolutely nothing in the legislation or in any policy set out by Government which prohibits them from applying to have a lotto. Anybody can do it. There is no influence exerted via policy, it is a matter for the Committee to determine and the Committee, as I said, has statutory duties and could consider the applications which come before it on the basis of merit.

Therefore, on that basis, I want to give support to this Bill to validate the acts of the Betting and Gaming Committee between July 1, 1991 to February 14, 1992, and I beg to move that this Bill be read a second time.

Hon. C. V. WALKER: I beg to second that.

On the motion of Hon. D. J. H. THOMPSON, seconded by Hon. C. V. WALKER, Mr. DEPUTY SPEAKER left the Chuir and the House went into Committee on the Bill, Mr. L. L. BRATHWAITE in the Chair.

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 and 2 were called and passed.

On the motion of Hon. D. J. H. THOMPSON, seconded by Hon. C. V. WALKER, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. DEPUTY SPEAKER resumed the Chuir and reported accordingly.
3.20 p.m.

On the motion of Hon. D. J. H. THOMPSON seconded by Hon. C. V. WALKER, the Bill was read a third time and passed.

ORDER NO. 9 – THE ANGLICAN CHURCH (AMENDMENT) BILL, 1992

Hon. E. E. GREAVES: Mr. Deputy Speaker, I believe that this Bill which we are introducing here today contains matters which have been ventilated and discussed all across Barbados. Basically, it is a Bill which seeks to amend the

Anglican Church Act and to validate certain statutory instruments made under that Act.

A request was made sometime ago by attorneys acting on behalf of the Barbados Diocesan Synod to have amendments to the Anglican Church Act in the following areas:

- (a) the validation of certain statutory instruments made or purported to have been made under the Anglican Church Act, Cap. 375 and of the acts and proceedings effected under those instruments;
- (b) the removal of the requirement that subsidiary legislation made under the Anglican Church Act be published in the *Official Gazette*;
- (c) the amendment of section 26 of the Anglican Church Act; and
- (d) the repeal of section 27 of the Anglican Church Act.

Now, the fact that the Constitution, Canons and Regulations of the Diocese of Barbados were not published in the *Official Gazette*, as was envisaged in 1969, led to a court case which reached the Privy Council. As I understand from an interpretation which has been given of the judgment, in the matter of Rev. Edward Gatherer vs., The Rt. Rev. Drexel Wellington Gomez, the judgment stated in part that Rev. Gatherer's appointment was under the Anglican Church Act of 1911 and that the Pensions Act of 1947 applied to him when he was first appointed in 1953 and when he was appointed to the Rectory in 1957. When he was appointed it was on the basis of the Pensions Act which required him to retire at 60. As from April 1, 1969, that is, the effective date of the disestablishment, the pensions legislation ceased to apply to Rev. Gatherer and the 1911 Anglican Church Act was repealed.

Section 9 of the 1969 Act clearly envisaged that a rector might retire or resign but did not however fix the retirement age or pensionable age. This was left to be done by the Rules, Ordinances, Canons or Regulations made by the Diocesan Synod under Section 24 of the 1969 Act.

As I said, because the Constitution, Canons and Regulations of the Diocesan Synod were made *but* were not gazetted, it meant that the provisions of the Constitution, Canons and Regulations of the Synod were not legal and therefore not applicable to Rev. Gatherer or to other priests who fell under this arrangement. Consequently, within recent times, as a result of the legal battle which ensued, and based on the decision of the Privy Council, the Anglican Church approached the

Government to have the regulations gazetted. That is the purpose of this Bill which is here before the House this afternoon.

With that short introduction, Mr. Deputy Speaker – and obviously the reasons for this Bill are well known – I will just repeat what it provides for. It provides for the validation of certain statutory instruments purported to have been made under the Anglican Church Act, Cap. 375 and of the acts and proceedings effected under those instruments and for the removal of the requirement that subsidiary legislation made under the Anglican Church Act be published in the Official Gazette, the amendment of Section 26 of the Anglican Church Act and the repeal of Section 27 of the Anglican Church Act.

Basically, these are the objects of this Bill and we are now seeking therefore to ensure that the matters contained therein are put beyond any shadow of doubt. Consequently, Sir, I beg to move that this Bill which will make provision for the matters outlined before be read a second time 3.30 p.m.

Hon. C. V. WALKER. Mr. Deputy Speaker, in seconding this Bill I would just like to make a few brief comments. This Bill which seeks to amend the Anglican Church Act, Cap. 375, also seeks to repeal section 27 and validate Cap. 1 of the Schedule. We are all aware of the events of the last few years. Indeed, most of us were somehow involved one way or another with the activities of the various individuals in this scenario.

Now, 1969 to 1992 is a long time. It is interesting that here we are today, and we are dealing for the second time with something referred to as validation. One would not want to cast any blame on the Church since most Honourable Members in here from my knowledge are members of the said Church. But it is interesting that in the court case of 1992 which was cited by the Minister who introduced the Bill it was pointed out that it was based on the fact that the cleric was operating under the 1911 law and, due to the lack of action in publishing the statutory instruments brought subsequent to 1969, the court ruled in favour of the Reverend.

Now, Mr. Deputy Speaker I have a few other comments to make about this because while this was going on and, as I said, members in here are members of the particular church, there are also members in here who are members of the Diocese and they sit on the Diocese at Synod. I do not at this time. It also brings another point and I want to make 2 other points. In this same year 1992, while this case was being decided, the Reverend at my own Church reached the age of 65, one who would have announced to us that he was going to retire, but the decision on this case came down and I think he is or may now be sitting under the uncertainty – I do not know if he

has sought any legal advice – as to whether he may be entitled to stay on based on the court case. I am not representing his views but since I am in a position where I am here, and I actually was the Minister of Ecclesiastical Affairs when this thing stated, and I am also a member of that particular parochial Church Council, I am declaring my hand up front that the amendment of the Bill may, unfortunately, have a bearing on the status of my priest but, however, we are dealing within the law. I wanted to put that on the record that I will not sit by...

Aside.

Hon. C. V. WALKER: The Honourable Member for St. Michael West says I may have absolution. I recall not so long ago in some other action I had to take when I was Minister of Ecclesiastical Affairs I was also told that I would be excommunicated if I took a different action.

While this is all going on I want to bring another serious point. Here we are now validating certain things for the Church. The previous Government and this Government have both been trying to get the Anglican Church to settle the disputes, lands and the glcbs throughout this country. I am not at all satisfied that the same Anglican Church of which I am a member has been acting honourably and in good faith for their representatives because the delay has been too long. I am hoping that as we address this they too will address the requirements of the people who reside in the various glcbs, especially the Clebc in St. George. With that I totally support this Bill.

Mr. H. deB. FORDE: Mr. Deputy Speaker, this Bill was brought at the request of the Anglican Diocese of Barbados and since it has the support of the Diocese, it will have the support of this side of the House. It is most unfortunate that a legal technicality and an omission has led to a law suit that, in my view, should not have been settled through the law courts.

People have a tremendous reverence and respect for religion. Most Barbadians are Christians, the majority of them Anglicans, but even although we may err and be sinners, we still hold great respect for the majesty of the church and the Anglican Church particularly has played a leading role in this country. I personally as an Anglican really regretted the fact that a legal omission led to a battle that had to reach the Privy Council and in the process has fractured proper relations among the Clergy and to some extent among the Laity as well. I really find it very difficult at this stage to give any congratulations to any winners or losers in that dispute. I think the losers were the Anglican faith and Christianity as a whole. Damage has been done to the Anglican Church in the process. I hope that in the years to come that damage will be repaired.

Now, Sir, none of us really realised that, despite the provisions of the Interpretation Act, the

Constitution, Canons and Regulations of the Diocese as adopted by the Diocese in 1969 had not been gazetted. Most people went on the assumption that those were the governing regulations of the Diocese. In fact, they were amended since 1969. I think all of us accepted those were the Canons and Regulations governing the Diocese. While I do not want to reflect on the Privy Council's decision, it obviously binds us as it is the ultimate decision. I certainly regret very much that technicality caused such a law suit. I would hope that issue is settled and one would not see other law suits resulting from this legislation.
3.40 p.m.

I have a little concern about the new sub-section 3 of section 4 in the Bill in that anyone who is age 65 from the date of commencement automatically now vacates his office. Normally one allows such persons any right to compensation that they should have, any compensation, normally in Bills of this nature. So I raise the matter. I am sure that the Attorney-General would wish to respond on that aspect of the matter as to whether or not we are preserving or affecting a vested right which a person may still have without giving some compensation. There has to be a cut-off date. I am raising the matter, Sir. I have not had the chance legally to research the matter. But that particular part of it has given me some cause for concern.

I want to say a few words though, Sir, about the relationship between church and state. I am still unhappy when churches in general and the Anglican Church in particular have to come to the Legislature to deal with matters affecting its own internal management and constitution. We must therefore find a legal form in order to decentralize completely the making of rules and regulations in relation to the church and, as a matter of fact, it is about time that churches use the provision under the Companies Act to be institutions limited by guarantee rather than depend on statutory legislation and having to run to Parliament from time to time. They would then be able, within the terms of the Companies Act, to regulate their own procedures without having to ask the Government or anyone of us to move, from time to time, individual bits of legislation to deal with that.

