

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1994 - 99

HOUSE OF ASSEMBLY

Tuesday, February 07, 1995

Pursuant to the adjournment, the House of Assembly met at 11:15 a.m. o'clock.

PRESENT

His Honour I. A. ROETT, B.A., Dip. Ed. (Speaker)
His Honour R. D. MARSHALL, (Deputy Speaker)
Rt. Hon. L. E. SANDIFORD, B.A., M.A., (Econ.),

J.P.

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

Mr. L. A. WEEKES, G.C.M., J.P.

Hon. O. S. ARTHUR, M.Sc. (Econ.), (Prime Minister, Minister of Finance and Economic Affairs, Information, Defence and Security)

Hon. D. A. C. SIMMONS, Q.C., LL.M. (Attorney General and Minister of Home Affairs)

Mr. D. J. H. THOMPSON, LL.B. (Hons.)
(Leader of the Opposition)

Hon. Sir Harold St JOHN, Q.C., LL.B.

Mr. L. R. TULL, Q.C., M.A.

Hon. Dr. R. L. CHELTENHAM, Q.C., M.A., M.Sc. (Econ.), (Minister of Tourism, International Transport and the Environment)

Hon. Miss B. A. MILLER, (Deputy Prime Minister, Minister of Foreign Affairs, Foreign Trade and International Business, Leader of the House)

Mr. J. O. TUDOR, J.P.

Hon. G. W. PAYNE (Minister of Public Works, Transport and Housing)

Hon. R. C. EASTMOND, J.P., B.A. (Hons.), Dip. Ed., LL.B. (Hons.), L.E.C. (Minister of Agriculture and Rural Development)

Dr. R. C. HAYNES, M.B., Ch.B., F.R.C.P. (Edin.)

Mr. D. CARTER

Hon. R. N. GREENIDGE, B.A., LL.B. (Minister of Labour, Community Development and Sports)

Mr. G. A. CLARKE, B.Sc., Dip. Ed. (Parliamentary Secretary, Ministry of Public Works, Transport and Housing) "

Mr. J. M. EDGHILL

Mr. F. J. STUART, B.A., LL.M.

Mr. W. C. C. CALLENDER, J.P., B.A., Dip. Ed., B.Sc. (Chairman of Committees)

Mr. H. F. LASHLEY

Mr. R. St. C. TOPPIN, LL.B.

Mr. D. St. E. KELLMAN

Hon. Miss H. E. THOMPSON, LL.B. (Minister of Health)

Hon. Miss M. A. MOTTLEY, LL.B. (Minister of Education, Youth Affairs and Culture).

Prayers were led by Rev. Father Ivan Harewood.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, January 24, 1995.

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that the Minutes of this Honourable House of Assembly for Tuesday, January 24, 1995, which have been circulated, Sir, be taken as read.

Hon. O. S. ARTHUR: I beg to second that.

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

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: I am to announce that I am in receipt of the Accounts and Statements from the Auditor General for the month of November, 1994.

I would also like at this time to acknowledge the presence in the Speaker's Gallery of Retired United States Supreme Court Judge Thomas Jones. We welcome his presence.

ORDERS OF THE DAY

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, it would appear that a number of documents which are expected momentarily to be received from the Cabinet Office are not yet here to hand, and I would simply like to crave the indulgence of the House to state that at a later point in today's proceedings we will have to revert to Statements by Ministers, Papers and Government Notices as soon as this documentation comes to hand, Sir.

SUSPENSION OF STANDING ORDERS

Hon. Miss B. A. MILLER: I beg to move that Standing Orders 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the rest of this day's sitting.

Hon. D. A. C. SIMMONS: I beg to second that.

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

Mr. SPEAKER: Government Business is now the order of the day.

GOVERNMENT BUSINESS

Mr. SPEAKER: Order No. 1. Permission has been granted since the last sitting for this to be televised fully.

ORDER NO. 1 - TO MOVE THE SECOND READING OF THE CONSTITUTION (AMENDMENT) BILL, 1995

Hon. O. S. ARTHUR: Mr. Speaker, the matter before Parliament is a Bill to amend the Constitution of Barbados to provide for the protection of the salaries of public officers. The House will agree that this is a matter of some great significance.

At the outset, therefore, Mr. Speaker, I wish to set out the argument and the case of the Government as simply as possible. Now, Sir, at present under the Civil Establishment Act of 1948 it is within the powers of Government to vary the salaries and the wages payable to public servants covered by that Act. It has been determined that the powers to vary those wages and salaries encompass obviously the powers to cut.

On independence, Sir, and on the writing of the Constitution of Barbados, this Act, the 1948 Civil Establishment Act, was one of the existing laws saved under section 26 of the Constitution. However, at section 112 of the same Constitution, protection is provided for the wages and salaries of certain persons in these specific terms.

"The salary and allowances payable to the holder of any office to which this section applies [that is section, 112] and its other terms of service shall not be altered to his disadvantage after his appointment."

It goes on to say, Sir,

"This section applies to the offices of Governor-General, Judges, Director of Public Prosecutions, Auditor-General, appointed members of the Judicial and Legal Service Commission and members of the Public Service Commission and the Police Service Commission."

The salaries of ordinary civil servants, other than those protected by section 112 of the Constitution, can be cut and in relation to those covered by 112 the existing Constitution of Barbados says that the salaries and other conditions of service of those persons shall not be altered to their disadvantage.

Now, Mr. Speaker, as you are aware, in 1991 under the auspices of an austerity programme instituted at the dictates of the International Monetary Fund, the Government of the day invoked the powers granted under the Civil Establishment Act and cut the salaries of public servants whose posts are covered by the Civil Establishment Act of 1948. It was however, unable to apply that policy Mr. Speaker, to posts covered by and protected by section 112 of the Constitution.

Mr. Speaker, this Government has determined that the affairs of Barbados should be can be, and must be so administered that Government will not and should not be allowed to make recourses to cuts in the salaries and wages of public servants as an economic policy in this country, Sir. We see it not so much as an economic policy, Mr. Speaker, but as an economic weapon. 11.30a.m.

We also believe that the existing law vests in Government an arbitrary and potentially tyrannical power which can be subject to massive abuse. It was 8% before but it could be any percentage in the future. It is therefore the clear intention of this Government to remove from the statute book in Barbados the power of the Government to cut the salaries of public officers in this country by ordinary law.

Now, Sir, the best way to do this, in our judgment, is by changing the Constitution because under section 1 of the said Constitution is the supreme law of the country. In that respect, therefore, there is no need to change the Civil Establishment Act. All that is necessary for us is to vest protection to public servants not now given the protection of the Constitution against the power of Government to vary or to cut their salaries.

The question therefore arises, what is the best way to amend the Constitution in order to give effect to this intention of Government? We have determined that the best way to do so is by amending section 112 by keeping the existing language, saying that people's salaries, wages and terms of conditions should not be altered to their disadvantage, but adding, Mr. Speaker, to the list of persons now covered, persons who were affected by the cuts of the Democratic Labour Party. All we are seeking to do, therefore, is to put the maid in the Public Service, the policeman in Barbados, the teacher in Barbados under that same clause in the Constitution which was intended to provide protection for judges, the Governor-General and others, and to grant the same protection in law and under the Constitution as was enjoyed by those particular officers when the question arose as to whether salaries in this country should be cut or not.

Sir, the only and basic question that therefore arises, and the question that public officers will have to ask is whether what we are seeking to do today will give them the protection we claim it will give them or whether, as spokesmen on behalf of the Opposition have alleged, that this is just a hoax, a sham exercise.

I want to submit to the House, Mr. Speaker, that this matter can be simply determined on the question as to whether what we are doing today could satisfy the purposes of the Privy Council. I want to repeat that. The question as to whether what we are doing today will suffice in providing protection for the public officers as we indicated, that question can be determined on the question as to whether or not this change will satisfy the Privy Council in this respect.

Now, Sir, as all members are aware, a case went to the Privy Council brought by a Miss Gladwyn Ophelia King and the Privy Council has ruled on the matter. This is what the Privy Council has to say as part of its ruling:-

"The Constitution has selected some officers"...

I am quoting, Sir, from the Judgment handed down from the Privy Council which I shall make a document of this House, page, 3:

"The Constitution has selected some officers whose emoluments may not be reduced."

I want to repeat that, Sir:

"The Constitution has selected some officers whose emoluments may not be reduced. By section 112 of the Constitution:-"

"The salary and allowances payable to the holder of any office to which this section applies and his other terms of service shall not be altered to his disadvantage after his appointment"...

Then it goes on to say, Sir, quoting the same Constitution: "This section applies to the offices of Governor-General, Judges" and so on, the other persons to whom I have just referred. Then the same judgement goes on to add:

"These provisions ensure the independence of the selected officers from any financial pressure which Parliament or the executive might otherwise exert".

Now, Mr. Speaker, the Privy Council has already seen section 112 of the Constitution of Barbados. It has already seen that section of the Constitution and it has already ruled that the words "altered to their disadvantage" must be interpreted as meaning "cannot be reduced". It has said as much, Mr. Speaker. It has gone further, Sir. It has said that the provision of section 112 provides those officers the independence from any financial pressure that can be brought by this Parliament or by the executive, meaning the Government of this country. The Privy Council has already told us that if we therefore were to put all of the other civil servants not now covered by section 112 under section 112, we would be giving them independence from any financial pressure that this Parliament can exercise, or can be exercised by any Government of this country.

Now, Mr. Speaker, this is what this debate is about. We want to put the civil servants of this country in the same position that the Governor-General now occupies, that the judges now occupy, that the members of the Services Commission now occupy, and put them in a position as these learned Lords have said in a position where they can be free from any financial pressure from this Parliament. It means that this Parliament can herein and hereafter never ever again, once we put them under section 112, bring in this House any piece of legislation saying that the salary of a teacher can be cut, or a policeman can be cut or a postman can be cut for the same reason that this Parliament was not in a position to cut the salary of the Governor-General of Barbados. That is what this debate is about.

The best way, therefore, in our judgement to provide the protection under the Constitution, which is the supreme law of the land, for all the maids in the Public Service,

all the teachers in the Public Service, all the policemen in Barbados is to give them the same protection now enjoyed by the Governor-General under section 112 in the language of the Constitution, as written by Errol Barrow in 1966, as exists in every Constitution in the Caribbean, and as has been construed by the Privy Council in England as meaning that the term saying "cannot be altered to their disadvantage" equates that you cannot reduce and that is what this debate is about.

Now, Sir, I am not a lawyer. The truth is that I might have wanted to be a lawyer and then I once read what they call the lawyer's prayer. It said simply, "Stir up much strife amongst thy people, Lord, lest thy servant perish". When I read that prayer, Sir, I knew that I could not be a lawyer. But we have had judgments expressed by persons speaking on behalf of Opposition parties in this country to the effect that language saying that people's salaries and wages and other terms and conditions of service shall not be altered to their disadvantage is not the same thing as saying that it cannot be reduced.

Now, Sir, a logical man who is not a lawyer would understand that a reasonable person would construe that if his salary has been reduced, it has been altered to his disadvantage, unless he believes that all of us are in the same position as the Leader of the NDP. But for everybody else, altering a man's salary to his disadvantage is to cut it. 11.40a.m.

The lawyers over on the other side led by the Leader of the Opposition and supported by the shadow spokesman of legal affairs on the part of the NDP have come to the conclusion that when we, on this side, want to put into the Constitution the same protection for maids in the Civil Service as is now enjoyed by the Governor-General that we are involved in a sham, despite the fact that the Privy Council has already ruled on the matter. The Privy Council has already ruled that the Constitution had selected some officers whose emoluments may not be reduced and all we are seeking to do by this amendment, Mr. Speaker, is simply to add to the list.

All across Barbados there is now a roaring debate that we are involved in a sham, that we are involved in a hoax to mislead the Civil Servants and the public when the issue could not be clearer. I do not expect better of the Leader of the Opposition. He has gone from one inglorious error to the other. He led this country to believe...

Mr. SPEAKER: The Honourable Member.

* Hon. O. S. ARTHUR: The Honourable Member led this country to believe that it was possible for an Opposition Party to enter into a secret relationship with the International Monetary Fund, although he should have been

in a position to know, Mr. Speaker, that an Opposition cannot, by reason of the Articles of Agreement with the IMF, have an agreement secret or otherwise with the International Monetary Fund. ^

He has made a fool of himself over the question of casino gambling. He is now seeking to cast the aspersion that there is some secret information he has about the Minister of Education and some secret being entered into with suppliers of kola syrup when all the Minister of Education has done is accept the recommendations of the Tenders Committee to award the contract for kola syrup to the lowest bidder which they refused to do. He has moved from one inglorious error to the other. ^

In this particular matter he has told the people of Barbados that this amendment is a hoax that reduce and alter to your disadvantage are not one and the same thing. He is not fighting therefore with us, he is fighting with the...

Mr. SPEAKER: The Honourable Member...

Hon. O. S. ARTHUR: The Honourable Member for St. John is not fighting with us. He is fighting with the Privy Council because they have seen the Constitution that he should have read, as a lawyer, and they have come to the conclusion that alter to people's disadvantage and reduce are one and the same thing. I am therefore not -given his recent history - surprised by the indiscretions of the Leader of the Opposition. I suspect that he is now more taken up with other matters particularly pertaining to his attendance as a model at fashion shows and is not paying enough attention to his business as Leader of the Opposition. He can be forgiven if he is so pre-occupied with those kinds of other occupation that he does not have the time to read serious matters that should be exercising the attention of a Leader of the Opposition who is also a ***" lawyer. I am not a lawyer but I have read the Judgement of the Privy Council. Any lawyer wanting to give an opinion on this matter to the public should also have been in a position to read that Judgement and enlighten the public, rather than confuse it.

As for the shadow spokesman on behalf of the NDP, I am surprised at him if only he enjoys the reputation as the highest price lawyer in Bridgetown.

Mr. SPEAKER: The Honourable Member, please. Could you refer to the Members...

Hon. O. S. ARTHUR: I said the Shadow Spokesman ...

Mr. SPEAKER: The Honourable Member, please.

Hon. O. S. ARTHUR: The shadow spokesman for the NDP who is reported in a section of today's press ^

as calling this amendment a deception and speaking in terms that the amendment is a half-baked, careless and warmed over amendment that falls short of what was promised and that it should be couched in language that puts the issue beyond doubt. These are lawyers speaking. But the Privy Council has already told you that this issue is not in confusion.

Let this House take a decision on this issue as to whether what we are here proposing could satisfy a Privy Council; that in amending this Constitution in this respect, we have in fact provided effective protection for all of the persons for whom we want to provide the protection.

I also want to suggest to the House that the amendment which we are proposing, and our manner of going about the amendment is important because in dealing with the public service at this time, the wages of the public servants are not the only important issue, although it is important. But the terms of their service are also important particularly in circumstances where one is speaking in terms of public sector reform.

I have the pleasure to make a document of this House a pamphlet that has been prepared by the Government Information Service called "Public Sector Reform In Barbados, The First Step".

It is my submission that if we are going about the business of public sector reform, it is important that we retain legislation which does not only speak in terms of not reducing salaries but speaks particularly to the fact that any reforms undertaken should be such as not to alter the terms of service of persons covered by the Civil Establishment Act in a manner that alters them to their disadvantage. The matter is bigger than wages and salaries. The beauty of section 112 is that, by speaking of matters other than wages and salaries, it allows things other than the wages and salaries of the public servants of this country to be covered. What this will enjoin us to do, Sir, is that during the process of public service reform, we will have to ensure not only that salaries and wages are not cut but that the terms and conditions of service of civil servants are not altered to their disadvantage. On those grounds, there is every compelling reason why we should look to retain this piece of legislation for its simplicity, for its completeness and for the fact that it has already been determined by the Privy Council that this will get the job done as we intend it to be done.

This amendment to the Constitution takes place against a background of a situation where an incomes policy conceived of by one Administration is now about to come to an end. I want to inform the House, Sir, that I have had a number of meetings with the social partners to evaluate the workings of the former incomes policy and to strive to prepare a framework within which the industrial

relations of Barbados can be conducted within an environment that would support the sustained growth and development of the society and lend themselves to an environment of industrial harmony operating in this country. We have held a number of meetings. The Government has presented the social partners with papers on a macro economic framework. At the most recent meeting the Director of Finance and Economic Affairs prepared a paper on the impact of the existing incomes policy and proposals for a new incomes policy. Dr. Andrew Downes functioning as Chairman of the National Productivity Board also presented the social partners with a paper on the use of productivity indices as they would apply in Public Service wage settlements. I have to advise the House that after those meetings we have come to the conclusion that we should set up a small committee drawn from the Government, the trade unions and the private sector to prepare a future incomes policy for Barbados, a simple incomes policy however, Sir, that is devoid of a lot of the mechanisms and institutional structures written into the last incomes policy which did not work and which cast aspersions on the seriousness of the former incomes policy. We want a simple incomes policy that is a simple framework that sets out the criteria that should guide the Government and the public sector for the future in relation to the distribution of incomes. 11.50a.m.

We have also come to the conclusion, Sir, that the age of wage freezes in Barbados must be over. I want to repeat, Sir, we have come to the conclusion, last week, that the age of wage freezes, not wage cuts only, but wages freezes is over.

At the last meeting between the Government and the Social Partners it was decided that the Government should appoint its negotiating team to start negotiations with public service trade unions within the context of the understanding that the future incomes policy for Barbados will not be one based on wage freezes or wage cuts as has been the case in the recent past. That understanding, Sir, has been given to the trade unions of this country. The leader of the Barbados Workers' Union has already announced his understanding of the commitment given. On behalf of the Government, Sir, I have pleasure today to also announce our commitment to enter into negotiations with the Trade Unions of Barbados in good faith within the context of an incomes policy that says that wage freezes and wage cuts must no longer be the guiding principles of incomes policies in this country and that we hope that negotiations can take place in good faith for a wage increase for the civil servants of this country. I say to the House, Sir, that it would be a wage increase that would be entirely well deserved.

The distortions to wages for public servants were caused by a very serious act of the Democratic Labour

Party late in 1990. The Democratic Labour Party in late 1990 undertook a regrading exercise governed by the precept put to it by certain leading public servants that the gap between the top and the bottom in the public service had narrowed and that the Government of the day had to find a way of re-opening that gap. That added \$33 million to the public wage bill of this country. And I cite that point, Sir, because when the Government of the day had to take a decision to determine by how much to cut public servants' wages it took a decision to cut them by \$33 million a year which is the same amount as the amount paid out in the regrading. That regrading exercise, Sir, has caused distortions in the public service. It was the factor which by its very amount put the total wage bill in the public sector beyond the capacity of the Government to properly manage. And we want therefore to go back to an environment within which the public servants of this country can share in the productivity of Barbados.

There have been recent increases in national productivity in this country. The public servants have contributed to it and therefore we are going into a new era of wage increases. We will be looking, Sir, to use productivity indices as the basis for wage increases as well. The Government has gone to the trouble, Sir, of having the Chairman of the Productivity Board develop a paper on productivity based indices for the public sector. The private sector of this country has already started to use private sector based indices. It is not beyond the bounds of possibility to develop productivity indices for the public sector. And I look forward, Mr. Speaker, to the negotiations between the Government and the trade union proceeding in the same structured and disciplined way that our consultations of the last 4 months have proceeded - without fanfare, Mr. Speaker, behind the scenes. But with seriousness, we have now set a stage for well ordered industrial relations of this country to be part of this country's economic future.

I must also say to this House, Sir, that our determination to bring this matter to Parliament is an expression of our confidence as a Government to manage, and so manage, the economic affairs of Barbados as to put us beyond the need to have to use wage cuts, either as a policy or as a weapon.

Mr. Speaker, over the course of the last 4 months we have been laying, and I want to keep making the point, we have been laying without much fanfare, the basis for solid sustainable growth in this country in the short term and over the medium term. The first thing that we did, Sir, was that we brought relief which was necessary to the most beleaguered sectors of Barbados, the agricultural sector and manufacturing, in the extent of \$10 million a year if you analyse the removal of the concessions on inputs. It is not generally known, Sir, but again without much fanfare, I extended concessions to hoteliers involved in the expansion

of plants that are more concessionary and attractive than those now presently enjoyed for refurbishing. So that a hotelier in Barbados who has decided to expand his rooms by 50 or 25 or whatever is now entitled, because of the new policies of this Government, to more favourable concessions and is enjoying them, than if he was just repairing and improving existing rooms. That policy is in place, Sir.

Mr. Speaker, we have swiftly moved to put in place institutional arrangements that would enable us to conduct international business affairs in this country in a more efficacious manner and in a manner that reduces the encumbrances facing people who want to conduct business in this country. Again, Sir, without fanfare.

On the 17th of November, I wrote the Central Bank of this country telling them that it is the intention of this Government to further liberalise our exchange control regime to remove all of the headaches, Mr. Speaker, that now face those persons who have to conduct economic transactions in this country in foreign exchange. The Central Bank wrote me back last week and I have taken it to Cabinet recommending further measures that will liberalise our exchange control regimes that will free up those persons like entities in the tourism sector who have to conduct transactions in foreign exchange. Among those, we are going to drop the limits of the foreign exchange that has to be earned by businesses who want to hold foreign exchange accounts.

