

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1991 - 96

HOUSE OF ASSEMBLY

Tuesday, December 21, 1993

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)
Rt. Hon. L. E. SANDIFORD, B.A., M.A., (Econ.), J.P., (Prime Minister, Minister of Economic Affairs and Minister for the Civil Service)
Hon. B. M. TAITT, B.A. (Hons.), M.P.A., LL.B. (Hons.), (Minister of Foreign Affairs and Deputy Leader of the House)
Hon. P. M. GREAVES, Q.C., B.A., (Deputy Prime Minister, Minister of Home Affairs and Leader of the House)
Hon. M. A. KING, Q.C., LL.B., (Attorney General, Minister of Justice and Minister for CARICOM Affairs)
Hon. W. O. FRANKLIN, A.I.C., M.I.A.S., J.P., (Minister of Trade, Industry and Commerce)
Hon. N. K. SIMMONS, (Minister of Education)
Mr. H. A. BLACKMAN, B.Sc. (Econ.)
Mr. O. S. ARTHUR, M.Sc. (Econ.), (Leader of the Opposition)
Mr. D. A. C. SIMMONS, Q.C., LL.M.
Hon. C. V. WALKER, J.P., (Minister of Health)
Mr. L. L. BRATHWAITE, J.P., (Chairman of Committees)
Hon. E. E. GREAVES, G.C.M., B.A., Ed.M., (Minister of Tourism, Culture and International Transport)
Hon. W. W. HALL, G.C.M., H.B.M. J.P., (Minister of Labour, Public Works, Community Development and Sports)
Mr. C. LeR. TROTMAN, M.A.
Mr. R. L. MORRIS, B.A., Cert. Ed.

Hon. D. J. H. THOMPSON, LL.B. (Hons.), (Minister of Finance)
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, JP.
Dr. R. L. CHELTENHAM, Q.C., M.A., M.Sc. (Econ.)
Mr. J. O. TUDOR, JP.
Hon. D. W. BOWEN (Minister of Agriculture, Food and Fisheries)

Mr. R. C. EASTMOND, B.A., LL.B.

Prayers were led by Rev. Father Ivan Harewood.

Mr. SPEAKER: The House is in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, December 14, 1993.

Hon. P. M. GREAVES: Mr. Speaker, the Minutes of the Meeting in the Chamber was held on December 14, 1993. They are ready. I understand they have been circulated. I therefore move that they be taken as read and confirmed.

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

Mr. SPEAKER: If there are no observations then let these Minutes stand confirmed.

REPORTS FROM SELECT COMMITTEES

Mr. L. L. BRATHWAITE: Mr. Speaker, I am to report that the Evidence Bill has been passed in Select Committee with amendments and hereby wish to lay the Report.

Hon. M. A. KING: Mr. Speaker, if Your Honour would allow me if I could just explain the amendments which have been done in the Committee. The Bill has been agreed fairly substantially in the form in which it came before Parliament and was debated on the second reading. In relation to clause 72 that has been refined somewhat It relates to the admission in evidence of admissions and confessions and clause 72 refines the original version which has been before this House.

The Report of the Committee will also show that clauses 146 to 166 were added to the Bill. These clauses are really not new. In the old Bill clauses 146 to 166 were part of the old Evidence Act which were to be retained. The Bill which was debated before this Parliament had indicated that the existing Evidence Act would be renamed and these provisions retained. In Committee it was felt that it would be better to embody all the provisions of the law relating to evidence in a single Bill so that the provisions 146 to 166 are a restatement of the existing provisions of Cap. 121 which had been retained and which are now included in this Bill.

There are just two matters, Mr. Speaker, which had not been dealt with in Select Committee which, with the leave of the House, I would like to have included in the Bill before it is passed. Clause 19(2) through inadvertence had not been passed in the Committee so we would want to have the House approve the inclusion of clause 19(2). It just refers to a schedule and incorporates the provisions of the schedule.

There is a further provision, Mr. Speaker. If one looks at the Report of the Select Committee, it will be seen that submissions were invited from interested persons by way of advertisements in the "Barbados Advocate" and the "Daily Nation" of January 20, 1993. The fact is that no submissions were received from any persons but on Friday last week the bankers, through their attorney, submitted some proposals in relation to provisions for admitting bankers' books in evidence. The Honourable Member for Christ Church West spoke with me on this matter and we sought to accommodate it by including a provision in relation to the admission of evidence in relation to bankers' books.

A provision was taken from the Canadian Evidence Act which deals with this matter. I do not know if it has been circulated but a draft had certainly been done and it would be a new 125(A). With the leave of the House I would ask that the Report be amended to include a provision in respect of arrangements for admitting evidence in relation to bankers' books.

I would just like briefly to say what it is since the House Has not been seised of it before. I indicated that this

was taken from the Canadian Evidence Act. It provides that "a copy of any entry in any book or record kept in any financial institution shall, in legal proceedings, be admitted in evidence as proof in the absence of evidence of the contrary of the entry and of the matters, transactions and accounts."

Now, subsection (2) indicates the circumstances in which those entries are admissable. It says:-

"A copy of an entry in the book or record described, shall not be admitted in evidence under this section unless it is first proved that the book or record was at the time of the making of the entry one of the ordinary books of record of the financial institution, that the entry was made in the usual and ordinary course of business, that the book or record is in the custody or control of the financial institution, and that the copy is a true copy thereof." 12.25 p.m.

"Proof of the fact that the document or the entry or record is a true copy must be given by the manager or the accountant of the financial institution and may be given orally or by affidavits sworn before the Registrar of the Supreme Court or officer of the Registration Office."

There is the overall overriding right of the court to require the bank officials to be present if necessary. That, in essence, is a short provision and fits in with the general tenor of the legislation in relation to the admissibility of documents and records.

That, Mr. Speaker, is just a brief comment on the matters relating to the Committees Report.

Mr. Speaker, I move that the Report of the Select Committee on the Evidence Bill be adopted.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, what the Report now recommends, taken from the Canadian Bankers Book Evidence Act. I have no quarrel with the principle of admission of the books of account of a financial institution being put in as *prima facie* evidence. However I wish to caution that the pre-conditions set out in 125 (a) (2) in my experience do not provide adequate safeguards to a person against whom the evidence may be tendered in that there is an absence in the pre-conditions as a stipulation that the copy that is sought to be produced is a copy which the other side had knowledge of. Banks have bank statements that they send to you monthly. Financial institutions have statements that they send periodically to people.

It is my opinion that there is a defect in the pre-conditions in that there should have been a

preliminary requirement that it be proved that in the course of the business a copy thereof had been sent regularly or periodically to the person against whom the evidence is tendered. That should be an essential pre-condition. I have seen it happen here in Barbados that bank statements were allowed to be challenged on the ground that the banker had a historical address and repeatedly used to send a statement there despite the fact that the person indicated that that address was changed with that evidence the court said that the provision in the bank statement that says you are presumed to agree with the contents, if you do not object to it within a month would not apply because the statements did not come to the knowledge of the party. I am all in favour of facilitating financial institutions in their mechanization and in their electronic production of documents. But it is my opinion that an essential pre-condition should be that what they have produced should be known to the other party. Before it is automatically admitted in evidence, I repeat there must be some evidence that on a regular basis notice is given to the other side. That is a defect in this law in my opinion

Hon. M. A. KING: Mr. Speaker, there are just 2 points I would like to make to points made by the Honourable Member for Christ Church South.

Firstly, in subsection 7 there is a provision that:

"on the application of any party to the proceedings the court may order that party to be at liberty to inspect and take copies of any entries in the books or records of financial institutions for the purpose of legal proceedings."

The admission of the documents, the evidence is only *prima facie* and if a party objects they may certainly make application to the court to inspect the primary documents and take whatever steps the party wishes.

The other point, Mr. Speaker, in response to the Honourable Member is that it might be that in any proceedings where the issues raised by the Honourable Member for Christ Church South are in issue might it not be that that is an issue which the party challenging the actions of the bank would raise before the court. If the person says that he has not got the records, he did not get the records the bank statements and the ordinary course of business, certainly, it would be for the party to make that objection before the court and that would to that extent certainly make the court alive to the fact that there is an issue on this matter to be dealt with and the appropriate safeguards introduced.

But I suggest that we proceed with the Bill as it stands and if, on reflection, there is the need to make any further adjustment to the fact we can do so because it is a

non-contentious bit of legislation and I am sure all of us would want to ensure that the most appropriate and the best safeguards are in place in relation to this bit of legislation.

The question that the Reports be adopted was put and resolved in the affirmative without division.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

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

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

The question was put and resolved in the affirmative without division and Mr. SPEAKER suspended those Standing Orders accordingly. 12.35 p.m.

Hon. P.M. GREAVES: Mr. Speaker, I move that Private Members Business, Order No. 5 be resumed.

Mr. SPEAKER: If there are no objections, Private Members Business.

NO. 5 - RESUMPTION OF DEBATE ON THE MOTION THAT THIS HOUSE HAS NO CONFIDENCE IN THE HONOURABLE MEMBER FOR ST. MICHAEL WEST WHO IS THE MINISTER OF FOREIGN AFFAIRS

Mr. SPEAKER: Any Members wish to continue on this debate?

Mr. R. C. EASTMOND: Mr. Speaker, Sir, as I rise to lend support to the Resolution brought in the name of the Honourable Member for the City of Bridgetown I cannot help but remark, Sir, that having had the benefit of hearing the speeches made by the Honourable Members who sought to defend the Honourable Member for St. Michael West, and having heard the speeches by my colleagues on this side I cannot help but remark, Sir, that the Honourable Member for St. Michael West has been left without a defence, Sir.

We heard from the other side, Sir, a large number of generalisations, a lot of talk which really diminished the seriousness of the issue at hand. We heard generalities after generalities and even heard from one Honourable Member, namely the Honourable Member for St. Michael West Central, that in the spirit of the Christmas Season we were wrong to have been debating this measure at this particular time, Sir.

It is my considered view, Mr. Speaker, that this particular Resolution has brought into sharp focus, Sir, the role of the Minister generally. There are occasions, Sir, when a particular Minister is a policy maker. There are occasions when the Minister is a person responsible for the political management of a Government Department and as such responsible for the political goings on within that department. There are occasions when by statute the Minister is sometimes a judicial officer and you will no doubt remember that legislation like the Town and Country Planning Act and such like often puts the Minister in a position where he is final arbiter and judge in particular matters. It is against this background, Sir, that I rise to make my contribution in support of the Honourable Member for the City.

As I indicated, the role of the Minister as the Minister, even if you wanted to treat the Minister as a generic being, Sir, is being brought into sharp focus, Sir, under Barbados' Constitution and I am speaking from memory, Sir, and therefore will not be citing anything by way of quote.

Under the Barbados Constitution there is a section that says there shall be a Cabinet which shall be collectively responsible, but the same Constitution is silent on the concept of individual Ministerial responsibility and I want, Sir, to make some remarks on this concept of individual Ministerial responsibility.

To the extent, Sir, that the idea of Ministerial responsibility is not treated in the Constitution, it means that it is clearly a convention which we have inherited under the Westminster system of Government. I believe, Sir, arising out of this Resolution that we have at hand, the time has come for us to define that concept within limits and in a realistic way that would lend such a definition to the requirements of the Barbados political and judicial system.

The reason why I am saying that the time has come for us to look at the concept of individual Ministerial responsibility is that personally, Sir, I do not see that every thing that happens in a Minister's Ministry the Minister is ultimately responsible for. Let me make the point, Sir. Suppose a Minister is the Minister of Legal Affairs and Attorney General and some junior clerk, to suppress evidence or to pervert the course of justice, breaks into the Ministry in the dead of night and steals files with the idea being to suppress justice, I would not hold the Minister, in a situation like that, responsible for such like. Naturally the Minister would be under a duty to come and explain the events.

However, Sir, having said this, this concept of individual Ministerial responsibility is of particular

relevance when it comes to the question of spending by a Ministry, Sir. What is especially relevant, Mr. Speaker, Sir, is the question, to what extent is the Minister responsible for spending which occurs in his Ministry? To what extent is the Minister answerable to Parliament for any spending that goes on in his Ministry, Sir? One of the reasons why there is a great divide between Honourable Members on that side and us, Sir, is that I believe from the tone, tenor and content of the worthless speeches made on behalf of Members of the other side they are confusing the concept of an accounting officer with Ministerial accountability to Parliament.

I heard Member after Member on that side get up, and in an attempt to defend the Honourable Member who I said still lacks a defence, they are saying that the Honourable Member for St Michael West is not an accounting officer and therefore they made a conclusion. The question is to what extent, Sir, is the Minister accountable to this Parliament of which he is an Honourable Member, Sir?

I believe, Sir, that in view of the fact that the Minister lacks a defence, he, himself, even though in some Parliaments it is a convention that when one is brought before the Bar of Parliament one remains, silent, he, himself, unfortunately is going to have to stand and defend himself, his colleagues having failed him, including the Rt. Honourable Member for St. Michael South whose only point was that the Minister was senior and was a man of some standing in his Cabinet, Sir. Apart from that I have heard nothing of substance, not even out of the mouth of the Member for St. Philip South who is usually quite erudite, except for the percentage of reflection on the Attorney General when the Member for St. Michael South said that the Member for St. Michael West is often a principal legal adviser to Government, even though the Member for St. Michael West has never admitted or confessed to being a trained lawyer.

We are considering, Sir, the question here today, to what extent did an over zealous Minister play an active part in the recruitment of people for a particular government department? To what extent did an over zealous Minister, impregnated with a feeling of enthusiasm, step beyond the bounds of ordinary propriety and go out of his way, at tremendous cost, to recruit persons to work in a department for which he was, at the time, responsible.

I want, Sir, for the benefit of Members here to cite two cases that have already been cited: the Trinidadian case of *Thomas Vs. the Attorney General* and the Antiguan case of *Public Service Commission Vs. Davidson*. Those two cases held that in a system of Government like ours the Minister should be so far removed from day-to-day interference in his Ministry that the Minister ought not

to hire nor to fire. And to the extent that recruitment can be construed as hiring we are asking to what extent will the Minister attempt to recruit.

Now if it is true, Sir, and the Minister must answer, I will be inviting the Minister, when his turn comes to answer, to tell us at what cost did he recruit? If the Minister sought to recruit then he must be impeached as being over zealous, over enthusiastic and going beyond the bounds. More significant is this, if the Minister did not recruit then was there money that was allegedly involved in the course of recruitment and yet no recruitment occurred? We have to look at that question.