I think this also provides us with an opportunity, Sir, to look at the whole issue of disestablishment of the church which occurred in the period 1969 and thereafter and to reflect as to whether or not it has worked. In fairness to both parties, I have grave doubts, having had responsibility for Ecclesiastical Affairs whilst I was Attorney-General, whether the Anglican Church really did get a fair bargain out of that exercise of 1969. Part of the poverty of the Church has been a consequence of the terms of the settlement which they accepted at the time, let us face it, but which in my view, I think, was not sufficiently fair to the Church having regard to the long time that the State has been allowed to use church property without any real

compensation. Many of us who have had responsibilities for Ecclesiastical Affairs, when we came to hand back the property, usually put on a few more dollars than the Valuation Committee or whoever tells us should be put up, because we realized that the buildings had become run down, some of the properties are now derelict and can no longer be used or are no longer useful and, in some instances even the land area on which they stand is probably not saleable.

I regret very much that a lot of the old buildings and houses belonging to the Church have fallen into disrepair and are no longer saleable. The Church itself has no funds to be able to maintain these buildings. The community at large is still not magnanimous in making donations to the Church. There are very few people nowadays who die and remember to leave anything in their wills for the Church.

Aside.

Mr. H. deB. FORDE: ...or remember before they die to leave anything in their wills for the Church. There are very few covenants. there are oot many covenants given.

At my own church at St. Matthias, Sir, I have myself been as generous as I could and we have tried to encourage as many people as possible to help. But let me give you areas, Sir. Once before it was well-known that church yards were well maintained areas and when sugar was king, whatever you said about the planters, they used to make arrangements to keep those church yards spic and span and aesthetically they were pleasant. You could go in there. You could pray to the Lord. You could spend a moment with the dead.

Aside.

Mr. H. deB. FORDE: They have not got the money. What worries me is that a lot of the younger people who should be doing this as part of an ouueach programme are not helping. Some of our church yards are now really awful places to visit. I do not think that is good enough in a country like Barbados. I would say to those of us who belong to the Church that we must do something to put this right.

The Church has had a mixed history which we all know. There have been areas in which the Church has performed well in the community and there have been some sociological scars. Some members *sotto voce* have been making remarks about the time when certain seats were reserved for certain people and that sort of thing. But we have come a long way from that. I believe that, regardless of whatever church you are a member of, whichever Christian faith you are a member of, you are in duty bound to help that church survive and to support it. The church unfortunately sometimes - certainly

the Anglican Church – gets treated like the political parties. People believe that political parties find money and must give money to everybody. They do not believe they ought to support the political party, that the political party cannot be effective unless it has the money to pay for the normal outgoings that the party must pay for in order to manage its affairs, in order to enable us to be more effective in the jobs which we do. That applies as much to the political party as it applies to the churches.

I am using the occasion of this Bill as well to ask Anglicans to support financially their Church, to insist of course that the people who guide the affairs of the Church stick to the Christian doctrines and precepts and obey the canons and practise Christ's teachings.

I am going to sound a note that is probably not going to be popular with some people, but I am not one of those Christians who believe that because at the time when Christ was alive men were a dominant force and those were the tougher people who had to go out in the by-ways and hedges as disciples that his doctrine means that women can no longer preach the word of God. I would go along with Archbishop Carey, the head of the Church in England, I would go along with all of those who understand that there are some practices in the Church that are allegedly based on Christian teachings and are not so based and are mistaken. One of these happens to be the question of whether or not women should be ordained and be allowed to preach the word of God. It is not settled in the West Indian Diocese of which we are a part and one has to speak out.

3.50 p.m.

I think we Anglicans must speak out on these matters. I go into other churches, pentecostal and otherwise, and I am as moved by the words from those ladies as by anything else. What nonsense can this be that in this day and age Christ is only going to look at you taking communion, the wine and the bread, from the hands of a man but if they come from the hands of a woman, and she preaches His Word that something is wrong! I really can't agree to that, Sir. The Anglican Church must move into the twenty-first century.

One of the other things, too, is that it is nonsense to believe that church music must remain only as the music that existed in Jacobean times or indeed in the eighteenth century. In fact the church music of the Jacobean times was in itself revolutionary church music. Very often I used to go, as a student, into Miller's and sit down to listen to Jacobean church music because of the charm of poetry in the verse and what not. As times move on the church must adapt to the art form and must bring within its bosom those artistes who are showing their work and their culture and help to use those forms of communication in order to extend the Word and the Christian precepts. I hope to see

the Anglican Church really, Sir, using some of the forms in a much more meaningful way than we have done.

I don't know how many members took the opportunity to go to see the film "None of That" which used the concept of revolutionising music in the Catholic Church that had become dead, and how people automatically came in and the community came back to the church and started to work with the church, and then the problems of drugs and some of the other social evils in the community were being attended to with the people of the church giving the lead and being the role models. So although this is a validating Act, I think it provides us, in this House, with an opportunity not to preach to the Church, but to say to the Church that if they must remain preachers and leaders then they must truly not find themselves in internal conflict that can destroy the faith but must remove some of the archaic practices which some people put about as what they call the true doctrine and the hard doctrine, and move into reality in the modern world and really preach God's Word so that it has a meaning to us, particularly in these times when we are being called on to provide greater moral strength and leadership.

The Bill therefore has the support of this side of the House. I would say to the Government that the new section 5 is welcome because from the commencement of the Act it is no longer necessary to publish the changes to the Canons in the Official Gazette, so it is unlikely that another case *Gatherer V. Gomez* would arise in these sort of circumstances.

I will say to the Honourable Attorney General that the time is probably ripe for us to look at a new Interpretation Act as a whole and deal with the problems that arise from non publication. The same thing happened with us in the case of *Biggs V. Attorney General* on mere technicalities. If it says you should publish then you should publish and none of us will deny that, but I think the Honourable Member knows that in this instance, as I will bet you, in 1969 an official forgot to draw it to the attention of the law officers or something of the sort and that is really all that has happened in this case while there was no deliberate neglect on any one's part.

We support the principle of the Bill. I have raised the query to make sure that no one's vested rights should be affected by the provisions of section 5(3) and I hope, Mr. Deputy Speaker, that the Church will recognise that the politicians are as anxious to see them leading in the respects in which they should lead as they ought to be anxious to see us performing properly in the respects and in the areas that our profession and our calling gives us the opportunity to perform.

Hon. B. M. TAITT: Mr. Deputy Speaker, I have the distinct honour of being a member of what is called the Church's Parliament, the Synod, and also this

Parliament. In those circumstances I know, perhaps, a little more about the basis of this legislation than my colleagues in this Honourable House.

I should say in passing, Sir, that it is only a stroke of fate that the Honourable Member for St. George South is not in a similar position because the Honourable Member for St. George South went to the same Sunday school, Sir. We were in the same Sunday school class a very, very long time ago, so his behaviour patterns now, Sir, are entirely his own fault.

Mr. Deputy Speaker, this legislation is desirable if for no other reason than that it will over time ensure that the Anglican Church does not suffer any more embarrassment than it has suffered in the last few years. I think it is as well that finally it has come to the conclusion that it should fall into the category of many other denominations in Barbados who do their business without reference to or dependence on the state. The Methodist Church, the other churches in Barbados, all have their rules and regulations and they have not had to rely on any activity on the part of the State, but the Anglican Church is part of the history of Barbados and therefore it is not necessary to spend a long time discussing the history of the Anglican Church in order to understand why it has and holds this unique position where, even now, it must be at the mercies of the Legislature in order to effect a very desirable change.

The story surrounding the unfortunate case between the Rev. Gatherer and the Bishop and I might say some other cases, deriving from the same failure to publish the regulations by the church, is replete with clear manifestations of an inherent difficulty within the church itself. It has to be said that many of the difficulties which culminated in this case go back to a root cause which those who are not Anglicans have perhaps been able, dispassionately, to observe, where the church more and more deviated from the path of pastoral and brotherly and sisterly care to a path of a more secular understanding of rights and duties.

The difficulties in the Anglican Church are Anglican difficulties but they have also been Barbadian difficulties. They have been observed by everyone. Anglicans need not be so embarrassed that they cannot discuss their problems because they are not the only denominations that have had to go to court to settle an issue. There is not a denomination in Barbados that has not visited the law courts to settle some issue or the other except, perhaps, the Catholic Church which does not visit any law courts except its own.

I need not go into a long history of cases but I remind those who might have any doubt that there is still a case pending which has not been settled and hence there is a building at the corner of Sobers Lane which is in a state of decay, of tremendous concern to the Ministry of Health. It

is not yet settled, some difficulty to do with the Christian Mission.

Mr. Deputy Speaker, the issue, first of all was that the law required that if regulations were made those regulations would not become valid until they were published in the Official Gazette. In some ways the judgment of the Privy Council has been contemptuous in that it cites really *trite* law to come to the conclusion it reached.

4.00 p.m.

If the matter had not been published, then it would not be legal. The regulation was not published and so the decision of the Bishop subsequently requiring Father Gatherer to retire and demit office at age 65 was held by Father Gatherer and his advisors to be not valid because he understood his terms of employment to take him to the age of 70 under a previous law. One needs not to go into the details of that. Suffice it to say that in the end the Privy Council agreed with Father Gatherer's position that he was entitled to be employed as a cleric until whatever age had been decreed. In fact, the Privy Council held that Father Gatherer could go on being a priest until he dies.

Sir, some people have felt that Father Gatherer let down the side by taking that position. I have never held to that view because I believe that once the Church had embarked on the business of having the Court settle their disputes then Father Gatherer had the same rights as anybody else to check out his rights within the Courts and to have his dispute settled at the highest level of the Courts.

There is another priest who, using the same facility, has sought to have his position clarified with the Courts. I do not think that it is wrong on the part of a priest to seek to get his rights in the Court. It is not wrong. However, it may be a question of morality whether the Church ought to be seeking to settle its issues in that way, but I do not think that anyone should come down on Father Gatherer and see him as some kind of bad person because he sought what every human in Barbados has and that is his rights under the Constitution, what he perceives to be his rights. If we ever reached the point where, by virtue of the position you hold that, you could not go to the Courts to have your position established or decided, then we would have a very sorry system.