We are also, Mr. Speaker, going to make it possible in this country for persons earning as low as \$50 000 in foreign exchange to be able to hold foreign exchange accounts. I must say all of this, Mr. Speaker, because way back in 1991 the Democratic Labour Party spoke about allowing people to hold foreign exchange accounts in this country. Nothing was done but without fanfare, Sir, we are slowly but surely laying the basis for sustained and solid economic development in this country driven by export and in a context where our main sectors are competitive because we are restraining costs.

Now last December, Mr. Speaker, Sir, at a time when our export foreign exchange reserves had dipped to \$315 million I instituted measures to ease some of the strain off the foreign exchange reserves because I had told the House and the country that we were going to have to face some debt service in January and in February and in March and that we were anticipating a low sugar crop. We have started to pay the debts. I am pleased to report to the House that when I instituted the measures to protect the reserves the gross holding of reserves by the Central Bank was \$315 million. 12.00 noon.

I checked yesterday, Sir. They have risen to \$383 million, Sir. But we are not yet, Mr. Speaker, where we can open up all the flood gates. I am pleased, Mr. Speaker, that the reserves of this country despite increased debt servicing have been increasing and it has in fact been cited by the Central Bank as the basis upon which they are now pleased to recommend to the Government that we should further liberalize our exchange control regime.

In addition to all of this, Mr. Speaker, we have played the hand that we have been dealt. We came into office inheriting a large amount of unplanned expenditure left by the Democratic Labour Party including \$5 million to spend on Sherbourne, \$10 million to the University of the West Indies in arrears, arrears owed by the Transport Board to the National Insurance - arrears here, arrears there and arrears everywhere amounting to \$60 million of unplanned expenditure. We have been paying the DLP's bills slowly but surely and maintaining a sound fiscal deficit, Sir. Today we have this country in a position where we have a sound fiscal position and a sound external position. We are in the process of helping the beleaguered sectors of the society. We are liberalizing our exchange controls to make business easier to transact. We have made business easier to transact in the international business sector, laying, deliberately so, the ground work for solid and sustained growth. So that come April, and I want to say this, Sir, when the Barbados Labour Party gets to announce its own policies, a solid foundation for sustained economic growth in this country will have already been established.

Now there are those, Sir, who would have wanted me to rush off and do a lot of things. I have inherited a Government in the middle of the financial year, inheriting \$60 million in unplanned expenditure. I have carried the country and I will carry the country safely through that, Sir, while holding our reserves in check and helping the sectors of this society that wanted help and then we will move. It will not please some, Sir, but we will not be distracted from our course by those who want us to chase after unwise solutions in the short term.

I, therefore, can say to this House, Mr. Speaker, that they must see our bringing this matter to Parliament, not only to protect public servants' wages but to set the basis for wage increases for the future. It is an expression by this Government of its confidence to manage the affairs of this country in a fashion that will allow the people of Barbados to be confident that their future is one of solid sustained economic growth within the context, Mr. Speaker, of sound fundamentals and solid public finances, a solid external position and improved investment climate. I am not going to blow my trumpet, Sir, but the investment decisions that are in train in this country will make a substantial massive dent in the level of unemployment in Barbados over the

course of the next 3 years. I am not speaking in terms - of any imaginative golf courses plus casinos in St. Philip. I am not speaking of those kinds of projects, Mr. Speaker, not at all but solid investment proposals.

Mr. Speaker, Sir, I must also say to Parliament that the question of public sector reform is a matter that must be considered in this country as part of our setting a new environment within which the conditions of service of public servants must be addressed. One of the first acts of my administration was to assemble a retreat of top public servants, members of all the Cabinet and members of this parliamentary group, members of the private sector, and the top managers of the Public Service to begin dealing with Public Service Reform as a serious matter.

I have the great pleasure of now making some of the proceedings of this retreat a document of the House. But this administration is very committed and serious about its commitment to Public Service Reform. We have to put the Public Service of Barbados in a position where its efficiency and effectiveness can be improved. We have to find the best ways of maximizing the use of the talents of the public servants of Barbados. Coming out of that retreat, Mr. Speaker, my Government has determined that within the next 5 years all public servants of Barbados who cannot operate a computer must be trained to operate a computer. We have put into our Estimates of Expenditure provision for us to start that process of training public servants in the use of computers because we want to go into the 21st century in a situation where all public servants must be in a position to use a computer. That information technology is now so common that if it is not generally available to all public servants we will be wasting time.

In addition, Mr. Speaker, we have to find the best ways of ensuring that the skills that are possessed by some top public servants can be utilized to their fullest advantage. There are some public servants in Barbados, Mr. Speaker, at the top who have real skills and I will cite a case. We have developed a capacity in Barbados for the management of our coastal environment that is very important and very rich, and other people are willing to buy it. We have to look to the day, Sir, when persons who have skills in the Public Service that can be used by international consultants, institutions and other Governments, those skills can be commercialized to those person's benefit and to the benefit of the bureaucracy of Barbados in general. The University of the West Indies already has a process in place whereby its employees can hold consultancies on the understanding that part of the proceeds come back to the University of the West Indies. We are developing a Public Service where many Departments have skills that can be commercialized. There is no reason why the Government Information Service

should not be doing printing work for statutory boards and earning more money and giving the people involved in the Government Information Service a greater sense of job satisfaction and so adding to the pool that they can earn greater income. That pervades the bureaucracy in general.

We also have in a few selective areas to be careful of being able to attract the best talent. I must say to the House that I have given the Chairman of the Barbados National Bank a directive to advertise the post of a Managing Director for the National Bank with a salary that bears a relationship to what a banker in Bridgetown gets rather than what a Permanent Secretary gets. If the Barbados National Bank is to become a bank, then the banker must be paid what a banker gets, Sir, and we have to have the courage to do these things. Otherwise, the Barbados National Bank is always going to languish. I am sure that I am going to be criticized, but that is already in place.

It is also true that the Supervisor of Insurance is now managing a more complex industry. I have already given instructions that his post must be upgraded. And it may well fall to us to look again at the post of the Chief Executive Officer of the Barbados Tourism Authority. We want a man for that post, Sir, who can function at the centre of the economy. We will have to bend our minds to the fact that there will be some posts in the Public Service where we cannot just limit what key people with key skills are paid to what a Permanent Secretary gets. That will be part of Public Service Reform. It will be part of our making the effort to make sure that the taxpayers' money spent on running a bureaucracy redounds to the fullest advantage of this Barbados society.

Sir, I also want in the course of this debate to speak to the whole question of Constitutional change. As one of my first acts, I have established a Commission for Social Justice. This commission for social justice is an advisory body to the Prime Minister. 12.10 p.m.

I have chosen persons of the calibre of a Mr. Woody Blackman, of a Mr. Oliver Jackman, of a Mr. Andrew Hatch, of a Mr. Val McComie and other persons of that ilk to advise me on matters pertaining to the creation of a participatory democracy in this country and their chief function, which they have exercised as recently as last week, is to give me the benefit of their advice as to how we can structure the process of consultation for constitutional change. That is coming.

Section 26, which is a Section that deals with saving of all of the pre-Independence laws, will be dealt with within the context of the constitutional consultations and review, plans for which are now being carefully crafted. Other Sections of the Constitution will also be dealt with.

We have to deal with the question of the vesting of rights of property. We have a situation in this country where people's lands are acquired by Government and they do not get paid for ten years. I feel that is a fundamental abuse of people's rights, and all those things have to be reviewed. We have as well to review the rights of women in Barbados and the rights of husbands of Barbadian nationals. We have to review the role of the Senate, the structure of Parliament, the rights of Government in relation to the citizen and a large number of other powers that were created in 1966 but which now need careful review in the light of recent experience and in the light of where we want to take this society and where we feel the society should be going.

As a result therefore, Mr. Speaker, there should be no issue over the question as to whether we should have changed Section 26 or not, there will be a complete constitutional review in this country. But for the time being the rights of civil servants cannot any longer wait. And as a result, this amendment before the House is a very simple amendment, an amendment that is in keeping with our Manifesto pledge to protect the rights of civil servants and to protect their salaries. The best legal advice we have received is that by adding to Section 112 a list of persons not now covered by Section 112 we will succeed in providing protection for persons other than such as the Governor-General and the Judges.

The question arises, Mr. Speaker, as to what about the members of the Statutory Boards. I am not a lawyer but I am advised that there is no legislation in Barbados at present which gives Government the power to cut the wages of employees of Statutory Boards. They are not covered by the Civil Establishment Act. So therefore if there is no power vested in Government to cut their salaries, we now do not have to bring any legislation to protect them from a power which Government does not have. I can only say to those who have raised questions about the Statutory Boards that the matter is before the courts. As a layman, as far as I am aware, members of Statutory Boards are not covered by the Civil Establishment Act and Government does not have a power to cut their salaries in the same way that it has the power to cut the salaries of the Civil Servants. And I stand to be led by the lawyers in the matter.

I feel that I can rely on the advice of my Attorney General in this matter. I feel also that I can rely upon the judgement of the Privy Council, which has also seen Section 112 and who understand that the language of Section 112 is precisely intended to prevent people from having their salaries reduced. We have therefore brought this amendment to this House in that good faith. It is in that good faith that I commend this amendment to the

Members of this House who want to see this country go forward, and go forward governed by the rule of law, by the respect for law and our ability to have our public affairs conducted in the simplest and the most effective manner.

It is against that background, therefore, Mr. Speaker, that I have the honour to move that this Bill be now read a second time. I am obliged to you.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

Mr. D. J. H. THOMPSON: Mr. Speaker, I think Barbadians as a whole should be very grateful to the Honourable Prime Minister for the presentation which he just delivered to this House. I think it sums up their own views about the kind of leadership which he has offered this country. He finds himself in a very awkward position, because by his own confession he is reading from a brief which he does not fully understand....

Mr. SPEAKER: Could you refer to him as the Prime

/ Mr. D. J. H. THOMPSON: The Honourable Member for St. Peter is reading from a brief which he obviously does not fully understand. He is making a case which he does not fully comprehend, he has accepted advice, which¹ advice he is willing to rely on as he has done in many other instances, much to his own peril, and he is still ploughing through with all of the gusto, all of the temerity and all of the energy which he can put into presenting someone else's case. That is an awkward position to find one's self in and it is not one of his own making. He had something foisted on him which he obviously does not clearly understand, and I think the public should therefore accept the corner into which he has painted himself, accept that he has raised a white flag, that he has surrendered to others on the issue, that of the many legal luminaries who I occupy his Cabinet and his closest and trusted positions in the Cabinet that he will defer to them on such matters....

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Mr. SPEAKER: Will the Honourable Member for St. John refer to the Honourable Member please as the Honourable Member?

Mr. D. J. H. THOMPSON: The Honourable Member for St. Peter - thank you, Sir, I apologise - should defer to all of them. That is perfectly legitimate. In that sense then, Sir, one could probably simply ignore the contribution which has just been made and let us get to the substance of this issue and let us hear from the speakers who understand what it is all about and let us focus on what the role of Government is as set out by the Barbados Labour Party in the context of the election campaign which was just fought and won on September 6.

I have to remind the Honourable Member for St. Peter, Mr. Speaker, that he is the Prime Minister of Barbados. He must not allow trifling matters, like criticism from well meaning sources, alternative viewpoints or even what the Leader of the Opposition said in the election campaign to ruffle him to the extent that he is unable to put his case adequately. I am not under siege over here, it is the Honourable Prime Minister who is under siege, and if he cannot separate the wheat from the chaff in making decisions, that is a problem which he will have to deal with over the course of the next few years.

I want to say to the Honourable Prime Minister that as an Opposition we have a right to protect the interests of the people of Barbados. We do not envy anybody, we do not want anybody to feel ashamed about any decision they made or any vote they cast in the last election. Our job is to understand our role as an Opposition to defend and protect the interests of the citizens of this country and we are proposing to do that job, regardless of the intimidation, of the threats, regardless of the occasions on which or what anybody speaking on behalf of, or at the head of, the Barbados Labour Party seeks to put before us.

Mr. Speaker, Sir, we heard something about models in this debate. Yes, I am going to be modelling to raise funds for the children. I have no problem doing anything, once it is in the interest of children, because they need our attention and I was asked to do it that way. But I am not a political mannequin who is dressed up by others and put before the cameras week after week or put out there to say things that he does not understand. What I am saying to the people of Barbados today, Mr. Speaker, is I fully appreciate and I fully understand and I am not doing anybody's bidding. There is no power behind any throne. The decisions that are made are made collectively and the Democratic Labour Party is moving forward on that basis. I am not going to surrender on important issues like this to any advice from people who themselves may not understand the law and therefore the Honourable Member for St. Peter is entitled to dictate - I am not sure he is entitled to dictate his pace because in this particular debate he has not done so. I hope that shortly he will start to dictate his own pace - I mean the Honourable Member for St. Peter, Sir - and not accept the kind of advice which his Cabinet colleagues and others are tendering to him and which, in my view, is undermining the kind of influence which he as Prime Minister should have in this country. 12.20 p.m.

I wanted to start there because it is very important. It puts in context the contribution which he just delivered. Let me also say, Mr. Speaker, and I am fully aware of the Standing Orders of this House, that the Privy Council is constituted in London. I have read the names of the persons who sat to administer this decision and I have the greatest of respect for their legal knowledge; but they do not

vote in Barbados. Nor do they have in their possession a copy of the Barbados Labour Party's manifesto. Therefore, to hide behind the Privy Council as an excuse not to carry out the specific pledges which the Barbados Labour Party put before the people of Barbados in a manifesto, trumpeted throughout this country, led the debate in 1991, is inexcusable and this is why the people of Barbados are entitled to say with us that this is a hoax, it is a sham, it is a charade, a conjurer's trick and that therefore, Mr. Speaker, this Opposition Democratic Labour Party, will not be supporting this particular measure which is before the House.

The Privy Council is entitled to its views. The Honourable Member for St. Joseph must have been surprised to hear the vehemence and the clarity with which the Honourable Prime Minister said this issue could be reduced. I would wonder why he flew all the way to London to even argue the case if it were so clear and if at the end of the day one sentence could determine this issue. I want to tell you what that one sentence appears to me to be, based on the contribution just made in this House by the Honourable Member for St. Peter. He acknowledges that he is not a legal scholar and nobody has ever accused him of that. In fact, I don't even know that anybody has accused him of being an economic scholar far less a legal scholar. So don't rush to be defensive. Nobody is accusing you of any of those things in this debate.

On page 3 of the Privy Council decision, it said, Mr. Speaker, Sir.

"On behalf of the appellant it is submitted that every appointment to a public office whether contractual or statutory made or made pursuant to the Constitution was subject to an implied term that the emoluments attached to that office shall never be reduced."

The Honourable Member for St. Peter goes on to accept this learning and these are the words of the Privy Council.

"The Constitution has selected some officers whose emoluments may not be reduced."

But when you read on the actual section from which they get that wisdom, that section itself sets out the circumstances under which those same officers' emoluments can in fact be reduced. That by their consent they can accept a reduction. The section reads as follows:

"The salary and allowances payable to the holder of any office to which this section applies and his other terms of service shall not be altered to its disadvantage after his appointment, and, for the purposes of this subsection, insofar as the terms of service of any person depend upon the option of that

person, the terms for which he opts shall be taken to be more advantageous to him than any other terms for which he might have opted."

And what is an option? That is, in my view, a qualification by which the terms and conditions in respect of those public officers can be determined. That is the point Mr. Speaker, Sir. It is not even correct to say that the Constitution has selected some officers whose emoluments may not be reduced because there are circumstances in which they can opt for terms and conditions different to those which it says.

Asides.

Mr. D. J. H. THOMPSON: The Honourable Member for St. Thomas had better read the law carefully because he, as I understand it, has advised the Honourable Member for St. Peter to take the position that he has taken in this debate. I am not finished. I am not getting into any legalistic argument. This is a political issue and I am not bound in defence of the people of Barbados by any decision which is handed down anywhere except insofar that I have a commitment to uphold the laws of this country. But if I feel that a decision has wrought hardship, that it is wrong, that it is not in the best interests of the people of Barbados, we are entitled to say so.

In respect of this decision however, the Democratic Labour Party accepts that it acted entirely within the law in reducing public sector emoluments when it did so. I make that point only to say that if the Honourable Prime Minister is going to be guided in his every decision by positions taken by the Privy Council, that he does not understand his remit as the Prime Minister of a sovereign country. He does not understand the mandate which was given to him and he obviously does not understand the constituency from which he received that mandate and I expect better from our leaders. I expect them to know the source of their authority. I expect them to understand the nature of their mandate and I expect them to act, not on the basis of any camouflage or hiding behind any decision which is made by any court in Barbados as long as that decision may in some way make for hardship among the citizens whom the Honourable Member is supposed to be defending.

It may satisfy the purposes of the Privy Council, but I have not addressed my mind to that. I don't need to address my mind to that. I need to know that it satisfies the purposes of the commitment given by the Barbados Labour Party, that it satisfies the purposes and the interests of the people of Barbados, that it satisfies the people of Barbados particularly in relation to their understanding of what pledges were made to them and their understanding of a government that should act in their best interests.

I discovered in the course of the Prime Minister's speech...

Mr. SPEAKER: Let us hear the Honourable Member, please.

Mr. D. J. H. THOMPSON: ... that the Leader of the Opposition is fighting with the Privy Council. We are not fighting with anybody. We accept the verdict of the Privy Council on the facts presented in the Privy Council. We have to look at the wider issue and we have to judge political conduct in this country based on the pledges which a Government has made.

I don't know who wrote the Barbados Labour Party manifesto but I will get to that. I understand it may be one of those brilliant legal luminaries over there who seem to be questioning my knowledge and understanding of the law. They should be ashamed to come to this House of Assembly with this wishy-washy amendment instead of doing the things which they pledge in their manifesto.

I want to say, Mr. Speaker, Sir, we heard a lot of talk about a manifesto being a social contract. We have heard a lot of talk about political parties being bound by their manifestoes and so on. We saw a lot in the Barbados Labour Party manifesto about the circulation of important pieces of legislation to interest groups. This would have to be one of the most important pieces of legislation, by their standards, and I want to know in the course of the presentation in this House to whom this legislation was circulated before it came to the House of Assembly and whether that circulation constitutes part of the pledge which the Barbados Labour Party made with respect to its manifesto. 12.30 p.m.

I do not wish, Mr. Speaker, to deal with any other comments. I think it is unfortunate that the Honourable Prime Minister chose to attack the professional integrity of somebody who is not in the House to defend himself. I think it is a major breach of the kind of conduct to which we have become accustomed. I think that to attack the professionalism of a member of a political party, whose abilities the public has already spoken to, rather than to seek to deal with us in here, or deal with your own colleagues because you have a lot to deal with over there, that the Honourable Prime Minister has chosen to attack other people who have merely sought to comment in a democracy in which we are all citizens of this country. I think that is an act which needs to be noted because there is a trend emerging and by the time I have finished my presentation the elements of that trend should be apparent to the people of Barbados.

The grounds on which the Democratic Labour Party will not support this piece of legislation, Mr. Speaker, can be simply described. We consider it to be a charade. We consider it to be window dressing. By his own admission, the Honourable Member for St. Peter made the point that protection, which he views as necessary for public officers, cannot wait another day but that other areas of constitutional reform will go to some other body for consideration. I want to make this point, Mr. Speaker, that by that simple admission you can see that this is an exercise in window dressing, a stop-gap measure by a Government which does not trust itself.

I would be quite willing to have accepted the word of the Prime Minister that he would never cut public sector emoluments. He did not even have to bring this legislation in this wishy-washy fashion to convince me. I would have been willing to accept the word of the Barbados Labour Party in its own Manifesto. But they do not trust themselves and therefore they had to bring a wish-washy, piecemeal, half-baked amendment even before they have considered the wider issues of public sector reform of what is wrong with the Constitution in Barbados and in particular the effects of section 26 of the Constitution. Why should we accept this kind of charade from Government which has been elected on the basis of accountability, studied and thought about the future of Barbados, a commitment to rights and freedoms? This is a monumental hoax.

Mr. Speaker, the second ground is that we consider it to be political hypocrisy by the Barbados Labour Party at the highest level.

The third ground is that it strikes...

Mr. SPEAKER: The Honourable Member has been given some latitude. You are using some language that is really unparliamentary. Your words hypocrisy, wishy-washy, I would suggest that you use some different language, please.

Mr. D. J. H. THOMPSON: Thank you, Mr. Speaker, I will be guided by your ruling.

I believe that this kind of amendment strikes another blow to the credibility of this Government which is fast losing credibility in the shortest, possible time, or in record time in the history of Barbados after an election when it had good will. It strikes another blow at that credibility and at the credibility of politicians as a whole. That is my view.

It is an abandonment of the pledges and the commitments given in the Barbados Labour Party Manifesto. I propose in the course of this debate to read out those specific commitments to remind the people of Barbados what it was the Honourable Member for St. Peter said during the course of the General Election

campaign, and what it was that every single Barbados Labour Party supporter - I cannot use the word "minion", Mr. Speaker, because some people believe it is an offensive term but I know it to mean "a beloved one" - satellites of the Barbados Labour Party trumpeted throughout Barbados night after night in an attempt to convince the people of this country that they were holier than any other political party in Barbados and had the interest of the public workers at heart.