We also have, Sir, to look at an important matter which has severe legal implications and it is this. If the business of recruitment legally lay with the St. Joseph Hospital Board to what extent can a delegate subdelegate? *Delegates non potest delegare*. I am sorry, Sir, I understand the language of this House forbid me from speaking in Latin even though there were times when in the speeches made by those Honourable Members they were so incomprehensible that I thought they spoke in Greek. 12.45 p.m

Anyway, Sir, there is this familiar saying - and I recognise one or two people in the VIP lounge who would agree - that if a creature of statute, like the St. Joseph Hospital Board, is delegated powers, then the St. Joseph Hospital Board, by being a creature of statute must confine its operations - I nearly said *modus operandi* but I do not wish to speak Latin or Greek - as to follow the prescribed rules set within the four corners of the statute creating it. To the extent that the St. Joseph Hospital Board is a creature of statute, my humble submission is that the St. Joseph Hospital Board would have been acting beyond its ordinary powers to delegate to the Minister. It goes back to the point that the Minister of any department ought to be careful to confine what he has to do to areas of policy, careful shrewd administration and should not be so enthusiastic as to engage himself in activities which are properly left for other institutions or other areas.

I also want to lend support to something I believe I heard out of the mouth of the Honourable Member for St. Philip South, who said that at the point when the Minister decided to have a radio interview he should have resigned. I agree with that. I believe that the reason why the Honourable Member for St. Philip South must have said what he had to say was that there was an opportunity for the Honourable Member for St. Michael West, whilst being Minister of Health, to appear before the Public Accounts Committee and put his case. He declined, Sir.

In a system of Government such as we have, and in a society like Barbados, and you are called on to come to

make explanation to any board, any committee or any enquiry and you do not accept such an invitation, you leave the flood gates wide open for all types of interpretation and construction to be made out of your absence. Yet you have that great skill in convening a press conference to explain the issue away, having had the opportunity to come before the committee of investigation and having declined. I am saying, Sir, that I join with the Honourable Member for St. Philip South in saying that the Minister acted less than judiciously in refusing to go before the Public Accounts Committee. He had every opportunity. I have heard him in here time and time again before this measure was brought showing a measure of articulateness, sometimes of bravado, and of fluency, although not often did I hear him show a measure of intellect.

However, Sir, as we consider this Resolution we also have to ask the Minister to answer this question. To what extent, and is it true that agencies, businesses and companies not qualified in particular areas to do work on St. Joseph Hospital were granted contracts, having not shown any expertise to perform the contracts they were given? Without being too specific, Sir, I am asking that when the Honourable Member for St. Michael West rises that he explains to this House - and he must rise, Sir, for reasons I have stated earlier - not even the Member for St. John was able to cast any light on why we should not impeach him here today - why or how, or what circumstances could lead to allegations that persons were subcontracted to perform particular work and had no expertise or experience to perform the contract they undertook.

Of enormous concern on this side too, Mr. Speaker, is that even though one or two Government Ministers sought to say that there are instances when tendering occurs and the contracts begin without the contracts being reduced to writing, it would seem to me, based on my investigations into the matter we are discussing, that in the case of the St. Joseph Hospital there were no tenders, on given occasions no contracts, and not even a situation that there is often a tender given and then the contract is started to be put in writing later could explain that away.

Arising out of the conclusions of the Public Accounts Committee, there were also instances where the non-political departmental Head of the Ministry said words to the effect that there were situations when the Minister took an active part in discussing matters which ordinarily do not befall a Minister to discuss. Again, I am concerned on this, because a Permanent Secretary usually has no political axe to grind a Permanent Secretary is usually very impartial. I am asking to what extent did the Minister exceed the normal bounds and stray into areas that would have been better left unexplored by the Honourable Minister.

There is too, Sir, the overall quantum and level of spending on the St. Joseph Hospital. In 1986 the whole question of the St. Joseph Hospital, being cleverly orchestrated by the Honourable Member for St Lucy, who sought petitions all over the north of Barbados, was a hot political issue. By the time the Democratic Labour Party won the election in 1986 we heard the St Joseph Hospital would be opened as soon as possible, and between 1987 and 1992 repeatedly out of the mouth of the then Minister was that the hospital would open back as soon as possible. It took about six years for this hospital to be opened and during the interim the hospital was largely inactive, was serving no useful purpose to the people of the north but was incurring enormous expenditure. To this day the level of expenditure incurred at St. Joseph Hospital does not reflect the usefulness of the hospital in the period when such expenditure was incurred.

I would be sympathetic to any situation where some remedial work must be done where an institution that was shut down would have to be put in a condition where it could be reopened, but even after some remedial work had been done and assurances given that the St. Joseph Hospital project was being truly managed, we saw an enormous level of expenditure incurred to such a degree that we on this side were alarmed. I recall vividly, Sir, that the mover of this Resolution, the Honourable Member for the City, once said that all she could discover out of St. Joseph Hospital, at the particular time she was speaking, was that only one baby was delivered at tremendous public cost

So, Sir, with these very few remarks, I cannot help but lend my support to the Resolution moved by the Honourable Member for the City. I believe, deep down within me, that the Minister ought to resign. I believe that, failing the Minister's resignation, the Right Honourable Member for St Michael South ought to dismiss him. The Right Honourable Member for St. Michael South cannot be accused of being an inactive Prime Minister when it comes to dismissals, because you will recall no doubt that even though many a Minister escaped being dismissed, the Right Honourable Member for St. Michael South succeeded in dismissing himself as Minister of Finance, even though his successor was no more fortunate to inherit the position and has shown no greater skill since succeeding that Honourable Member.

With these few remarks, Sir, let me wish you and your family all the best for the Christmas Holidays. I am obliged to you, Sir. 12.55 p.m.

Hon. M. A. KING: Mr. Speaker, I just heard a comment that one thing you cannot say about the Honourable Member for St James North is that he did not speak. I will not use this occasion to take issue with the

Honourable Member for St James North on constitutional issues. He talked about the application of the Westminster system and the conventions in relation to Barbados. There is a lot of argument on both sides of the divide as to whether the conventions have the same application in a system of law where we operate under written constitutions as against where there is no written constitution as is the position in the United Kingdom. This is not the time and place to get into any argument on that because it can be very exhaustive and even now conclusions have not been finally reached one way or another.

This is part of the process of looking at the issue, I agree, but I want to focus on 1 or 2 issues in relation to this matter which clearly are of concern. It is the law that contracts exceeding \$25 000 for work and services must go to tender. The question is being raised about what happened at the St Joseph Hospital. Let us take the issue of architectural services. I would like to hear some clearer statement of a position as to whether Honourable Members on the other side are of the view that architectural contracts are ones which should go out to tender or not; because the former Minister of Health has been pilloried for saying that governments both past and present have not put out architectural contracts for tender but where architects have been required to perform services they are usually appointed by the executive Ministry. If you read the provisions of section 127 of the Financial Rules they would tend to indicate:

"Where the expenditure in respect of the supply of goods or the undertaking of works or services..."

Now is not architectural work a service? So if architectural work is a service then those contracts should go to tender. The point I am making is that the historical position is, and we can argue how we like, but the factual position is, that all governments of Barbados whether on that side or this seemed to have taken the position that architectural contracts are not ones which go to tender.

Forget the former Minister of Health in this matter and look at the issues objectively. You say a practice has grown up and yet you seek to pillory the Minister in relation to a practice which was followed by individuals in the Ministry. If you say that something is wrong and we need to follow the law, I accept that henceforth we need to comply with the express provisions of the law. If that statement is being made I can understand that.

The point I am making is that it does not fall well from the mouths of Honourable Members on the other side who have followed this practice all through their careers in office to call on the Minister to resign for that You cannot call on him to resign where his office follows a practice which has been an accepted practice. It does not fall

well out of your mouths to be saying that. I am saying that if something is wrong with the law let us deal with it objectively and seek to correct a practice which has developed through the years.

Let us pass from architectural services and look at legal services. If you are talking in terms of services in excess of \$25 000, there are occasions where legal services can be contracted by Government in excess of \$25 000. I think Honourable Members on the other side will recall that in their time there have been occasions where in negotiating substantial loans abroad substantial fees have been paid to lawyers in negotiating loans. If you are following the provisions of section 127 to their logical conclusion, are you arguing as well that when Government wants to retain legal services that the contract for legal services should go to tender? I am saying we need to focus on these things and to come to a conclusion on what we ought to do.

Asides.

Hon. M. A. KING: The fact is that if you are talking in terms of legal services, I would find it difficult, Mr. Speaker, - and if the law needs to be changed in this regard we need to deal with it - if I have to retain a lawyer to do work on the part of the Government, putting a contract for legal services out to tender.

In relation to the architects, as well, their fees follow a scale of costs so that architects' fees should not be variable, and lawyers' fees outside of advocacy fall into that area where there is a scale of costs where there is no variation. But that is besides the point, if...

Mr. D. A. C. SIMMONS: On a point of order, Sir. Just by way of assistance. I do not think the Honourable Attorney General has read the whole Report but in relation to government contracts the Committee did recommend that the ceilings fixed in relation to government contracts have not been - and I quote from the very last page - have not been revised since 1979. The provisions of Rules 124, 126, 127 and 128 are generally breached and immediate consideration should be given to the fixing of realistic limits based on inflation taking place since 1979.

Asides.

Hon. M. A. KING: Mr. Speaker, I am not dealing with the issue whether the levels in respect of which there should be tender should be raised or not. I agree and I think Honourable Members on all sides may agree that the level in respect to which contracts should be required to be put out to tender should be raised. But the point I am making which we cannot escape is that the former Minister of Health has been pilloried for irregularities in respect of the contracting process.

In view of the evidence in the findings of the preceding paragraph 89 this Committee has identified a number of irregularities in regard to the whole process of awarding the contract for the rehabilitation of the St. Joseph Hospital and we summarise these as follows:

1. There was no tender for the architectural services which was in breach of Rule 127 of the Financial Rules and illegal.

I am saying let us look at the position in relation to architectural services. Let's look at it in relation to legal services and I think we need to determine the way forward in this regard. 1.05 p.m.

Asides.

Hon. M. A. KING: Do not tell me that is not the big issue because the big issue out there in the public domain...

Aside.

Hon. M. A. KING: No, No. Mr. Speaker, the big issue in the public domain put out by those who wish to destroy the Minister, and who wish to destroy the Democratic Labour Party is that this lawless Government, led by the former Minister of Health, contracted architectural services and is saying that others broke the law so he can break the law too, which he did not say. All I am saying is that these are critical issues. If there is a wrong in the award of contracts and this issue brings it to light I say that we have to correct the legal position either by excluding contracts like architectural contracts and legal services if we so wish, or ensure that hereafter contracts for those services are put out to tender.

Aside.

Hon. M. A. KING: What precedents? It does not set any precedent. I am saying that a determination has to be made on the way forward. What are the proposals? What do we consider to be best for the way forward to deal with this matter. The essential point I am making is that if there has been an irregularity in relation to the award of contracts, it does not sit well. It is like a judge, for instance, who breaks the law every day. I am using an analogy.

The Honourable Member for Christ Church East Central talked about the Opposition being the prosecutor, judge and jury. I do not think he said "judge". I think he said "prosecutor" and "jury". Now, if Honourable Members on the other side are, in fact, prosecuting the former Minister of Health, they are judges of his cause and they are like judges who have broken the law interminably

and then when someone comes before them say, I am going to lock you up for breaking this law which I myself have been breaking all along. Now, that cannot be right. It does not sit well. It is all right to complain about matters which need to be rectified but I am saying it does not sit well in calling for a Minister's resignation where the officials of the Department followed a practice which, rightly or wrongly, has grown up down through the years.

I refer now, Mr. Speaker, to the statement of the Honourable Mejnber for St. George South which was, I thought, an interesting statement from this perspective. In one breath he was saying that the Financial Rules set out what the legal position is and we ought to follow the Rules. That is the side taken by the Honourable Members on the other side. But yet, in the other breath, I got the impression from what the Honourable Member was saying that we should not bother with the law. The rules are there but do not bother with the law. Do not worry about where the Financial Rules place the obligations. Do not matter that the Financial Rules say that the Minister is not the accounting officer. Do not matter that the Financial Rules say that the Permanent Secretary is the accounting officer. Forget all of that and just take into account that the Minister is Minister and that as Minister in his Department he has considerable influence on whatever goes down in the Department and therefore we have to look at it from that perspective.

Now, you cannot have it both ways. You cannot say the law is there, the Minister has broken the law and he ought to follow the law but then on the other hand, do not bother too much about what the law says about whose responsibility it is. Let us put it on the Minister. Now, something has to be wrong with that. We are certainly not in a law court. If anybody sought to charge the former Minister of Health for any wrongdoing in respect to this matter, I am sure that there is no one on that side who could come to the conclusion that anybody could find the Minister guilty of anything under the sun.

Now, there are a couple of other matters which I need to touch on. This issue of recruiting - I do not need to dwell on that too much. A lot of Honourable Members have already spoken on it. The Minister has indicated that he was not recruiting nurses. He was overseas. He used the opportunity to speak to Barbadians...

Aside.

Hon. M. A. KING: All right. He made it. He made the opportunity and used the opportunity to speak to nurses, professionals, Barbadians overseas inviting them to return to Barbados. The Minister was not in the business of appointing persons to jobs. The Honourable Member for St. James North talked about some case which he said

indicated that the Minister must distance himself from hiring or firing. Now you cannot allege that the former Minister of Health hired or fired anybody in relation to the St. Joseph Hospital. You want to throw these issues up in the air so that some mud would stick, so to speak. That aspect of the argument just does not hold water at all.

Back to the thesis. There is nothing wrong, as I was suggesting, in any Minister making and using the opportunity abroad to speak to Barbadians to encourage them to come home and assist in the development of our country. Nursing is a critical field and we need nurses trained overseas and there is nothing wrong, in my view, with that. It is like if I went overseas, for instance, and saw lawyers who were skilled in drafting. There is a shortage of legal draftsmen all over the place and wherever we go we would want to encourage good legal draftsmen to come back and participate in the work of the country. I am saying I would see nothing wrong myself in encouraging legal draftsmen...

Aside.

Hon. M. A. KING: You cannot say that. What two draftsmen did I take and put on the Bench? The Chief Justice was a legal draftsman too. But you made a statement that I put him on the Bench. You see that kind of thing? You know that I have no power appointing judicial or legal officers but yet you would want to put out in the public domain that I put them on the Bench.