Sir, my views as expressed have nothing to do with my position on whether Father Gatherer had the right or not. Within the Synod, I have taken that position and, indeed, I have taken the position that, having won the case at the Privy Council, it would be very difficult and may indeed be immoral to have legislation to effect what could not be effected through the normal Courts. However, Sir, it must be said that this matter was discussed and

this matter found favour among a majority of the Synod. The Synod was fully seized of the fact that, on the passage of this legislation, Father Gatherer and all other persons 65 years and over would fall into the category of persons who would be eligible to go home. With the Synod having reached that conclusion by a vast majority, I feel that this Legislature and this Government would have a duty to **carry** out the wishes of the Synod because **there** is no other vehicle by which **those** wishes can be carried out in all the circumstances. Therefore, in some ways this Legislature could be likened to Pontius **Pilate**. They can say we have washed our hands of this.

Asides.

Hon. B. M. TAITT: Do you not understand what I am saying? Let me repeat it. I said that the Legislature if it wishes can say like Pontius **Pilate** that I have washed my hands of this affair because it is a domestic matter. You have decided it. We are the vehicle by which it is to be done. We are going to do it. In truth, however, it concerns us because we are part of the body politic and, as the Legislature, I take my position within the Legislature as part of the body politic. My position is that this legislation is good for the country. It is good for the Anglican Church finally to be put in the same position as any other church or any other group in Barbados where it will have its regulations made domestically and where those regulations will apply to the persons who adhere to that faith, where everyone who joins to work in that denomination would understand that they are **operating** by the rules of that denomination.

I have to agree with the Honourable Member for Christ Church West who said that a mere technical difficulty ought not to be the basis of the amount of trauma which has occurred over the last many years. I hope, therefore, that we will not see any attempt being made to increase the **trauma** based on some other perceived technicality in the law or the legal arrangements.

I want to make a few comments on the question of disestablishment and whether it has worked and whether it was a fair bargain. The Honourable Member raised the question and I think it should be responded to. I believe that the Anglican Church has not got the best bargain in a comparison of what it has given and what it has received by way of a \$30 000 subvention over the long period since 1969. I think that the amount of money given to the Church in lieu of its having given up property and assisted in the development of education in the country cannot be said to have been sufficient. I **am** not questioning the decision of any particular Minister or Ministers. I am saying that I share the view inherent in what the Honourable Member for Christ Church West said that the Anglican Church may not have had the best break in the

disestablishment of the church. It got a commitment of a mere \$30 000 per annum between 1969 and the present.

Asides.

Hon. B. M. TAITT: It may not be motivated by money. But it had a lot of property that was used by the State and the disestablishment of the **Anglican** Church is different from the disestablishment of or the relationship with any other church. It was the Anglican Church that provided a substantial amount of the real estate for schools in this **country** until the country was in a position to put its house in order.

Aside.

Hon. B. M. TAITT: I agree with the Honourable Member for the City who is saying *sotto voce* that they should have been more **businesslike**, but that is part of the problem, that they had not been schooled in the business of running a diocese because many of the persons who were involved in the Anglican Church at the level of the clergy were persons who had been brought up and had no particular training other than in their Ecclesiastical Orders. Hence, many of them were incapable of managing the system which they inherited. They had made several representations in the past and, hopefully, arising out of this particular amendment, they will recognise the need to stand on their own feet.

4.10 p.m.

The ordinary Anglicans who are members of the church will recognise, just as those from Abundant Life and the other places, that **the** only way the Church will survive is for the members of the church to pay their way. There is no substitute for that and there is no reason why the Anglican Church should have continued for as long as it has been to be the darling of the Government, whatever Government was in existence. Hence, this will go a long way toward making sure that all of us who are Anglicans pay our way.

The ordination of women is **yet** another case of people in the society not coming to grips with the changes which have occurred, especially in the last 25 years. Mr. Deputy **Speaker**, it is intolerable that anyone can consider that **women** are somehow inferior in religion, that they are incapable of preaching the gospel or administering the Sacrament. That anybody could suggest that women, by virtue of being women, are incapable of this is pure, undiluted foolishness in 1992. Fortunately for us in Barbados the Synod reached the position a long time ago that women should be ordained in the church. However, we still have Bishops in the Caribbean who hold to a view that is not based on any kind of logic or reality, and who because of the structure of the West Indian Dioceses are able to obstruct the movement forward for the people of the Caribbean in the Caribbean Church.

Even in the last meeting here in Barbados, the manner in which this issue was handled suggests that there were people who deliberately do not wish to see it brought to fruition, but neither the Bishop of any province or any diocese, nor any other priest can stop the movement of the people of that particular diocese or province, and it is only a matter of time before the women in the Church, who have been the backbone of the Anglican Church certainly for as long as I have been a member, over 40 years, are ordained. I think it is a kind of hypocrisy to have the women doing all the major duties in the Church, that fund raising activities must be spearheaded and cemented by the women, that the fabric of the Church is maintained by the activities of the women, that the solidity within the Church itself is maintained by the faithfulness of the women, while a few antediluvian male chauvinists believe they must continue to hold their special and sacred positions forever and pass them on their sons and their sons' sons. That will not work, and it is only a matter of time.

If the rest of the West Indies is not prepared to go along, those other dioceses within the West Indian Province will have to take the matter in their hands and do what they know they have to do. It is foolishness to tell a child of 5 years, who looks and sees a female preacher in one denomination while in the other denomination all that child can see is male dominated situations, that you are trying to give him or her a structured and proper path for development. You cannot discuss the equality of women in the rest of the society if you do not provide equality of women within the very fabric of the society, which is the Church of the West Indies. It is absolute nonsense, and those who rail against it are people who do not have the good of the region at heart. That is my considered view, Mr. Deputy Speaker.

As for the legislation itself, I have a little problem with Section 4(3). I think everybody who is familiar with the law would have a little problem with Section 4(3), but, I submit, a careful examination of Section 4(3) will recognise that it always was the intention of the Anglican Church that clergymen should, after a certain period, retire. That is the clear indication of the Anglican Church. If one joins the Civil Service, no matter how brilliant that person is and how the faculties of that person are still intact, when that person reaches a certain age, whether it is age 60 for administrative persons or age 65 and 67 or otherwise for judges, whatever it is, a date has been determined beforehand when that person should go.

It seems to me that, where a body as massive as the Anglican Church has made a series of regulations which were accepted in good faith as regulations by all and sundry, there can be no vested rights held over when the Legislature properly decides, as we are about to decide, that 65 is the age when persons should go.

Mr. Deputy Speaker, I have to say I had hoped there would have been sufficient compassion within the Church itself that they could have reached an accommodation with Father Gatherer to allow for what might be called a grandfather clause to give him some time to demit office, but wiser heads and a majority of heads have prevailed. It is their view that this matter should be dealt with decisively, swiftly and without any fear of contradiction, and since it has been done in a democratic way at a meeting at which Father Gatherer was present, and at which the issue was thoroughly ventilated, and since it has been concluded by a validly constituted body of the Church that this is what is required, I feel duty bound to support it in this way. Therefore, I have no difficulty supporting this legislation in its present state, even though initially I would have had the hope that some aperture could have been left open for Father Gatherer. As for the others who would seek to ride in the wake of Father Gatherer's position, they have no hope, they have no case and I have no sympathy. 4.20 p.m.

I cannot think of any reason whether it is the Rector of my friend the Honourable Member for St. George North or the perhaps Rector of St. John the Baptist or...

Aside.

Hon. B. M. TAITT: I said the perhaps Rector because the question as to whether he is Rector is in contention. On the one hand, the Bishop says he is not while the other says he is. I cast no aspersions on the position. None of them have any cause for action either morally, spiritually or in law as far as I am concerned and therefore I have no time to spend on them. Fr. Gatherer's case is slightly different, or I thought it was.

Aside.

Hon. B. M. TAITT: The Honourable Member for St. George South who has had a glorious opportunity to participate in the government of the Anglican Church, whose roots are within the bowels of the Anglican Church, will no doubt be able to express his view when he comes to speak. He has never been at a loss for words, especially when discussing the Church. Therefore, I will not be guided by any information which he seeks to give me from his seat.

Suffice it to say that enough can be found in any denomination in Barbados to provide grist for the rumour mill. I am not going to get involved in that kind of discussion. I am saying that I had hoped that Fr. Gatherer could have had an easier passage into retirement. I believe that all of his rights secured under the Judgment of the Privy Council are intact and, therefore, it is comfortable for me to support this Resolution.

What it means, in case this has not been said, is that as of the passage of this legislation and its having been assented to by the Governor-General, the Anglican Church will not be required to publish anything in the *Official Gazette*. It will have true self-government and, indeed, there is a view that the regulation concerning Fr. Gatherer should have been made after the legislation had been passed, without subclause 4(3).

On the other hand...

Aside.

Hon. B. M. TAITT: I made the point at the beginning that I am in a peculiar position where I belong to both parliaments and I have sat in both cabinets. If I am sometimes expressing a view which seems more in consonance with the Church cabinet, that has happened. The point is that the legislation once it is passed will allow for a clean break with what has gone on before. It is fortuitous, in my view, that it comes at the same time as the present Bishop is demitting office. It gives the Church and a new Bishop a free and level playing field. There will be an opportunity for the Anglican Church to engage in what can only be considered as genuine renewal. I think the Bishop is to be **congratulated** for providing that opportunity.

The Bishop is not required by any statute or any law to resign. The Bishop on his own has decided to vacate office. He feels that after 20 years he wants to go on to new and perhaps greener pastures and I think that is good for him. I will not make in this Parliament any statement concerning his sojourn as Bishop. I believe I should make that statement in the other place. Suffice it to say that his going at this time, this legislation and a renewed spirit which can be found among the laity and most of the clergy in the Anglican Church, suggest that the Anglican Church is on a threshold where it can take off and go in a new direction.