Mr. Speaker, it is a breach of the social contract which the Barbados Labour Party said it entered into with the people of Barbados. They said it was a social contract and they have already breached it by not doing the things which constituted priority status and doing all kinds of trivia, trifling matters and introducing legislation which the Honourable Prime Minister, by his own admission, does not completely understand and cannot completely defend.

It is offensive, in my view, Mr. Speaker, to the sensibilities of Barbadians because it breaches that social contract. If you say that you have a social contract with the citizens of this country and by virtue of the actions which you take which are in the nature of reversing that social contract, when it offends the sensibilities of the public of Barbados. It is ill-conceived both in terms of its drafting, the legal impact of it, the general weakness of the provision and the timing of it. So that in every sense it is something that the Opposition cannot support. I will leave it there, Mr. Speaker, in view of what you have said about the constraints of language in this debate.

Now, Mr. Speaker, in 1991 Barbados faced a very deep and severe economic crisis. This matter has been spoken to on several occasions by members of the Democratic Labour Party. As we were in the midst of that crisis, budget after budget, during the crisis and as it was protracting, we explained carefully to the people of Barbados the kinds of options which were available to us as a country.

We entered into an International Monetary Fund Programme and in entering into that Programme there were certain conditionalities which we had to meet. Mr. Speaker, Sir, we made very difficult decisions. There was pain and that particular programme took its toll on the Democratic Labour Party. Events thereafter continued to plague our political party. However, there is nobody on this side who felt that any of the measures that we were taking were not in the long-term best interest of the people of Barbados because we had essentially, on this question of the reduction of the size of Government, to make two choices: further cut-backs in public sector employment which would have meant lay-offs; or reduction in wages. Because one of the principal planks of the programme was to reduce the deficit as a percentage of GDP from, 8.9% in the budget

presented in 1991 to 1% of GDP, that called for a massive turn around.

I, as Minister of Finance on behalf of the Democratic Labour Party, negotiated the first tranche of a global medium-term note programme for Barbados. The Honourable Member for St Peter benefitted from that in that he drew down the second tranche which may have been larger than the first tranche and he drew it down in very quick time. That may account for the figures that he is seeing in the Central Bank Report which give him such glee, but which I know better and he knows better, what the source of that improvement in relation to our reserves is.

But, Mr. Speaker, I negotiated that programme. It took me to all of the major pension funds, financial institutions and banking institutions in London, New York and Boston. Some came to Barbados. There is no doubt in their mind that Barbados made a dramatic turn around in its economic fortunes as a result of the stabilisation programme. That fiscal adjustment when presented in a chart and demonstrated to those financiers was something that they almost could not believe for a country the size of Barbados. But we constantly said in our presentations that it spoke to the resourcefulness of Barbadians. It spoke to their intelligence and their understanding. It spoke to the fact that Barbadians are always willing to bear some pain if the long-term gain is going to be greater.

Mr. Speaker, the option before the Government in 1991 was devaluation of the Barbados dollar. We said flatly "No, that is not on our agenda". We told the World Bank that and we told all of the international institutions. We said, look for other options. There is nobody in this country who can dispute the fact that the then Democratic Labour Party Government under the leadership of the Honourable Member for St Michael South, stuck out for a position in that we were going to have a programme come hell or high water which did not involve a devaluation of the Barbados dollar. Therefore we looked for alternatives and were successful in pursuing those alternatives. 12.40 p.m.

The second option, Mr. Speaker, when they went back to the drawing board was further lay-offs. We had already laid off a large number of public workers but we could not countenance any more suffering or hardship because those things weigh heavy on our minds. We therefore had to consider the other option which was available to us and having regard to all of the circumstances, all the factors prevailing in the Barbados economy, and the consensus of opinion, the Democratic Labour Party took the position that the pay cut was the best option. That was a difficult position. The reason why

it is difficult is because unlike some other political parties in this country, the Democratic Labour Party has always been in the forefront of the interest of the working class or workers in this country and there is no doubt about that.

From our own alliances over the years with the trade union movement; from the legislation which we brought to this House of Assembly through decades of commitment, labour legislation, social legislation and through other kinds of commitments and policies pursued by the Democratic Labour Party including the introduction of the National Insurance Scheme and the attendant benefits and nearly all of the major labour legislation in this country...

Asides.

Mr. SPEAKER: Order, please. Let us hear the Honourable Member, please.

Mr. D. J. H. THOMPSON: ...inclusive of the Constitution... including those rights enshrined in the Constitution.

Aside.

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

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, I heard for the first time today that the Constitution was written by the late Errol Barrow in 1966. I thought that was the most hilarious comment which must go down in the history of Barbados falling from the mouth of the Prime Minister, as it does, as something to be described as "a gem".

The policies which informed that Constitution were the policies of the Democratic Labour Party including other kinds of protection which our citizens enjoy. A modern, independent state was developed and carried forward in this country with the interest of the workers at the centre of that advance under the Democratic Labour Party. Therefore anything that sought, in any way, or appeared even on the surface, to detract from that advance would have been considered by members of the Democratic Labour Party to be an anathema, it would have been considered to be antithetical to their own outlook and the interest which we have consistently pursued because this was at the heart of our record as a political party. It was difficult to look beyond that record for a solution but we had to do so, The solution that we pursued was a solution which was in the interest of the country in the long-term. What was left was a pay cut. We did not introduce and, I daresay, there is no Government in the world that would introduce a pay cut out of malevolence or spite or out of an attempt to punish the workers of the country.

Aside.

Mr. D. J. H. THOMPSON: Even the question of devaluation, there is no country in the world...

Mr. SPEAKER: Order, please.

Mr. D. J. H. THOMPSON: ...which has not tried its level best to avoid it. Therefore, for anybody to suggest that there was a Cabinet of Democratic Labour Party Members and other supporters who were walking around in glee as we cut public sector wages is not to understand the kind of anguish and agony which produced that particular decision.

The next best step, which was the step that was pursued, was that we sought to hear the public servants on the issue and I will come to that in a minute. We took that bold and unprecedented decision in the economic history of Barbados. There were marches, real marches and other kinds of marches led by the Chairman of the Barbados Labour Party down Broad Street, joke marches, there were meetings all over Barbados by all kinds of interest groups addressed by lawyers who said they did not even know there was a savings clause which kept colonial legislation on our Statute Books, (some of whom were trained at the University of the West Indies) commentary, editorials, articles by legal luminaries and not-so-luminary-legalists some of which appear in today's newspaper and self-proclaimed Constitutional experts. The country was inundated with information, some of it useful, a lot of it wrong. That debate continues today.

Mr. Speaker, Sir, there is commentary in the Barbados newspapers over the past few weeks dealing with Section 26 of the Constitution as if the Labour Party is actually repealing that section. That is because the public of Barbados is not even, to this day, aware of the import of this particular Amendment.

There is a debate going on among Constitutional and other lawyers over the effect of amending or repealing section 26. Can you imagine that, Mr. Speaker, Sir?

Aside.

Mr. D. J. H. THOMPSON: I will get to that as well. They were all on board in denunciation of the Democratic Labour Party. There was almost nobody, other than our most loyal supporters, far-sighted people, people who understood what the issues were about who were in favour of the pay cut. We had a monumental task. The country was in uproar and the Democratic Labour Party weathered it.

But the impression has been given by the Barbados Labour Party, in the course of that debate, that the Democratic Labour Party unilaterally reduced public sector wages. When I use legal terminology the Honourable Member for the City...

Mr. SPEAKER: Address the Chair, please.

Mr. D. J. H. THOMPSON: All of us know your record.

Mr. SPEAKER: The Honourable Member for St. John, please address the Chair.

Mr. D. J. H. THOMPSON: I should like you, as other speakers have asked, to protect me from the ravages of the Honourable Member for the City.

Mr. SPEAKER: As long as you address the Chair. Let us continue, please.

Mr. D. J. H. THOMPSON: Thank you, Mr. Speaker, Sir. I am talking about law and therefore the Honourable Member would have great difficulty with that. I want to be very clear in what I am talking about. We, as a Government, set out in a document what the options were to the public officers in Barbados and we gave the public officers the option of voting in respect of that particular matter. The voting was done and as a result of that voting the Government took a decision and did what it had to. do.

To suggest that the wages were cut unilaterally or without the permission and concurrence of public officers is therefore wrong because the majority of public officers supported the particular measure. I believe that that support was given genuinely. We have no doubt about that.

The then Barbados Labour Party under different - no less or more enlightened leadership - of the Honourable Member for Christ Church West went on a political offensive. They said it was a dastardly act of dictators that the country was being run by international institutions, that it was unconstitutional, an infringement of the rights and freedoms and it decimated public service morale. The trade unions paid thousands of dollars to members of the Barbados Labour Party to represent them in the law courts in Barbados. Thousands of dollars, almost triple the finances of the trade union movement - from the High Court in Barbados to the Privy Council - and those lawyers were giving them advice which our brilliant, Honourable Prime Minister is now telling us was the wrong advice. The Honourable Member for St. Peter could have saved the trade union movement thousands of dollars had they listened to his legal interpretation and not follow the legal interpretation of his brilliant colleagues. All of that money

has been thrown down the drain because the Honourable Member for St Peter is now speaking when he should keep silent and was not speaking when he should have been speaking to the issue. He refused to do so. 12.50 p.m.

Hon. Dr. R. L. CHELTENHAM: Mr. Speaker, on a point of order. I was one of the lawyers involved in the case through all of its stages. I just want to state for the record that the case was regarded as one *pro bono publico*, if I may use that expression, of great public significance. The lawyers expressed their solidarity with the workers in this matter at the appeal in Barbados and at the Privy Council and the matter was done without any remuneration at those two stages.

Mr. CHAIRMAN: Order. Order please.

Mr. D. J. H. THOMPSON: The Honourable Member clarified. He said in those two stages. The case had three stages and there is no public officer in Barbados, Mr. Speaker, Sir, who does not know what the cost of the representation was because efforts had to be made among the trade union movement to find the funds for that representation. So to give the impression that it was done entirely *pro bono publico* is foolishness of the highest order.

Mr. CHAIRMAN: Okay, just continue to be parliamentary, please.

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, the case was fought and had the Honourable Member for St. Joseph spoken to his political leader, if they were then on speaking terms, he would have saved the public officers thousands of dollars because he would have followed his Honourable Leader's advice that this was a clear cut matter. It was very simple, Mr. Speaker, all you had to do was to bring a simple amendment to the Constitution and this is what he says and I am going to deal with it - to put maids and the police and teachers in the same position - and I am quoting the Honourable gentleman's words - as the Governor General and Judges: free from financial pressure.

Well that statement, if the Honourable Member for St. Joseph is going to be true to his word and his legal understanding, cannot be correct because the amendment only protects, and it is very clear, salaries and allowances but the clause that protects those other officers protects a whole number of other rights which they have. So there is no maid, after this amendment, who is going to have the same protection as any Governor-General or Judge and that statement by the Honourable Prime Minister has to be rethought. The Honourable Member for St. Joseph: I think you should use your legal knowledge to help him to

understand the effect of this amendment. If it were so, all that the Government would have to do is look at subsection (4), look at the offices which are protected and add all of those offices which the Honourable Member for St. Peter said need to be protected.

There is a subsection (4), Mr. Speaker, of section 112 which says that this section applies to the offices of Governor General, Judges, Director of Public Prosecutions, Auditor General, appointed members of the Judicial and Legal Service Commission and Members of the Public Service Commission and Police Service Commission. All the Honourable Member for St. Peter had to do, if he wanted to keep good faith with the people of Barbados, was to add the maids and gardeners and the teachers and all of the other people whom he says are now fully protected. But, by virtue of the section which is being brought to this House, which is a wishy washy piece of legal palaver....

Mr. SPEAKER: The Honourable Member for St. John, please.

Mr. D. J. H. THOMPSON: A weak piece of legal gerrymandering. That is all it is. It is a joke business.

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

Aside.

Mr. SPEAKER: Honourable Member for St. John, please. Your language once again "gerrymandering" I am asking you to withdraw those words for me please. You cannot use those unparliamentary words.

Mr. D. J. H. THOMPSON: Mr. Speaker, I withdraw "gerrymander". It is a breach of faith. It is a joke amendment. It is funny. It is clowning around with public officers.

Mr. SPEAKER: The Honourable Member for St. John. Just try to use parliamentary language for us, please.

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, I am defending the interest of the Democratic Labour Party and I do not wish anybody to be hoodwinked. I am making my position pellucid on behalf of my party and I can only bring the kind of indignation to this debate which it deserves for the contempt which the Barbados Labour Party is showing for the public officers in this country by doing this foolishness and carrying out this charade in this country today. I think it is disgraceful.

Mr. SPEAKER: Honourable Member for St. John, all I am suggesting to you is that you use parliamentary

language to achieve your objective. Words like hoodwink and such words are not allowed in these Chambers.

Mr. D. J. H. THOMPSON: Thank you, Mr. Speaker. I would have to be guided by your new ruling on this issue and I will accept your new ruling.

Mr. SPEAKER: It is no new ruling. We have parliamentary standards.

Mr. D. J. H. THOMPSON: The contempt which the Barbados Labour Party is showing for its own Manifesto, for its own constituency, an Honourable Prime Minister hiding behind one line in a decision given by a court thousands of miles away to defend a position which is indefensible, if Mr. Speaker, there is a word to characterise that, that regrettably is unparliamentary, I apologise. But that is a calculated act by the Barbados Labour Party. A party full of legal luminaries, some less luminary, as I said, than others. The Honourable Member for the City knows what I mean in that regard. She is better in politics than in law.

Asides.

Mr. SPEAKER: Order, please.

Mr. D. J. H. THOMPSON: Mr. Speaker, I can only say in this particular debate if it were only funny that we could laugh at the circumstances which have brought big intelligent people who have benefitted at the expense of the taxpayers of this country from serving in the highest offices in this land to bring this kind of joke amendment before the House ...

Mr. SPEAKER: Why do you keep referring and using such words? Could you just rephrase it?

Mr. D. J. H. THOMPSON: A funny amendment, Mr. Speaker. I did not know they were unparliamentary. Humorous amendment.

Mr. SPEAKER: Continue.

Mr. D. J. H. THOMPSON: Thank you, Mr. Speaker. This humorous amendment before the House which is now causing Honourable Members to be in stitches of laughter, and the public officers are no wiser because the amendment has not been circulated among them would feel they are granting them some rights that they did not have before. This is really the kind of scenario, Mr. Speaker, Sir, which we cannot countenance from any new Government in Barbados coming into office and pretending that there is some social contract and commitment and is a first order of business to create jobs and protect people and then at the end of the day this is the kind of scenario which

you have before you - a piecemeal amendment to a Constitution, hiding behind a decision, one sentence of a decision of the Privy Council, an Honourable Prime Minister who cannot defend his own position properly because he does not understand it and everybody sitting, Mr. Speaker, and staring at the Opposition for enlightenment because they themselves did not know the kind of amendment which was being brought before the House.

Mr. Speaker, Sir, when we cut public sector salaries I want to say that Barbadians should be very grateful that we have the kind of civil servants which we have in this country who would be willing to take short-term pain for long-term gain, and the Democratic Labour Party wishes to go on record in this debate, since our actions were motivated by the best interests of this country, to thank public officers for the position which they took in solidarity with the Government of Barbados and in pursuing their own best interest. Mr. Speaker, Sir, this amendment is going to spell doom and disaster for the Honourable Member for St. Peter in due course. 1.00 p.m.

But that is not my concern at this point. My concern is the interest and welfare of the people of this country. As I have said already, if others outside can recognize how prudent we are as Barbadians, then we as members of the Democratic Labour Party have paid dearly the price for those things that we did wrong by the result of the last election. But at the end of the day this economy in December 1994 was performing in the way that it was performing, and now to hear the Honourable Prime Minister talking about laying the basis for sustainable development, when every single indicator tells us that this year 1995 and next fiscal year will be a difficult year for Barbados. His own profession, sensible and* intelligent economists from whom he has quoted on several occasions, have indicated that growth will be even less than that which the Central Bank of Barbados has said would occur in 1995. I hope that people understand the import of this and I will get on to that.

I am going to read from the Economic Report because the Honourable Member for St. Peter is extolling the virtue of his performance. Well, this Report will be read from extensively to demonstrate that in September 1994 the Democratic Labour Party left this economy in good shape and that the Honourable Member for St. Peter has squandered a mandate which has been given to him as the Prime Minister of this country. So we stand by our decision. If the same circumstances presented themselves to the Democratic Labour Party where options of devaluation or options of further lay-offs in the public sector and a whole range of other options were available,

we would have to consider all of those options with equal weight.

Mr. Speaker, it is very important to understand that the Democratic Labour Party is not shifting ground on this issue. We are not political hypocrites. We stand by the decision that we took. And what we promised the people of Barbados would happen as a result of that decision has happened.

I want to go on, Mr. Speaker, to say that we are very grateful to the civil servants, both those covered by this amendment and the many others not covered by this amendment including those working in statutory corporations. Mr. Speaker, Sir, there are lists of offices contained in the Public Sector Reduction of Emoluments Legislation 1991, to which the Prime Minister has not spoken.

Aside.

Mr. D. J. H. THOMPSON: Yes. Well, he does not have to speak to parliamentarians because it is about time that you all consider that if you are running a tight ship. You can take whatever decisions that you want to take with respect to Ministers' and Parliamentarians' salaries. That is your decision now. But he has been silent on that. If there is a right for public officers and this principle is such a high principle, what happens to Parliamentary Secretaries and Ministers and other MPs? Is this a principle? If there is a right to be restored elsewhere, what about people under the Ombudsman Order, the Parliamentary Allowances and Salaries Order and the Customs Overtime Rates of Pay? All of these were items under the Second Schedule...

Mr. SPEAKER: Order please.

Mr. D. J. H. THOMPSON: He cannot help it, Mr. Speaker. Under the Second Schedule of that Act, that Act sets out that all of those persons employed and receiving remuneration under that Schedule would be effected. But the Prime Minister has not addressed any of those categories. He has addressed persons working in statutory corporations and, by his own analysis, it would mean that he is going to have to repay all of those persons their money. If he is going to carry this principle to the logical extreme if it is such a high principle, you have to pay back the public servants too. If you say that it was a fundamental breach of people's rights, if you say that it is critical that public workers get back that security on moral and other grounds, not just legal grounds. No Prime Minister needs to hide behind any legal ground. You have the moral and political authority to make decisions in the best interest of the people in this country.

If the Honourable Member for St. Peter is taking a high road on this issue, then the logical conclusion is that he will also have to repay the public officers for that fundamental breach which occurred in 1991. I will be willing to sit down if he said that he left something out of his speech and, if the Honourable Member for St. Peter wishes now to say that he is willing to repay the public officers because of this fundamental breach and as an act of good faith, I will sit down. If not, it is window dressing. That is all that you can describe it as. It is not the kind of exercise which should engage the attention of a Government celebrating 5 months in office yesterday, which had a commitment to create jobs in this country and has so many items of importance which need critical attention but which it is ignoring. What is this country coming to? That is the question that has to be asked. All kinds of niggling and piecemeal legislation we see. Their Manifesto, Mr. Speaker, which I assume voted on by his colleagues and his principal advisers and those who are the power behind the throne, the Honourable Member for St. Peter at their direction and behest said would be laid, not made a document of the House, as a working document on which the Government will commit itself to every single pledge. Do you know what happened, Mr. Speaker? The first time that the House of Assembly met, the Honourable Member for St. Peter laid about 9 insignificant documents and forgot his own party's manifesto. That was his first order of business. As Opposition Leader, I cannot lay it, Sir. I merely made it a document of the House. But I am glad that I made it a document of the House because it is clear that he has not yet read it. Therefore, I am going to read it back to him today so he will understand that this amendment has nothing to do with anything the Barbados Labour Party promised.

Aside.

Mr. D. J. H. THOMPSON: I cannot say how much longer I will be because if I have to speak all day and all night I will be speaking. So if we are breaking, let us break now. Nobody can dictate my pace.

SUSPENSION

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, that being the case, I will move that this House do now suspend until 2.15 p.m.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

The question that this House do now suspend until 2:15 p.m. was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly. 1.09 p.m.

RESUMPTION Mr.

SPEAKER: The sitting is now resumed.

Hon. Miss B. A. MILLER: Mr. Speaker, before the luncheon break was taken earlier in the morning, I indicated that we would revert to certain items in the order of business, namely Government Notices, Statements by Ministers and other matters which require the laying of documents. I would want at this time, before we resume Government Business and resume the debate, to have recommitted Government Notices, First Reading of Bills and Statements by Ministers.

Mr. SPEAKER: There being no objection....

PAPERS

Hon. Dr. R. L. CHELTENHAM: Mr. Speaker, I am commanded to lay the Annual Report and Financial Statements of the Barbados Board of Tourism for the period April 1, 1992 to March 14, 1993.