Mr. Speaker, what I am saying in essence is that I think we all have a responsibility in the process of seeking the development of our country to try to encourage as many Barbadian professionals abroad and investors, persons who have money to invest, to come back and participate in the development of the country. 1.15 p.m.

You may not agree with the style of the Minister but that is a different matter. The former Minister of Health has his own style on a number of issues. Every single person has his own style but you cannot criticize him, you cannot pillory him, you cannot indict him because of his style in dealing with issues.

Mr. Speaker, some point has been made during the course of the debate about contracts being signed after the date when the work, in relation to the particular contract, officially started. I do not know how substantial a point the other side was seeking to make on that but the fact is that again in so much Government work contracts have been signed after the date that the contract had in fact started.

Aside.

Hon. M. A. KING: Yes, the terms of the contract are agreed. But the fact is the written contract is signed subsequent to the beginning of the work. But the terms of agreement have invariably been settled. I am not sure whether the allegation in this case goes beyond that. Because if that is all that the allegation is, I am saying that there is no substance whatsoever in that allegation and one does not really need to waste any time on that because that is not unusual. Someone over there made the point that you do not have to have a signed written contract for there to be a contract. That is so elementary I do not think I even need to spend an awful lot of time on it.

There are two points, so to speak, which I would like to make. The allegation that there has been this massive amount of wrongdoing by the Minister. It seems to me when one analyzes this whole issue, and as the point of departure, I take the statement by the Honourable Member for Christ Church South that this is one of the most serious resolutions that has ever come to Parliament. That is a statement made by the Honourable Member for Christ Church South. It is one of the most serious resolutions that has ever come to Parliament. It strikes at the root of the integrity of the parliamentary system, *et cetera, et cetera*.

The point I want to deal with is this, in all the allegations that have been made in relation to the former Minister of Health no one can allege that anything he has done has been done with a view to enriching himself. How can you compare a resolution of this kind with a resolution in relation to a former Honourable Member of this House in relation to developments of his own property at St Lucy with public funds, where I accused that former Honourable Member of being unjustly enriched, at public expense? How can you compare that with this kind of resolution? Can you point to anything and tell me that this Honourable Member for St. Michael West has benefitted financially in respect of any of the allegations which have been made in this regard?

I believe, Mr. Speaker, that the best winding up I can give to my presentation is to quote from the Honourable Member for Christ Church South when we debated the resolution of lack of confidence in the then Honourable Member for St. Michael West Central in 1985.

Aside.

Hon. M. A. KING: Yes, words of wisdom. At page 2749, the Honourable Member for Christ Church South:

"There is no authority, no law, which says that a Minister can draw a cheque on the Treasury in Barbados, absolutely none. The responsibility for accounting in any Ministry resides with the public officers of that Ministry. The Chief Accounting

Officer is the Permanent Secretary of the particular Ministry and the general supervision of the total accounting procedure in Government is the Director of Finance and Planning, subject to the Auditor-General's audit and subject also to the scrutiny of the Public Accounts Committee, presided over by the Leader of the Opposition. All of that statement therefore about unlawfully spending Government's money is a worthless and useless allegation made by people who do not understand the Constitutional procedures in Barbados."

Asides.

Hon. M. A. KING: What is the Constitutional and legal position in the light of the previous statements made by the Honourable Member for Christ Church South about where the accounting responsibility resides.

This same Public Accounts Committee condemns the Honourable Member for St. Michael West when the same Public Accounts Committee comes to a finding that it is therefore impossible to gauge whether the Minister interviewed persons for posts at the Hospital or whether the recruitment drive merely took the form of 2 weeks of talk in 3 cities. And yet, subsequently in the Report, that issue is highlighted as a fact as if it were the gospel truth that he went to interview.

Paragraph 124 in the summary of irregularities. After saying it is impossible to determine what the Minister did they concluded, they say it is impossible to say what he did. But yet they concluded that the Minister's action in directly involving himself in the purported recruitment of staff for the St. Joseph Hospital was therefore fundamentally and disturbingly in breach of the Constitution.

They tell you that this is not the main issue. But when I deal with the other issue about the architectural services you tell me that is not the main issue. Which is the main issue, the architectural services, the recruitment abroad? Are none of them then main issues? Are you saying that you should discount all of them?

Are you saying then that the allegations against this Minister changed from day-to-day so that in relation to every single one they are saying that is not the important one, another one is important. And when you get to that other one, you are saying that that other one is not important. In the totality of the argument, Mr. Speaker, it seems that they themselves have discredited their whole argument and their complaints against the Honourable Member.

I suggest that the debate and the issues have to be treated in their true context, the debate has to be

regarded as a political issue in which the Honourable Members are taking purely political positions and seeking to make as much capital out of it as possible.

I conclude with this remark again that if we need to look at the law and determine the way forward let us do that without seeking to indict one of us. 1.25 p.m.

Mr. SPEAKER: Any other Member?

Hon. P. M. GREAVES: Mr. Speaker, before I actually get into the substance of my contribution here I want to deal with a matter that arose during the course of the debate in relation to the availability of staff and in relation to the alleged invitation to the former Minister of Health to appear before the Committee.

In the Report of the Public Accounts Committee at paragraph 139, subtitled - Invitation to Minister Taitt. It says at 139 in part, it was the decision of the Committee that the Minister should be invited to respond to or make comments on or otherwise explain his position in respect of that evidence. Then it goes on:

Paragraph 141 - "We have been advised that on Tuesday June 8, 1993 the Secretary telephoned Minister Taitt and told him of the Committee's decision indicating at the same time that a written invitation would follow. The fact is that the written invitation was not sent until Thursday June 10, for the reason as we were told that there was no member of staff of Parliament available to type the letter of invitation".

I have raised this, Sir, with the Clerk of Parliament and he has written me a letter, Sir, on this particular matter which I am going to make a document of the House. The letter to me reads:

"Dear Sir,

I should like to state that no member of the Staff of Parliament was requested to type, whether on a typewriter or by use of computer equipment or by any other means, a letter of invitation to be sent to Hon. B. M. Taitt, M.P., to attend a meeting of the Committee of Public Accounts.

Specific staff were allocated to prepare documentation for the Committee and at least 2 Reporters, who could also have typed any such letters, were present at every meeting of the Committee.

At no time was my intervention sought to assist with a letter of invitation to Mr. Taitt to the Committee.

At all material times, several members of staff were available who could have typed such a letter.

Yours sincerely,

GEORGE BRANCKER
Clerk of Parliament"

Sir, I make this a document of the House.

Certain remarks made by the Member for St. Thomas -were ordered to be expunged from the record by Mr. SPEAKER.

Hon. P. M. GREAVES: Mr. Chairman, I have absolutely no difficulty whatsoever with this Resolution. It presents no problems to me. I am going to vote against it and I am making this declaration here. I have difficulty with foolishness. That is what I have difficulty with. So the Honourable Member for the City can understand that. That is where my difficulty is.

Sir, I am going to vote against this Resolution. It is not, Sir, a question of condoning wrong-doing. That is completely out of the question. Wrong-doing must be proven and it must be transparently so or there must be sufficiently strong evidence, Mr. Speaker, to lead to the kind of conclusions that Honourable Members would invite this House to lead.

Reading the Report, Sir, it is clear there have been some irregularities. There is no doubt about that. You can write it down, you can write it down anywhere. There have been irregularities because the Financial Administration Audit Act and the Rules were not adhered to in some respects, the kind of irregularities that have been occurring from way back, not now, by a Minister. They are the kind of irregularities that successive Governments have experienced. I am not saying or even suggesting, Sir, that they have anything to do with the Honourable Member for St. Michael West.

The main accusers are the Honourable Member for the City, the Honourable Member for Christ Church South and supported, Sir, by Honourable Members on that side. Let us look, Sir, at the gravamen of the accusations:

1. the accusation about squandermania. That word was used over there. I heard the word being used since I was sitting here. This thing about squandermania, I have heard it used,
2. that the Minister exercised authority that is only exercisable by the Board in terms of the recruitment of staff as well as in the development works at the hospital,

3. that the Minister either paid or authorised payment to architects of money to the extent of 4% in excess of the agreed fees,
4. that the Minister entered into contractual relations in contravention to the Financial Administration Audit Act and the Financial Rules and in breach of convention, and
5. that the Minister carried out work on his home during the currency of the same contract and apparently using the same contractor.

Let us deal with the last one first because although during the debate it did not appear to have had the same effect, yet the fact is that I have seen published on the front page of a newspaper at the weekend ...

Aside.

Hon. P. M. GREAVES: They need cursing. You all curse them when you want to curse them, when it is convenient. When they need cursing they should be cursed. There is no difficulty with that.

It is a fact, the Honourable Member for the City raised a matter virtually *en passant* but hypothetically. The Member for Christ Church South raised that issue, Sir, and then as soon as the Honourable Member for St. Michael West denied it, he, himself said subsequently that he moved away from it. Now the same Honourable Member for Christ Church South says it is a fact. Yet at the same time the newspapers could see fit to publish it without actually saying what the Honourable Member for Christ Church South said - that in fact as the Honourable Member denied it, he himself moved away from it. 1.35 p.m.

These are some of the problems we have here to deal with. We have, Mr. Speaker, to be careful not to appear to be inventing standards as we go along. That can be a problem. There is nothing in the Financial Administration and Audit Act or in the Financial Rules on this particular point in terms of a Minister having work done on his home while at the same time work is being done on a contract under his Ministry. I would say, Sir, that it would be foolish for a person to do this, considering the vultures we have in our midst who are willing and ready to pounce on such an occasion.

I would like to invite Members to look at this scenario relating to that particular point. A Minister enters into a contract with a builder to carry out work on his home. That particular builder, while the contract is still going on, decides to respond to an invitation to tender for

a Government contract within the Ministry of the same Minister. He gets that contract which is far more lucrative to him than the Minister's contract. What is to happen now? The Minister must break the contract of the builder?

Aside.

Hon. P. M. GREAVES: This is no different line. I am inviting you to consider a scenario. I am not saying that this happened at all. Should the Minister break the contract or resign his office? Should he tell the contractor to get off his work? Off his premises? Because he has a Government contract? Should he do this and so incur on himself certain damages for breach of contract, or sanctions for breach of contract? Or should he resign his Ministry and say: "I am sorry, you are building for me, but now you have got a Government contract I cannot continue to be a Minister?" What is the position?

Aside.

Hon. P. M. GREAVES: This is a scenario I am inviting you to consider. You do not seem to understand that. It is a hypo. Not only is it a hypo, I am just raising it for you to see how in fact if you relate it to the doing of work on a particular home while at the same time you are the Minister, you cannot invite opprobrium on the head of the Minister in such circumstances. It is very simple.

Now, Sir, I want to get back to the very charges that were made. The first one is the charge of squandermania. The St. Joseph Hospital had no funds of its own, all of the funds are from the central Government. Every cent is from the central Government. At no time in the report have I seen where the Ministry has spent one cent more than has been voted, but the accusation is one of squandermania. Yet at the same time they have not accused the Minister or the Ministry of spending more money than they themselves voted. So if it is a question of squandermania, Sir, I recall the Honourable Member for St Michael West being put through the ringer at Estimates time on this issue of the St. Joseph Hospital and at the end of all that they voted for the money. They on the other side voted for it, Members on this side voted for it. How can you now come and claim squandermania in terms of what you yourselves have voted for? If there is squandermania, then you are responsible and we are responsible. It is that simple.

Aside.

Hon. P. M. GREAVES: But you were told the funds from which it was done. At no time does the report state that the funds that were voted had been used for a purpose other than that for which they were voted. At no time did it state that.

Aside.

Hon. P. M. GREAVES: But you voted for it. If it is squandermania, then it falls out of your mouths to make that accusation. You cannot make that accusation, because you yourselves have approved it. How can you approve it on the one hand and now come and make an accusation on the other that in fact there is squandermania? How can one maintain those two positions at the same time?

The other charge is that he exercised authority that only resides with the Board in respect of recruitment and development works. The Honourable Member for Christ Church West Central, the Attorney General, has already spoken on this particular point. It is not for the Minister to appoint, only the Board can appoint. At no time have I heard it stated anywhere that the Minister has appointed a single individual to the staff of the St. Joseph Hospital.

Aside.

Hon. P. M. GREAVES: Then why is it absent from the report? The Honourable Member for the City cannot understand the difference, it seems. I am talking, Sir, about appointing staff and that is what the power is given under the Act for the Board to do. The Minister interviewed people. If you like you can say the Minister recruited people then, but he did not appoint them. That is what is important. If we were to sit down and depend on the normal processes we would never have had the Grantley Adams airport terminal that we have today. Errol Barrow had to go to Canada and talk to Pierre Trudeau in order to get the funds to build that airport. If we had sat down and depended on that, where would we be? Mr. Speaker, at some time I will have to raise the point that in my opinion this matter here was more than just a matter of mere righteous indignation.

I want to deal with the point the Member for St. Joseph wanted dealt with for the longest time, paying the architects 4% more than the agreed fees. There is a bit of history on this, Sir, so we have to go back. The architects were Messrs. Sandiford and Small, no relative of the Prime Minister, no relative, I understand, of the Chairman of the St. Joseph Hospital Board, contrary to rumour. Sandiford and Small agreed to work for the R.I.B.A. fees of 10.25%. That was in 1989. Later Sandiford and Small became the prime consultants after other consultants were taken on and they were responsible for the work of those consultants. They requested a fee of 20.25% so they could pay all the other consultants. The fee after negotiation was reduced to 16% and that was agreed to. 1.45 p.m.

At the same time, Sir, there was a Mr. Davis who was doing work as a builder on a plus cost basis, as was done on this very building (the Parliament Buildings) where a Mr. Kenneth Gardiner, now deceased, received a

percentage, and he too was recruited other than by normal process. His firm Kenneth Gardiner Associates in 1983, according to the file, was recruited by the Prime Minister in consultation with the then acting Speaker. It was not you, Sir. Not in 1983. That is another point.

Mr. Davis' work came to an end and he received, as I said, a fee on a cost plus basis. The plus was 70%; then he was given an extra 6% in order to coordinate the work of other small subcontractors under him. An additional 6%. It was agreed at that point to appoint Sandiford and Small as the project managers, not for the same 6% that Mr. Davis was getting but for an additional 4%. That accounts for the 16% and 4%, the 20% that Sandiford and Small got toward the end of the contract.