Aside.

Hon. B. M. TAITT: Only those of us who worship in the Anglican Church on a regular basis would be aware of the new spirit. If the Honourable Member for St. George South is not able to see it, it may be because he does not know where to look. Going to church does not mean entering the building. It requires a certain involvement. I think the Honourable Member would be welcomed back if he has been lost.

I believe the Anglican Church has a glorious opportunity to take off and go into a new province of understanding and leadership in religion in Barbados. It has been a leader for all of its existence here and I wish that when we get the new Bishop whoever he or she may be... It cannot be a "she". It would have to be a "he" on this

occasion but I hope this is the last occasion on which the question of a Bishop will be discussed only in terms of "he". I hope that by the time we come around to the appointment of the Bishop after this coming one that women who are under Holy Orders in the Anglican Church will be eligible to be considered. Be that as it may, I am very certain in my mind that the Anglican Church will go from **strength** to strength in the immediate years ahead and I believe that this legislation will go a long way towards ensuring that.

I am grateful to Your Honour.

Hon. D. J. H. THOMPSON: Mr. Deputy Speaker, Sir, just 2 brief points. I do not wish to speak to the merits of the Bill itself because I have absolutely no interest in the subject which has just been debated – I mean in the entire subject of the Anglican Church – but I wish to say that the Honourable Member for Christ Church West and also the Honourable Member for St. George North made some particularly important points about the property management by the Anglican Church in Barbados.

The Anglican Church in its own right through the Codrington Trust owns very large tracts of land in St. John and has been particularly callous in its treatment of tenants in relation to those lands. For example, when the Government of Barbados acquired land recently to put a polyclinic in Glebe, St. John the Anglican Church almost denied the existence of some tenants, one such of whom had commenced the foundation of a house and therefore had very great difficulty in establishing that he had any right or interest in the land on which he was building. I think this is atrocious. That is just one example. I want to go further, to the College Savannah development in St. John, a totally unplanned development, with the Anglican Church acting as though it is living in the 19th century taking people down to a house spot, an empty spot, and letting them build wall houses on land that does not belong to them with some houses facing the sea, some facing the road, some front houses facing people's back yards. The Government now has to seek to rectify a total development disaster in that area. We cannot put in proper roads because the roads cannot be aligned properly. We cannot put in proper water facilities and it is bringing considerable strain and pressure on the residents of that area. I cannot really blame them because there is such a great need for house spots.

I want to issue a caution. I do not know whom the caution should be issued to because I am certain that the Honourable Member for St. Lucy himself is very aware of what has been happening there. We have spoken on several occasions. I am not going to be very happy if at the end of this scenario people who really knew no better and were misled by the Codrington Trust or the Anglican Church are in any way affected in relation to the sizeable

investment they have put into houses. They are still allocating lots on beach land and at the edge of the cliff to all kinds of people. Whomsoever will may come, so long as you are friends with certain people. They are told they can put beach houses and so on in those areas. Whereas in other kinds of developments, such as for people living in Newcastle, St. John, they cannot build because it is in the Scotland District **area**, nor can others who have lived on lots for all of their lives build, the Codrington **Trust** is acting as though they are living in a time when there were no town planning regulations and no need for proper development of facilities. It is really a development disaster.

Every time I go in the area and talk to the residents I explain to them that they do not even own the land on which their houses are built and most of them do not qualify as tenants because they never had a chattel house on the land. All that has happened is...

Aside.

Hon. D. J. H. THOMPSON: It is relevant because comments are being made that the Anglican Church is starved of funds and in an impecunious situation. It is just as much a result of their own poor management of their properties and their own attitude towards their own lands as it is for any other reason adduced by the Honourable Member for Christ Church West.
4.30 p.m.

That is why I am saying that the new breath of fresh air or whatever it was described as by the Honourable Member for St. Michael West, should redound to the benefit of my constituents. By the way, any matter that my constituents deem important is relevant to anything going on in this House. That particular matter is one that concerns me.

This is a very serious matter, Sir. I raised it in this debate because I forgot it when we were dealing with another matter recently. I have been back in that area only last weekend to find that people are still having problems relating to the ownership of land. It is a big problem in that particular area which has great potential for confusion. I hope the Anglican Church through the Trust will seek to resolve those issues as soon as possible.

Hon. M. A. KING: Mr. Deputy Speaker, I just wish to take a very narrow aspect of this debate and respond to a couple of questions raised by the Honourable Member for Christ Church West. The Honourable Member raised a number of questions in relation to section 4(3) of this Bill and I believed raised the question as to whether the vested rights of any of the priests who, on the passing of this legislation will vacate office at 65 years old, were being infringed. I believe he also raised the question whether any provision for compensation was being provided in relation

to any such **priests**. He did admit that he had not studied the matter in any detail and, therefore, was only raising questions. I have taken the trouble, Mr. Deputy Speaker, to examine this matter in some detail because it has been raised and I was aware that it was likely to be an issue. I did look at the judgment of the Privy Council which was given in a matter concerning one of the clerics of the Church and the Church itself. The Honourable Member for St. Michael West says the judgment of the Privy Council is a contemptuous judgment. I do not think it should be described in that way. I differ from him in that regard.

What that judgement does is to **trace** for the benefit of us all the history and background of the entitlement of the Clergy and the rights which they have in the Church. What can be gathered from perusal of the judgement is that it says that if all one had to be guided by were the provisions of the Anglican Church Acts then one could argue that Reverend Gatherer would have vested rights in his office for the duration of his life. But what the Privy Council went on to point out quite clearly was that for practical purposes, before the disestablishment, clerics in the Church were almost like civil servants so that pensions legislation of Barbados applied to them. Remember they were paid from the Consolidated Fund. Pensions were provided for them by the pensions legislation of Barbados and it provided a bit more than pensions. I think the Privy Council did hold that it also provided for an age of retirement.

I would just like to read a section of the judgment of the Privy Council in relation to its analysis on this matter. The judgment of the Board states as follows:-

"The 1947 Act (The Pensions Act) thus applied to the appellant when he was first appointed in 1953 and when he was appointed to the Rectory in 1957. Although the earlier Pensions legislation fixed an age for the receipt of pensions without fixing a compulsory retiring age, it is in their Lordships' view impossible to say that the 1947 Act was concerned only with fixing a pensionable age, the age at which pension can be drawn. It was plainly providing, in addition to the power given earlier for the Governor to require an officer to retire at or above a specified age, a fixed retiring age.

When the appellant was appointed it was thus on the basis of an Act already in force which required him to retire at 60 and it cannot said, as the appellant seeks to say, that this Act must be construed so as not to take away existing rights which he enjoyed under the English Ecclesiastical Law. He did not at any time have the benefit of those rights shorn of the provisions of the 1947 Act."

At another point, after reviewing the matter further the Board went on to say that the Canons of the Church which were not published in the *Official Gazette* did, in fact, provide for an enlargement of the clergyman's rights. Further in the judgment it states:-

"The Synod set out to adopt a constitution and to issue a number of regulations. Paragraph 11 of the Regulation C.10: "Of the Clergy Appointments Transfer Removal" in the 1979 Regulations (which replaced Regulation XXII of the 1969 Regulations under which a rector could be re-appointed after compulsorily vacating office at 65) reads:-

'A Clergyman shall vacate his office on the last day of the month in which he attains the age of sixty-five, but shall be eligible for appointment of Priest-in-Charge or Assistant Curate...'

If this Regulation is valid then the appellant's retiring age was raised from 60 under the Pensions legislation to 65 under the Regulations."

Making the point that rather than any of Reverend Gatherer's vested rights becoming affected, his rights were, in fact, enlarged by the Canons and Constitution of the Church which were not gazetted. The problem was clearly, as I said, that those Regulations were not gazetted and therefore, were not the law. The Board went on to make the point that once those Regulations are gazetted then they would provide for things like retirement, and regulation of the Anglican Church properly.

This judgment also recognises that:

"By section 24 of the 1969 Act the Diocesan and Synod set up under the Act were empowered to make rules, ordinances, canons and regulations as it thinks fit for the general management, discipline and good government of the Church and to provide in the same 'for the resignation and relinquishment of any benefice' benefice including a rectory with curacy and a vicarage."

Under 24 of the 1969 Act that empowered the Synod to make regulations for matters which related to resignation, relinquishment and for the general good government of the Anglican Church. The position was that if the Regulations of 1970 which were made by the Anglican Church had been properly published in the Gazette, then clearly there would have been no case. 4.40 p.m.

The essence of the judgement then is that, once those regulations are properly made and provide for vacating of office of clerics, then there is no harm done, so that what the Bill before us does, Mr. Deputy Speaker, is to provide

for the Diocesan Synod to make regulations. The repeal of Section 27 of the Act is doing no more than providing that the provisions of the Interpretation Act in relation to how a quorum is formed in any body which is a corporate personality be formed. What it does is to ensure that, from henceforth, the regulations made by the Anglican Church are not required any longer to be published in the *Official Gazette*.

Those regulations and the canons of the church provide for retirement of clergy at age 65. Section 4 (3) is doing no more than saying: "Look, the regulations are now law and in order to remove any possibility of doubt whatsoever - because the regulations are saying when a priest reaches the age of 65 he is retired - this is just in case there is any problem of anyone arguing that while the regulations say when a priest reaches 65 he retires, they do not make provision for a priest who has reached 65 before the passing of this Act." This is saying that, for the avoidance of any doubt about any such matter, on the enactment of this legislation, on the coming into operation of this Act any priest who has reached the age of 65 is deemed to have vacated office. It is tidying up a position and it is saying that from henceforth the Anglican Church is now empowered to be its independent authority, to publish its own canons, constitutions and regulations without the need to have those canons, constitutions and regulations, as now, published in the Gazette as required by the Interpretation Act. That is what Section 5 of this amending Bill says. Those canons are no longer required to be published in the Act and the Church is now fully empowered as sovereign and independent church in every sense of the word.