Hon. R. N. GREENIDGE: Mr. Speaker, I am commanded to lay the Annual Reports for the National Assistance Board for the years 1991-92 and 1992-93.

Hon. Miss H. E. THOMPSON: Mr. Speaker, I am commanded to lay the Report of the operations of the Barbados Drug Service for the fiscal years 1987 to 1993.

I am also commanded to lay the Reports of the St. Joseph Hospital for the years 1990-91, 1991-92 and 1992-93.

GOVERNMENT NOTICES

Hon. D. A. C. SIMMONS: Mr. Speaker, I beg to give notice of a Bill to amend the Police Act, Cap. 167.

FIRST READING OF BILLS

Hon. D. A. C. SIMMONS: Mr. Speaker, I beg to move that a Bill to amend the Police Act, Cap. 167 be read a first time.

Hon. Dr. R. L. CHELTENHAM: I beg to second that, Sir.

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

STATEMENTS BY MINISTERS

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I would wish to state that Agreement has been granted by the Government of Canada for June Yvonne Clarke to

assume the post of High Commissioner for Barbados at Ottawa. Miss Clarke is expected to take up her duties in April of this year.

June Clarke is a Barbadian woman much in the tradition of, I am proud to say, all of the women who sit in this Honourable Chamber. She has had a distinguished career to date. She started making herself a first in her chosen field of business. June Clarke was the first Fellow of the Life Management Institute, of the Life Office Management Association of the United States of America in Barbados and the Eastern Caribbean. It is something that insurance agents take almost for granted nowadays, that from time to time members of their profession become FMLIs, but June Clarke was the first person in Barbados and the Eastern Caribbean to become such a Fellow. She worked most recently with the Barbados Mutual Life Assurance Society as an Assistant Vice President of Group Life and Health Benefits, but for many years, between 1962 and 1987, she worked with the American Life Insurance Company here in Barbados.

Miss Clarke served on a number of Boards. Her business and community related activities are many. I remember her in the Guide Movement, one of my Guiders, as a young Guide at Queen's College. But her directorships, she has been a Director between 1978 and 1981 of Barbados Rediffusion Service Limited, a Director twice between 1978 and 1982 and again between 1985 and 1986 of the Barbados National Bank. She has been a Director also of the Barbados Mortgage Finance Company Limited and in fact was its Chairman between 1983 and 1986. She was also a Member of the Board for four years of the National Petroleum Corporation, a Member of the Board between 1989 and 1991 of Motor Services Limited and a Member of the Board for four years of Cottage Creations Limited. This would give Honourable Members some idea of the breadth of interest of this woman.

In the offshore sector she was a Director of Laidlow International Insurance Company Limited, also of the American International Management Company Limited and of the Richmond Barbados Insurance Company Limited. She was the first female Council Member of the Barbados Chamber of Commerce and Industry between 1975 and 1981, and between 1978 and 1981 became the first female President of the Barbados Chamber of Commerce and Industry. She has also been a member of the Regional Task Force for planning of the Caribbean Conference of Churches. She sat on the Advisory Council of BIMAP and she was President of the first Securities Exchange of Barbados, which was started by the Chamber of Commerce in collaboration with the Central Bank of Barbados, but never actually got to function.

Among other things, in her community service she has been first a Board Member and then a Chairman

between 1983 and 1986 of the St. James Secondary School, more recently of the Springer Memorial School. She sat in the Senate of Barbados from 1981 to 1986, she was a Member of the International Advisory Council in what is known as Partners for Productivity International, and in more recent times, between 1986 and 1987, was a Trustee of Women In Development Incorporated.

There is a great deal more that can be said about the life and the experience of June Yvonne Clarke. I do believe that she will be a worthy Ambassador for Barbados in Canada. She will be working out of Ottawa, which is the capital city of the Dominion of Canada, but her jurisdiction will range over all of Canada. We also have, as I have already announced in this House, a Consul General at Toronto with whom she will work closely and in the new orientation of the Ministry of Foreign Affairs, Foreign Trade and International Relations, I do believe that having heard of the distinguished experience that Miss Clarke has had in business, in trade and industry, in women's affairs, in politics and in respect of some international bodies, not to mention her community activities, that she is more than well equipped to represent the interest of Barbados and to get out there, like all of the other Heads of Mission have been commissioned to do, to write business for Barbados.

RESUMPTION OF ORDER NO. 1 - THE CONSTITUTION (AMENDMENT) BILL, 1995

Mr. SPEAKER: The Honourable Member for St. John.

Mr. D. J. H. THOMPSON: Mr. Speaker, when we took the break I was explaining to the House why the Democratic Labour Party took the decision which it took in 1991 and what I want to remind the people of Barbados, and particularly the Public Servants, in thanking them for their forbearance, is that the decisions which we took were in the best interest of Barbados in the long term. I can say that confidently, Sir, because all of the predictions both in and out of this House by members of the Barbados Labour Party that the economy was in bad hands, that it was being badly managed, turned out to be completely false and untrue. 2.30 p.m.

By September 1994, Mr. Speaker, the Barbados economy was once again performing at record levels. Its performance surpassed that of several of our competitors in the region which during the time when we were suffering our economic difficulties were themselves performing well - those economies. The Barbados Labour Party can take no credit whatsoever for any of those achievements which were wrought. All they can take credit for is spreading confusion and mischief throughout Barbados and using persons who in previous incarnations should have

known better to deliver speeches in this country during Budget debates... Yes I mean you, people like you who should know better.

Asides.

Mr. D. J. H. THOMPSON: ... To spread mischief about the performance of the Barbados economy and the ability of the Democratic Labour Party to achieve those results.

We made promises, Mr. Speaker, about the performance of the economy. Firm promises. Promises which were kept because by December 1994, if you read the Economic Review of the Central Bank and I will make it part of the public record in Barbados, if necessary, make it a document of the House, contrary to all of the fulminations during the previous budget debate by people who as I said should know better but obviously don't, all of their predictions, all of the pretense to economic knowledge and common sense, all of those predictions fell by the wayside.

By end of September 1994, Mr. Speaker, this is the performance of the Barbados economy - Central Bank Economic Review.

Aside.

Mr. D. J. H. THOMPSON: Real GDP in Barbados rose by an estimated 4% during the first 9 months of 1994 compared with an increase of only 0.2% for the corresponding period in 1993.

We made a pledge about growth. We put before the public specific commitments and those commitments were met. There was never any doubt in the minds of the Democratic Labour Party in managing the Barbados economy between 1991 and 1994 that together with the people of Barbados we could achieve those goals. Yet we were constantly told that they were not achievable. Even when it was happening in the month of September there were people who were saying one swallow does not a summer make. We also projected that there would be higher levels of growth in 1995. However, it has taken the course of five short months for the Honourable Member for St. Peter to tell the public that he is following essentially the economic strategies of the Democratic Labour Party but undoing every single initiative to the extent that every sensible commentator in Barbados recognises that contrary to this idea that the basis is being laid for sustainable growth, that there will be a marked reduction in the levels of growth in 1995, that there will be no creation of major employment in Barbados, that nearly every single foreign investment which was contemplated is not now taking place and that essentially in four months or five months even the confidence which the Democratic Labour Party was able to

restore in this economy has been shot by the policies and the ineffectiveness and the dithering of the Honourable Prime Minister and Members of his Cabinet in running this country.

There is monumental incompetence. There has never been a time in the history of this country in which an Administration had been able in such a short period of time to reverse completely trends which were taking place in the Barbados economy like that. It is unbelievable, Mr. Speaker, Sir, that all of the sacrifice which Barbadians went through in 1991 may come to nought because of this economic mismanagement and incompetence under the Barbados Labour Party Administration. They had a wicket prepared for them which was perfect.

Let me tell you the other elements of that wicket. This year's growth was led mainly by foreign exchange earning sectors, especially tourism. We were told that the productive sectors were in a complete mess, that none of them was performing at the level anticipated. I am going to deal with each of them seriatim. That was something that was trumpeted from the platforms of the Barbados Labour Party night after night, and the chief person who was trumpeting that kind of misinformation was the Honourable Member for Christ Church South throughout Barbados that the economic sectors were declining, that there was no hope for growth or any kind of development for the people of Barbados. Compare this to the economy that he left for the Democratic Labour Party in 1986. Compare, that Mr. Speaker, Sir.

Growth led mainly by the foreign exchange earning sectors, precisely what everybody said needed to happen to the Barbados economy was happening. Mr. Speaker, Sir, the Central Bank net international reserves grew by \$94.1 million in the nine months ending 1994. This compared with a rise of \$20.5 million during the corresponding period of 1993. The Barbados Labour Party Administration gave the impression that when there was a hemorrhage in the foreign reserves of \$71 million in 1993 that it was a calamity and that the economy was once again about to collapse. When I made the point that Barbadians need to lose sleep not over where the reserves went but over where we should find new avenues to earn foreign exchange, they twisted that to give the impression that money had disappeared or had been stolen and that is where the reserves went and that the Minister of Finance said he would not lose sleep over that. That was because we were losing sleep over restructuring and reforming the Barbados economy so that it would perform at the level which it performed at by the end of December 1994 and which the Barbados Labour Party had inherited. But in the face of that inheritance, it is squandering it, minute after minute, in this country by trivia and by the kind of incompetence which the people of Barbados are witnessing: an Admini-

stration which has lost its way within weeks of assuming office, an Honourable Prime Minister who has dithered on every single decision that he had to make, is being pushed and pilloried by every interest group in his party - and there are many interest groups.

In this debate he referred to somebody's advice. The other day we had a gambling casino debate and he said he never knew the Chairman of the Gambling Commission but he was highly recommended and he accepted it.

Mr. SPEAKER: Honourable Member for St. John, I am reminding you of the Standing Orders. I am referring to the matter that you are attempting to use names in the debate.

Mr. D. J. H. THOMPSON: I am not quoting from the record.

Mr. SPEAKER: You allude to it. I refer the Honourable Member to Standing Order 28(12).

Mr. D. J. H. THOMPSON: Mr. Speaker, I am merely saying what the Prime Minister said and I am entitled to say that. I am not quoting nor am I reflecting on a decision of this House. I am saying that the Honourable Prime Minister has deferred to all kinds of advice from all kinds of quarters to the extent that there is nobody in Barbados, least of all in the Barbados Labour Party, who believes that he is today; that he is the Honourable Prime Minister running this country. 2.40 p.m.

This debate is another example leading to the economic confusion which is obtaining in Barbados today that the Labour Party has lost control under aimless, ineffective leadership of the Honourable Member for St. Peter. He inherited an economy to the end of September 1994, when both the current and the capital accounts of the balance of payments had improved. The current account benefitted from higher tourism earnings, this is foreign exchange earnings that people who worked in the tourism sector on a daily basis are earning. They were confident about the future. They were investing. They were earning foreign exchange, doing precisely what we said would happen if we had endured the pain which we endured in 1991 while private sector investment flows and overseas commercial borrowing by Government improved the capital account.

We borrowed U.S. \$20 million under part of the global medium-term note programme and the Honourable Prime Minister borrowed the other U.S. \$30 million within four months. When we left office - weeks before I demitted office as Minister of Finance - the persons who arranged that loan to us wrote to me as Minister of Finance

and said, this programme had been so popular that we would offer you another \$10 million on the market immediately. We said we don't need it at this time. Our foreign reserves are presently at record levels so we do not need an additional \$10 million. We do not need \$20 million or \$30 million. What we have is adequate. Barbadians can earn their way in the world.

Within two months of that letter arriving on the desk of the then Minister of Finance, Mr. Speaker, the new Minister of Finance jetted his way overseas to pick up the other \$30 million which we left behind because the total programme was U.S. \$50 million. In the shortest possible time, in all fairness to the Honourable Member for St. Michael South Central, I do not think he went for the Japanese Bond Loan in such a short period of time. I do not remember.

Aside.

Mr. D. J. H. THOMPSON: That is irrelevant now. The public has spoken to all of those issues but they will speak to you.

But within the shortest possible time once again the Labour Party has created another record for going on a borrowing and begging spree on the international markets and within two months of assuming office, the Prime Minister was jetting around the globe, scraping up the last \$30 million which we had put in place as part of the global medium-term note programme.

I was very proud to have negotiated that, Sir, because it was the first time that Barbados entered on to the emerging markets. The only other country in the Caribbean that did it prior to that was Trinidad and Tobago from this region. We went on to that market at an interest rate which was attractive and the Honourable Member for Christ Church South opposed it vehemently in here and said that it was the most blatant case that he could see for laundering of money. But the Barbados Labour Party still went back to pick up the other \$30 million of laundered money, according to his predictions. That is the kind of thing that was going on in Barbados,

Aside.

Mr. D. J. H. THOMPSON: It is very accurate. I remember the debate. There are some things that may have eluded you because of your vaulting ambitions.

Mr. SPEAKER: Continue to address the Chair, please.

Hon. Sir HAROLD St. JOHN: Mr. Speaker, on a point of order. The Honourable Member has attributed statements to me - I ask him to withdraw those

statements - that I in this Honourable House in a previous session stated that the Government was indulging in the laundering of money.

Mr. D. J. H. THOMPSON: I have never said that in this debate.

Mr. SPEAKER: The Honourable Member for St. John must withdraw the statement, please.

Mr. D. J. H. THOMPSON: Mr. Speaker, what statement must I withdraw? I did not make that statement.

Mr. SPEAKER: The statement the Honourable Member is referring to.

Mr. D. J. H. THOMPSON: I will attribute to him what he said. He said that the particular global medium-term note programme which the Democratic Labour Party had negotiated because of the nature of the bonds that were being issued, because they did not have the name of the bearer on them, that it was open season for money laundering.

Mr. SPEAKER: That was a different statement then.

Mr. D. J. H. THOMPSON: But that is no different to what I said!

Aside.

Mr. D. J. H. THOMPSON: What different statement? The Honourable Member for Christ Church South vehemently opposed the loan. He said it was an opportunity for money laundering. His Labour Party successor, as Minister of Finance, immediately went off, blinkers on his eyes, in the face of the advice of the goodly Knight of St. Andrew, the Honourable Member for Christ Church South, whose wisdom in these matters can easily be challenged in any event, so I am not surprised that the Honourable Member went off, jetted off to scrape up the last \$30 million of a programme that the Democratic Labour Party negotiated which was vehemently opposed by the Barbados Labour Party on the floor of this House. Could you believe it?

It is almost as bad as the Honourable Prime Minister rushing down to Hey wood's Hotel to open a hotel which when we sold it the Barbados Labour Party vehemently opposed the sale of that hotel and terms under which it was sold. What kind of leadership? What kind of example is being set for the people of Barbados at this level? That is why we have to remind people what was happening at the end of September 1994, It is very, very important.

We accept the verdict of the people of Barbados but our job is to continue to remind the people of Barbados that the same level of incompetence which brought the Labour Party down in 1986 after 10 years in office has now reared itself in the first five months after the elections on September 6, 1994 - a Cabinet fighting with itself over all kinds of things, mass confusion, an open warfare and the elders in the party have no influence on it whatsoever. In fact, they contributed to the confusion because they believe that there are two elements in the party, those who are guardians of the Labour Party doctrine, and these other fellows - I will not even say how they derisively describe them, Mr. Speaker.

Mr. SPEAKER: You are referring to Honourable Members?

Mr. D. J. H. THOMPSON: No. I mean on the outside, Mr. Speaker. I will let them deal with each other in here and in the Cabinet room. I do not deal with them at all.

Mr. Speaker, the Economic Review also goes on to say that every indicator positive, with the exception of the treasury bill rate. Interest rates were largely unchanged. We had a minor adjustment in December, the demonstration effect of which was prevailed upon us by the IMF and we increased the minimum savings rate. Shortly thereafter it was reversed. The Honourable Member for St. Peter did it himself some time in December also.

Now, when we did it, Mr. Speaker, we were told that it would have no impact on the reserves. It was too late. The horse was out of the stable already. The Labour Party a year later does it at about the same time and I can hear the Honourable Member for St. Peter, the economic genius that he is, trying to attribute his defensive mechanisms to the increase in the reserves. So once again he has reversed himself on his own theology and as I said, he said he is not a lawyer. I am not an economist but I think there are certain basic precepts about management of the Barbados economy that we all understand and we will get to that in due course.

Let us go sector by sector and start in the tourism sector which, thanks to the creativity of the Honourable Member for St. Joseph, is now in dramatic decline. That is the sector that was growing in the first 9 months of 1994. Output in the tourism sector grew by 14.7%. It is now declining by almost that amount under the Honourable Member for St. Joseph. Mr. Speaker, he is travelling all over the world at every cross and turn and nothing is happening to reverse that massive decline in tourism and I cannot understand what it is. The Honourable Member for St. Joseph said that he was going to take control of that Ministry. He wanted to amend the Tourism Act.

Mr. SPEAKER: The Honourable Member, please. I have allowed you a lot of latitude. You are going too far. Please address the Bill before the House. I have given you quite a bit of latitude.

Mr. D. J. H. THOMPSON: Well, Mr. Speaker, I will stick then to the economic review responding to the comments made by the Honourable Member for St. Peter. I am relating it to the Bill in the same way that the Honourable Member for St. Peter related his initiatives.

Mr. SPEAKER: It does not appear that way to the Chair. I am saying that you are straying a bit far.

Mr. D. J. H. THOMPSON: Mr. Speaker, I will continue on the economic review. I will leave out the Honourable Member for St. Joseph and leave him to the hoteliers.

Mr. Speaker, economic review - this was the strongest growth in output since 1989 when growth of 15.3% was recorded and was attributed to increases in long-stay visitors at 11.1% and cruise ship arrivals at 5.3%. This is the record which the Democratic Labour Party left in office which the Honourable Member for St. Peter said that he is clearing up all kinds of debts and doing all kinds of manoeuvring to extricate himself from the hand he was dealt. I am explaining to you, Mr. Speaker, the hand which the Prime Minister was dealt. There has never been a better hand yet in the history of Barbadian economics. I am going to continue. 2.50 p.m.

During the 7 months to July, 1994 the increase in long-stay arrivals to Barbados 12.2% was surpassed only by Cayman Islands 20.4%, St. Lucia 13.6% and St. Maarten 12.7%. The Bahamas reported growth of 4.5% while Jamaica and Aruba were each up by 1.2%. This is the Democratic Labour Party. This is what we said would have happened in the Barbados economy and it happened. The Honourable Member was dealt that hand. Let me tell you the hand the Honourable Member was dealt in agriculture. The Honourable Member said he was dealt a hand. He might have casino gambling on his mind. I will tell you the hand that he received. I did not deal any hand nor did anybody here. The people of Barbados made these achievements.

Agriculture: The 1994 sugar crop yielded 51 800 tonnes, 7.1% more than the previous year. Consequently Barbados was able to satisfy its quota of 50 000 tonnes under the LOME Convention.

Manufacturing: A lot of comments have been made about manufacturing. We were told we had decimated the

manufacturing sector. Mr. Speaker, Sir, this Report was written during the term of office of the Barbados Labour Party. When I was Minister of Finance I never sent back any economic outlook to be rewritten. A strange thing has happened in recent times, Mr. Speaker. The most recent Central Bank economic outlook made the point that there is expected to be no growth in manufacturing in 1995, all of that despite what the Prime Minister did a few months ago in removing the concessions. But I understand that somebody has asked somebody to rewrite that section because it does not make sense. It makes perfect sense to me because we in the Democratic Labour Party said that those concessions were not what was standing between the performance of the manufacturing sector and its non performance.

We were told that the granting of those concessions would mean immediate creation of jobs and immediate growth in the manufacturing sector. I understand and I am repeating this, that the projections for the manufacturing sector are not positive. It flies in the face of the economic theory which the Honourable Member for St. Peter, who said he is not a legal scholar, has put before this House. All of his theories, those which he is competent to extol and those which he is not competent to extol appear not to be coming to fruition. But our theory about what would have happened had the people of Barbados accepted that 8% pay cut and the other measures proved itself correct.

Manufacturing: After 4 consecutive years of decline manufacturing output rose by 3.4% in the January to September period. This is the Central Bank. Because as I said, there is not a person in Barbados who has not been fooled by the Barbados Labour Party that the Democratic Labour Party completely decimated the manufacturing sector. There were no concessions when this growth was recorded. Concessions were given and, as I understand it, the most recent projections are that there will be no growth. Somebody has to explain that to me when that information becomes available. Somebody has to explain why technocrats who have the knowledge and ability are being asked to revise their projections and who is asking them to revise them. I am watching that situation carefully, Mr. Speaker.

Construction: Construction activity was estimated to have grown by 2.8% following an increase of 0.8% for the first 9 months of 1993. This increase was concentrated in the second and third quarters. Private sector activity was mainly concentrated in the rehabilitation of hotels and in the construction of new ones. This is private sector activity.

Mr. Speaker, Sir, the Honourable Prime Minister said today that he has had to offer concessions over and above those which existed before to stimulate refurbishment in hotels.

Aside.