I, Sir, would like to repeat what I just said in case Honourable Members do not understand it. The first fee was 10.25%. That moved to 16% when he became the prime consultant and was responsible for the other consultants. It then moved to 20% after the work of Mr. Davis came to an end and he has been getting 6% for that extra work he was doing. Sandiford and Small were appointed project managers at an additional 4% rather than an additional 6% resulting in a saving to the Government. Is it understood now, the 4%, the 16% and the 20%?

I am interested in what are the facts. I do not know what went before the Public Accounts Committee. I was not there and I have not seen a copy of the record. It has not been laid in Parliament and I would have no means of knowing what was said then. I am saying what is a fact. If it was laid before the PAC maybe they did not understand it. I am hoping that they understand it now. I hope that that lays to rest now and forever the additional 4% they were speaking about.

Now, Sir, let me come on to the other question of the entering into contractual relations contrary to the Financial Administration and Audit Act and breach of conventions. Mr. Speaker, the Honourable Attorney General stated just now that there is a grey area here in terms of appointment of consultants, architectural consultants and lawyers. I do not want to repeat what he said but I would really want to say in response to an intervention by the Honourable Member for St. Thomas that it is not a question of \$25 000 in excess or below, \$25 000 is only a point of departure for invitations for public tendering or indeed for private treaty.

In other words, let me explain this. If the services or contractual work are in excess of \$25 000 then under our rules a public tender must be inserted in the papers inviting persons to tender. If it is less than \$25 000 you have still to tender but you do not have to advertise it. You still have to seek out all those persons who are capable of doing the work or as many as is reasonable and invite them to tender.

Therefore it is not a question of more than \$25 000 and the Committee recommending that the \$25 000 should be raised. I, too, feel it should be raised but it is not germane to this particular point that the Honourable Member for Christ Church West is raising and it is not germane to the question of appointing architects or other professional services. The Honourable Member raised a question as to what is the position with the lawyers. I am sure they would not want any tender notice to be published in the newspapers seeking legal services on any particular matter. I do believe the same would apply to architects because in a way they too control themselves in terms of scales of costs as indeed the lawyers do in certain respects.

Asides.

Hon. P. M. GREAVES: Somebody is asking what is the answer for that. Maybe the rules are silent on it. The lawyers will not have any contracts and therefore the architects should not have contracts either. Let me make this point, Sir. Let us come back to this very Chamber from which we speak and from which we debate this Resolution and from which we are here P9ntificating. This very Chamber was renovated about 10 years ago using the architectural services of a person who had been appointed, Kenneth Gardiner Associates. They were appointed in 1983 and in 1984 it was suggested that in fact they were not appointed in accordance with the Financial Administration and Audit Rules and that there were no contracts. Eventually a contract was signed. I do not agree that there was no contract but I agree with Honorable Members on the other side that as soon as you enter into negotiations, except you are dealing with land, with another person with the intention of establishing contractual relationships and you are agreed on all the terms and the person then goes and begins his work with your permission then you have a contract

But there was no written contract with respect to Kenneth Gardiner Associates and that contract was never totally executed because Mr. Kenneth Gardiner raised all kinds of objections. Eventually he signed the document but the Government never signed it so it was never really and truly a contract. Similarly, Sir, the Planning and Priorities Committee -1 do not know what standing they had in this - decided that for the renovation of this building there should be 4 firms invited to tender and eventually NORD Construction was given a contract without any public tender. It is not that 4 firms were tendering but the PPC decided that it would be only 1 of those 4 and no other.

Mr. Speaker^I do not know what the position is. I do not know how many tendered for St. Joseph but what I do know is that if you want justice and if you want equity and you say this is the highest Court of the land then you yourself should come with clean hands. That is a basic

principle in the Law of Equity and all the lawyers over there should know this and must know this.

Mr. Speaker, let me show what was given to me.
1.55 p.m.

"On January 21, 1985, the Cabinet concluded that a subcommittee of the Cabinet should be appointed to be solely responsible for this Project and should be authorised to engage the services of a project manager as its agent for the day-to-day management and control of the project and that the Committee should negotiate for the services of CJR.E. Edwards as project manager."

Here again "services", and this is the Cabinet authorising all of this in breach of the Financial Rules. If you want equity you must come with clean hands.

Mr. Speaker, the Report that was laid in Parliament appears to be the basis on which this Resolution is drafted in an Interim Report that has been raised in here by the Honourable Member for St. George North. It has been raised again by the Honourable Member for St. Michael South and the points they have made I am in total agreement with that we are dealing with an Interim Report. Where is the final report? How can we be expected to take the kind of action that the other side is asking us to take on the basis of an interim report when, in fact, a final report would probably have in all of the evidence which might very well change...

Aside.

Hon. P. M. GREAVES: The facts could change. What is more, Sir, there is a lot about that Report that I am unhappy with. I am particularly unhappy that the Report should be drafted by three individuals, three who used to call themselves in some other Parliament "three blind mice." The Leader of the Opposition, the Honourable Member for St. Thomas and the Honourable Member for Christ Church West. It is those three who got together, the three blind mice, self-proclaimed.

Mr. D. A. C. SIMMONS: On a point of order, Sir. Do not mind that he called me a mouse for Christmas, Sir.

Mr. SPEAKER: I agree with that.

Mr. D. A. C. SIMMONS: That is not the point. The point is that within the Committee persons were asked to form a subcommittee to draft. What was drafted was accepted and approved by all other members of the subcommittee including the three on that side. So what is the complaining about? Because I drafted the thing tight and you cannot find any holes in it?

Secondly, Sir, I have to say that we were asked to draft it because there was a general feeling that the Deputy Clerk was entirely incompetent.

Aside.

Mr. D. A. C. SIMMONS: So what, I must tell lies and say that he was competent then?

Hon. P. M. GREAVES: Mr. Speaker, the staff of Parliament are not in a position to defend themselves. I believe that should not stay in the record but that is a matter for your...

Mr. SPEAKER: I caution Members before about using the Report to certain extents. That accusation was made before...

Asides.

Mr. SPEAKER: Order, please. Order, please. I have to allow some balance in this thing. It was raised and then the Leader of the Government responded by a letter. When the Honourable Member for St. Thomas sought to debate it I withdrew it from the records because I thought it was not properly debated. To my mind all that is happening is that the Honourable Member is refuting an allegation made to him and therefore he is in order to refute anything made against him.

Hon. P. M. GREAVES: Mr. Speaker, it is clear to me too that the Honourable Members are merely trying to set up some reasons why the question of the drafting of the Report was entrusted to those three Honourable Members and to no other Honourable Members and as to why I assumed that the drafting of that Report was not done within the hallowed Chambers of this House. We were told on the Honourable Member for St. Thomas' own admission that work was done on his computer in his professional office on this Report.

•^ *Aside.*

Hon. P. M. GREAVES: Now you hear that? "Why not?" This is a Committee of Parliament. This is not a committee of the Honourable Member. It is not a committee of the Barbados Labour Party. This is a Committee of this Parliament and the work of it should be done in this Parliament. There are many computers in this Parliament. The work should have been done in this Parliament. I do not know where the Honourable Leader of the Opposition wrote his Report, in whose house. He has no office. I do not know in whose house it was done or if over there in the Leader of the Opposition's Office. I do not know where the former Leader of the Opposition, the Honourable Member for Christ Church West wrote his report?

Aside.

Hon. P. M. GREAVES: It is not irrelevant. It is important. Some of it, at least, I cannot say that in his case it was written outside this Chamber. I cannot say in the case of the Honourable Member for Christ Church West that it was written outside of this Chamber. I can say for the Honourable Member for St. Thomas that the Report was on his computer. I would like to know if staff of Parliament went to the office of the Honourable Member for St. Thomas and entered that Report on his computer. Or I would like to know if the Honourable Member did it with his own hands? Or if it was done by somebody completely unconnected with this Chamber? What I found most amazing is that when the Honourable Member for St. Michael North East raised that issue that the Honourable Member for St Thomas in his response never referred to it at all during his main contribution. He spoke to it..

Mr. D. A. C. SIMMONS: On a point of order. I spoke before the Honourable Member for St Michael North East I respond to him? I spoke before him. I spoke in here Tuesday morning. He spoke Tuesday night?

Asides.

Mr. SPEAKER: Order, please. Order.

Hon. P. M. GREAVES: The point is, Sir, that it has been entered into discussion, whether he spoke before or after. I thought it remarkable that no proper explanation could be given as to what the Report was doing in the office of the Honourable Member for St Thomas. His part of the Report was on his computer.

Miss B. A. MILLER: On a point of order. The Honourable Member is suggesting that unless work is done within the precincts of this House or a Ministry that it is not work properly done? The same Honourable Member who could tell me in recent times that he got a fax machine at his house so that he could make work easier to do between his House and the Ministry? What foolishness we are talking here?

Mr. SPEAKER: No point of order. That is no point of order. 2.05 p.m.

Hon. P. M. GREAVES: I ignore all of that I am saying that a Report of that nature should be done here in Parliament because the Honourable Member for the City used the word transparent, that everything must be transparent. It cannot be transparent when it is done in somebody's private office. It cannot be transparent. The transparency is compromised if it is done outside of these Chambers, Sir. It is a Report of a very confidential

nature and at no time have we been told that it was entered - again I would make this point - by Members of the staff of Parliament

Aside.

Hon. P. M. GREAVES: I do not mind any clause by clause. Everything must be transparent and it was not. Mr. Speaker,...

Asides.

Mr. SPEAKER: Order please.

Hon. P. M. GREAVES: My time is up. I could have gone on on a number of other matters. My time has expired. As I began I will end, Sir. This is a resolution that I will have no difficulty in opposing for the reasons that I have given. The allegations against the Honourable Member for St Michael West are not proven and you cannot pillory a person on mere allegations. They have got to be proven. They have not been proven and therefore, Mr. Speaker, I will indicate my own position on this by voting against the Resolution.

SUSPENSION OF SITTING

Hon. P. M. GREAVES: Mr. Speaker, I beg to move that the sitting be now suspended until 3.15 p.m. today.

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

Mr. SPEAKER: The question is that this sitting be now suspended until 3.15 p.m.

Asides.

Mr. SPEAKER: Honourable Members in favour please say aye...It appears to me that you do not want lunch today so I am finished. I cannot even hear myself so I have ceased to put the question.

The question was put and resolved in the affirmative without division and Mr. SPEAKER suspended the sitting accordingly at 2.10 p.m.

ON RESUMPTION

Mr. SPEAKER: This sitting is resumed. Is there any other Honourable Member who wishes to speak on this Resolution?

Miss B. A. MILLER: Mr. Speaker, I would wish to return to a subject which has to do with the order of speeches. We must bear in mind that this debate is creating

a most important precedent in its own right and that it is a debate which I believe will go down in the annals. I do believe that the parliamentary chroniclers will take note.

On Tuesday last we entered into a long argument. Your Honour in fact suspended the House on 3 separate occasions over the question of whether the question of no confidence would be a motion brought against the Government or a motion brought against a Minister. I am on a point of order, Sir.

Mr. SPEAKER: I asked if there was any Honourable Member who wanted to contribute to the debate.

Miss B. A. MILLER: I beg your pardon, Sir.

Mr. SPEAKER: What I asked was is there any other person who wanted to contribute to the debate?

Miss B. A. MILLER: I beg Your Honour's pardon. I rise on a point of order. Your Honour ruled last week that the rules of natural justice must be observed.

Mr. SPEAKER: Let me put it straight. You are starting your reply.

Miss B. A. MILLER: No, Sir. I am on a point of order. It cannot be right that on a motion of No-Confidence that I should have the right of final reply. It is unheard of.

Mr. SPEAKER: Then I will take that as part of your contribution.

Miss B. A. MILLER: It cannot be part of my contribution. I have said I am on a point of order. You have to rule me out of order.

Mr. SPEAKER: What is it you are responding to on a point of order? I am not so clear.

Miss B. A. MILLER: The point of order has to do with the order of speeches. Your Honour has indicated that the Honourable Member for St. Michael West will be permitted to speak after me. I am saying...

Mr. SPEAKER: That cannot be a point of order. That is not a point of order.

Miss B. A. MILLER: I want to speak.

Mr. SPEAKER: That will be part of your speech. It will have to be part of your speech. I have made that ruling already.

Miss B. A. MILLER: You are not hearing me on the point of order?

Mr. SPEAKER: There is no point of order to be made.

Miss B. A. MILLER: You are ruling that I have no point of order?

Mr. SPEAKER: My ruling is that I asked if there is any other Member who wants to contribute and you rose. I take it that you are responding to that.

Miss B. A. MILLER: I am rising now on a point of order, Sir. I am on a point of order. Point of privilege. I do not care what point it is. If I cannot make a point in here something is wrong with in here, something is wrong with the system.

Asides.

Miss B. A. MILLER: But I have referred to the Standing Orders already.

Mr. SPEAKER: Are you challenging my ruling? Because it comes to that. I said that I called on the Honourable Member to speak in terms to reply to the Resolution. The Honourable Member said she was on a point of order.

Miss B. A. MILLER: All right I will raise it at a later point. If somebody speaks after me I will raise it

Mr. Speaker, Sir, I am starting my reply. This motion that I have brought is about integrity in public life and particularly so, Mr. Speaker, at the high and very trusted level of a Minister of Government who must be, as we have heard Honourable Members say in here during the course of this debate, accountable for the public purse and public property. There have been 2 other such motions brought before this Honourable Chamber in recent times by both sides. I am not afraid to speak of the fact that a Member on this side was once the subject of a No-Confidence motion. I say that simply to say that it is fit and proper that when it becomes necessary for a motion of No-Confidence to be brought that it must be brought. The process by which we in this Chamber are our own trade union and our own disciplinary committee, and I repeat this, must be and must remain transparent for all of Barbados and indeed the entire world to see. Today our collective reputation is on trial here. We are all going to be judged. Honourable Members on both sides, over the 3 days of debate, have expressed opinion and belief and stated clearly in some cases that breaches of several kinds have occurred. No one has or in my submission can deny that as my motion states the Financial Administration and Audit Act has been breached flagrantly and repeatedly. No Honourable Member, to this point, has dared to even suggest that the role and function of the St. Joseph Hospital

has not been usurped both by the Minister and by the Ministry. The Report has made it clear that notwithstanding the legal creation of the Board....