I am not going to address any comments on the issue of the questions raised by Honourable Members on the adequacy of compensation to the Church on disestablishment, but I just want us to bear in mind that, although one argues that the Church had done a lot in relation to education, in providing schools and so forth for the use of the public, one also has to remember that in the days before disestablishment, the salaries of priests, I believe, were paid out of the Consolidated Fund. Pensions were also provided for priests out of the Consolidated Fund. I think those are issues which we need to put to rest and not look back on in this time and age. We should press on with the business before us and not look back at these issues of disestablishment. In fact they are not relevant to the debate before us.

With those few comments, Mr. Speaker, I have pleasure in supporting this Bill.

lion. E. E. GREAVES: Mr. Deputy Speaker, I now beg to move that this Bill be read a second time.

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

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

On the motion of Hon. E. E. 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.

Clauses 1 to 5 inclusive were called and passed.

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

ORDER NO. 1 - TO MOVE THAT THE HOUSE RESOLVE ITSELF INTO COMMITTEE OF SUPPLY TO CONSIDER THE GRANT OF SUMS OF MONEY FOR THE SERVICE OF THE ISLAND

Hon. B. M. TAITT: Mr. Deputy Speaker, Sir, I beg to move that Your Honour do now leave the Chair and the House go into Committee of Supply.

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

The question was put and resolved in the affirmative without division and Mr. DEPUTY SPEAKER left the Chair and the House went into Committee of Supply, Mr. L. L. BRATHWAITE in the Chair.
4.50 p.m.

COMMITTEE OF SUPPLY

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

SUPPLEMENTARY ESTIMATES 1992-93 NO.1

Hon. D. J. H. THOMPSON: Mr. Chairman, this is a Resolution to supplement Head 19 - Subprogram 1, Object No. 230 - Contingencies in the sum of \$6 000 000. The Addendum is quite clear on this matter but I think that for the record I should point out some aspects of it to the House.

On the 21st May 1979, the company Sir Robert McAlpine and Sons Limited was awarded the contract for

the construction of the General Post Office at Cheapside, in the sum of \$12 365 000. Construction work commenced on 10th October 1979. On the 28th April 1982, Sir Robert McAlpine and Sons Limited determined the Agreement after Government failed to make payment on interim certificate 28 within the time stipulated in the conditions of the Agreement. That determination has been the subject of arbitration proceedings before the Arbitrator. The Arbitrator has held that the claimant had validly determined the Contract.

At the time of that determination approximately 70 per cent of the work on the project had been completed and the balance of the work on the project was subsequently completed by S.A. NABI and Sons Limited in the sum of \$6 132 764.

On July 15, 1988, Sir Robert McAlpine and Sons Limited commenced arbitration proceedings against the Crown in relation to the construction of this building. Under the contract dated June 5, 1980, the Architect was required to award loss and expense to the contractor in respect of any direct loss and or expense it had incurred as a result of late instructions and/or variations by the Architects/Contractors. The sum being claimed by McAlpine in its amended points of claim including claims of 2 nominated sub-contractors in the sum of \$3 million for loss and expense in addition to compound interest/financing charges which have accrued. The rate of interest claimed as direct loss and/or expense is in excess of 10 per cent per annum.

After examination of all the circumstances the Attorney General considered that Government should seek to settle this matter and the Attorney General's Chambers met with the Claimant's Attorneys on the 2nd November, 1992 and negotiated a proposed settlement on the basis of \$7 million. On December 1, 1992 a Consent Award was made by the Arbitrator in settlement of the claimants claims in the sum of \$7 million.

It is probably advisable just to point out some of the difficulties that Government would have had in defending this particular claim. The Government's position had been considerably weakened owing to the death of Government's resident engineer and Government was therefore without the benefit of his knowledge and guidance on this matter.

In addition to this, Government's consultant architect, Mervyn Awon of Architects Limited has been unable to recall much about the matter since he had in fact retained another architect as the resident, on site architect. So in this regard he has been of little assistance to the Government in respect of its defence.

After some difficulty the Government was able to make contact with a gentleman living in Guyana who

was the other architect who had been retained and he is no longer active in his profession but works in the restaurant business. While in most cases he was able to recall the incidents leading to the various claims it would be difficult for Government to have him address the issues and Government has serious reservations about his ability to be clear in giving evidence to the Arbitrator.

The other **problem** relates to the architectural input relative to the manufacture and erection of the pre-cast planning panels. This claim constitutes an enormous aspect of the works for which the architect was responsible. One of the gentlemen involved now resides in the United States and Government has been unable to trace the reports which they were assured were allegedly prepared by him on this aspect of the work.

So, in addition to those reasons, if the matter goes to hearing, it is estimated that it would last for at least 60 hearing days, adding substantially to costs, expenses and interest. It is emphasised that the claim for interest is increasing at the rate of \$110 000 per month and it must be considered that witnesses would have to be brought from abroad to appear before the Arbitrator.

In that regard the Government has been advised that it should settle the claim. When interest, expenses, legal fees and fees to the Arbitrator are added to the total amount it is expected to be the sum of \$7 794 500 and the schedule of payments which the Government has agreed to is such that expenditure by March 31, 1993 would be \$6 000 000 subject to the availability of those funds during that period of time. It is necessary, therefore, to obtain this supplementary provision of \$6 million in order to make payment during this fiscal year. That is the background to the matter, Sir, and I beg now that Head 19 – Program 1, Subprogram General Management and Coordination Services, Object No. 230 – Contingencies, stand part.

Mr. CHAIRMAN: The question is that Head 19 stand part.

Hon. B. M. TAITT: Mr. Chairman, this is a matter which needs a little more expensive discussion in my view. This is a situation where Government in good faith entered into a contract to have works performed. Government and the contractor came to a point of disagreement. Sir, this business of running the country does have, from time to time, many difficulties which are not always appreciated by those who are observing from a different vantage point.

Now this is to do with the construction of the Post Office and all of those who are familiar with that building and who can remember will recall there was a time when there was no activity on the site. It occasioned much discussion in those days of a political nature. I do not propose to re-engage in that particular discussion but I think it is important that citizens recognise that, even when

the Government's case might be a good case, sometimes the Government through no fault of its own finds itself in a position where it has no other alternative but to do precisely what is happening now.

Here, all of the procedures which were supposed to have been done were done but now that the Government's case is to be put the architect can't recall. I have a lot of difficulty with that, Sir. I have a lot of difficulty with an architect who holds himself out to be a professional, who cannot recall details about a matter in which he must have been in contention with the contractors. There is no question of whether he was rewarded for his activity, whatever it was. I don't really understand that, where he can say he cannot recall. We should be able to recover some of this \$6 000 000 from him a year with an election coming up, this would have been transformed into a different discussion. If we did not have the details to be able to state them dispassionately, one would have heard about political corruption. The only kind of corruption there is ever in a system like this one and in a country of this size is political corruption. The only corrupt people in the community, according to the legend, are the politicians! I say that if any other profession and, certainly, if a lawyer had been involved and it was suggested that he could not remember the details of a case, the call-in programmes would be hot. It is a fact. But here we have a situation with the Government's consultant, because the architect on a project is the representative of the Government. He is the agent of the Government.

5.00 p.m.

Sir, I cannot just let this pass. Yes, the Barbados Labour Party was then the Government. But that does not really matter because it could have been the Democratic Labour Party in Government. If you have an architect, the architect as a consultant is the one who makes sure that every little circle drawn is built in the correct way. But he cannot remember anything. We had a discussion with the people and he cannot remember anything. He had a partner. The partner has not gone to Mars. He is in Guyana but he does not engage in that kind of work anymore. He must have gone fishing. He is into a new area so he does not remember architectural work anymore. It is in this time of structural adjustment that we have to pay McAlpine \$6 million. We have to pay somebody else some money for the Post Office. It has to be understood that this \$6 million is an additional cost for the construction of the Post Office at a time when we cannot afford it, but it has to be found.

Sir, I was saying to my colleague, the Honourable Member for St. Michael East, that this is a case like when you go to the Welfare Office for some money for the downtrodden in the constituencies and in the office they are going to say legitimately they do not have any money because the country does not have any money. We have to find this \$6 million because, if we do not find the \$6 million, it is going to multiply at a rapid rate.

Aside.

Hon. B. M. TAITT: That is a new word. It is new because it is now being used. A Catholic priest used it. So any minute now everybody is going to be using it. It is like transparency. We have these catch words that come up. But I have a lot of difficulty because these are where many of the high costs go. We hear them talking about many of the costs which are sometimes described as wastage. Here is a situation where the cause of the Government was not unjust. The cause of the Government was determined by a Minister. When I am making fun, Sir, I call it *the* Nigel Barrow scenario. I believe, based on the information, that the Minister's position at the time certainly was valid and he felt that the Government had a case. There is a time when the Government has to say: "Halt. We are not going to do it." Sometimes you lose and the reason why you lose is because there are professionals who have difficulty functioning at the level which they require their politicians to function. I wish the record to show that I am thoroughly unhappy. While, as part of the Government, I support this Resolution because we have no choice, I wish to record my unhappiness that this country has to pay \$7 million in arbitration costs when on the face of it the Government's case is a good case. I must tell you, Sir, that a case like this is the only odd occasion when I regret that I have not taken the trouble to go all the way in the matter of the practice of law.

Aside.