Mr. D. J. H. THOMPSON: That was the impression I got. If I am wrong, I understood from what the Honourable Prime Minister and Minister of Finance was saying that he had quietly been offering concessions in the tourism sector over and above those which already exist for expansion of hotel plant. I do not mean to misquote anybody. There is no need to. The record is so clear there is no need to. If that is what he said and you agree I am repeating that. Why would he have to offer those concessions if on page 3 of the Economic Review already nearly every single major hotel in Barbados had already undertaken renovations. There were the new hotels on the West Coast. There was Grand Barbados Hotel which underwent renovations a couple of years ago. The are hotels right down the south coast which, under the Democratic Labour Party, underwent major renovations. There was Heywoods Hotel which underwent major renovations. What and to whom were these concessions offered? Because if the economic conditions were such that that level of construction was already taking place then what is happening is that the Honourable Prime Minister and Minister of Finance is fiddling where he does not need to fiddle. He needs to focus on the things that he promised. He said he would increase Old Age Pensions well increase them. He said he would find 30 000 jobs. Let us get the first 10 jobs going.

Aside.

Mr. D. J. H. THOMPSON: There were a whole set of things which he promised but he is dithering and fooling around where he does not need to make those kinds of changes and ignores the pledges which the Barbados Labour Party made to the electorate of Barbados. I am saying that all of the talk about laying quietly and secretly and without fanfare, laying the basis for all of this economic growth and sustainable development is just a lot of form. There is no such...

Aside.

Mr. SPEAKER: Order, please. Order.

Mr. D. J. H. THOMPSON: Mr. Speaker, on the issue of employment and prices, inflation as measured by the 12 months average of retail prices fell to - 0.5 at the end of September 1994, The projections for inflation in this coming year are that it would be higher than that.

Mr. SPEAKER: The Honourable Member for St. John...

Mr. D. J. H. THOMPSON: Yes, Mr. Speaker, Sir.

Mr. SPEAKER:... could we get back to the Bill before the House, please, or in some way connect what you are saying to the Bill before the House.

Mr. D. J. H. THOMPSON: Mr. Speaker, I am connecting it in this way. The Honourable Member for St. Peter, in the course of his presentation earlier in the House said that he has to play the hand that he was dealt. He did not say what that hand was. And therefore it is relevant to this debate to indicate to the public of Barbados what that hand was. I would not be long in doing it. I am only quoting two more paragraphs from this Economic Review.

Mr. SPEAKER: Is this still the same hand?

Mr. D. J. H. THOMPSON: Yes, Sir. This is the hand that was dealt.

The rate of unemployment was 22.8% during the third quarter of 1994 bringing the average rate for the first 9 months to 22.1% compared with 25.3% during the same period in 1993. Employment in the BIDC assisted manufacturing and services companies continued to increase rising from 13 406 persons at the end of September 1993 to 14 253 at the end of September 1991. I know this makes Honourable Members on that side uncomfortable and I know that is why they are trying to distract me and everybody else. But I have to read two more.

Aside.

Mr. SPEAKER: Order, order, please.

Mr. D. J. H. THOMPSON: The hand that was dealt to the Labour Party with respect to the financial sectors was as follows: Commercial banks liquidity was high for most of the 9 months under review rising rapidly in the first 6 months of 1994 because of strong economic performance and increased capital inflows. Savings deposits mainly held by private individuals rose by \$66.3 million. Mr. Speaker, Sir, that is the hand that was dealt. 3.00 p.m.

Mr. Speaker, the people of Barbados delivered this hand to the Prime Minister. This is the final point I want to make. For the third year in succession Barbados had a balance of payments surplus during the first nine months of the year. However, unlike 1992 when the surplus was mainly due to a contraction in imports, in 1994 it was primarily due to a 19.8% growth in earnings from export services, precisely what the Democratic Labour Party had predicted would happen in Barbados. The people of

Barbados dealt a hand to the Honourable Prime Minister which included growth in every sector of the Barbados economy, low inflation, buoyant foreign reserves and Mr. Speaker, the Honourable Member for St. Peter, in five short months shuffled around that hand so much that now we do not know the back of the cards from the front

The economy in Barbados is poised to grow at a much slower rate in 1995 and regrettably all of the aims and objectives which the Democratic Labour Party set about and predicted would have come to the fore ceased after the Barbados Labour Party assumed the reins of office.

Now we were told in the course of the debate on the Public Sector Emoluments Reduction Bill that the only thing that was standing between confidence in Barbados and growth and development was the then Prime Minister and that if he, by some act, were to disappear that all of a sudden the private sector in Barbados would bring in millions of dollars, investment would start moving again and the economy of Barbados would be on a self-sustaining position. Regrettably the only thing close to proving that point is not that this former Prime Minister is no longer Prime Minister, it is that the Honourable Member for St. Peter became Prime Minister and then every sector of the Barbados economy seems to be facing tremendous difficulties. But apparently the Democratic Labour Party is to be blamed. They are to take the praise, Mr. Speaker, Sir, over there for every good that has happened but every thing bad that has happened the Democratic Labour Party is to take responsibility for it

I have never seen that level of operation from the Labour Party before but I only entered the House in 1987 and therefore opposition politics are new to me.

Aside.

Mr. D. J. H. THOMPSON: Very new and I hope they will be short-lived. You do not have to worry about that.

Mr. Speaker, Sir, this report was delivered by the Central Bank during the office of the Barbados Labour Party. A glowing report of the Barbados economy and its achievements, flying in the face of every single prediction and statement made by any member of the Barbados Labour Party during the course of the election campaign, We made a pledge, if the people of Barbados, particularly the public servants will hold strain and will accept certain conditions that arising out of those things the Barbados economy will make a turn around and things will be brighter for the people of this country. They kept their end of the bargain, we kept our end of the bargain, Mr. Speaker, and therefore we have acquitted ourselves. The verdict of the Democratic Labour Party to end September 1994, based on the Central Bank, based on every independent observer, based on what the financial

institutions outside of Barbados were saying, is that an economy that was growing and developing was handed on a golden platter to the Honourable Member for St. Peter. He apparently did not recognise that it was performing in that way and everything that has been done since then, Mr. Speaker, has been to undo those achievements. Those are not achievements of the Democratic Labour Party alone, those achievements rest in the bosom of every single Barbadian who endured any kind of hardship during the period 1991 to 1994 and there are other people outside of this country who look on that model of a stabilisation programme which avoided devaluation of the Barbados dollar and which can see an economy, unprecedented in the Caribbean, recovering in such a short space of time as something to be emulated.

Now, Mr. Speaker, Sir, in the face of all of that we are hearing that our hopes and our prayers may not bring the results in 1995 which we thought the sacrifice would have wrought. I am very disappointed about that, but Mr. Speaker, Sir, the Honourable Member for St. Peter spoke in the budget debate in 1994 about this question of the pay cut and the incomes policy. I am not sure myself, Mr. Speaker, what his position is on this issue. On one occasion the Honourable Member for St. Peter stood up in this House and said he would support an incomes policy even if his colleagues were not going to support it so long as it was a genuine alternative to a devaluation of the Barbados dollar. So we put an incomes policy in place.

I hear people from the Trade Union movement and all over saying that the Honourable Prime Minister has extolled the virtues of that policy and has said the workers were at the centre of this adjustment. And yet in the course of this debate, Mr. Speaker, I got the impression that the Honourable Member for St. Peter is now saying that the incomes policy which the Democratic Labour Party put in place did not meet its objectives. So I really do not know what the Honourable Member for St. Peter is saying. On one hand he is telling the public, "wait until April and the Barbados Labour Party will put in place its economic programme"¹¹ out of one side of his mouth but out of the other side of his mouth, Mr. Speaker, the Prime Minister is telling us that he is working quietly where we cannot see him. He is quietly working, making all kinds of amendments and adjustments to facilitate investment. What I want to find out, Mr. Speaker, is this. Are the Barbados Labour Party economic policies in place now or not? Do we have to wait until April or is what is happening in Barbados now a direct result of his quietly working behind the scenes and doing his manoeuvring and his manipulation of the Barbados economy? Which is it? I believe that the measures which he has introduced are going to be the direct reason why the Barbados economy is not going to perform in the way intended in 1995, So, I am not sure, Mr. Speaker, what is happening, Are we waiting until April to see the

real Barbados Labour Party? What are we seeing now? Is this a leader who is allowing other people to do things for him for the time being and then he will do what he is supposed to do after April? What is happening? I need to understand because, Mr. Speaker, Sir, I cannot correlate those signals I am getting. I do not think there is anybody in Barbados who would understand them. Wait until April, but at the same time I am working quietly. I have my bag of tools fine tuning here, fine tuning there, and all of that is laying the basis for sustainable growth. I cannot unravel it and I do not think the people of Barbados can unravel it because, Mr. Speaker, it defies logic. It defies all economic argument. It defies management techniques. It defies everything. 3.10 p.m.

Thank you. I want to thank the Honourable Member for St. Joseph for that phrase - "It defies human understanding". So we made our promises and we kept them. Nobody can say in this debate or it cannot fall from the mouth of any Member in this House to say that the Democratic Labour Party did not achieve the goals which it set for the people of Barbados in 1995. Nobody is going to say it because it would be untruthful. It will fly in the face of the authentic figures.

Mr. Speaker, Sir, an election came along in September and we heard that things were bad, that there was a need for a charter for change bringing the tyranny of the Democratic Labour Party to an end, the Dems have deceived you, the number one job for the Barbados Labour Party is jobs and we had all of the palaver and glitz and glamour and the other two words that I was going to use, Mr. Speaker. But I feel that I should not use here...

Mr. SPEAKER: Do not use them.

Mr. D. J. H. THOMPSON: Only in deference to you, Mr. Speaker.

Mr. SPEAKER: The Honourable Member - Is this a new card?

Mr. D. J. H. THOMPSON: Mr. Speaker, this is to get to die Barbados Labour Party's Manifesto and what it promised in the election.

Mr. SPEAKER: But the Bill before the House, the Constitution Amendment Bill...

Mr. D. J. H. THOMPSON: It relates to what the Labour Party promised by way of amending the Constitution. That is what I am getting to.

Mr. SPEAKER: But we are not dealing with amending the Constitution *per se*. We are talking about the Constitution Amendment Bill.

Mr. D. J. H. THOMPSON: This relates to the protection of wages in the public sector which is what this is about.

Mr. SPEAKER: Proceed please.

Mr. D. J. H. THOMPSON: Precisely. So, Mr. Speaker, now I want to get to what the Barbados Labour Party promised in its Manifesto. But before I get there, I have to pause for a minute to be directly relevant and to respond to some of the points made by the Honourable Member for St. Peter in relation to the Privy Council's decision.

Aside.

Mr. D. J. H. THOMPSON: You are not dictating my pace from out there. You will be here all night tonight.

Mr. SPEAKER: The Honourable Member for St. John address the Chair and continue please.

Mr. D. J. H. THOMPSON: We are paid in this House, Sir, to do a job and we are going to do it regardless. If it takes all night tonight, Members of the Opposition will be putting their case on this exercise in glitz and glamour.

Mr. Speaker, the Honourable Prime Minister said that the object of this amendment was to remove from the statute books of Barbados the power to reduce public sector wages and, at the prompting of the Attorney General, he added in the words "by ordinary law" and he is quite right to do so. That is how I detected who wrote the brief, Mr. Speaker.

Aside.

Mr. D. J. H. THOMPSON: I said that I detected and, if you want to correct me, correct me if you did not write the brief. I thought that the Attorney General advised the Prime Minister on matters of law. But if it has changed I will take my seat. So we are dealing with Section 112. We have had the brilliant advice of the Honourable Attorney General. What the Honourable Prime Minister distilled from his advice was this. That the Labour Party is keeping the existing language of Section 112 and adding to that Section those who were affected by the pay cuts.

Mr. Speaker, Sir, we must be precise in this debate. It is a legal debate as well, but I am not going to get sidetracked by the legalism. Because I have already said that I would accept the Prime Minister's word if he said that he was not going to reduce public sector wages. But what does Section 112 say?

"The salary and allowances payable to the holder of any office to which this section applies and his other terms of service shall not be altered to his disadvantage after his appointment and for the purposes of this subsection in so far as the terms of service of any person depend on the option of that person the terms for which he opts shall be taken to mean more advantageous to him than any other terms for which he might have opted."

Let us assume that an office holder had...

Mr. SPEAKER: The Honourable Member for St. John
- What was the section?

Mr. D. J. H. THOMPSON: Section 112(3). Let us assume that the holder of an office had a fixed salary and allowances and other terms and conditions. It is saying that these shall not be altered to his disadvantage except that if he opts to take a term which on the face of it does not appear to be advantageous or rather appears to be disadvantageous that it shall be taken that he has opted for more advantageous terms. That is my understanding of this section.

When I read Section 112, we are told that we are keeping the exact language. What does Section 112A say? It has nothing to do with options and other terms and conditions of service. Section 112A deals exclusively with the salaries and allowances payable to the holders of offices established under the Civil Establishment Act and the Defence Act shall not be altered to their disadvantage. That is not the existing language. That is new language. I am saying, Sir, that the Prime Minister said that we are keeping the existing language and adding those effected by the cut. If we were keeping the existing language, we would not need a Section 112A. What we would need, Mr. Speaker, is simply to amend Subsection 4 which very clearly sets out the offices to which Section 112, subsection 3 applies. If he wanted to give a maid the same terms and conditions as the Governor-General and a judge, he only has to add maid, gardener, sanitation worker and worker at the Caribbean Broadcasting Corporation. If he wants to give those people the same rights under the existing law, well bring them under that law. There is no need to bring a new section to confuse the issue and a section which defies, in my view, an explanation.

The reason why it defies explanation is this. What the Honourable Prime Minister sought to do, and his brief was inadequate, was to take a comment I do not wish to make a distinction between what is said by a judge or in a judgment as *obiter dictum* as distinct from *ratio decidendi*. He needs to be given some rudimentary training in how to read a judgment. Because the Privy Council was not asked to determine how the law should be amended in Barbados to give effect to rights which new categories of public

officers should have. The Privy Council determined a specific question. That question is very, very clear. There is no doubt about what the Privy Council was considering, Mr. Speaker. The issue was whether the Government had the power to reduce the salaries of those persons who held scheduled offices under the Civil Establishment Act So you cannot take or distill from an opinion of the Privy Council comments made over time which do not in that sense bind a Court nor do they bind us. This is the reasoning, Mr. Speaker. That is not the decision and we are bound by the actual decision.

Now I wish to say, Mr. Speaker, that had the Honourable Member for St Thomas delivered the opening presentation perhaps the confusion would not have been apparent. But the Honourable Member for St. Peter should not take on tasks which are too difficult for him at such an early stage in his career as Prime Minister. A Prime Minister is not all things to all men. It will never be. I must say for the Honourable Member for St. Michael South who does have knowledge of the law from his long period as a legislator in here, he always took advice from his Attorneys-General and those who were acting. Even when I was acting as a young Attorney-General, he took the advice.

Aside.

Mr. D. J. H. THOMPSON: That is true. I only have this to say, Mr. Speaker, that if he was misguided, what explains what the Honourable Member said in here today? Was he misguided too? Is he mixed up or does he not understand? The point that I am making, Sir, is that you do not have to hide behind the Privy Council. Do what is in the interest of the people of Barbados. Do what you promised. 3.20 p.m.

Even if you do not bring legislation I would be willing to accept, because it is a new Government, the word of the Barbados Labour Party that until the Constitution Commission has met it will not attempt to reduce public sector wages. I will not accept your word on devaluation, like the Honourable Member for St. Peter likes to throw that in my face, but time is longer than twine and when the relevant information becomes available to the public of Barbados....

Aside.

Mr. D. J. H. THOMPSON: All right. I am not issuing any of those kinds of threats, I said publicly what the Honourable Member said to the International Monetary Fund. I have never accused any Opposition Party of entering into any secret agreement, I said the Honourable Member for St Peter went to dinner, or lunch, in Washington and that he said certain things to the international agencies. One of the things he said....

Mr. SPEAKER: The Honourable Member for St. John, I am not going to let you continue along that line.

Mr. D. J. H. THOMPSON: But, Mr. Speaker, the Honourable Member raised it in his presentation.

Mr. SPEAKER: The Honourable Member, could you relate what you are saying to the Constitution (Amendment) Bill before the House?

Mr. D. J. H. THOMPSON: Mr. Speaker, comments were made about my credibility on the issue of what I said about the Honourable Member going to Washington. I always thought in the course of debate that you were entitled to respond to those issues that were raised.

Mr. SPEAKER: Yes, you can respond. Of course because you respond it does not mean that I have to give you all the possible latitude.

Mr. D. J. H. THOMPSON: Fair enough. Well, I rest it there. These rules I will have to become accustomed to, because this is not the way that I have debated in the past, Mr. Speaker, but I will abide any ruling that you make.

Mr. SPEAKER: You have had a lot of latitude. Maybe that is not the way you are accustomed debating, because you have had a lot of latitude already. Just continue, please.

Mr. D. J. H. THOMPSON: The point is, Mr. Speaker, that my position would be that I would be willing on this issue to accept the word of the Honourable Member for St. Peter. He did not have to bring any interim amendment. This is what he termed it, not in those words: an amendment until the Constitution Commission meets and can determine what amendments to the existing constitutional provisions need to be made. I would have accepted his word and I believe that any Government, four months after it is elected, if the people of Barbados cannot accept that Government's word on an issue as important as this, something is wrong. That means that this amendment has its genesis somewhere else. I do not know what it is, somebody does not trust somebody else and therefore this amendment is to circumscribe the actions of somebody. I do not know who it is and I am very worried about it, Mr. Speaker, because if I had to bring a half-baked amendment to the House four months after I was elected....

Mr. SPEAKER: The Honourable Member for St. John, once again I will ask you please. "Half-baked" is not....

Mr. D. J. H. THOMPSON: A badly drafted amendment. If I had to bring a terribly drafted amendment to the House, one that is not acceptable to the most

knowledgeable lawyers or anybody else, if I had to bring that within four months of being elected as some kind of window dressing until a constitutional commission could meet, I would have, as a Prime Minister, to be worried. First of all, I would be worried that I have to do it at all in such a short space of time, because it means that I would feel that the people do not trust me enough and therefore I must bring legislation to establish the position that I am not going to do something which I already said I am not going to do. That worries me, Mr. Speaker.

The second point is that it is an amendment which has not been given wide circulation and therefore even the people who are to benefit from it, many of them seem to want it spelt out. Only today members of the Trade Union Movement have made it clear that they are waiting for what the Honourable Prime Minister says in the House, and there is nothing that the Honourable Prime Minister has said except that this is some window dressing until he can get to the issue of the Constitution at a later date. That is all that has been said.

Aside.

Mr. D. J. H. THOMPSON: Well, that is my interpretation of what the Honourable Prime Minister has said. Mr. Speaker, what the Prime Minister essentially said is that this is being put in place until a fuller consideration can be had to the constitutional amendments. I describe that as window dressing, but apparently the Honourable Member for the City does not like that epithet. She has problems with those kinds of words.

Mr. Speaker, at the end of the day those persons listed in Section 112(4) still enjoy more rights than anybody who is going to be affected by this amendment, and that cannot be challenged, Mr. Speaker.

Aside.

Mr. D. J. H. THOMPSON: Well, I am saying to you that I am following the brief which the Honourable Prime Minister read and he said we are keeping the existing language and adding those affected by the cuts.

Mr. Speaker, Sir, essentially what has happened is that you have a scenario where a judgement of the Privy Council is being used as if it is one of the Ten Commandments handed down from Mount Sinai, and the Honourable Member for St. Peter said he is bound by the Privy Council. I am going to send him a couple of decisions. I want him to read them carefully and to get the best legal advice and tell me if he will be bound by them in any actions which he will take on behalf of the people who live in a sovereign country called Barbados, in which we have bright legal people, sensible public officers

who do not need any lectures from outside of Barbados on how to conduct their political affairs. This is not a legal issue as much as it is a political issue. The reason why it is a political issue is because the Manifesto of the Barbados Labour Party, which I have previously made a document of this House - the Prime Minister promised to lay it and has not yet done so, I merely made it a document of the House - that Manifesto under the heading "Protection of Wages in the Public Sector" says as follows: I have to read it, Mr. Speaker, because there was absolutely no intention by the Barbados Labour Party to lay it as a document, and they do not even seem to want to read it themselves, because the Honourable Prime Minister proceeded to debate this issue and it was near the end that he remembered there is something called a Manifesto. The first course of political action which a political party should take when it is elected to office is to adhere to its Manifesto, as I understood it from the Labour Party.

Asides.

Mr. D. J. H. THOMPSON: I understood you all to be saying so all the time. That was your argument. Mr. Speaker, that has been thrown through the window as well. All of them have subscribed to a situation in here where what was promised in the Charter for Change is now meaningless. So, Mr. Speaker, listen to the lofty language of the Barbados Labour Party. I do not know who wrote this, but I must say it is typical Labour Party stuff.

"The Barbados Labour Party totally rejects the heresy that Government ought to have, either now or at any time in the future, the legal right to reduce the salaries and wages of its employees."

First point, "...the heresy that Government ought to have, either now or at any time in the future, the legal right to reduce the salaries and wages of its employees." Government employees. I want the people of Barbados to bear that in mind. Government employees.