Hon. P. M. GREAVES: On a point of order, Mr. Speaker, Sir. 3.20 p.m.

Hon. P.M. GREAVES: On a point of order, Mr. Speaker, the whole defence on this side was that the Minister has not usurped any powers of the Board. That is the position on this side.

Aside.

Hon. P. M. GREAVES: That is the position on this side. Do not say it was not said because it was. He may not have used those words.

Miss B. A. MILLER: Mr. Speaker, Sir, the report makes it clear that notwithstanding the legal creation of the Board that for a considerable time thereafter the Ministry effectively ran the operations of the Hospital. The Chairman of the Board went so far as to say that the Minister, when he was inaugurating the Board, pointed out that the Board would only be responsible for the Hospital after the refurbishing had been completed and then the Board would have the responsibility for running the hospital thereafter. This same Chairman of the Board asked for a bill of indemnity when he saw how the financial business was being carried on.

Now, Mr. Speaker, Sir, the Press has been much abused in this debate especially by Honourable Members on the Government Benches but the reality is that the Honourable Member for St. Michael West himself invited the Press into this debate a long time before it came to this Honourable Chamber. There are some who believe he engaged in verbal diarrhea. He spoke to the print media, he spoke to the electronic media at every opportunity, questions and answers sessions, Sir, interviews, press releases, press statements. I have a file of clippings in which the Honourable Member for St. Michael West stars. This is something that he invited but now that it does not suit the Honourable Member and other Honourable Members on that side to read the Press and have it editorialise and comment on this very important issue, it is a different story.

Your Honour, Sir, the abrasive and the confrontational and the often adversarial relationship between Parliamentarians and the Press is connived at by both sides. There is an editorial in one of today's papers that makes that perfectly clear, it is connived at by both sides. So all of this cursing of the Press does not make what we see in the Press wrong or unacceptable.

Honourable Members, Sir, on both sides over these last three days of debate have attempted, in my view, in vain, to exempt the Honourable Member for St. Michael West on several grounds. One Honourable Member said that it was the civil servants who were to blame and not the Minister. Another Honourable Member said that the Minister was a nice fellow. Another Honourable Member said that the Minister received no official letter of complaint from the Public Accounts Committee and in his view due process was not observed. Another Honourable Member said the system was no good and this morning we heard other such excuses because in fact, Sir, those are what they are - excuses.

All Honourable Members in here must know as indeed the Honourable Member for St. Philip South has pointed out, that the Minister must accept the consequences of his actions and those of his staff. In our system the buck stops at the Minister's desk.

Aside.

Miss B. A. MILLER: In every Ministry. Ministers have resigned in this system for less.

Aside.

Miss B. A. MILLER: I am not talking about in Barbados. That is why we are in here today, because we invoke the Westminster model when it suits us and when it does not suit us we ignore it

Mr. Speaker, Sir, the Minister is responsible. When the Minister attempts to make liars of his civil servants by denying that he was present when the decision to hire Sandiford and Small was made that does not make him any less responsible. He is responsible for what happens in his Ministry. The Honourable Member for St. Philip South was correct. The Honourable Member for St. Michael West should have resigned and he still can. The one thing he can get up and do when I sit down is to say, I resign.

This too is where the Honourable Member for St. John was correct. He was correct about one thing, about no one else being responsible for being able to set morality standards for him. We each must set our own. But the Honourable Member for St. John, Sir, must also learn that the higher the responsibility entrusted the higher is the duty to recognise and to avoid conflicts of interest

The people whom we represent have the right to expect the highest standard and duty of care from us because they have put us into the highest committee of the land to represent their interests in here and manage the Government on their behalf and that is their right. The Honourable Member for St. John, Sir, must pray for the wisdom to learn to recognise where the boundaries are.

Now, the Honourable Member for St. Michael West has not always been able to recognise the boundaries. The Honourable Member for St. Michael West once attempted to suspend a civil servant without due Public Service Commission process.

Hon. B. M. TAITT: On a point of order, Sir, the Honourable Member cannot say that. I categorically deny ever having tried to do any such thing.

Miss B. A. MILLER: He is correct, Sir, he did not attempt to do it. He did it. This Honourable Member for St. Michael West

Hon. B. M. TAITT: On a point of order, Sir, it is impossible for me to suspend a civil servant and for the Honourable Member to say so, it makes no sense. It is impossible, Sir. That should be struck from the record.

Miss B. A. MILLER: Mr. Speaker, Sir, the Honourable Member for St. Michael West is one and the same Minister who in earlier years as a Minister sought on an occasion to give letters of comfort in respect of the Barbados Marketing Corporation and quite improperly so. What I am saying, Mr. Speaker, Sir, is that the Honourable Member for St. Michael West has never fully accepted or understood the proprieties that need to be observed when one is dealing with public funds.

Now, in this matter of the St. Joseph Hospital it was wrong and it was illegal for the firm of Sandiford and Small to have been given a contract to refurbish the St. Joseph Hospital, acting both as architect and as building contractors for a sum which was quite obviously going to be well in excess of \$25 000. After all, the Quantity Surveyor put the firm's estimate at \$4.2 million. Their Quantity Surveyor, Design Collaborative, put the firm's estimate at \$4.2 million.

Hon. B. M. TAITT: On a point of order, Sir, I do not wish to interrupt the Honourable Member. The Honourable Member is misleading the House. The figure of \$4.2 million was arrived at by Athelstone King and not Design Collaborative.

Miss B. A. MILLER: I know what I am saying, Sir. Athelstone King.... it was not \$4.2 million, it was \$3.6 million. It is all here. At January 26, 1990. This is addressed to Mr. David Sandiford, Re: The St. Joseph Hospital:

"Dear Sir,

Having visited the site and discussed with your goodself the extent of the proposed upgrading work at the above captioned site we have made a

preliminary budgetary assessment of BDS\$4.2 million for the work as proposed."

It was further wrong, Sir, and illegal that this should have been done without, not only the architectural services, but the construction work having been put out to public tender. The Report is very clear on that as an irregularity. There was no tender for *the* construction work to be done by the said company. This too was in breach of Rule 127 and is illegal. In this regard the Permanent Secretary, the Minister and the Senior Officials and advisers in the Ministry are all culpable.

Now, Mr. Speaker, Sir, even as the Minister implies, the Honourable Member for St. Michael West, that this was done without his knowledge and consent there are so many questions that have to be asked. How could this have gotten past the Attorney General's Chambers? The Attorney General spoke in here today. We did not hear how it got past his Chambers. How did this get past the Planning and Priorities Committee, a sub-committee of the Cabinet, whose function it is to monitor on an ongoing basis the capital works programme of the Government? How could this have gotten past the Planning and Priorities year after year after year? The Ministry of Finance, and the Minister of Finance himself, Sir, year after year in the Estimates debate coming in here and giving us assurances - false assurances, as it turns out - that all was well with the St. Joseph Hospital and that we should vote more money ...
3.30 p.m.

Hon. P. M. GREAVES: On a point of order, Sir. The Honourable Member has just said that the Minister of Finance comes in year after year and gives false

Miss B. A. MILLER: Assurances which proved to be false. We have been misled year after year in this Chamber. The Minister of Finance authorised the release of funds on an ongoing basis over several years, going into several millions of dollars, in this House time and time again. As Your Honour well knows, Parliamentary Questions have been asked by the Honourable Member for St. Peter. Parliamentary Question No. 80 of 1987:

"To ask of the Minister of Health:

Will the Minister please state:

1. the amount of money Government has agreed to pay for the St. Joseph Hospital,
2. the use to which Government intends to put the said facilities, and
3. if Government intends to use the facilities as an acute general hospital, the projected capital cost

which will be incurred in remodelling and equipping the hospital, and the projected cost of running the hospital in each of the first three years of operation?"

This was a Question asked on November 3, 1987.

Another Question was asked by the Honourable Member for St. Peter on February 23, 1988:

Aside.

Miss B. A. MILLER: Oh, that was when it was responded to. I beg your pardon, Sir.

Asides.

Miss B. A. MILLER: The response told us nothing, that there was no information. He did not know what was going on. Then the Honourable Member for St. Thomas asked a Question on October 31, 1989:

"To ask the Minister of Health

Will the Minister please state:

- (a) when the St. Joseph's Hospital will become operational;
- (b) what is the projected cost of operating the said hospital for a full financial year;
- (c) whether Government has identified a site for a new Psychiatric Hospital and, if so, where?"

That remains unanswered.

Mr. Speaker, Sir, every year in the Estimates debate this came up and these Questions were asked time and time again and assurances were given to us. In November of 1990 Design Collaborative assessed the work still to be done ...

Rt. Hon. L. E. SANDIFORD: On a point of order. The Member for the City have said that I have come in here repeatedly and given false assurances or assurances which turned out to be false. Those are false assurances, I do not know what they are. Up to this point the Member has not substantiated her particular allegation. I am saying that that is imputing improper motives to me as Minister of Finance, in the sense that I would be misleading this Honourable Chamber. Unless she can supply the information, I would therefore ask that the whole reference to myself as Minister of Finance should be struck from the record.

Miss B. A. MILLER: Mr. Speaker, Sir,

Mr. SPEAKER: Yes, but the Honourable Member has submitted to me, on a point of order, and my understanding is that the Honourable Member is objecting to a statement made about false assurances.

Miss B. A. MILLER: Mr. Speaker, I said that assurances were given to us which later turned out to be false.

Mr. SPEAKER: Just one moment. I think we are capable of resolving these matters. False assurances, if that was the term used, refers to assurances, but the Honourable Member is taking objection to the fact that he has been identified personally, not collectively or otherwise, to be the person who has given that kind of false information. I think the Honourable Member, in fairness to the complaint, would rather put it another way. I think it would be better if we just remove that complaint and put in something that would convey a meaning other than imputing improper motives, as the Honourable Member raised.

Miss B. A. MILLER: I will put it in another way, Sir. I accept Your Honour's ruling. The Honourable Member, the Minister of Finance, over several years gave this Honourable House assurances that it was in order for it to vote additional monies, including supplementaries, year after year for the St Joseph Hospital, and we voted accordingly. It turned out, Sir, that those assurances were not well founded. I have put it differently. That is what this debate is about and this is what I want to ask. It gets past the legal officers, it gets past Planning and Priorities, it gets past the Ministry of Finance. Is the system, the checks and balances, so corrupted now? Is it so overtaken by illegality and improper practice that all of this could happen and none of us would know until the Public Accounts Committee would investigate it? Not only on the refurbishing work, you know, Sir, even on new work to be done at the St. Joseph Hospital, like the sewerage system.

The installation of a sewerage system was new work. That had a cost overrun of 100%. It ended up costing \$1 million, where the estimate for it could hardly beat \$500 000. Some people were trying to make the excuse that because it was refurbishment you could not accurately assess, but I am saying that even in respect of new work there were cost overruns and time overruns. The fact that the firm of Sandiford and Small

Hon. B. M. TAITT: On a point of order. The very report from which the Honourable Member is quoting indicates that the sewerage system went out to tender *sui generis*.

Miss B. A. MILLER: I am not going to be misled or sidetracked, Sir. The point I am making is that even with

a new work, such as the installation of the sewerage system, there was a cost overrun in the order of 100%. The fact that the firm Sandiford and Small had no track record for construction of this type only further exacerbates the wrongdoing. The project management by the Permanent Secretary and the Chief Project Officer had to be exceptionally poor, and I make no excuse for that I am deeply disappointed in that, exceptionally poor work. It was wrong and it continues to be wrong, and many things remain unanswered.

The difference between the 16% and the 20%, Sir, is not accounted for up to this time, especially since that greater sum was offered at the initiative of the Ministry. This was not claimed by the contractor, this was offered at the initiative of the Ministry, and to this day, Sir, we still do not know what the total cost of the refurbishment is or was. All we know is that at June of this year, 1993, the work is still incomplete. Your Honour, it was wrong that year after year monies voted by Parliament for use by the Board of the St Joseph Hospital were used by the Ministry of Health. That was wrong, wrong, wrong. It is illegal and in breach of the Financial Rules. The Ministry has no right to usurp the function of the Board and the role of the Board. I would like to know by what mechanism, indeed I am tempted to ask by what subterfuge, was this accomplished. How was this made possible that monies voted time and again by this Parliament for use by the Board were used by the Ministry? I would refer Your Honour to the debate which we had in here in 1989 when the St Joseph Hospital Bill was introduced by the Honourable Member for St Michael West At that time he said among other things in respect of the Board, page 4581 of Hansard - in introducing the St. Joseph Hospital Bill this, Sir. 3.40 p.m.

Mr. SPEAKER: Which Honourable Member?

Miss B. A. MILLER: The Honourable Member for St Michael West, and I quote:

"... in keeping with my own views and the views of the Government about the accountability principle, we are giving the Minister of Finance in this Act, authority notwithstanding the Minister of Health, notwithstanding the Board, giving the Minister of Finance the authority of his own to send the Auditor General who is accountable to Parliament to investigate the accounts of the Board if he thinks necessary."

and that is exactly what happened, Sir.

"I think that is very important in the kind of administration which I envisage."

The Honourable Member for St. Michael West went on to deliver himself of these words, Sir:

"Mr. Speaker, you will notice that in each of these sections the word "shall" appear. In law in Barbados the word "shall" is mandatory, so failure to fulfil these obligations will be a violation of the law. It says "shall" and that is because, I believe, Sir, that Statutory Boards can and should perform in the manner that they were envisaged to perform when the concept of the Statutory Board became part of the administrative system which we have adopted.

It is not acceptable, in my view, (said the Honourable Member for St. Michael West) that a Board should function, spend public monies and then two and three years go by before the report comes to the Ministry. It is not acceptable."

Now, the Honourable Member for St. Michael West is not in a position to say he did not know. This is an Honourable Member who is learned in the Law. This is an Honourable Member who has worked in the Civil Service and who knew the Financial Rules. That is what he said and then he went behind this and attempted to usurp the role and function of the said Board. The Chairman was clear. The Chairman said "We were told at the inaugural meeting by the Minister that the business of the refurbishment is nothing to do with the Board. That is a function of the Ministry." But, Sir, cheques were coming to the Chairman of the Board for signature. Mr. Speaker, Sir, these things are not right.

Mr. Speaker, Sir, the Honourable Member also said of the St Joseph Hospital Board, quoting from page 4580:

"It has to be answerable to Parliament through some means and it is a Minister in this system of Government that we have that keeps the link with Parliament..."

as "other institutions where the Minister functions almost like a corporation sole," he said. He was speaking of the Queen Elizabeth Hospital. He said that:

"... the point is the Minister has the authority and exercises the authority by way of the Ministry and the hospital administration."