Hon. B. M. TAITT: I would be on the other side. I am sure the Honourable Member would have at least included me as junior counsel. Junior counsel in these circumstances is not really of any small import. Quite seriously, Mr. Chairman, I hope this will be a solitary example for us. There are times when you seek to have added to your establishment a single office and there are persons who might not understand what you are talking about and resist at all cost the expenditure of say \$50 000 a year. Sometimes that failure to spend \$50 000 can result not long thereafter in an expenditure of \$5 million. A word to the wise, Sir.

Hon. H. B. St. JOHN: Mr. Chairman, I think that we should learn from our experience in this exercise because of the fact that, despite the modern view of the role of the Government in a country like Barbados, Government will, in the future, still find itself involved as *being* a catalyst of development and being therefore the employer of contractors, architects and others who erect public buildings at quite large expenditure. We must not forget the old adage that justice delayed is justice denied. In this case, in 1988 when the claim was filed, the claim was for \$2.5 million or \$2.3 million and because of the process which these claims go through, the interest that was running at \$110 000 a month and, this being 1992, the final date of

the settlement is responsible for a considerable part of this \$7 million. The position no doubt is that the employees of Government in the form of the professionals involved who are alive will have to account in some way or some fashion to the Government.

5.10 p.m.

It is difficult to appreciate the explanations that have been provided by them with respect to their memory. One would have thought a job of this magnitude would have been littered *with* what are called project minutes and things of that kind. It is quite clear that we should learn, from the experience of this case, about the form of employment contract that we have with respect to the employment of professionals.

The new Evidence Act which we are about to deal with later on in this session will cure some of the problems which have arisen with respect to the death of the actual day-to-day project manager. He having died, under our existing law it would have been impossible for his notes to have been used because of the rule against hearsay. The new Evidence Act would allow the Arbitrator to have evaluated those notes that cannot now be *used* until that Act is passed.

It seems to me, therefore, that having regard to this experience, that division of Government, if it is still in existence, namely, the Public Investment Unit, should spend a little time looking at the forms of contract. *There* was always a great debate *with* that Committee when I was in Government as to whether, in the context of a country like Barbados, it was desirable for us to continue to use forms of contract which were drawn up for United Kingdom contractors and which were drawn up based upon the fact that in that community there was a whole range of professionals and sub-professionals who could look after the interests of the employer. I hope that will be looked at. There is no doubt that it is an unfortunate situation which the taxpayers of Barbados have to pay for. Once we learn from our experience in this case, I am sure that in the future such incidents will not occur.

Miss B. A. MILLER: I would like to add a few words to that. There are other lessons which have to be learnt as well. In my experience in Government, a project would begin and a project would end, certainly, in my own case *when* projects were completed well *within* the estimated time and well within the budget, and no contract would be signed. It has to do with a certain amount of recalcitrance, a certain amount of sloth in those government departments responsible for the drawing and overseeing of contracts.

The question is, was a contract never signed here? I would like to add to what the Honourable Member for Christ Church South has said by way of lessons to be learnt. Some of the arbitration clauses in these

contracts really need to be revisited and reworked and redrawn, bearing in mind modern practices, particularly what the new technology can do. Some of them make for this kind of circumstance to happen. They make a situation so that you really have no choice. Arbitration clauses in Barbados need modernising, particularly in the law relating to building and other such contracts.

I hope this is something the relevant Government departments, the Ministry of Legal Affairs, the Public Investment Unit, as the former Prime Minister has pointed out, and all of those small project execution units recognise the need to look at all of this. Project execution has a great deal more to it than site visits and with who is a foreman on a job and so on. A new and more businesslike attitude has to be brought to projects of this magnitude undertaken by the Government. This kind of thing does not happen in the private sector. Somebody would be fired, would lose their job. People would get blackballed and could not make a short list or get work.

We see this happening time and time again where people come back and tender again and these points are overlooked. A lot of the fault lies with the Government as employer and project owner to some extent. We really have to modernise it. It is a shocking thing that what was once a claim for \$2.5 million finds itself now as a payment for \$7 million at a time when welfare payments cannot be made, when people are suffering all kinds of cutbacks, and when people are on short time. It works very great hardship. Taxpayers cannot be expected to feel good about this. We are taxpayers too.

Contracts need to be looked at too because there should be penalty clauses which would allow for penalties to be attached more than they do now under the old ARIBA type contracts we have all grown up with. All of this needs modernising.

Mr. L. R. TULL: Mr. Chairman, I do not want to go over the territory covered already in respect to the nature of the contracts. There were 2 areas raised that perhaps the Government can give some attention to. I have seen the operation of the Ministry of Legal Affairs and of the lawyers in the Attorney General's Chambers when I was in that position. I believe that the Government has to think in terms of engaging the services of private senior counsel in matters where we reach a stage beyond a breach or disagreement over a contract.

The Honourable Member for the City of Bridgetown talked about changing the nature of the contracts. When there is a breach and one goes towards a dispute involving the Government, experience tells me that the staff of the Attorney General's Chambers are snowed under by a great volume of other major and minor governmental work, advising and litigation. These big arbitration matters tend,

through lack of time by the people who look after the Attorney General's Chambers and through lack of experience, to result in matters that should be resolved in a very short period of time dragging on and on.

When I was Attorney General we had the sewerage project problem and I can remember all the difficulties we had with that because the legal officer who was responsible for seeing about it had so many other things to do that he could not give undivided attention to it. In this one here, although we hear a lot of criticism of the architect whose memory may be porous for one reason or the other, I think the Government cannot waltz out of this one without some measure of blame. I am told that this matter started in 1988 and this is 1992. The bulk of the funds that need to be paid out, in the region of \$5 million, come not from the negligence or bad memory of architects but from what I consider to be gross negligence on the part of the Government for allowing this matter to drag on for 4 years and build up \$5 million in interest.

Someone made reference about paying out \$50 000 and saving money, but I believe that if the services of people at the private bar who have a lot of experience in these matters had been engaged, this could not have taken 4 years. They would have to be paid a fee, but there are people working in senior positions in the Attorney General's Chambers who perhaps work for \$60 000 a year. It is a bit hard to ask them to deal with contracts of this nature and their breaches, all their complexities, bristling with legal problems and expect to get value for money.

Asides.

Mr. L. R. TULL: From my knowledge the Office of the Attorney General is not equipped to deal with all of the increasingly complex issues that are arising within the department. The number of matters before the Chambers is increasing and I think the Government should seriously consider giving these matters to senior people at the private Bar and save us this kind of money. As I said, we just waltzed around this thing. Seven point seven million dollars? We are running interest on this matter at \$110 000 a month. All like now the interest is cunning and this is a lot of money. I do not think the Government can get up and express righteous anger such as has come from the Honourable Member for St. Michael West, without in some way taking some responsibility of the fact that 4 years... 5.20 p.m.

Aside.

Mr. L. R. TULL: You can take responsibility if you like but I think the Government should bear some responsibility for allowing \$5 million in interest to build up because of inactivity on their part.

Hon. M. A. KING: Mr. Chairman, I do not think I could let the occasion pass like that with the indictment of the Honourable Member for St. George South on the officers of the Legal Department. The truth of the matter is that their own perception was that the Government had a good case in this matter. As I understand it, they were saying that the only amount that, in their judgment, Government owed McAlpine was somewhere in the vicinity of \$600 000 or \$700 000. Now, if that was the perception of the legal advisers on an analysis of their case as what they then perceived to be owing by Government, then it was their duty to advise the Government of their view, that the case deserved to be fought and that that was the position they were taking. It was not a matter of everybody admitting up front that there was some \$2 million or \$3 million owing to McAlpine and that settlement of the issue was being delayed for a number of years.

The position was, as I understand it, that McAlpine was claiming, in respect of the matter some \$3 million, as against the Government who were saying: "Look, we do not owe anything near that." That is why the matter went to arbitration. Let us understand when difficult matters like this are being analysed and assessed, let us remember that documentary evidence in a proceeding of this kind is tremendous. They tell me that there were some very extensive amended points of claim which covered 73 pages and over 1 500 documents had to be identified during discovery. Eventually, after all the preliminary work, the matter was set down for hearing.

In routine cases where you do not have all this mass of documents to peruse, cases at best take 2 and 3 years before they get to the courts. I am talking about routine cases. I am not talking about difficult and complicated arbitrations of this kind. It is only when the legal advisers come down to the crunch of trying to get the case properly and effectively prepared that they discover that the ground on which they are seeking to stand is suddenly drifting from under their feet. Some of their engineers are dead. Some are out of the country and unavailable. Some cannot remember what has gone on. It is against that background and in that context that it was eventually discovered that the chances of winning the case, if it were pursued to arbitration, were grossly reduced. It was against that background that settlement was eventually advised and that the matter was sought to be settled.

It is a little unfair to the legal advisers to say that the \$3 million was owed to McAlpine some 3, 3 or 5 years ago and that it has been sitting there without settlement. The whole point is that the case was being pursued to arbitration and it was only because of the difficulties that eventually arose that the decision was taken to settle it rather than to pursue it to litigation because, in our own opinion, if the matter was pursued thus the need to seek a supplementary vote would not have been necessary.

Mr. H. deB. FORDE: Mr. Chairman, I was not here when the Honourable Member introduced the motion or when some other Honourable Members spoke but I am going to speak on the matter from a great depth of knowledge about this matter. Let me say that, from about some time in the 1980s, I was asked to give a preliminary opinion on the matter to the firm of architects involved. Therefore, to that extent, I want to make it quite clear, that I have had the opportunity of seeing some documents and papers on this matter.