"The salaries and wages of these employees..."

these Government employees,

"...deserve the same protection as that enjoyed by the salaries and wages of their counterparts in the private sector."

Mr. Speaker, I am not sure what that means and I do not know if there is anybody out there who can tell me what it is that workers in the private sector enjoy as 'incidents of those contracts that people in the Government Service do not enjoy, but this is Labour Party legalese, Mr. Speaker.

"Section 26 of the Constitution saves all laws in existence at Independence Day 1966."

Its existence caused workers' rights to be decimated by an exploitative Government because of the protection it gave to the pre-Independence statute under which the outgoing DLP Government took away increments and reduced salaries and wages by eight per cent." 3.30 p.m.

"We will repeal both Section 26 of the Constitution and the offensive pre-Independence statutes." Pledge No. 1.

"For the protection of public sector wages and for the proper definition of relationships between employer and employee, we will enact a new Public Service Act and new General Orders. Never again in this country will it be possible for a Government to reduce the earnings of its employees without their permission."

Now, Mr. Speaker, Sir, when the Honourable Member for St. Peter spoke, he made the point that the Government is moving from the Statute Book of Barbados power to reduce public sector wages by ordinary law. When I read this, "without permission" as against the word...

Aside.

Mr. D. J. H. THOMPSON: That is why I am so worried about the word in the Act "disadvantage" because if the Barbados Labour Party's manifesto... Part of its social contract with the people is that one assumes that, given such permission, it would be possible for Government to reduce the earnings of its employees. It would be very simple for a Barbados Labour Party Government to seek the permission of public officers on the basis that the action which it is taking is not disadvantageous, and if the long-term interest of the country is served by a temporary reduction in public sector wages with the permission of public sector employees then, Mr. Speaker, Sir, what is all of this palaver about? All that has happened here is that the law has been amended and what is the result of the amendment is the law is as it stands essentially for Barbados now.

The Democratic Labour Party took the position that its job was to convince public workers that it was in their long-term advantage to take an 8% pay cut and Mr. Speaker, they voted on the issue. They gave permission.

Now, Mr. Speaker, that is why when the word "hoax" is used, and I don't mean to be unparliamentary, I am using it merely to describe what we see as the connection between the Barbados Labour Party's manifesto and this loosely worded amendment which we cannot

comprehend. There are a lot of people out there who do not understand it. They have not read it yet. It has been concealed from them and I am saying there is a conspiracy.

Hon. D. A. C. SIMMONS: On a point of order, Sir. Mr Speaker, this Bill was published in the *Official Gazette* on January 17. It has been therefore been in the public domain and available to the public since January 18.

Mr. D. J. H. THOMPSON: Thank you very much. I was most grateful to hear that, Mr. Speaker. I withdraw it. That is as it has always been. If a Bill is put on the Order Paper, or it is published in the *Official Gazette*, it is available to the public. But I always thought that one of the major concerns of the Barbados Labour Party was that that method of consultation with the people was inadequate so that they came to the argument - I hope I can find it somewhere here in this manifesto - that in future - page 43. This is the one that was in the newspaper. I never got a copy of the manifesto.

Aside.

Mr. D. J. H. THOMPSON: I agree with that. This Bill was never sent out to interest groups before it had its First Reading in Parliament. I am saying that categorically. It has not been sent out to interest groups before its first reading in Parliament and the people of Barbados have not been in the habit of using information contained in the *Official Gazette* as a means of analysing what is happening and therefore there is a deficiency. It is my job as a member of the Opposition to bring these deficiencies to the light of the public and that is all we sought to do. We were excoriated in here by the Prime Minister because we took a position on an issue and, as a result of the position the Democratic Labour Party took, people are now having second thoughts about the efficacy of this amendment. So what they are saying is that they are going to wait to hear what the Prime Minister's position is.

Now, if this is so important, so significant, then the policy which was outlined on page 43... The Barbados Labour Party said that important pieces of legislation would be circulated to interest groups. The Honourable Member says that I am correct so I don't even need to go any further but if somebody finds it, it can be read in the course of the debate.

Why was this Bill not circulated? What did the Barbados Labour Party have to hide in respect of this particular matter? The breach of that pledge... Listen to it, Mr. Speaker, Sir. Page 44. This is the very last pledge so it should be stuck in everybody's memory, particularly those who are not as alert as they once were when it was the Great Combination, and there are many like that, Mr. Speaker. Page 44.

"We will circulate drafts of major legislation to all political parties, to interest groups and interested members of the public to facilitate discussion and comment prior to their introduction into Parliament."

That is what I am complaining about. I am very grateful to the Honourable Attorney General for pointing out that yes, it was published in the *Official Gazette*, but it has not had that wide circulation which is critical to inform public discussion. That is why there are commentators writing articles every day in the newspaper giving the impression that the Government is in fact amending or repealing section 26 because they don't know what the Government is doing.

In fact, when the Honourable Prime Minister had finished, I was not sure what the Government is doing. I really was not entirely sure. That Mr. Speaker, is another one of those major pledges thrown through the window. So let us go on. The manifesto is being ignored entirely.

Repeal of section 26. Where is that? Well, we say that is to wait for a Constitution Commission.

"Never again in this country will it be possible for a Government to reduce the earnings of its employees without their permission."

Now if that is the pledge of the Barbados Labour Party, I want to know whether that pledge and this piece of legislation are consonant. If that pledge means and if the Barbados Labour Party continues to hold the view that the permission of public servants would be a condition precedent to reducing public sector wages, that may be why the word "advantageous" has been used. That is all we are trying to say.

If that is so, it means nothing has changed because we sought the permission. We obtained it, and we reduced public sector wages. If this amendment means, as the Barbados Labour Party, as I understand it, is saying, it should mean in its manifesto, that you can reduce earnings of employees with their permission, then what has changed? So the debate, as the Prime Minister characterised it, has nothing to do with the Privy Council. It is nothing to do with all this simplistic position that this is what this debate is about. It has nothing to do with that. It has something to do with explaining to the public of Barbados what this loosely drafted piece of legislation is all about.

Where does a public officer stand after? We cannot accept the Prime Minister's word for it. He said that he is giving them rights which other people under section 112 have, but that is not so. He has made a number of other statements in the course of the debate which by

this very analysis fall to the ground so what reasoning is going to be applied to this exercise to prove the point?
3.40 p.m.

It is our job as an Opposition to raise these concerns and I hope the Barbados Labour Party will heed them. I want to know where the new Public Service Act will be then and the new General Orders? Why could this not wait? We would have been willing to accept the Prime Minister's word for it. He said that his credibility is intact, that it is the Leader of the Opposition's credibility that is in doubt in Barbados, so why cannot he use his moral authority to tell the unions, "fellows, I am not going to reduce your wages. Let us start to talk." Something has to be wrong. It means that the moral authority of the office of Prime Minister in this country now has to be circumscribed by legislation. That if you want to believe a Prime Minister, he has to make a law. This is the corner which the Labour Party has painted itself into on this issue.

I do not wish ever to feel that a Prime Minister of this country, elected with a mandate to govern like the Barbados Labour Party, should feel that his own words would not be sufficient. That is why this is not a legal debate. This debate has greater significance. There is somebody somewhere behind the Prime Minister who is making him bring legislation to this House to make his own words into law because they obviously do not accept his word for what it is. This is the first time in the history of Barbados that this has happened. I am concerned about that because I have known the Honourable Member for St. Peter for a long time. We have had many bruising battles but I do not wish it to be said of him that he let the office of Prime Minister be so pushed around, pilloried and decimated by forces next to, around him and behind him...

Aside.

Mr. D. J. H. THOMPSON: I am talking about you, if you want to know who I am talking about.

Mr. SPEAKER: Okay, please, just continue to address the Chair, please. Are you, the Honourable Member for St. John, if I may ask you a question please...

Aside.

Mr. SPEAKER: Order, please. Are you imputing improper motives to the Prime Minister?

Mr. D. J. H. THOMPSON: Not at all. I am imputing improper motives, Mr. Speaker, to the persons who may not be genuine in their advice and I am not referring to anybody that I know of because I do not know who they are. I am imputing improper motives to them because I

think that they do not need to make a Prime Minister bring legislation to this House four months after he is elected which does not alter the status quo in any way but all it seeks to do is to convert his word into law as if the moral authority of the office is not sufficient.

Mr. H. deB. FORDE: On a point of order, Sir. Your Honour has asked the Honourable Member if he is imputing dishonourable motives to anyone. The point I want to make as a point of order is he has suggested that the Prime Minister has brought the legislation to this House, not because he is doing it in the public's interest but because there is somebody who has a nefarious intent and has persuaded the Prime Minister to bring it. I submit that if it was said outside the House it would be libellous as well. I make that submission very seriously.

The second point of order. The Honourable Member has repeated himself about 10 times on the same point about no moral authority. He does not want the office of the Prime Minister. If the debate is to have any significance and interest, the Honourable Member should either not repeat himself and get on with it or make a new point.

Mr. D. J. H. THOMPSON: Mr. Speaker, if any improper motives have been imputed to anybody who I know of, or has offered advice to the Prime Minister in this matter, I withdraw.

Aside.

Mr. D. J. H. THOMPSON: The Prime Minister? Oh no. I do not impute improper motives to him.

Mr. SPEAKER: Let us proceed, please.

Mr. D. J. H. THOMPSON: And if the Honourable Member did not fire himself as a leader...

Mr. SPEAKER: Let us proceed with the debate, please.

Mr. D. J. H. THOMPSON: History repeats itself because I have heard the Honourable Member for Christ Church West with those fulminations before and the people of Barbados should pay no attention to him nor anything he says.

Mr. SPEAKER: Proceed with the debate, please.

Mr. D. J. H. THOMPSON: Mr. Speaker, what do Government employees get after this section 112A is passed? Who benefits? As I understand it, the Honourable Prime Minister said, scheduled officers under the Civil Establishment Act - well, he did not say scheduled officers - those which are covered by the Civil Establishment

Act and those covered by the Defence Act. But that still means that there are a large number of people in the Public Service, particularly those in unestablished posts, who would not be covered by this legislation. Similarly, and in that regard, I want to find out why that distinction is being made because when...

Hon. D. A. C. SIMMONS: On a point of order, Sir. I hate to interrupt the Honourable Member and I would just say at this time free from any rancour or anger that I am sure that the Honourable Member has forgotten to read section 117 (7)(c) and (e) of the Constitution otherwise he would know what is meant by Public Service within the context of the Constitution. It has a specific definition.

Mr. D. J. H. THOMPSON: Mr. Speaker, all that the Honourable Member is telling us is what the Prime Minister should have told us in his introduction, that it covers all of those categories of public officers including those, as I understand it - and I am not taking anybody's word for it, I will get to that point - who are in unestablished posts. But there is an even wider category of public officer or persons who are employees of Government and those are persons employed in statutory corporations.

I want to find out if the Honourable Prime Minister says that the issue as to their reduction of emoluments is presently before the High Court can bring all of that to an end tomorrow. He can bring that entire case to an end. He can tell the litigants that the Government of Barbados is directing the Central Bank or any of the other statutory corporations to pay them the money which was sequestered. That is all, and he can bring that to an end. But not even that decision can the Honourable Prime Minister make. He is waiting for the Courts to make a decision on the matter.

When that decision is made by the courts, he may still have to pay back the money or he may not; but if it is such a high legal principle, in my view, the Prime Minister can bring the entire debate to an end by paying those persons the money which the Democratic Labour Party, according to them, illegally deducted from their pay packets. Bring the matter to an end. Let us not have this window dressing. Let us not pretend that we are adhering to some principle and when one looks behind the principle there is some kind of strange analysis being brought to bear on the issue. Let us bring it to an end. Let us save all the problems with the courts.

If the Dems were wrong, let the Labour Party pay back those persons. Do not let it rest to be determined by

the court. But even before the court has determined it, the Honourable Prime Minister tells this House that he has been advised that there is no law which permits the reduction of those wages. So if there was no law which permitted the reduction, there is even more reason why he should pay back those persons the money which was deducted from their wages. Anything less than that, Mr. Speaker, is ineffective.

It is a scenario which nobody in Barbados could comprehend that you could come to this Chamber and say (a) the Government did not have the power then, and (b) the matter is before the courts. Well bring all of that to an end. Settle the case. Pay the people the money that is due to them. Adhere to your high moral ground and your high moral principles. If you do that the case would come to an abrupt end and there would be no further debate on the issue. That is one of the other reasons why we cannot accept that this amendment, on the face of it, is as clear cut, either in its intent or in the way it was brought before this Chamber, as the Honourable Prime Minister tries to make out, and I am not finished. I have a lot more to say on this.

Aside.

Mr. D. J. H. THOMPSON: They can all leave if they want to because I am talking to His Honour the Speaker and the people of Barbados on this subject 3.50 p.m.

Mr. Speaker, Sir, as we said already if the words "shall not be altered to their advantage" are left in this section then nothing has changed. Those who agreed in 1991 to the reduction in their wages would have agreed on the basis that it was for the country's advantage and hence to their advantage. If Government has the task of making laws for the good of the country, then who is it that determines when something is to a public officer's advantage? Is it the public officer himself? Is it the Minister of Finance? Is it the Minister of the Civil Service? Is it the Permanent Secretary in the department? Is it Parliament? Who determines, at the end of the day, when a situation is more advantageous or disadvantageous to a public officer?

When it comes to the judges, they are covered. The section makes it clear what happens if they opt for a condition which appears to be less advantageous. There is nothing in this section which makes it clear what happens in respect of public officers? The existing language is not being kept at all. This is a totally new section open for the widest possible consideration by the Privy Council or any other institution.

Mr. Speaker, Sir, what do the words "never again" mean in the Manifesto? What do the words "never again" mean in the Manifesto?" What does "without their permission" mean? These are the questions I need to ask. We need to ask again, as an Opposition, what is wrong with the word "reduced"? Has the word "reduced" suddenly assumed a new significance, unknown to us in Barbados? Is it beyond the reasoning of judges and reasonable men on the Rendezvous bus or the Society bus or the College Savannah bus or the Ivy bus or the Pine bus or the Waterford bus the Bush Hall bus? Has the word "reduced" changed its meaning? When we say reduced on a bus to the average citizen, do they not understand what the word reduced means? Do we not have a concept? We also understand what advantage means. It means in a superior position or better position. If in the long-term you are in a better position then the word advantage can be manipulated to give effect to a short-term disadvantage. Mr. Speaker Sir, the Government needs to explain that and they need to bring in their legal luminaries because the Labour Party has a very funny habit of bringing Constitutional legislation. Anyhow I am not dealing with that. I will leave others to deal with that. I know what happens over there. They pass a lot of legislation...

Mr. SPEAKER: Let us proceed.

Mr. D. J. H. THOMPSON: Does the Labour Party's Manifesto mean anything now, Mr. Speaker? Because this would have been the umpteenth disappointment visited on the people of Barbados. A mandate, which as I said was squandered in record time. This week you have Minister of Government being chased out of communities. Four months after an election. There is nowhere in the world, unless that election was by the bullet and not the ballot. The way people are running out. Some have even run out of the House today.

Aside.

Mr. SPEAKER: Order, please.

Mr. H. deB. FORDE: Again on a point of order, There must be some rules of debate. The Honourable Member is not only straying from the purpose of the subject before this House but he is also scurrilously saying that Members have been run out of the House. In my submission, it is an improper way of speaking in the House.

Mr. SPEAKER: The Honourable Member...

Mr. H. deB. FORDE: Mr. Speaker, Sir, I have risen on a point of order.

Aside.

Mr. SPEAKER: The Honourable Member please do not impute improper motives to any of the actions of the... I would ask you to withdraw.

Mr. D. J. H. THOMPSON: I withdraw, Mr. Speaker. I know the cameras do not span the House.

Mr. SPEAKER: Okay, let us continue, please. Hon.

Miss H. E. THOMPSON: Mr. Speaker, Sir,...

Mr. SPEAKER: On what do you rise?

Hon. Miss H. E. THOMPSON: I wish to rise on a point of order. The Honourable Member for St. John was, a few minutes ago, alluding to me as he spoke. He talked about Ministers being run out of communities.

Mr. Speaker, I wish to have the record of this House put straight that no Minister of this Administration has been run out of any community of this country and that in fact,...

Mr. SPEAKER: Your point has been made.

Mr. D. J. H. THOMPSON: Mr. Speaker, let her come and try to put a dump and you would see how fast she would be run out...

Mr. SPEAKER: The Honourable Member for St. John, please.

Mr. D. J. H. THOMPSON:,,of that constituency.

Mr. SPEAKER: The Honourable Member for St. John, you are out of order, The Honourable Member for St. John...

Asides.

Mr. SPEAKER: Order, please, The Honourable Member for St. John,

Mr. D. J. H. THOMPSON: Yes, Mr. Speaker.

Mr. SPEAKER: Could we continue, please and address the Bill that is before the House.

Mr. D. J. H. THOMPSON; I will continue, Sir. I am seeking to say, Mr. Speaker, Sir, that what therefore is now being put before this House does not constitute the mandate of the Barbados Labour Party and that therefore one is

not surprised because it follows on a series of actions taken by this Government which have nothing to do with anything that they put before the people of Barbados. A number of decisions are being made which have nothing to do with the Manifesto of the Barbados Labour Party, nothing to do with the pledges, nothing to do with the issues which were canvassed on the political platform and, at the end of the day, there is no wonder that the public of Barbados is already tired and dissatisfied with this scenario which is emerging before them in such a short space of time. I would not even talk about Ministers being at warfare with each other. I am not even going in...

Mr. SPEAKER: The Honourable Member for St. John, I have suggested to you time and time again that you need to address the Bill before the House.

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, public servants are being short-changed by this Amendment. What concerns me and should be of concern to Barbadians is that the same vehemence with which people took positions when public sector wages were originally reduced in 1991 should be a factor which should engage or should be influential in the manner in which they examined this Amendment which is before the House.

There were all zealous to take up their cause against the Democratic Labour Party. Defenders of the Constitution writing every week in the newspaper talking about tyranny and about the Constitution and all kinds of scenarios. Government should be brought down. Fifty thousand people were on the street. The country should be shut down. They are not even interested in this Amendment. There are people who are deathly silent in the face of an Amendment which is purported to reverse something which they held so dear and which was so important to them in 1991, which would have caused them, even though they were not public workers, to take to the streets in solidarity with the public officers. They are nowhere to be found at this time. They have not even bestirred themselves or their intellects to check this legislation. All of those talk show hosts who were reading up the law and bringing on commentators from the University down to *Voice of Barbados* to talk about legal issues and the ramifications and if the Government should fall and what the Privy Council would decide have not bestirred themselves in the slightest to see what this Amendment is about.

I do not think this country needs to wait on a Prime Minister to define the parameters of legislation. When the Honourable Prime Minister is long gone that legislation would still be on the Statute Book. It is something that affects the citizens of Barbados. There is nobody in Barbados who must accept a definition or an interpretation of any legislation based on anything, any individual in this Chamber says. They are entitled to have independent views

and there should be contending views on it. I want to know what these people are saying about this Amendment. 4.00 p.m.

The freedom fighters, the labour agitators - and I do not mean the Labour Union leaders - those who were agitating and there were vocal public officers. Mr. Speaker, Sir, there is no commentary at all. This legislation but for the intervention of the Democratic Labour Party last Thursday, would have passed like a thief in the night and the public officers would have woken up tomorrow morning feeling that no Government could ever again cut their wages when at the end of the day this amendment gives them no such right. In fact this amendment puts in writing essentially what happened in 1991.

Therefore, Mr. Speaker, I hope that people are watching carefully. Most of us are young people over here and we have a duty ...

Aside.

Mr. D. J. H. THOMPSON: All of us are young. Everybody here, except for one Member, and I am certainly not referring to him. I did not look behind me at that point. We are all young men. We are interested in the future of Barbados. We do not take this position out of any cheap desire to take pot shots at the Government. Our position has been consistent. We did what we did in 1991. This is the position in 1994 and the reason why we did it and do not have to even contemplate whether it would be done again is because a Government which is working in the interest of the economic advancement of Barbadians would have put in place the kind of economic measures which would never again make it even a consideration that public sector wages should have been reduced. And that is precisely the point the Democratic Labour Party made that after we have finished our economic engineering that the measures that we put in place by restructuring the Barbados economy would have been so successful, as they eventually were by the end of September, that it would not be necessary again in the future to consider reducing public sector wages.

That is the best guarantee that there would never again arise an occasion in Barbados. But because of the economic course which the Honourable Member for St. Peter is charting for this country we may very well have to be considering anything as an option. We have to be very, very careful and therefore, Mr. Speaker, I do not know what it is that has prompted this particular amendment. So when somebody in this debate asks the question, what would the Democratic Labour Party do, that is a misguided question. It is what we have already done. We took action. We reformed the economy and the economy was

growing at 4%. If it continued on that growth path. The question of reducing public sector wages would never arise in Barbados again. And we commit ourselves as a political party to pursuing those kinds of economic policies which would ensure that it never becomes necessary as long as a Democratic Labour Party Government is in office and hopefully not if there is any other Government in office for public sector wages to be cut. Because politicians do not look at cutting public sector wages as a first option. It would be madness of any economist not to do the other things that are necessary and feel that simply by cutting public sector wages we have solved an economic problem.