So there can be no plea of not knowing the law or a plea of ignorance. I said it last Tuesday and I say it in here again today. We cannot be in this Chamber as lawmakers and be law-breakers too.

Now, Mr. Speaker, Sir, a number of very interesting and related things happened in 1990. In 1990, the firm of

Roy Davis Construction Company Limited - Now Roy Davis Construction Company according to the PAC Report was the main sub-contractor doing the building work at the St. Joseph Hospital. If you look at the back of the Report in the list of contractors you will see that the name of this company is first among sub-contractors - Roy Davis Construction Building.

Now a number of interesting things happened in 1990. In 1990 the firm or the company of Roy Davis Construction Company Limited was formed by Attorney-at-Law, Monique Taitt and registered in the Corporate Registry as a Company No. 6431. That is a fact. July 26. As I have done in here before, I went to the Corporate Registry and did my research and I am willing to make this a document of the House.

Also in 1990, the Board of the St. Joseph Hospital was established. Also in 1990, the Ministry of Health was negotiating the refurbishment contract with the firm, Sandiford & Small. All of that was going on in 1990 and also in 1990 refurbishment work was being done by the main sub-contractor Roy Davis Construction Company at the private residence of the Honourable Member for St. Michael West to a value of at least \$115 860.00. Extensive work was done.

I only have limited time. There was the removal of existing kitchen cabinets and they had to be rebuilt. There was the removal of sanitary ware, floor and wall finishes from 2 bathrooms to be replaced with new items. There was the removing of existing bedroom vanities in 3 bedrooms to be replaced with new work. The Honourable Prime Minister asked me to specify and I am specifying. The Honourable Member for St. Lucy said that I should specify and I am specifying.

These are the specs on the specifications for the job work: ^

stripping existing galvanise from roof and replacing it with PBF 2 roof sheeting;

repainting all interior walls and installing new carpet in the master bedroom;

constructing a new study complete with ensuite bathroom including airconditioning, carpeting, cedar cabinets with panel doors, cedar computer desk and wrought iron security grills;

appliance of trowel plastic to all exterior walls;

supplying and installation of a new wrought iron gate; and

constructing new suck wells and man-holes.

That work was done in 1990 between January and July at the private residence of the Honourable Member for St. Michael West at the same time that that main contractor was undertaking and carrying out works at the St. Joseph Hospital being administered at that time by the Ministry of Health. It cannot be right, Sir. It is the worst conflict of interest since the one I talked about in December last year in reference to the Honourable Member for St. Michael North.

The Honourable Prime Minister, Sir, and the Honourable Member for St Lucy asked me to specify and I have specified. In this last connection there can be no room now for blaming civil servants. This is the Minister on his own. The conflict of interest, Sir, is inexcusable and it has led to a lot of public speculation which does this Chamber no good.

I come to the matter of the recruitment drive in the United Kingdom. As the Honourable Attorney General made the point earlier today, every Minister of Government, and there are some on this side who have been Ministers of Government, going abroad will in the course of his or her duties from time to time encourage Barbadians wherever possible to return their skills and their capital to Barbados, particularly in areas of national need. That is not new. We all do it. Sometimes opportunities even arise for Ministers to give pep talks to small groups of people. I have no quarrel with that, but my quarrel lies here.

Never have I heard of a Minister deliberately taking a 10-day stop-over in a country where he had no other government business in order to give what the Permanent Secretary himself described as a few pep talks and interview people for work in a government institution. The Permanent Secretary went on to tell the Public Accounts Committee that some of the people the Minister interviewed were later employed at the St. Joseph Hospital. Wrong. Wrong. Wrong. It is wrong. I never heard that. That cannot fall within the role and function of a Minister and we have again the Minister usurping the role and function of the Board. The Minister is specifically omitted from those to whom the Board may delegate such functions. This whole business with the recruitment - that is their words, not mine - in the United Kingdom was again at the initiative of the Ministry. This was not an initiative of the Board. This was the initiative of the Ministry by letter dated April 12, 1991. I have to ask the question. I was once in a Cabinet. Is it that the Minister knew that he could not get past the Cabinet with that 10-days stopover and sought to hide it in the Board? I have to ask the question. 3.50 p.m.

Now, we are told that the Minister of Health at the time returned to the Board the sum of \$234.72 in respect

of travelling allowances. We are also told that there was a saving of £1 300 sterling because the Minister's hotel suite costs £200 a night...

Mr. SPEAKER: The Honourable Member's time has gone over but I am going to give her two minutes for the interruptions.

Miss B. A. MILLER: I am very much obliged to you, Sir, because there were very many interruptions.

The Minister's hotel suite cost £200 rather than £300 a night over a period of 13 nights. I am asking specifically, was the £1 300 ever returned to the Board? There is no record of that. Mr. Speaker, this is all inexcusable behaviour from a Minister of over 10 years' Cabinet experience and one, as I said, who was once a civil servant and therefore deemed to know the Financial Rules. We are dealing with a Minister who is unrepentant about breaches of the law, he being a lawmaker and, as I said, one learned in the law himself. One who has sought throughout all of this to make a virtue out of a vice. One who boasted publicly that he would not appear before the Public Accounts Committee to be questioned by his peers. One who makes his civil servants out to be liars but still we do not hear that he ever sought to have them disciplined for telling such lies and for all of these breaches which he says cannot stick to him cannot fall under his responsibility.

The whole business of ministerial responsibility is hanging in the balance on this debate. This is a debate not only for the Honourable Member for St. Michael West but for all the Ministers in the future to understand, on either side, where the boundaries are. The buck has to stop here and I am asking Honourable Members to support my motion that the Honourable Member for St. Michael West is not fit, in all of the circumstances that have been described on this floor, to be a Member of the Cabinet and that he should resign forthwith. It is still an option open to him today.

Thank you, Sir.

Hon. B. M. TATTT: Mr. Speaker, Sir...

Miss B. A. MILLER: Mr. Speaker, Sir, I am on a point of order.

Mr. SPEAKER: Now, I am intervening at this point. Is it the same point you are raising?

Miss B. A. MILLER: Yes, Sir. I want to raise it for the record.

Mr. SPEAKER: All right but I am going to say this to the Member. I believe we do not make much use of it, that is the adjournment I would prefer you to be willing

to make that point, or maybe you would have a longer time to say more on the adjournment rather than putting it in the point of order because it will have the effect of reflecting on my ruling because I was the last person that spoke when I came back in and I made the comment Therefore, I am suggesting to the Honourable Member that it would be much better to raise that issue which appears to be a Standing Order issue anyhow at the point of the adjournment.

Miss B. A. MILLER: I hear Your Honour. I hear your suggestion. I hear your advice but with respect, Sir, I must quote the Standing Order.

Mr. SPEAKER: The point is I have made...

Miss B. A. MILLER: I have the record. I think I must say it at this time before the Honourable Member speaks.

Mr. SPEAKER: No. I have made the ruling already. You cannot challenge my ruling as such. I have made the ruling already and therefore I am suggesting that the adjournment would be the appropriate time to raise the matter.

Miss B. A. MILLER: Very well, Sir. I have never heard of this. This is all against the rules of natural justice that she who brings the motion shall not have the final right of reply.

Aside.

Mr. SPEAKER: The Honourable Member for St. Michael West

Asides.

Mr. SPEAKER: Now, the Honourable Member has had her say. Let me hear the Honourable Member for St. Michael West speak.

Hon. B. M. TAITT: Mr. Speaker, it is clear that through the Honourable Member for the City, following a dramatic proposal sometime ago, a dramatic gesture when the Opposition was able to drag out some cheques and incite the population, ever since then the Barbados Labour Party has been looking for the grand gesture. It is clear that they envisaged that the "revelation" this evening which they orchestrated in Sunday's paper would be the thing that would bring down the Minister.

Miss B. A. MILLER: On a point of order. I am a Member of the Barbados Labour Party. I am the mover of this motion. I never orchestrated anything, discussed anything, gave any information to any newspaper in all of this. The person who has been doing the talking to the

Press, as I have said before, is the Honourable Member, not this Member and that has to be withdrawn. I am asking for it to be stricken from the records.

Mr. SPEAKER: I am following the pattern I have followed throughout the debate. Where objections have been raised I take it that was the end of the matter. That's my ruling throughout the debate. Once a person objects to a statement I take it that is a balance of the view, and therefore there is no debate.

Hon. B. M. TAITT: It is clear, Sir, that what was intended is that the "revelation" would be the undoing. It would have been helpful if the Honourable Member would have been able to quote the date of the letter from which she was quoting this information about the work at the Minister's house. I believe I will start with that because that is the dramatic piece.

Some time in June 1993 I received a letter, undated, purporting to claim \$115 860 based on a summary according with what the Honourable Member just read out. It said, "During the period January 1990 to July 1990 we carried out renovations at your residence" and it went on. Suspecting because of the language which was used in the letter that it had some relationship to something other than a genuine letter - because I really do not understand how anybody would seek \$115 000 that they had inadvertently failed to claim in 1990 and they would seek it in 1993. They forgot to bill me in 1990 and they claim in 1993 -1 passed it to a lawyer. The lawyer wrote as follows to the address which the letter had:-

"Dear Sir:

Your undated registered letter to Mr. Branford M. Taitt of No. 10 Stanmore Crescent, Black Rock, St. Michael, has been handed to me with instructions to reply. My client has instructed me that he was extremely surprised and shocked to receive your said letter. Indeed, my instructions are that any and all renovations carried out at his residence would have been the result of an agreement between Mrs. Marjorie C. Taitt, deceased, and the contractor hired for that purpose.

I am further instructed that all bills were paid in full prior to completion of the said renovations and this has been confirmed by the contractor. My client wonders at the motive of such a letter since you must surely know that he has never had any agreement with you to carry out any work at his said premises.

In the circumstances, my client has instructed me that not only is he unaware 'that the amounts are outstanding' but considers that there is no debt to settle 'without any further delay'."

The letter, Sir, was delivered by registered mail and it came back, "left the address." I want to put this in the record. I make this a document of the House. "Left the address." 4.00 p.m.

In 1993 I received a letter to claim for work in 1990 from a company that was just about to leave its address. Mr. Speaker, Sir, this is a document of the House.

Aside.

Hon. B. M. TAITT: It was done up at the Risk Hill. It was done by Hugh Brathwaite up at the Risk Hill. That is when it was done. I am going to tell you outside of Parliament about all of the things connected with you and the immorality with which you speak as a Member of Parliament.

Aside.

Mr. SPEAKER: Order, please. Order, please.

Hon. B. M. TAITT: As a matter of fact, she asked and I will tell her why it is despicable that this issue has been raised in the way it has been raised.

My emotion is because it has become necessary to drag my dead wife into it. Some time in 1989 my wife decided, as a Christmas gift, that she would extend my study. She contracted to have the study extended in 1989 for Christmas 1989. Roy Davis Limited never worked at the St Joseph Hospital until March 1990. It is disgusting that I and all my family would have to be dragged across Barbados by these despicable people outside of Parliament.

Aside.

Hon. B. M. TAITT: I cannot speak of the ones in here. When my wife made a contract in 1989 for work to be done by Christmas. I have the record, Sir, and I am going to put it in the record that Roy Davis Limited started working for the St Joseph Hospital in March 1990. But the Report itself is so biased in its reference. I will tell you how the problem comes.

On page 21 where the Report speaks of irregularities in regard to the contracting process. Number 3 goes as follows:

"There was no apparently firm contractual arrangement between the Government and Sandiford and Small."

Listen to this now, Sir. Page 21, paragraph 89.

"Apparently certain contractual arrangements between the Government and Sandiford and Small prior to of on actual commencement of the work in 1989."

That is in the document.

Mr. Speaker I have - because I can do research too - the copy of the letter appointing Sandiford and Small for the first time. It is dated 1990-01-15. It is addressed to Sandiford and Small, Architects. It says:

"Dear Sirs,

APPOINTMENT OF ARCHITECT

TO THE St. JOSEPH HOSPITAL

In order to facilitate the renovations of the St. Joseph Hospital it was agreed that Sandiford and Small, Architects, should be invited to act as Architects for the project. Would you please therefore forward your fee proposal to the Ministry of Health being aware that, as prime consultants, you are responsible for all other consultants required to expedite the works.

MCDONALD ESTWICK,
Executive Engineer (ag)."

This is from the Ministry of Health. I make this a document of the House. He was engaged. That is in this document, that letter appointing him in the middle of January. But this says that there is no evidence of any discussion or there was no apparently firm contractual arrangement between the Government and Sandiford and Small prior to or on actual commencement of work.

The point has been made repeatedly in here that when the work was begun at St. Joseph Hospital no Sandiford and Small or anybody else was near it. The work was being done as part of the Ministry's work force projects in 1989. It was only when the Project Manager came back to the Ministry from another assignment that he said the work as upscaled would require the bringing on board of an architect. It is at that point that the question of Sandiford and Small arose.

I make these points:

1. That any contractual arrangement my wife had with any contractor by whatever name called was in 1989.
2. That any works that were done at my house were paid for.

3. Anybody who knows where I live in Stanmore Crescent must know that if I had done \$115 000 in work at Stanmore Crescent you would then be able to land an aeroplane on it.

Mr. Speaker only the diabolical could have come up with a scheme like this.

But, Sir, lest I be diverted by this I am going to deal with the two principal charges that have been made against me. I call them charges because they have dragged me across Barbados like a boy with a lizard, and even when the lizard is dead they are still dragging it.

For 5 years every time this active, somebody said "pregnant with enthusiasm Minister," I plead guilty to that. You are right. The Honourable Member for St. James North is right I plead guilty to being "pregnant with enthusiasm." Unfortunately, Sir, when you are born poor and you get to be excellent, you strive for excellence all the time. Sometimes you are enthusiastic. That is true. This enthusiastic Minister when he discovered that he would be going to Geneva in May every year decided that it would be useful to benefit the country further from his travels, because this Minister has experience in a lot of fields outside of Barbados. This Minister on the first occasion coming back, recognizing that the Honourable Member for the City, in her stewardship as Minister of Health, had left the country bereft of the number and quality of nurses required.