I think my learned friend is right in that obviously the Arbitrator, Sir Denys Williams, found that the failure to pay on time led to the contract being determined and as a result, what had to be decided was what entitlement, if anything, the contractors had in this matter. It would not be correct to say, if indeed anyone has so said, that the architects had not made a determination of the claims.

This case had one of the good signs about it in that the resident engineer, Mr. Rocheford, had carried, on a daily basis, a note of every event which took place on that site, a tremendous note. His note was not only on how the architects may have performed, or how the contractors had performed but on how subcontractors as well had performed. It was a very good documentary basis on which to assess the various claims being made by the main contractors and subcontractors in this case. Unfortunately, nature took care of Mr. Rocheford and he died. So nobody could therefore come and, using his notes, give evidence as to those matters.

Aside.

Mr. H. deB. FORDE: The new Evidence Act would fix that but, certainly, had he been alive, I rather suspect there would have been a strong case, not to resist the claim in toto but certainly to reduce this claim substantially. The claim is one that should have been settled early. I have to say that and I know for a fact that the architects had made an assessment. As a matter of fact, the procedure of the architects in this case was every time a claim was put in, they would assemble the panel of advisers who were engineers. The firm of architects employed, at its own expense, the engineering firm of Claxton who also advised it on the main issue in the case. That was issue of piling. That is a fact. What you had were volumes and volumes, as the Honourable Attorney General said, of documentary evidence in several boxes occupying the whole of a room at one of the architects' areas of operation.

5.30 p.m.

As I understand it, the problem which arose was that Mr. Lye, the resident architect, went off to Guyana while the overall architect, Mervyn Awon Architects Ltd., was still there. But all of that documentary evidence will not be read for nothing. It would take hours and it would

have meant some cost. Unfortunately there was a **certain** reluctance on the legal advisers to recommend adequate remuneration....

Aside.

Mr. H. **deB.** FORDE: ... for the architects and his advisers who would have to go through that. You do not get that for **free**. You have to realize that.

Aside.

Mr. H. **deB.** FORDE: It is not a question of failed memory. Nobody is going to refresh their memory over events for nothing. I do not know of any professional man who is going to refresh his memory by giving many, many man hours without compensation. Unfortunately, as time passed, the highest **claim**, as you will notice in this matter, both from the sub-contractors and the contractors happened to be the interest element and the financing charges. That element has built up considerably, but had Mr. Rocheford not died, even with the absence of Mr. Lye, in my view, and with the availability of sufficient inducement to refresh the memory, with **CEP**, the engineers – there is a very bright young man there – and with the availability of the architects, and Mr. Sobers and Mr. Claxton over the many hours, I rather believe, had the matter been dealt with at that time, that the claim would have been substantially reduced.

I only intervened to say so, Sir, because I do not really like to see professional people getting blows in **circumstances** where they really do not deserve blows. If they deserve blows, I would say so. The big fight in this case was over piling. The contractors were contending that they had built up a considerable loss of time because they **had** to pile further than expected. The engineers, both CEP and Brian Claxton Associates Ltd., disagreed violently with this. Members should recall that, during that period of time, there was a series of strikes on the Post Office area in which there was an argument as to whether those **strikes** should be laid at the door of the contractors or at the door of the employer or whether they should be loss and expense,

In addition to this, there was considerable argument as to whether, on days work was not **undertaken**, it was due to inclement weather or not. To prove or disprove inclement weather meant going back to the records of the weather pattern as given by the Meteorological Office and, from my memory of the position, once again Mr. Rocheford had kept a detailed note of this. Mr. Rocheford was very, very critical to the matter. Mr. Rocheford was the resident engineer. There were genuine areas of disagreement, in my view, that were suitable for adjudication or settlement. As I said, I believe that the contractors would have got something. I believe \$610 000 was the award. Were they asking originally \$2 million?

Aside.

Mr. H. **deB.** FORDE: They were asking \$2 million. So you would see the position, Sir. Those are the facts and I believe that the record should reflect those facts.

Aside.

Mr. H. **deB.** FORDE: I am not advancing the case other than to putting quite right here that there is concatenation of circumstances that **call** for prompt **action**. Let me say this, Sir, I want to put this on record, on handling major contracts, and this would not be the first or last time. When I was Attorney-General and I am sure of my learned friend the Honourable Member for St. **George** South, the Honourable Member for St. Thomas who were Attorneys-General as well as the present Honourable Attorney-General – we are all and have been Attorneys-General – we have always had and have to face within our department the prospect of litigation.

Let us face it. With no disrespect to Crown Law Officers some litigation happens to be special litigation that calls for people who have acquired expertise in the field and Government must not believe that it cannot bring in outside expertise in these areas. Barbados is one of the few countries where you get major claims running into millions of dollars and Government is loth to hire outside counsel or outside surveyors or other outside people. We **continue** to believe that it must be in-house. In my experience, there are times that your best in-house counsel have not got the time to devote only to a particular matter.

Mr. Chairman, let me say that one of the best lawyers we had **and** still have in Barbados and certainly were fortunate to have in **the** Government Service was Mr. Oliver Browne, an exceptional **lawyer**. **But** even at times Mr. Browne could not find time to devote to major matters of this nature. The Government, meaning now not DLP Government or BLP Government, must do as they do in England where – the Crown Solicitor is it not and Treasury Counsel? – very often in major litigation they find it better to go outside and allow the **matter** to be dealt with outside. The Government saves millions of **pounds**. The same happens in several other jurisdictions.

Aside.

Mr. H. **deB.** FORDE: In Trinidad and Tobago it is very well known. I used to go down to their courts even for a Summons in Chambers. It is a bit unfair to expect the existing staff to operate at that level all the time. It really is unfair.

The other thing that the Government must do, and Government again not meaning particular or partisan Government, is to get out of the idea – I made

submission on it when I was Attorney-General; my learned friend, the Honourable Member for St. George South, made some submissions as I believe the Honourable Member for St. Thomas did while not knowing whether my friend, the Honourable Member for Christ Church West Central has done the same – that it is hard to put within the vote under the Ministry of the Attorney-General a vote to deal with litigation matters.

Mr. Chairman, I had a small **matter** to settle with the Government ~~the~~ other **day**. We settled 2 years ago. It involved less than \$7 000. It is only when I, eventually wrote a letter to say that I was going to get an Order and serve it on the Accountant-General under the Crown Proceedings Act that the \$7 000 was produced. The reason is that there is no vote, other than a Contingency Vote and a Cabinet vote, to deal with these matters. That is an archaic way of doing business. The Attorney-General's Chambers happens to be the biggest law office in the country. It is a big business.

Aside.

Mr. H. **deB. FORDE**: It is the biggest business office. It retains more people than anybody else outside. Once again one has to recognize that Government has the most legal business of anybody to do, but what is wrong with the Government taking the services of people outside to advise them on these matters? I wanted to clarify the record and put it straight and to make some positive suggestions as to how we can avoid this type of situation in the future.

Mr. D. A. C. **SIMMONS**: Let me just declare my interest.

Mr. **CHAIRMAN**: The Member for St. Thomas.

Mr. D. A. C. **SIMMONS**: Mr. Chairman, I only rise to declare that I have an interest in this matter as counsel for McAlpine, Sir. That is why I have taken no part in the debate. In fact I am going to abstain from any vote but I wanted to make the appropriate intervention.

Mr. **CHAIRMAN**: The Member for St. Michael South East.

Mr. DeL. O. **BRADSHAW**: Mr. Chairman, I am not going to raise any questions in regard to litigation or whatever else. I am concerned about a number of things and I would like this Chamber to understand that it is not merely a question of seeking funds to pay for work or to compensate for services that were used by the Government of Barbados on the Post Office. There are some other fundamental points which we have got to take into consideration. The Government, from time to time, enters into contracts with large contractors. Some of them are able

to absorb certain **expenses** in case there is a termination of the contract. It is all right for us to look at these types of contractors. As I said they are able to get funds more readily, especially when they are registered abroad or have access to funds abroad and **can** bring in funds to pay people whom they owe. I **am** concerned about the local contractors and their role in this particular matter.

5.40 p.m.

I am **sorry** I was not here earlier to make the point but the point has got to be made and I will make the point with the hope that Government understands that, when these matters are prolonged, it is not really a question of saying how much more Government has got to pay or what it is costing the taxpayers, though that is a very salient point. It goes a little further than that. What about the foremen, carpenters, masons and labourers, people at that level, also the tilers who are part of the subcontractors? In this particular case there were subcontractors. These subcontractors, Mr. Chairman, because of this long delay, have run into a lot of serious trouble. No amount of compensation can repair the damage. Sometimes we think that money can repair damage but this is a **case** where small contractors who depend on payments from these big contractors, are the people who have suffered in this case and as a result their employees have had to be on the bread line. This is the angle from which I come. I am worried about this. McAlpine can continue to operate. It is an international **construction** company. I **am** worried that subcontractors who were owed large sums of money, were unable to get any money and some of them had to face the embarrassment of people calling on them to find money. Their properties were even put up for sale as a result. That is the embarrassing thing about it. It is not McAlpine in this case. I am worried about the subcontractors who are Barbadians and employ Barbadians. I am worried about them. People had to go home because when they experienced financial difficulty... When they were looking forward to money to pay their employees, they had to lay them off and some were on the verge of bankruptcy. That is the point we have got to examine in dealing with this particular matter in looking at our contracts when they are given out, in looking at the role subcontractors play and at what they stand to lose or suffer as a result of these long drawn-out decisions.

I am not concerned about who is to be blamed. I have been hearing about the lawyers in the Attorney General's Chambers and political decisions. I am not worried about that. Who is to be blamed is a matter that does not concern me at this time. What I will say is this, that some mechanism has got to be found to resolve these matters more quickly because we know that some of these matters will have to go to arbitration. At least some mechanism has got to be found to shorten the time these matters take **to be** resolved. I am concerned about that.