Therefore, Mr. Speaker, we do not have to address our minds, as a party, to what the Democratic Labour Party would do. We know what the Democratic Labour Party did in the interest of the people of Barbados and that is where we rest our case on that point.

Mr. Speaker, what you need to recognise, and we forget it often, is that the action which the Democratic Labour Party took was against a background of an economic environment which was hostile to small countries like ours and that this country had not undertaken the reform from as far back as the 1980s when the Honourable Member for Christ Church South in his previous incarnation went to Bahamas and discussed with other Caribbean Leaders that structural adjustment was necessary in the Caribbean and then very little was done in Barbados to affect the terms of that structural adjustment. So that everything bottle-necked and became open and susceptible to change and restructuring by 1991. We rest our case on that.

So, Mr. Speaker, Sir, if the Barbados Labour Party is interested in public officers this amendment would not be necessary. What we need is a law against victimisation for public officers. That is one of the terms and conditions of service because all kinds of threats have been issued at public officers in this Chamber and outside about getting rid of the whole lot of them.

Mr. SPEAKER: The Honourable Member for St. John you know I am not going to allow you to go down that line.

Mr. D. J. H. THOMPSON: Let me change my tack then, Mr. Speaker, and say to you that we would be very happy in the opposition if attempts were made by the Government in considering amendments to the Constitution to protect public officers from victimisation upon the change of a Government. That is an important term and condition of service. That is critical because we have a lot of scenarios, Mr. Speaker, which concern us. Pay cuts are described as if pay cuts mean that you deduct 10% of somebody's wages but you can effectively cut somebody's pay by putting them on short time or shorter work weeks.

Now, I want to know if what the Prime Minister is saying this amendment does, because they cannot put Judges on short week and they cannot put Her Excellency or any of the other officers in section 112(4) on any short week. They cannot put them on four-day week but they could put a maid on four-day week. They could still put NCC workers on four-day week and now they have been put on three-day week. That is a cut in public sector emoluments, Mr. Speaker, and is something that we would be very happy about, if the Barbados Labour Party was to bring legislation which would outlaw them if they are so committed to these principles, those kinds of cuts.

Mr. Speaker, Sir, if we are giving other public employees the same right as the Governor-General, Judges, the Director of Public Prosecutions, the Auditor General, appointed Members of the Judicial and Legal Service Commission and Members of the Public Service Commission and the Police Service Commission, let us give them all of those rights.

This amendment still distinguishes between a maid and a judge. It still distinguishes between a general worker and the Director of Public Prosecutions. If you are interested, as you say you are, in ensuring that every citizen is treated equally under the law and that you are giving rights which are the same to all of these office holders, well let us abolish those distinctions. Let us not have a situation where one category of worker at the bottom can be sent on two-day week and half pay and all kinds of other things, whereas there are other categories of citizens in this country holding offices which the Constitution protects.

Mr. Speaker, Sir, that is the logical conclusion which one has to reach from both the interpretation which the Honourable Prime Minister has put on the Privy Council case and it is also the logical conclusion which one would have to reach from any statement which says, and the Prime Minister said it in the course of his address, that we are keeping the existing language and adding those affected by the cuts. 4.10 p.m.

So I want the trade union movement to read the brief, or if they have access to what the Prime Minister said in this debate, to be very careful about what they understand it to mean. The Labour Party has said that it is giving those categories of workers the same rights as persons presently covered by Section 112.1 am calling on them to give them all of those rights, not some, all. If not, I would be hypocritical. I would be a hypocrite, a monumental hypocrite if I supported this piece of legislation. I can only speak for myself because I determine my morality and I do not speak for anybody who wishes to support it. I

talk about me. In fact, I am going to talk about the Opposition. Any Member in this Opposition who sought to support this amendment would be practising monumental hypocrisy. We cannot support it and we cannot support it because it is a pretense if it is couched in those words and yet the effect of the amendment does not achieve those ends. We are not standing for that, Mr. Speaker, not inside of here.

We also want, Mr. Speaker, for legislation which protects this concept which the Barbados Labour Party said that it agreed to. I can only describe it as last out first in. A lot of people were laid off along with the 8 per cent cut. A lot of little people in Barbados working in MTW, the National Conservation Commission and a whole range of other public sector employees were laid off. I say that, Mr. Speaker.

Aside.

Mr. D. J. H. THOMPSON: I represent a working class constituency and a lot of my own constituents were laid off. Now if the Government says that it is going to practise these positive labour relations with the public sector, then we also want legislated a principle that the last out will have to be the first back in. This means that those persons who were laid off from the NCC should be the first to be re-employed whenever the NCC has resources. Those who were laid off in 1991 from MTW should be the first to be re-employed when the MTW has a budget that can accommodate them. That kind of legislation, as I understand the Labour Party to be preaching and to have preached throughout the election campaign - (I am only saying what the Honourable Members over there said they were committed to) - they have fallen far behind on that.

Mr. Speaker, Sir, I once heard a Member of that Labour Party Cabinet say that when you are speaking for poor people that you have to be bombastic. Well, I do not want to be bombastic. I am going to be as effective as I can without being bombastic in putting across the case of those people who were disadvantaged in 1991. Therefore, the last out should be the first back in and there should be laws to protect that kind of thing. Furthermore, if a pay cut is so odious but devaluation is more odious, what is the logical conclusion from that? A Minister of Finance should want as a matter of priority, if he said that he wants to keep his word, to pass legislation to outlaw a devaluation of the Barbados dollar. That is the ludicrous conclusion which one would have to come to if one were following this argument about pay cuts to its logical conclusion. That both of the other options which were worse than the pay cuts, devaluation and further lay-offs, should be the first thing that a Minister of Finance should outlaw if he is so committed to these ideals to protect the people. When legislation is brought to this House to outlaw, because

apparently the Minister of Finance wishes to circumscribe himself and if he wishes to do so, such that he cannot take decisions which are in the long-term interest of the country, then he should take those decisions now and let us outlaw the other two things which are even worse than the pay cut. Let us have the law on that.

The Honourable Member for Christ Church South has a lot of time as a roving ambassador. He can now sit down and earn his way in the Government Service by drafting that legislation on behalf of the people of Barbados, because they will not cut his emoluments. Would he be protected by this legislation, Mr. Speaker? Well, roving ambassadors are not yet here. But you can rest assured that under a Barbados Labour Party Government the first people to be protected would be people like that and the maids and the gardeners would continue only to be protected by this one line amendment to the legislation.

Aside.

Mr. D. J. H. THOMPSON: Hypocrisy is not the word, Mr. Speaker. Therefore, I am not going down that course. We need to go now to the issue of the present economic course that we are on. The Prime Minister spoke at length about that economic course and I am getting near the end, Mr. Speaker, and I want to deal with those issues of the present economic course which the Barbados Labour Party is on.

Mr. Speaker, Sir, that economic course is only going to mean greater hardship for public officers. Do you know why it is going to mean greater hardship for them? The interest rate policy has meant increased mortgage interest payments. Within days the banks sent out their letters and they increased the mortgage rate. Some public officers, and we only discovered this at the time of the 8 per cent pay cut, are living right on the very margin of their existence. They have a mortgage and beyond that mortgage they have very little with which to manoeuvre. A one per cent increase in mortgage interest - (I am going to list the other things too, Mr. Speaker) - could be even more devastating in some cases than the effects of a 8 per cent pay cut. Sometimes the 8 per cent pay cut may put you in a tax bracket where you might be more beneficial. But what the Democratic Labour Party did and nobody can deny, is that, in addition to giving back the 8 per cent, we removed levies. A lot of people forget that, Mr. Speaker. The public officers would have been by and large in a slightly better position in terms of their disposable income at the end of September 1994 - well, from January 1994. Because we stuck by our commitment not only to revise the income tax and the deductions but also to remove levies. So that persons earning less than \$13 000 a year who were previously paying levies plus they may have had

to face the burden of a 8 per cent cut should now have larger disposable income. But the policies which the Barbados Labour Party is pursuing, the first of which is the interest rate policy, will eat heavily into those gains which public sector employees would have made under the Democratic Labour Party.

We now have a scene in which public officers were told in the General Election, Mr. Speaker, like all other categories of workers, that certain income tax concessions will be restored were the Barbados Labour Party to be elected to office. Recent pronouncements by the Prime Minister, Mr. Speaker, have made it clear that there will be no tax giveaways. Well, I do not know what he is planning. I do not expect him to tell us. However, anybody who was expecting any massive tax relief in the coming Budget, based on what the Prime Minister said in the General Election, would have been monumentally disappointed hearing him five months later because essentially he has made the case for those tax concessions to either be deferred or reduced in magnitude or whatever. But the quantum of those tax concessions will not be as high as the impression that was given by the Labour Party in the course of its election campaign. So that the mortgage interest deduction and the repairs on a home, one is not sure what impact the Honourable Prime Minister talked about tax concessions...

Aside.

Mr. SPEAKER: Just continue please.

Mr. D. J. H. THOMPSON: Precisely. Thank you, Mr. Speaker. Why is she interrupting people all of the time?

Mr. Speaker, Sir, we are uncertain at this point what kind of income tax concessions there will be>. Therefore, it is...

Mr. SPEAKER: The Honourable Member please. As you proceed, I would like you to relate what you are saying to the Bill before the House. I am not restricting you in any way. I just want you to relate what you are saying to the Bill before the House.

Mr. D. J. H. THOMPSON: Yes, Mr. Speaker. I am relating it because I am saying that notwithstanding any rights which public officers may appear to be getting by way of this amendment, that there are certain other economic decisions which a Minister of Finance can make which makes a mockery of the Privy Council's statement about financial hardship freeing them. These provisions ensure the independence of the selected officers free from any financial pressure which Parliament or the Executive might otherwise exert. A Minister of Finance can exert any pressure by way of other kinds of economic measures. I am

saying that some of the other measures which the Honourable Prime Minister in the course of this debate, whether it was the interest rate policy that he spoke about or others, could have a deleterious effect on the earnings of public employees. 4.20 p.m.

We don't know what kind of concessions they will give, but he said there would not be any giveaways. So understand from now that they are not going to be in a much better position than they would have been prior to that.

In addition to that, the overall economic outlook is not healthy, and the Prime Minister himself and his officials have admitted to this. The growth is ranging between 1% and 2%. This is from 4% last year at a time when they said that the economy was limping along, there were no investments and all of the other things. Now, we are hearing a story from independent sources and that 1% or 2% growth, Mr. Speaker - this is very critical - is not based on growth in the foreign exchange earning sectors. That is the problem. It is not based on growth in tourism and agriculture and manufacturing.

Asides.

Mr. D. J. H. THOMPSON: I know because I read. If you don't read, that is your problem. I listen carefully, Mr. Speaker, to what the analysts say either from the Central Bank or the economists. That is our job as an Opposition, not to bluff in Parliament and come in here every day as if the world has not changed from ten years ago. Our job is to be on top of information and to understand the trends.

Mr. SPEAKER: Just continue in the debate, please.

Mr. D. J. H. THOMPSON: So, Mr. Speaker, Sir, as I indicated, there is concern about the manufacturing sector so that even the manoeuvrings that the Prime Minister has been doing will not be able to achieve those kinds of ends.

All in all, Mr. Speaker, Sir, the Prime Minister has been batting on a perfect wicket; but he wasted time. Conditions are worsening. I understand two of his former members appealed for light at a meeting in Christ Church the other day, Sir. They said the people should be patient with the Barbados Labour Party. They were not patient about assuming office. They brought a No-confidence motion and jumped into the driver's seat and started to drive. So why should the public be patient?

Mr. SPEAKER: How does all of this relate now?

Mr. D. J. H. THOMPSON: It relates because there is no need for us to be patient about waiting for an

amendment to section 26 or any of those things. If the Constitution Commission was critical it should be meeting right away and these particular amendments should have been the first order of business. That together with the employment strategy which should be creating jobs in this country should have been the first order of business.

I didn't say it was my priority. The Honourable Member for the City said it was hers, but she cannot even get off the ground with respect to this.

Mr. SPEAKER: All right. You address the Bill before the House and just proceed, please.

Mr. D. J. H. THOMPSON: We are not helping or offering any succour to those who are now appealing for patience. The public servants deserve what they were promised and these things can be easily done. It doesn't take all of this talk which we are hearing now from the Barbados Labour Party. All the things that the Democratic Labour Party had done they said could be undone easily. I wish they would undo those that they don't like but they need to do the ones that they promised. That is the point that we want to make in this debate. So we are not hearing anybody appealing for light. If the conditions worsen, you have to bat on that wicket. It is as simple as that. We will be bowling with the speed and tenacity and energy with which we are accustomed in the Democratic Labour Party. You can rest assured of that, Mr. Speaker.

The Prime Minister said there was sound fiscal, sound external conditions. He said so. Whereas we are not hearing about this soundness from the Central Bank. We are not hearing about this soundness from the economists.

Mr. Speaker this is very important - we have been handed a document in this debate called the Public Sector Report in Barbados. The first section reminds me of the British catch phrase. The British had a public sector reform programme called the First Steps. So this is the same kind of language. No creativity at all. I don't know who published it, but it says Printed by the Government Printing Department. This document was handed out in this Chamber today.

Mr. SPEAKER: What is the point you are making, Sir?

Mr. D. J. H. THOMPSON: I am going to make the point that this retreat was being held and while this retreat was being held...

Aside.

Mr. SPEAKER: Order, please.

Mr. D. J. H. THOMPSON: Mr. Speaker, I did not lay this document. The Honourable Prime Minister laid it.

Mr. SPEAKER: Just continue.

Mr. D. J. H. THOMPSON: Could I repeat that Sir, for the benefit of the Honourable Member for the City?

Mr. SPEAKER: Continue. Let us continue the debate, please.

Mr. D. J. H. THOMPSON: This document was circulated and made a document of the House - that is my recollection - in the course of the debate. In fact it could not be circulated if it were not laid. You don't circulate documents that are not laid.

Mr. SPEAKER: Let us continue.

Asides.

Mr. D. J. H. THOMPSON: Mr. Speaker, the Leader of the House does not understand and is side-tracking me with trivia like that.

Mr. SPEAKER: Order, please.

Mr. D. J. H. THOMPSON: This document was laid and made available to Members of the House. This was a retreat held with the public officers. I am assuming, because I never read the document, that at this retreat, this particular piece of legislation which is so important to the restoration of public sector morale, was made available to the public officers. I am assuming that. I am not sure it is the wrong assumption but I would think that if you have a retreat with all of the senior public officers in Barbados that this documentation should have been made available to those public service officers who were in attendance at that retreat.

I cannot imagine that you would have an amendment coming down two weeks later and yet this document was not available to the public officers. If that is so, Mr. Speaker, as I read in the newspaper, I would be deeply concerned, as the Prime Minister was, that a retreat was going on at Sherbourne to restore the morale of public sector employees and while that retreat was going on the knives were being drawn for the heads of nearly every major statutory corporation in Barbados. They were about to be dismissed, according to reports in the newspaper from high level sources, and I understood the Prime Minister was very upset that while he was trying to build bridges with the public sector some of his seniors - I don't know who they were - or juniors, somebody was seeking to displace public officers at all levels in the Government.

That is why, Mr. Speaker, we also have concerns about this amendment because if you have a retreat the object of which is to build these bridges while at the same time plans are being made to dismiss the heads of nearly every statutory corporation in Barbados, people functioning at the highest levels of government... In the BADMC instructions were handed down to dismiss certain people and at the same time, Mr. Speaker, Sir - I don't know who they were handed to...

Mr. W. C. C. CALLENDER: As Chairman of the BADMC, Sir, I am saying it is incorrect that instructions were issued to fire certain people in BADMC.

Mr. D. J. H. THOMPSON: I will have to withdraw.

Mr. SPEAKER: The Honourable Member for St. John, again you are straying from the Bill before the House.

Mr. D. J. H. THOMPSON: I am speaking about this document that forms part of the debate because it was laid. The Prime Minister indicated that his objective, in addition to making this amendment to the legislation, was to seek to put the public sector in Barbados on a sound footing to carry it into the 21st century. 4.30 p.m.

While he was doing all of that at Sherbourne with his principal advisers, as we understand it, and as he understood it because it was reported from him, attempts were being made by others to undo all the work that he was doing at Sherbourne.

Certain remarks made by Mr. D. J. H. THOMPSON were ordered by Mr. SPEAKER to be expunged from the records.

Mr. SPEAKER: Could we continue with the debate, please. The Honourable Member for St. John, I have been giving you so much latitude. You have gone all over the place this afternoon. I know you are saying that you are attempting to link it with the Bill before the House but your way of linking it is taking us all over the place. Could you focus, please, on the Bill before the House and relate what you are saying to the Bill, please?

Mr. D. J. H. THOMPSON: Mr. Speaker, I will be guided by your ruling. I am only seeking to respond to the issues which the Honourable Prime Minister raised in the course of his address. The Honourable Prime Minister, I will have to repeat again, then laid this document and I am saying to you that I understood he was very concerned that this document which is on public sector reform in Barbados was a result of a retreat held with public officers and that

in the face of that attempts were being made from some sources - I do not know what the sources were - to have senior public officers dismissed from statutory corporations.

Mr. SPEAKER: But those statements have been objected to and there is an obvious imputation in what you are saying. The Honourable Members have asked you to withdraw those remarks and you are repeating them again.

Mr. D. J. H. THOMPSON: But only you can rule on whether I should withdraw.

Mr. SPEAKER: I asked you to withdraw them.

Mr. D. J. H. THOMPSON: And I have withdrawn them.

Mr. SPEAKER: And then you come and repeat them again.

Mr. D. J. H. THOMPSON: That is not what I said.

Mr. SPEAKER: Well I am asking you to withdraw them now again.

Mr. D. J. H. THOMPSON: I withdraw them again.

Mr. Speaker, I can only seek to distill from the information which the Government itself puts out what its intentions are with regard to the employment of public officers and I am saying to you that there are public officers in statutory corporations who have been dismissed by the Barbados Labour Party Government and that those dismissals were being planned and executed at the same time as the Prime Minister was convening his retreat at Sherbourne. Those are the facts.

Hon. Sir HAROLD St. JOHN: Mr. Speaker, on a point of order. I am submitting that the Honourable Member is out of order to discuss public officers who are not within the scope of this Bill. This Bill specifically deals with people who are established under the Civil Establishment Act and the Defence Force Act. It is therefore irrelevant, in my humble submission, for the Honourable Member to bring in other categories of public officers who are not covered by this Bill. I ask you for a ruling on that.

Mr. SPEAKER: Point taken.

Mr. D. J. H. THOMPSON: Very well then, Mr. Speaker. If he wants to try and stop me from saying...

Mr. SPEAKER: Okay, the Honourable Member for St. John, let us continue with the debate, please.

Mr. D. J. H. THOMPSON: Yes, Sir, I am going to continue. I am saying to you that there are certain categories of employees who should be covered by this legislation.

Mr. SPEAKER: The Honourable Member, you have made that point so often. You have made that point time and time again.

Mr. D. J. H. THOMPSON: Precisely. I am responding to the point of order, Mr. Speaker.

Mr. SPEAKER: But you have made that point time and time again about certain categories who should be covered.

Aside.

Mr. SPEAKER: Let us continue, please. Continue, the Honourable Member for St. John, please.

Mr. D. J. H. THOMPSON: Mr. Speaker, I have rights and privileges in here which I demand.

Mr. SPEAKER: I know. Just continue, please.

Mr. D. J. H. THOMPSON: Precisely. Let me make my position very clear on this. I did not come in here in any box-cart and I am not going to leave in a box-cart

Mr. SPEAKER: All I am asking the Honourable Member for St. John, you have rights and privileges. There are Standing Orders of this House. I am asking you as you continue with your submission to avoid the continuous repetition and that is clearly stated in the Standing Orders, please.

Aside.

Mr. D. J. H. THOMPSON: Oh! The Honourable Member says you have the power to make me sit down. Anybody has that power. You have the power to shoot me too

Mr. SPEAKER: Let us continue, please. The Honourable Member for St. John, will you address the Chair and continue, please. Order, please.

Mr. D. J. H. THOMPSON: This is the problem. Government gone wild.

Mr. SPEAKER: Order, please. Could you continue, please.

Mr. D. J. H. THOMPSON: Mr. Speaker, I have been addressing all of the issues which the Honourable Prime

Minister addressed and wish to continue to address those issues. The persons who attended this retreat which the Prime Minister referred to included persons who are not covered by this legislation or by the Constitution and because of that I was trying to make the point that the senior public sector managers, some of whom would have been in attendance at that retreat where attempts were being made to build bridges between the Government and them so that their performance would improve, and so they would be more successful in executing the policies of Government, that while that retreat was going on, the Boards of some of those statutory corporations were planning for the dismissal of some of those senior officials and some have since been dismissed.