Miss B. A. MILLER: On a point of order, Sir. There is absolutely no truth in that statement The Honourable Member for St. Michael West, as Minister of Health encouraged people from abroad, namely, the United States to come here and recruit nurses in the Queen Elizabeth Hospital with his knowledge and consent

Certain remarks made by Hon. B. M. TAITT and Miss B. A. MILLER were ordered, by Mr. SPEAKER, to be expunged from the Record.

Hon. B. M. TAITT: Mr. Speaker, the Honourable Member as Minister along with other Members of the Barbados Labour Party stopped the training of nurses completely for three years out of the period that they were in office.

Miss B. A. MILLER: On a point of order, Sir, this is not correct At a time when the Tercentenary School of Nursing in Barbados was being transferred out of the Ministry of Health into the Ministry of Education to the Community College where it is now part of the Community College Health Sciences department - and this was as a result of much studying, much consultation - it was not that people stopped the training of nurses - there had to be

a hiatus so that the new programme at the Community College could be put in place. The Honourable Member knows that. It did not only happen in the Ministry of Health. It happened in the Ministry of Tourism. When the Hospitality Studies was being set up at the Community College, the same thing happened. 4.10 p.m.

Hon. B. M. TAITT: For whatever reason under the Barbados Labour Party training in nursing stopped and it stopped for 3 years. As a result, for a compliment in excess of 700, there were 415 persons. When I became Minister it was my duty, Sir, with every sinew that I have to go out and do whatever was necessary to help to get people to work in the Hospital for the people of Barbados. That is my job, Sir, and if tomorrow I was Minister of Health again and I found the situation the same I would go out and "recruit" nurses in Timbucktu. I would go down into the depths of hell once they were qualified, Sir, because that is my job.

Mr. Speaker, from 1987, Sir, whenever I would come back from Geneva I would ask the High Commission in London to set up a situation by which we would be able to speak to a large number of nurses across the United Kingdom because at that time it was very necessary for us to pay attention to the fact that nurses in England were becoming available.

In 1991* the Ministry and the St. Joseph Hospital arranged for me to do the same thing in relation to nurses, not only in London but in Birmingham and in Leicester. Mr. Speaker there was also going to be, during the period, a massive gathering of over 800 Barbadians in Greenwich that would include a large number of nurses. So in the period coming from Geneva I stopped in London and I had meetings. The itinerary is available, Sir, and it shows that I went to London and met with over 75 nurses. I then went to Leicester and I met with over 100 nurses and I addressed over 800 people at Brent. All of this took place at different times over a 10-day period. I also had discussions with Dr. Sir Kenneth Stuart the result of which has been a regional project to do with the development of Pharmaceuticals in the Caribbean. The Honourable Member for St. Philip North can confirm that that is a regional project that is coming on stream. That is the work I did during that time.

I stayed at the St. James Court Hotel. The St. James Court Hotel is a hotel that had been founded by the British Government in 1988 for Barbados when we went to the World AIDS Conference. I stayed there, Sir, and the funding was provided by the St. Joseph Hospital because when a Minister is travelling and is doing work for a particular agency that is a statutory board, whether in the case of the Honourable Members over there for the IDC

or in the case of the tourism people/that pan of the trip is always paid *for* by the statutory board concerned.

The Permanent Secretary in the Ministry of Health was merely doing what came naturally. There was a reason why the Permanent Secretary could not answer certain questions put to him by the Public Accounts Committee. In the case of the Leader of the Opposition asking him for example, what precisely did the Minister do, the Permanent Secretary could not answer because he simply was not there. The Permanent Secretary had left on the Sunday and the High Commission in London were responsible for the logistics. It worked like this Mr. Speaker. We would go to the High Commission, they would have a programme, the High Commission would introduce the Minister, the Minister would speak and afterwards there would be questions and answers.

Mr. Speaker, Sir, to ensure that propriety was always maintained, long before that trip we had arranged with senior nursing managers in London who communicated with the Queen Elizabeth Hospital and who were told by the Queen Elizabeth Hospital to do the actual recruiting of every single nurse that came to Barbados. A Mrs. Pratt and Miss Meagan were the two nursing managers, one of whom wrote a letter recently to newspapers in Barbados. Those were the two who, together with an officer in the High Commission, recruited every single nurse that came to Barbados. They interviewed them. They wrote to the ,Queen Elizabeth Hospital and they wrote to the St. Joseph Hospital. And that is not in the Report, Sir.

Aside.

Hon. B. M. TAITT: The £1 300 was the beginning of all of the scandal-type approaches. The story of the £1 300 was available to the Public Accounts Committee and I am disappointed that the Public Accounts Committee did not find it possible to put the return which I had sent to the Permanent Secretary into the record. That showed exactly how the money was spent. It showed precisely how the money was spent and the amount returned. They wrote the Interim Report in such a manner as to suggest that the Minister had spirited away the £1 000. What in fact happened, Sir, is that the authorities had not made arrangements for the VAT. The £35 a night was the VAT. They had made arrangements for £300 a night. I got a room for £200 a night and therefore the amount that would have been returned of which the Honourable Member for the City is shouting from her seat would have been the difference between £200 a night and £300 a night but they did not make provision for the VAT so the VAT was paid, along with the telephone calls, and the difference was returned to the Permanent Secretary.

All of that was available or could have been available to the Public Accounts Committee. It is most

displeasing. This includes the letter, Sir, which I wrote to the Permanent Secretary. I make it a document of the House.

"July 1, 1992.

Dear Johnny,

In light of certain behaviour patterns which are emerging I am sending you copies of the enclosed correspondence. You may call me."

I sent him copies of the correspondence and I also sent him a copy of this. "P.S. With reference to my visit to London ..."

God is a good God. I sent him a copy of what I am making a document of the House and which you will be able to read.

"P.S. With reference to my visit to London I attach herewith a copy of my hotel bill. You will note that accommodation costs were £200 instead of £300. However, VAT was £35 a night. Additionally because of the nature of my visit I feel bound to seek reimbursement for telephone charges which were high. I return herewith the equivalent of £72.85 (\$234.72). Signed B. M. Taitt, 13/6/91."

That is how I returned it, in the normal course of things. This was sent to the St. Joseph Hospital and unless somebody was a witch-hunter, the question of what happened to the difference between £200 and £300 could not turn up in a document that is a serious document that is coming to be a Report of Parliament as if the Minister had not accounted for the money. That is how it turned up here. That is how they set out to give the impression to all who would listen that the Minister was spiriting away funds.

Mr. O. S. ARTHUR: I take it that the letters that are being read will be made documents of the House but I just want to say, Sir, less the House be misled that throughout all the sittings of the Public Accounts Committee none of this correspondence that the Minister now purports was in the possession of a certain Johnny. I want to state, Sir, that the only thing that came to the Committee of Public Accounts of which I was a member and am still a member is a letter of 17th September, 1991 to the Financial Controller of the St. Joseph Hospital acknowledging the receipt of a cheque in the sum of \$237.72.1 really believe that must be stated for the record. This matter was gone into by the Committee and if that information was in the possession of a Johnnie, Mr. Speaker, it was not brought to the attention of the Committee. 4.20 p.m.

Hon. B. M. TAITT: Mr. Speaker, Sir, a Public Accounts Committee that sets itself up to be an investigating committee should have been able to elicit all information, and if they wanted to know about the thousand pounds, here is how they wrote it, Sir:

"No evidence has been produced to this Committee that the saving of £1 300 was in fact refunded to the Board in the same way as the travelling allowance was refunded."

If in fact when they came to write the report they found they did not have any evidence, they could have sent for it. The Public Accounts Committee can command any paper, any document, any civil servant any time. I say it was malevolent, Sir. They intended to put it out in the market place that I had stolen the money. All of them, Sir, with the possible exception of three.

Mr. O. S. ARTHUR: Mr. Speaker, on a point of order. I submit the word is imputing improper motives, bjit I should also want to say that the paragraph to which the Member refers was agreed to by all Members of the Committee, including a certain Johnnie.

Hon. B. M. TAITT: So they all stand condemned. I do not care. On this issue where they are putting my life on the line I do not care.

Mr. DeL. O. BRADSHAW: Mr. Speaker, I am aware of the correspondence read by the Honourable Member for St. Michael West. It was shown to me by the Honourable Member for St. Michael East one afternoon, but what is strange is that the Honourable Member for St. Michael East, during the Public Accounts Committee, did put the question to the Chairman: "What did the Minister do?" when he already knew what the Minister had done.

Mr. SPEAKER: The Honourable Member is making a speech.

Asides.

Mr. SPEAKER: Order, please! Order, please! Order, please! Will the Honourable Member continue?

Mr. J. O. TUDOR: On a point of order, Sir. The explanation that was given today is the precise explanation that was given by Mr. Yarde. That explanation noted that an amount of some \$234.72 had been returned out of the budget that had been allocated. The same document that I used and passed to the Minister, which gave a complete breakdown, and what was returned is the same document that had been noted, and the report itself makes note of the amount of money that was returned. So they cannot say that they were not aware of this, because they were.

Hon. B. M. TAITT: The point I am making, Sir, is not the facts

Miss B. A. MILLER: On a point of order. The Honourable Member used the word "malevolent" in respect of the Public Accounts Committee and its workings, and that word is grossly unparliamentary and really has to be withdrawn. The Committee could only deal with documents that were in existence.

Hon. B. M. TAITT: I am glad the Honourable Member said that The Honourable Member now imputes that the documents may have been not in existence, but I just gave a photocopy and I said it was in 1991. But I am not going to be diverted.

Mr. O. S. ARTHUR: On a point of order, Sir. I am asking Your Honour to rule on the use of the word "malevolent".

Mr. SPEAKER: I need to have a clear understanding. One word cannot stand by itself, it has to stay in a context. What is the context in which it is being used? What are the words complained of?

Hon. B. M. TAITT: Mr. Speaker, I did not know you could not talk about malevolent behaviour, but I withdraw it if it is offensive, but I wish to get on. In the same way that I wanted to get the debate going, I wish to get it over with. I have no difficulty with them or anybody else, it is just that my children have to live in this country afterward and I want my reputation clear for my children to come. There is nothing that the Barbados Labour Party can do to me. Nothing worse than what has happened to me in my life already can happen, but my reputation has been dragged out there by a bunch of people who have no goodwill in their hearts for me.

Asides.

Mr. SPEAKER: Order, please. I have not heard the Honourable Member and I am getting weary of this intervention unnecessarily. They are not rising on points of order or explanation. The Honourable Member has already earned five minutes and if they continue he will talk for the whole day.

Hon. B. M. TAITT: Mr. Speaker, just in case they could not get the information from the Permanent Secretary, I am going to deal with a matter which shows how they could have got all the information. They wrote me a letter, Mr. Speaker, I rftceived a letter from Herbert H. Arthur, Deputy Clerk of Parliament, thus:

"Honourable Branford Taitt, etc.

Re investigations into the accounts of the Ministry of Health by the Committee of Public Accounts of Parliament, St. Joseph Hospital.

Further to my oral communication to you on the morning of June 8, 1993 of the decision of the Committee of Public Accounts to extend to you an invitation to attend and be heard at a meeting of the said Committee, please find enclosed the formal invitation by the Chairman of the Committee, Mr. H. deB. Forde, Q.C., MP.

Yours faithfully,

HERBERT H. ARTHUR
Deputy Clerk of Parliament."

That, Sir, is the 10th June.

Certain remarks made by Miss B. A. MILLER were ordered by Mr. SPEAKER to be expunged from the record at this stage.

Mr. SPEAKER: That was no point of order.

Hon. B. M. TATTT: Sir, having received that letter, it had attached to it a letter PERSONAL AND CONHDENTIAL, URGENT, IMMEDIATE, BY HAND, dated 10th June, re investigations into accounts of Ministry, etc. It begins:

"The Public Accounts Committee has been examining the Auditor General's Reports commencing with the financial year ended March, 1986 and ending with the financial year ended March, 1992. As part of this exercise it is undertaking a review of the accounts of the Ministry of Health and of the sums voted by Parliament for use in connection with the St. Joseph Hospital.

Several persons have given evidence before the Committee relating to the St. Joseph Hospital. Their evidence has raised questions which the Committee considers may reflect on you in your capacity as Minister of Health. Since the Committee may be required to make findings on some of the matters raised, the Committee is of the view that in the interest of justice and fairness it should provide you with an opportunity to deal with those matters which may reflect on you adversely.

It has therefore instructed me to invite to attend its next sitting on Friday, 11th June, 1993 at 2.30 p.m. It very much hopes that you will be able to attend.

Please note that this invitation is not a summons."

On the 10th June they are sending to me, a Minister, to come tomorrow. I will make these documents of the House.

I replied as follows, Sir. I wrote to Mr. Arthur, and in the interest of time I wiH not quote my letter to him, I just told him I enclose the letter and then I wrote as follows, and I wish you to follow me carefully, Sir:

"Despite the articles in the *Nation* and *Advocate* newspapers of Tuesday, June 8, I was still surprised to receive your letter of today's date, June 10, inviting me to attend a meeting of the Public Accounts Committee at *its next sitting on Friday, June 11, 1993.' I shall not dwell on the obvious crudity of an invitation being delivered to me today for appearance at a meeting tomorrow.

For some time now I have noted that public statements of what the Public Accounts Committee was doing, had done or would do seemed to suggest that the Committee may have exceeded its mandate. Having myself served as a member of that Committee for some considerable time, I was sure that many of the reports must have been wrong, but for reasons which may become obvious I decided not to comment publicly until the Committee had made its report to Parliament.

Despite a diligent search, I have been unable to find the basis or authority for your Committee to feel able to invite or summon a sitting Member of Parliament to participate in its deliberations. The Standing Order establishing the Public Accounts Committee provides as follows:

"There shall be a Committee of Public Accounts, for the examination of accounts showing the appropriation of the sums granted by Parliament to meet the public expenditure, and of such other accounts laid before Parliament as the Committee may think fit, to consist of not more than seven Members, who shall be nominated at the commencement of every Session, and of whom four shall be a quorum.

The Leader of the Opposition shall be Chairman of the Committee of Public Accounts."

Mr. SPEAKER: The Honourable Member has two minutes more. 4.30 p.m.

Hon. B. M. TAITT: Mr. Speaker, a perusal of May's Parliamentary Practice yielded no better information on an expanded role for a Public Accounts Committee. Since my time is running out, Sir, I want to tell you I said this:

"In all the circumstances I am sure that you will agree that I would be creating a dangerous precedent if I allow myself to be used in what many may regard as a public relations exercise for political purposes.