Has anyone made the point that some of these contractors **are** wondering what next? Mr. Chairman, these people have got to put up security like any other contractor and some of them have lost their security because when they go to the bank, the bank is not concerned with whether Government owes them or not or what receivables they have. They are not concerned about that. They are concerned that these people are indebted to them and have passed the deadline given to them. They pursue the recourse of trying to recover their money. That is why I say we have got to look at it in this light. We have to think in terms of protecting the small businessmen in Barbados. I am concerned about them because I know the importance of them in the development of Barbados. I would hope that Government, when awarding contracts, would take into consideration whatever causes the contracts to be terminated. I want Government to understand there are subcontractors out there. That is a very serious consideration. Was this taken into consideration from the beginning and if that was the case why did it take so long? Are we aware ...

Aside.

Mr. DeL. O. BRADSHAW: I am not attacking anybody. I am saying that there are some people out there who do not understand. They are very **insensitive**. They just do not care whether the matter is settled or not. Some of them know. Some of the lawyers know full well. Those who advise Government and others as well know that some of these matters could be settled but some of them, for other reasons best known to themselves, decide in mind to let things drag on. I can say that. I am not saying this happened in the Attorney General's Chambers or elsewhere. I am saying that something went wrong. Nobody can convince me that this matter could not have been resolved before it was resolved. I would know that. They had a hint. How come, as I said, the parties involved decided in mind to settle it? You are telling me that they are wiser than the other people? What led them to come to this conclusion, to settle and to come before this Chamber? All I am saying is that it is a question of people understanding that there are people out there who will suffer and the sufferer is the small Barbadian businessman. We have seen a lot of them driven out of business.

A lot of contractors are out of business. A lot of small contractors are out of business and it is as a result of these things. We don't understand that sometimes even when the Government gives contracts and things go tight with Government the small contractors suffer and are driven out of business. Hence you will see in the newspapers various properties up for sale. It is not because the people have not paid their mortgages, Mr. Chairman, it is because the property was put up as collateral. That is why sometimes the property has to be up for sale. Let us understand that. Those people have put up their properties in order to get a business going and when this sort of thing

happens they have to put up the properties. As I said it is a matter of whether you will be able, when your compensation comes, to purchase a property which would equate to the one you had taken away from you. As I have already said, I would hope for this approach in dealing with these matters in all contracts and not only this one. It is a regrettable thing that we have now got to pay \$10 000 000 extra for work whereas, if certain people had done what was to be done, looked at the agreement and followed the terms of the agreement and settled, I think we would have avoided this today.

I would hope that what I said about the small contractors is taken by Government so that everything is done to make sure that these people do not suffer in the final analysis.

Hon. D. J. H. THOMPSON: I think that the comments which have been made by Honourable Members with regard to the procedures that should in future be followed in respect to matters like this are well taken. Those who contributed to the debate generally, if the advice is followed, would have enhanced the debate except that I wish for the purposes of those who are listening closely to this debate to make the comment that the contribution of the Honourable Member for St. George South was particularly humorous in the sense that he adduced all of the reasons why a matter like this should take 4 years, particularly the inability of the AG's Office to deal with matters of this sort and the problems that Government faces in this regard and then went on to accuse the Government of gross negligence because it took those 4 years. I think one can safely ignore his contribution to this debate and, as persons who are applying legal principles and who have a genuine understanding and do not wish to score cheap political points or parade on issues of this sort for the sake of headlines, we would appreciate that none of us wish to **vote** in favour of spending \$6 million in circumstances such as this. But it is an unavoidable circumstance.

5.50 p.m.

The point that the Honourable Member for Christ Church West made at the beginning was that this claim should have been settled early, and early could only mean before 1988 when the arbitration proceedings began. It probably would have been wise had the Attorney General's Office considered the option perhaps of putting some funds into an escrow account or some other option so that the impact of interest on the award, assuming that you had a general idea of what the amount would be, would not be as great as it is in this circumstance. I am certain that the Honourable Member for St. George South would have recommended, had he paid any attention to the matter, that the \$2 million should have been found and put in escrow. We would not at this time be voting \$6 million from scarce resources to solve a problem created because

of circumstances essentially out of the Government's control and having nothing whatsoever to do with gross negligence or the inability of the Government to defend the claim in relation to the resources that are available to it. The matters are extraneous to Government.

In those circumstances, Sir, I beg to move that Head 19 stand part of the Resolution.

The question that Head 19 stand part was put and was resolved in the affirmative without division with Mr. D. A. C. SIMMONS abstaining having also declared his professional interest in the measure under debate.

On the motion of Hon. B. M. TAITT, seconded by Hon. E. E. GREAVES, Mr. CHAIRMAN reported to Mr. DEPUTY SPEAKER the passing of one money Resolution in Committee of Supply and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. D. J. H. THOMPSON, seconded by Hon. C. V. WALKER, the Resolution was read a first and second time and passed with Mr. D. A. C. SIMMONS abstaining.

Hon. B. M. TAITT: Mr. Deputy Speaker, that brings us to the end of Government Business for today.

NOTICES OF QUESTIONS

Mr. DEPUTY SPEAKER: With the indulgence of the House, we now turn to Notices of Questions. The Honourable Member for St. Thomas.

Mr. D. A. C. SIMMONS: Question No. 75: To ask the Minister of Public Works, Communications and Transportation:

1. Is the Minister aware that Highway 2 at Sturges, St. Thomas needs grading and drainage because in times of heavy rain there is excessive flooding?
2. If the answer is in the affirmative, will the Minister please take steps to have the problem rectified?

Question No. 76: To ask the Rt. Hon. L. E. Sandiford, Prime Minister and Minister of Finance and Economic Affairs and for the Civil Service:

1. In view of the fact that the Caribbean Broadcasting Corporation is not a corporation limited by shares, will the Minister please state what types of document will be issued to persons who invest in this Corporation in order to evidence their ownership of equity in the said Corporation?

Hon. B. M. TAITT: Is that it? Is that the question? Do not come with **anymore** questions like that.

ADJOURNMENT

Hon. B. M. TAITT: Mr. Deputy Speaker, I beg to move that this House do now adjourn until 10:00 a.m. on Friday, December 11, 1992.

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

Mr. DEPUTY SPEAKER: The question is...

Mr. H. deB. FORDE: Speaking on the adjournment, Sir, I want to say that I regret very much that Government has not organised its business over the last couple of weeks in such a way that we could really have used our time in a much more effective manner rather than having to crowd into the last few days before the recess matters that could have been dealt with previously. The point I am making, Sir, is that Government has to meet twice this week. I am sure that we are now getting notice of matters that could have been before the House earlier and dealt with some time before now. There were times when we have adjourned this House early and gone home **and** matters that could have come before us could have been dealt with at those times.

6.00 p.m.

I am suggesting to the Acting Leader of the House to pass the right word so that we do not wait until Christmas. If Government has bitter medicine to give to people, it must not believe that it can give them over Christmas and let them go to sleep and forget it in a bottle of "see-through" or something of the sort during that period. Bring the medicine up front and let them know you are giving them the medicine. Do not wait until a few **days** before Christmas and lull them into the idea with camouflage.

It did it last year and I anticipate it is going to do it this year. I do not see the Minister either bringing any relief for those people who are out of work or lending anything for Christmas to the civil servants who have had the 8% cut as they used to do once before. Otherwise we would be willing to continue.

I am really a bit concerned about that aspect of the matter, Sir.

Hon. B. M. TAITT: Mr. Deputy Speaker, this is the first time in my fairly long sojourn in this House that I have seen the Leader of the Opposition behaving exactly **true** to form. I do not understand how the Honourable Member – he has lasted a fairly long time, but look at him today, Sir – he takes a simple **adjournment** and seeks to turn it into a headline. I have never seen anything like this, him seeking to suggest that there is some bitter pill.

Mr. H. **deB. FORDE**: The Honourable Member is complaining that he cannot get the headlines today. I will make sure that he does because I noticed last Sunday that "John Major" was promoted to read the Independence Speech and the Honourable Member was unable to do so.

Hon. B. M. **TAITT**: Sir, I am not sure why the reading of a lesson by the Minister of Ecclesiastical Affairs should engage ~~the~~ the House at this time.

Mr. Deputy Speaker, the reason why in fact we are meeting on Friday and not continuing today is almost specifically at the request of the Opposition because it was not felt that there was sufficient time before a debate for some business matters which were circulated. Also, their principal spokesman is not in his place and we felt that it is only reasonable.

Whenever we try to be reasonable with this group, they cannot come up to us and let us know. We have a matter of finance to discuss by virtue of a notice which I gave earlier. We are going to discuss raising a loan limit by \$100 000 000. **Can** you imagine having a discussion on raising the loan limits by \$100 000 000 at 7:30 p.m. when the principal spokesman on economic affairs is not here? We would have heard a different tune. We are merely

trying to accommodate the Opposition, but if the Honourable Member says that he does not think we should pass the adjournment motion and he is willing to do this thing now...

Mr. D. A. C. **SIMMONS**: The Honourable Member is pointing over here when he says the principal spokesman on economic affairs but the seat next to him, on his left, is vacant. He cannot do it in the absence of the Prime Minister.

Hon. B. M. **TAITT**: The Honourable Member has functioned as Minister of Finance and, I say quite well during this Debate and is willing even now. If the Honourable Member who is Acting Minister of Finance would say now, if the Leader of the Opposition says let us begin...

Asides.

Hon. B. M. **TAITT**: Sir, let us take the adjournment.

*The question was put and resolved in the affirmative without division and Mr. **DEPUTY** SPEAKER adjourned the House until Friday, December 11, 1992 at 10 a.m. 6.05 p.m.*

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