As I understand it, both of the accounting officers and other officials from the Ministry for which I have responsibility have appeared properly before your Committee. If there is any specific matter on which the Committee feels information from me personally can be helpful I shall be more than pleased to supply it

However, in light of all that has happened I find myself unwilling to add to the confusion which has developed about the role of the Public Accounts Committee. I am therefore unable to accept your invitation."

I offered to give them - and I make this a document of the House, Sir - the information.

I want to address the Press Conference, quickly. I make the transcript a document of the House. In the very first statement in the Press Conference I denied ever having participated in any granting of any contracts at any time. I denied it categorically on 3 occasions in the Press Conference. On the third occasion, David Ellis, one of the reporters, asked the question and answered it himself. I said "I approved of the contract because if I am the Minister..."

Mr. O. S. ARTHUR: Mr. Speaker, Sir, on a point of order. The Honourable Member is in the process of making a number of documents, documents of the House and I have earlier asked that letters written to a certain Johnny be made documents of the House. We on this side are anxious to see these documents, particularly those of us who are Members of the Public Accounts Committee. I am asking - that those documents be made documents of this House.

Hon. B. M. TAITT: Mr. Speaker, he is going to die from anxiety. They read from the same document. Let them make theirs a document of the House. I will show you, Mr. Speaker, I have, nothing for them in regard to the public correspondence between...

Hon. H. B. St. JOHN: On a point of order, Sir. I am asking Your Honour to rule whether it is permissible for an Honourable Member to read a document, to state that he is making it a document of the House and then not make it a document of the House. It is my submission that the Rules of this House have always been that if you are reading from a document that you have to make the document a document of the House.

There is one exception. A Minister is permitted to read from a ministerial file without making the file a document of the House.

Hon. B. M. TAITT: Mr. Speaker, each document that I said while I was speaking I will make a document of the House, I will make a document of the House when I am finished my speech.

Mr. SPEAKER: Is that one of them?

Hon. B. M. TAITT: I do not recall saying so, Sir, but if the record says it, I will make it a document of the House. That is not an issue. I will make the undated letter a document of the House...

Mr. SPEAKER: The Honourable Member has given the assurance.

Hon. B. M. TAITT:... its reply and the others. What I said I would make a document of the House was the photocopy of the "Left Address."

Asides.

Hon. H. B. St. JOHN: On a point of order, Sir. I am still asking Your Honour...

Mr. SPEAKER: My understanding is that the Honourable Member has agreed to make it a document of the House.

Hon. H. B. St. JOHN: I still ask that Your Honour give a specific rule as to whether it is permissible for an Honourable Member to read from a document and not make that document that he read from a document of the House.

Hon. B. M. TAITT: Mr. Speaker, that is not correct but I will make it.

Mr. SPEAKER: No. It is more a principle that the Honourable Member is dealing with now, whether it is a practice or not. My understanding is that it has always been so.

Hon. B. M. TAITT: Mr. Speaker, what I am saying is that I categorically deny ever having extended any contract, having given any contract, having agreed to the giving of any contract. Indeed, I categorically denied that at the Press Conference and I make the transcript of the Press Conference a document of the House so that all that I am saying is in there and all that I am saying was available to the Press. I am finished with this.

I, Sir, have been in public life for 23 years. My stewardship and all the Ministries I have been in is

well known. My stewardship as a public officer is well known. This attempt to smear me has caused my family some pain but I will say this. Mine hour is not yet come and I know that my Redeemer liveth. I understood what Job meant when he said:

"And though ... worms destroy this body, yet in my flesh shall I see God."

I hope that the Honourable Member for the City will be able to say that. I hope the Leader of the Opposition will be able to say that. But I will not forget I promise not to forget and I will live to see that the same puppeteers who are dealing with certain matters in the way that has brought this issue here will take the Leader of the Opposition and wipe the floor with him. I predict that, Sir. I don't predict much but the same people out there who are manipulating the Barbados Labour Party are going to wipe the floor with the Leader of the Opposition. He is a boy doing a man's job, Sir. He thought he could ride onto my coat-tails. He thought he could come in here and do something that would galvanise him and project him. God help the two of you and you have my perfect blessings!

I am grateful to you, Sir.

DIVISION

The bell was rung.

The question that the Resolution stand part was put and resolved in the affirmative the House dividing as follows:-

Ayes: Rt. Hon. L. E. Sandiford, Hon. P. M. Greaves, Htm. M. A. King, Hon. B. M. Taitt, Hon. E. E. Greaves, Hon. W. O. Franklin, Hon. N. K. Simmons, Hon. W. W. Hall, Hon. C. V. Walker, Hon. D. W. Bowen, Hon. D. J. H. Thompson, Mr. L. L. Brathwaite, Mr. R. L. Morris, Mr. J. O Tudor, His Honour T. C. Estwick, Mr. H. A. Blackman, Mr. C. LeR. Trotman - 17.

Noes: Mr. O. S. Arthur, Miss B. A. Miller, Mr. D. A. C. Simmons, Hon. H. B. St. John, Mr. L. R. Tull, Dr. R. L. Cheltenham, Mr. G. W. Payne, Mr. DeL. O. Bradshaw, Mr. R C. Eastmond - 9, 4,40 p.m.

Hon. P. M. GREAVES: Mr. Speaker, earlier today the Report on the Evidence Bill was laid in Parliament. I now seek your leave and leave of the House to conclude that particular measure at this time.

Mr. SPEAKER: The Honourable Leader of the House is seeking leave to deal with a measure. If there is no objection, then leave is granted.

Mr. O. S. ARTHUR: Mr. Speaker, Members have not, and particularly those who have to participate in this debate, had sufficient time to peruse the body of this Report. I am asking that this matter be not proceeded with at this time.

Hon. P. M. GREAVES: Mr. Speaker, if Honourable Members want it held over, if that is that they want - they are so surly now that matters have not gone their way...

Hon. H. B. St. JOHN: On a point of order. The Honourable Leader of the House knows that it is totally improper to accuse an Honourable Member of being surly in Parliament. He did specifically say that the Honourable Members are surly. He cannot do that.

Hon. P. M. GREAVES: I can withdraw that, Sir. They are so disappointed, upset....

Hon. H. B. St. JOHN: On a point of order. It is improper because the Honourable Member is saying that the objection of the Member is not genuine because it is based upon a motive which is not a genuine motive.

Mr. SPEAKER: I am not going to be...

Miss B. A. MILLER: Mr. Speaker, on a point of order. I have a lot of difficulty with the Leader of the House and Honourable Members on the other side. This Parliament was in recess for the greater part of September, for the greater part of October, hardly met in November and now coming on to Christmas Eve they are going to bring something as important as the Evidence Bill and expect us to deal with it now? How serious are you about parliamentary business?

Mr. SPEAKER: That is not relevant to the question here.

Mr. D. A. C. SIMMONS: Mr. Speaker, a document called a Report of Select Committee of the House of Assembly on the Evidence Bill, 1992, was circulated.

Asides.

Mr. SPEAKER: Let me have some order, please. I cannot hear the Honourable Member. Order please. Calm down.

Mr. D. A. C. SIMMONS: Sir, I believe the Report of the Select Committee on the Evidence Bill was circulated today. The Marshal passed me, as a Member of the Committee, and did not give me one. He had one marked "Miss B. A. Miller" and one marked "Hon. H. B. St. John". I tried to look at Mr. St. John's but I have not had any so I am now in a position where I do not know what it

is about. I have not had the Report and I do not think it is fair in those circumstances...

Mr. SPEAKER: I will always fall back on the procedure I try to enforce. Parliament must be able to agree on its business. I have always said over and over again that when these difficulties arise it must be between the Leader of the Opposition and the Leader of Government Business to solve the matter. I have no jurisdiction over the orders of the day. Therefore, if there is a difference, or some division or some uneasiness about the matter, I will do what I am accustomed doing. I will not allow the Bill to be debated unless the two Members determine to me that they are willing to proceed. That is what should be done that the two Honourable Members should be able to come together on the matter.

Hon. P. M. GREAVES: Yes, Sir. I must say that this is the first time in my experience that a report on a select committee laid in Parliament is not done on the day on which it is laid. I am quite prepared not to proceed with this matter here today. I prefer to deal with it on the other occasion when we resume after the Christmas break. I have no difficulty with that.

At this point, Sir, it is a privilege of mine and I do it willingly and with great pleasure to extend to the staff of Parliament, who have worked so very hard throughout the year -1 am not only referring to the Clerks. I am referring to all of the other Members of the staff of Parliament, the Reporters and everyone else, every one without exception. We do recognise the work they have put in from time to time, sometimes under some very trying circumstances because of the conduct over there. It is difficult sometimes for them to even take notes because they are not hearing. They are deafened, and deluged by the cacophony of noises coming from certain areas.

I would want, Sir, on behalf of the Members on this side and the House as a whole but I believe that the Honourable Leader of the Opposition will be gracious enough to extend it on behalf of his side. This is usual and your Honourable Member does likewise but on behalf of everyone, I would like to wish all those persons who work in here, whether they are Clerks, Reporters, Policemen, the Marshal, all persons who work in Parliament I wish them a very Merry Christmas. It is not only a Merry Christmas I am wishing them but also the Season's Greetings, and that means I wish them a very prosperous New Year and I want a good year for them.

I also would take this opportunity to extend to the members on the Other side, and I genuinely mean this.

Aside.

Hon. P. M. GREAVES: Your genuineness is in question, not mine. I am not so sure of the others. I can only speak for myself.

I wish the Leader of the Opposition and all Members on the other side, and on this side as well, and Your Honour, the Speaker of course, at the head of the list, I wish to all of those whom I have made reference the very best for the season. I hope they will have a good Christmas and that we will have a very productive 1994. You can speak on the adjournment

ADJOURNMENT

Hon. P. M. GREAVES: On this point, Sir, I am going to move that the sitting be adjourned until Tuesday, January 25, 1994 at 12:00 o'clock noon.

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

Mr. O. S. ARTHUR: Mr. Speaker, I am speaking on the motion of adjournment. I too would like to extend the greetings of the season to you, Sir, to all Members of the Staff of Parliament and those responsible for security. I would particularly want to extend our gratitude as well to all those who have had to serve Parliament in whatever capacity.

I want to extend a very Merry Christmas to Members on the Government side as well as the Honourable Member for St. Philip South, and the Honourable Member for St. Michael Central. I would want, Sir, not only to wish the Prime Minister particularly, and genuinely so, a very Merry Christmas but all health and happiness in the New Year. This has been a tough year for Parliament. I do not think it has been one of our more memorable years. We do look forward, however, for 1994 to be, in all respects, a better year.

I want also to grasp the opportunity to thank Members on my side for their sterling contributions to the debates and to the work of this House and to wish them and their families a very Merry Christmas and all good health in the New Year. 4.50 p.m.

But speaking on the motion for the adjournment of this House, it would be remiss of me were I not to use this opportunity to get 2 matters resolved, one on which you did promise to rule. It concerns the composition of the Public Accounts Committee and its functioning. As far back as October 8 I wrote the Clerk of Parliament bringing to his attention the fact that I wanted to convene meetings of the Public Accounts Committee as early as possible and bringing to his attention the fact that the Order Paper for October 5 was showing that the Member for Christ

Church West was no longer a Member of the Committee and asking in these words:

"In the event that Mr. Forde's demittal of office as Leader of the Opposition means that he can no longer be a Member of the Committee except by a motion approved by the House, I would wish to be put in such a position that the relevant motion can be brought."

I am therefore not going to debate whether he was here *ex officio* or otherwise. I am recognizing that he is no longer there and that I should like to be put in such a position for Mr. Forde to be made a member of the Committee by a motion brought by me.

I want to say, Sir, that I believe that it is very important that the Opposition, given the nature of the Public Accounts Committee, should always be in a position to constitute a quorum of that Committee. It is important that the Committee should be able to meet and if we have a quorum I want to be able to say that.

I have heard arguments that in the past there was a situation where, when we were in Government there were 4 Members from our side and 4 Members from the Government's side. But at least it meant then that the Opposition could constitute a quorum. I want that situation to obtain and I would be glad, at the earliest opportunity, to be able to move a resolution before this House begging that...

Mr. SPEAKER: I do not think the Honourable Member needs to do that.

Aside.

Mr. SPEAKER: I just want to help you along. I think the Standing Orders make it clear that the Speaker himself could nominate a person to that Committee without any motion. Therefore it is only a question of ascertaining from the area from which the Member would be chosen from to get the name and so nominate that person.

The reason why I did not respond today is that the Honourable Member is not here in his seat. I thought it would be proper when he comes back to so do. But I think the Standing Orders give me the permission so to do and I just nominate the Member. That is all.

But if the Honourable Member is nominating the Honourable Member I am glad. I can say to the

Honourable Member, from my position, that I would be willing to solve that matter as quickly as possible.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, are you going to use your...

Mr. SPEAKER: I will do it the usual time. I will probably communicate to you in a week or so.

Mr. O. S. ARTHUR: We are anxious, Mr. Speaker, Sir, for the Public Accounts Committee to meet

Mr. SPEAKER: The matter will be dealt with.

Mr. O. S. ARTHUR: I should also, Sir, speaking on the adjournment of this House, wish to bring to your attention a matter which I regard as a very gross breach of the privileges of this House.

Last Tuesday evening the Caribbean Broadcasting Corporation carried a news item to the effect that this House of Parliament did not debate the No-Confidence motion. That is so totally untrue as to be a complete violation of the privileges of this Parliament. It is an astonishing misrepresentation of fact I really believe that in all the circumstances this is the kind of matter that should properly be referred to the Committee of Privileges of this Parliament. I beg to have this matter so referred.

I would want having done all of that to genuinely wish all Members of the House and you in particular, Sir, a very happy Christmas and all prosperity in the New Year.

Mr. SPEAKER: I am going to be very brief because I want to accept all the good wishes for the season and extend to you as well the same good wishes for the holiday season and to put it bluntly that we will have a businesslike 1994. With that, I hope we all come back refreshed and willing to carry on our duties.

The Honourable Member has raised it. Do not let me make a decision at this point. But I will deal with it. I have always asked the Leader of the Opposition to keep close to my office in case there is anything that we need to do urgently we will do it. I will communicate to you on that matter. You must remember that we have no control over what the press says. We can only condemn them.

The question that the sitting be now adjourned until January 25, 1994 at 12.00 o'clock noon was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the sitting accordingly at 457 p.m.

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