Now, Mr. Speaker, I want to make the point very clear that if the Prime Minister himself were concerned about that, what would you think about the Opposition. I say that we are equally concerned that you cannot build a climate of goodwill with the public sector where you say you are holding this lofty retreat for a free exchange of ideas while, at the same time, persons who attend that retreat and some who do not attend it, may at the same time be doing things which are not in consonance with the Prime Minister's objectives. That is all I am saying and he was right to raise that concern.

The Opposition wishes to reiterate that concern, that it is unreasonable to expect that public officers are going to perform satisfactorily under those kinds of conditions if the threat of dismissal or any other kind of threat hangs over their heads. Therefore, if a Government wishes to be genuine and honest in carrying out its mandate, then we need to find ways and means of removing from the political vocabulary of Barbados the word "victimisation". We need to be genuine and fair in the way in which we conduct public affairs in Barbados so that we share the Prime Minister's concern. We have no problem with him having a retreat with the public sector. We think it is a good idea. However, it appears as though public servants should be on their guard because just as they should be on their guard about what this particular amendment really means, they should equally be on their guard about going into those kinds of exercises feeling that all of the goodwill, decency and fairness which the Prime Minister wishes to bring to those proceedings is, in fact, being followed right through the ranks. That is the concern that I have and I am entitled to put that concern because we believe in public sector reform too.

We have had a lot of training, as did the Barbados Labour Party, in the Customs Department and the entire tax administration programme is for training in the financial sector. All of those were initiatives of the Democratic Labour Party and training is very important. We do

not deny that. Our position is in defence of an appropriate relationship between public sector employees and their employers. We will support anything which would advance that cause. But, we need to understand that both of them, the Opposition and Government, can agree on things like this from time to time.

We could also have agreed as a country on an appropriate scenario for the protection of public workers. The Democratic Labour Party always took the position in the General Election when the question was put to us whether it was in public debates or otherwise what our position was with respect to the 8% cut. We constantly made the point that there were other issues of equal importance in the public sector, including the issue of promotions, including the issue of increments paid for productivity, including a revision of the General Orders and including a revision of the Civil Establishment Act, that there was a series of other issues which sometimes had a greater impact on public officers, the environment in which they work. The Honourable Attorney-General would be very interested in that. I have no problem with that. We support any efforts to upgrade the physical environment in which public officers work. That has been our position in the course of the election campaign. However, Mr. Speaker, Sir, we maintain that the action which the Democratic Labour Party took was in the best interest of the people of Barbados. 4.40 p.m.

I believe that one can summarize this debate and the arguments of the Opposition. I set out at the beginning the grounds on which we would be opposing this legislation. It was very important for that full argument to be put to this House because we are not going to lie down in the Democratic Labour Party and allow anybody to trample on our record or to trample on the position that we have taken.

As I have said, we have come in here as loyal Members of the Opposition to serve the interest of the people. Therefore we would take the fullest possible time to explain and reiterate our position on these kinds of issues time and time again. This debate has been a disappointment because while I would have been willing to wait on the Honourable Prime Minister to explain his position to the people of Barbados he completely avoided taking any responsibility one way or the other for the position that he took. His position was that the Privy Council is the strongest basis on which he could argue his case. Therefore we started a debate on the wrong premise. Anything that issued from the mouth of the Prime Minister in this legalistic context would have been absolutely absurd and, Mr. Speaker, that is what the debate was. It was an absurd debate. Because the Amendment itself was not fully understood and appreciated by the mover of it and

therefore in the context of what was happening in Barbados, in the context of the expectations which the electorate had of the Barbados Labour Party we felt inclined to ensure that our position was put.

We are going to say that we are not supporting this particular Amendment. I want to say that if the intent of the Government on this principle is so strong that there are certain actions that they need to take in good faith. They need to revisit all of those issues which they said were going to be revisited in their Manifesto. There is no need to grandstand on it. If it is such a serious legal principle, if it is such a Constitutional aberration, then the Government of Barbados must find the money to pay back those public servants. You must carry that principle to its logical conclusion.

There were Members of the Barbados Labour Party, in the course of the election campaign, who in fact said that the public servants would be paid back their money. Therefore I am calling on the Government to make its position known on that particular issue. We need to have clarity on that. If you say that is your principle, that you are going to restore the rights of public officers, that it was a dastardly act by the Democratic Labour Party then clear the historical record. Repay them the money. Look at the saving clause and the consequential Amendments that are necessary. Stick to your word to the principle enunciated in the Manifesto. Give those employees of statutory corporations back the money as well or protect them or find some other way of appeasing their concerns with respect to the issue. Do not leave that matter to the courts.

Mr. Speaker, Sir, let us in this debate be clear at the end of the day that this is an exercise to seek to legislate a position which we would have accepted from the Honourable Member for St. Peter. I wish to say once again that we would have accepted his word on this. I hope that this is not one of the first major attempts to crack away at the office of Prime Minister in this country to the extent that every time a Prime Minister says that he gives the people of Barbados his word that X or Y would be done, that others must start right away to draft legislation to make sure he does it as if he is not sure whether it would be done or not. The Labour Party can stick to its Manifesto pledges. We have nothing to hide about our position with respect to public sector pay. We stand by our record. We stand by our economic achievements in Barbados and we stand by our commitments to the public officers. Our role is to secure the best interest of the people of Barbados. That is why this is such an important debate for the Democratic Labour Party to ensure that people understand what our position is with respect to this particular issue.

With those words, Mr. Speaker, Sir, I reiterate that the Democratic Labour Party will not be supporting this

I do not want to say flimsy or wishy washy so I will say - badly drafted piece of legislation which we consider to be nothing less than a charade and a trick foisted on the public servants of Barbados.

Thank you very much, Mr. Speaker.

Mr. H. deB. FORDE: Mr. Speaker, Sir,...

Aside.

Mr. SPEAKER: Order, please.

Mr. H. deB. FORDE: ... I am objecting to the final remarks made by the Honourable Member. The Honourable Member cannot characterize legislation that has been brought to this House and drafted for which a Government Minister had responsibility as a trick and a charade thrown on this House. I believe that is unparliamentary.

Mr. SPEAKER: Your point has been made. The Honourable Member for St. John, would you withdraw your words and just give us your point in another way, please.

Mr. D. J. H. THOMPSON: Thank you, Sir. Apparently the Honourable Member wishes me to speak longer on this issue.

Mr. SPEAKER: I should like you to withdraw the...

Mr. D. J. H. THOMPSON: I withdraw those remarks. I wish to say...

Mr. SPEAKER: Just give us a different way.

Mr. D. J. H. THOMPSON: ...that it is a badly drafted piece of legislation, it is ill-conceived. It is ill-timed. It is wrong. We consider it not to be in the best interest of the people of Barbados. We consider it to be not what it purports to be and therefore it is not something that the Democratic Labour Party, the public servants, the people of Christ Church West or anybody else should support because we consider it to be an act of this Government which is in breach of its own faith with the people. I am particularly concerned about the constituents of Christ Church West on this matter.

Thank you, Sir,

Mr. SPEAKER: The Honourable Member for St. Michael South caught my eye. When we resume...

SUSPENSION OF SITTING

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that this House be suspended until 5.00 o'clock.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

The question was put and resolved in the affirmative without division and Mr. SPEAKER suspended the sitting accordingly. 4.50 p.m.

RESUMPTION Mr.

SPEAKER: This sitting is resumed.

Dr. R. C. HAYNES: Mr. Speaker, there can be no doubt whatsoever that what we are considering here today is not just a piece of paper. We are talking about the livelihood of thousands of Barbadians and I want for the next 30 minutes or so really to speak on behalf of those many thousands of people who are employed in the public service and who in the context of the local politics of this country have been very much a political football over the years.

I want to speak on behalf of those and their families who have been severely disadvantaged whether it was by way of loss, reduced work week, dismissals, victimisation, pay cuts or what, over the years.

I want to speak, Sir, on behalf of those who have found themselves humiliated, unable to send their children to school, to find lunch money or bus fare because of the reduction in their emoluments.

Sir, for those many people who have been humiliated by having their household effects repossessed, or persons in the public service who have gone into hiding from a bailiff looking for them to recover debt. For those who have lost their homes, for those who have lost their investment and for those who have lived in chronic fear over the years because of their insecurity of tenure.

Sir, I speak for those mourning for decency, fair play and for job security in the public service of this country.

We will not, Sir, by any means try to make or diminish the importance of any amendment that seeks genuinely to give better protection to the public servants of this country.

I do not wish to get myself bogged down with legal matters and there is a very good reason for that. I have seen all kinds of legislation brought to this House, all kinds of arguments as to whether they were constitutional or not put forward and then when the matter is tested in the courts, then the complete opposite. For example, Sir, in respect of the pay cut of 1991, I, myself, was a victim of the assumption that it was unconstitutional and that it was unlawful. And after the most forceful arguments that I heard, the matter was eventually settled by the Privy Council, pointing out that it was neither illegal nor

unconstitutional under the Constitution that existed at that time and still exist in Barbados.

Therefore, Sir, I would urge on the Attorney General to try to resolve this matter in a way that will attract tripartisan support because I do not think that there can be any lack of a consensus if we can all agree on the appropriate wording of an amendment to the Constitution which would have the effect of giving greater security to the public servants of this country.

Now, Sir, there are two aspects of this that I want to deal with in a fairly specific manner. I want, Sir, to make sure that the position of the National Democratic Party in this matter is clearly brought to the attention of this House. On section 11 of our Manifesto, which was made a document of this House not so long ago, we promised that if elected to form the Government that we would introduce legislation to give public sector workers wage security and that we would repay in a phased manner, if necessary, the money taken from public servants during the period of the 8% pay cut.

Now, Sir, why did we take that position? We took that position, Sir, because we recognised that no matter what law we passed it could only have an effect after that law has been passed. It could only relate to the future and does not relate to the losses suffered by the public servants of this country. And I would certainly urge on the Government of Barbados to recognise that there is an obligation placed on a Government which believes that the public servants pay should not be cut, that they should take the further step of making sure that they bring legislation to this House to compensate and make restitution to those persons who have suffered as a result.

I have already outlined the kind of trauma which people have suffered over the years and I will go back to the root of this problem which in my judgement, Sir, is not fundamentally a legal problem. It is a question of proper management of Barbados and it is a question of fiscal propriety. That is a fundamental problem and no matter what kind of legislation we put in place it is important to remember that even the Constitution of Barbados can be amended again to enable a pay cut to be put in place.

If, Sir, we were to look back over the history of Barbados since 1971 more often than not the Party in office has enjoyed a 2/3 majority and were able to change the Constitution without the assistance of anybody else in this House. In 1971 to 1976 there was a 2/3 majority. 1976 to 1981 there was a 2/3 majority. 1986 to 1991 there was a 2/3 majority and now again 1993, I do not know for how long, there is a 2/3 majority in place at this point in time. That is the reality, Sir, and I am not going to spend so much time on the legal aspects of this matter because I recognise the limitations of those legal aspects and also the

fact that that in itself does not give rise to the kind of security which one may in fact be aiming for.

But, Sir, I would like to advert to the particular words in the amendment which say that the salaries and allowances of holders of offices established under the Civil Establishment Act and the Defence Act shall not be altered to their disadvantage.

Now, Sir, as a layman, and incidentally, Sir, I think that most of my contributions on constitutional matters in this House have found more favour with the courts of Barbados than many of the lawyers. Many of the things that I have said were unconstitutional they were upheld by the courts in Barbados as such. But if there is an issue over the words "altered to their disadvantage" what is the problem in replacing that with the word "reduced"?

Hon. D. A. C. SIMMONS: On a point of order, Mr. Speaker. There is no problem with adding to those words "reduced or otherwise altered to their disadvantage". I have no problem with those words. They are very acceptable.

Dr. R. C. HAYNES: Thank you very much. I will hope, Sir, we can find some kind of tripartisan support because it would seem to me, Sir, that the word "reduced" can be introduced here for clarification and if necessary the section that deals with the judges then that can be amended too if it is necessary. I do not know if it necessary or not but that is not the point. If the word "reduced" strengthens it and clarifies the situation then I would sincerely hope that such an amendment would be brought to this Honourable Chamber.

I will tell you, Sir, why I am concerned. Only a couple of days ago I was walking and I just heard a little bit of a radio programme - as I was walking someone was walking with a radio - and it was talking about the financial crisis in Mexico. 5.15 p.m.

There was a commentator who said that perhaps it is to the advantage of the workers in Mexico to facilitate the actions taken by the International Monetary Fund and by the United States Government if the workers' unions would accept probably a 20 per cent pay cut. The words used were "to their advantage". The suggestion was that it would be to their advantage to accept the pay cut in order to assist in the re-valuation of the Mexican currency. They were the exact words that I heard.

Sir, incidentally, this is slightly off. This was the first time in the history, I believe, of the International Monetary Fund that I have heard them put money behind a country not to devalue their currency but to revalue their

currency; to protect United States investors and to protect 750 000 jobs in the United States and an increase in \$7 billion in exports. This should be a clear indication to one and all that the only fundamental philosophy governing these people employed by the IMF is to come in and wreck poor countries in the interest of those who put their money into the IMF to lend to other countries.

So that, whereas we find ourselves in a position where, if not our laws, certainly the fundamentals that we assume in relation to our Public Service can be undermined by the International Monetary Fund, nonetheless, when it suits them, they take a completely different position in relation to lending and currency values and exchange rates. The example of Mexico is an interesting one, Sir, and it should also be a lesson to all of those people who are walking around the place advocating free trade. Mexico has been the first major casualty of the free trade arrangements in this world with its economy completely wrecked today. But I do not want to spend time on that. I want to move on from this particular matter.

Sir, once that I have got an assurance and I am very glad that the Honourable Attorney General has given us some assurance that he will strengthen this position by introducing the word "reduce", then I think that goes a long way to meet my objections and we look forward to the amendment. Luckily, I have my legal adviser somewhere within the precincts of this House who is a highly distinguished attorney in this country and I bitterly resent the references to him this morning in remarks by the Prime Minister. If the Prime Minister has a problem with meeting the bills of his lawyer, this is not the forum for him to come in here and express objections if I may say so. I am not saying that is the case, Sir. I do not know why he would have done such a thing and I hope that in due course he will apologize when he comes into the House of Assembly.

Aside.

Dr. R. C. HAYNES: I do not know why he did. That is the point that I am making. But I will have enough time, Sir, since my eminent legal luminary is here to give me appropriate advice to be able to address that amendment with that word "reduce" added. Earlier I said, Sir, that this matter is not primarily a legal problem. It is a matter relating to our attitudes to the management of Barbados and I want to say this. I have no doubt whatsoever that this matter would never have arisen if there was less politics in the Public Service of this country.

Sir, I have often said and I make no bones about it that it was an error to have amended the Constitution to permit politicians to have a say in appointments, transfers,

promotions and so on in the Public Service of this country. The Barbados Labour Party in 1976 went to the people of this country and made a solemn commitment that if they were elected to office with the appropriate majority that they would repeal those amendments. The people believed them and gave them more than three quarters majority. Nothing was done. But what we know happened, Sir, is that there was an inappropriate expansion of the Public Service in relation to the growth of this economy, reversing the trends that had taken place in the previous 15 years or so. By 1980-81, we saw another dimension of political interference and abuse of the Public Service and it took the form of a wages settlement with no money to pay and the Central Bank of Barbados had to meet the obligations. The net effect was what happened in the early 1980's with the IMF and so on, wage cuts, shortened work weeks and so on. The people suffered. They did not contribute to it. Ten years later, we had the same kind of problem. Who suffers in the long run? The people suffer. That is why, Sir, I believe that not only should we have this amendment but we should have before this House an amendment to the Financial Administration and Audit Act that makes it a criminal offence for any Minister of Finance to breach the provisions of that Act in terms of Government borrowing. Sir, I said this in 1981. I said it in 1990 and I am saying it again that it is the only way that we are going to get financial propriety in Barbados.

We also need, Sir, to amend the Central Bank Act to put it beyond any doubt that that Act is subsidiary, in relation to lending to Government, to the provisions of the Financial Administration and Audit Act and the appropriate penalties will also apply to those persons responsible for being the bankers to the Government of Barbados in the Central Bank. Unless those two pieces of legislation accompany this particular amendment to the Constitution, we will never have the legal constraints that need to be in place to protect the ordinary people in Barbados who have undergone the kinds of sufferings that I have outlined at the beginning of my speech.

So that when we have amended the Constitution, when we have amended the amendment by introducing the word "reduce", I think that we still need to go further and look at the implications in relation to the Financial Administration and Audit Act and to the Central Bank Act. I think, Sir, if we had these three bits of legislation amended then you would be in a position to ensure that the Laws of Barbados by and large will enforce fiscal propriety on all Governments in the future, subject only of course to their capacity to come to Parliament and amend those laws or reverse them in any particular way.

That is why, Sir, in our manifesto as a very fundamental pledge that we made, we promised that we would restore full responsibility for appointments,

promotions, transfers and disciplines within the Civil Service to the Public Service Commission. We also pointed out that as a matter of commitment that we would repeal the Saving Law Clause in the Constitution so as to ensure that all colonial laws that infringe on the fundamental rights of Barbadians are deemed to be unconstitutional. Sir, that is a much more fundamental commitment than the change that we see here today. But as I understand from the Government they are prepared to allow a Constitution Commission to look into those other laws, but that they will deal with this one for the time being.

Sir, I do not know, quite frankly why the rush to bring this piece of legislation as was pointed out by the Honourable Member for St. John. I think that that is a valid point because if, in point of fact, it is not the policy of the Government to cut wages and if you have a Constitution Commission, then I think that this kind of thing probably could have been more widely discussed throughout the community and so on unless of course - I do not wish to speculate because that is not part, Sir, of my personality. I am not the kind of person who indulges in idle speculation - the Honourable Prime Minister wants to protect himself. I do not know whether any external agency might once again be raising the spectre of a wage cut. Now I do not know, Sir. Perhaps the Honourable Prime Minister will tell us why he feels it incumbent on him to bring this particular legislation at this point in time. There is no reason why he could not function as though the amendment had been made so that we have one comprehensive amendment to the Constitution of Barbados. 5.25 p.m.

Sir, I believe that the savings clause is very important because there are many of those old laws that are captured by that which, in my view, infringe most violently on the civil rights of the people of Barbados. The time will come when that might be invoked just as it was invoked in terms of the ruling of the Privy Council on the matter that went before it.

Sir, you know this legal argument is very interesting. It is fascinating to watch because you can be sure that any lawyer can put up an argument almost as convincing one way or another. What interested me in the Privy Council ruling is that here we were in Barbados disturbing the High Court, disturbing the Court of Appeal, disturbing ourselves on this matter of high constitutional importance, and it is my understanding that the pleadings were submitted in writing to the Privy Council, or whatever is submitted in writing, whatever word was used, and the lawyers for the unions put their case and the Government did not even have to put their case so that as far as the Privy Council was concerned it was such a simple and elementary matter that they could not understand why the matter was brought to them at all.

Sir, the point I am making is that it shows why it is and why it is so important that we should not go beyond a certain point in getting into this kind of legal argument in this Honourable House because in the long run it is a question of how the courts view any changes that we make here to the law. That is where the final test would be.

I believe, Sir, that there are other important changes to the Constitution that we need and this relates very much to the public service of this country. We, for example, promised Barbadians that we would amend the Constitution to provide for a Contractor General who would be assigned statutory responsibility for the integrity and the efficiency of systems pertaining to the award of government contracts. Sir, the day that is done, all this argument, people accusing each other of stealing and all this kind of thing, all of that would come to an end, because we would have an officer who would enjoy the same kind of position in the public service as the Auditor General, or the Accountant General, with the same kind of independence who would be supervising that very substantial area of Government's expenditure.

We also promised that we would remove existing constraints on wages and allow the collective bargaining process to function in a normal manner. It looks as though the Prime Minister was reading our manifesto because it would seem, Sir, that much of what he said today is to be found in this manifesto and not to be found in their manifesto.

Aside.

Dr. R. C. HAYNES: If I may continue, Sir. There are other areas. I don't wish to detain the House too much with our position but they are pretty straightforward, what we have to say there.

The other area, Sir, I want to deal with is this question of wage settlements. There can be no doubt that you have seen the pattern that I have outlined. Always a pre-election situation: problems after an election, problems with the public servants' settlements before hand, generous settlements before an election, problems afterwards. I believe, Sir, that we need to look and see whether that whole management process of the public service does not need to be taken as far as possible out of the hands of politicians.

Of course, in the final analysis, it would be this Honourable House that would have to vote the money. The point is that I doubt very much that that negotiation process should be in the hands of politicians. I think that we should try and separate ourselves as far as possible from many of those areas involving the public service of this country.

Sir, I believe that it is important that we make every effort now that we are thinking about amending the Constitution to do justice by the public servants of Barbados. I am urging on the Government once again to give full consideration to making sure that the civil servants get back the 8% that was taken from them. I know that it might be difficult by way of budgetary constraints to do it all at once, but I am sure that the public servants would be most grateful if it is done over a period of time, because the only way you can really heal that situation is to make sure that they get their money.

I am sure, Sir, that when we really think about it, and if we are really here deeply concerned about the public servants, we have to make that very important statement and the statement is that as a Parliament that we are prepared to give back what was taken from them.

Sir, I also want to make sure that we understand that a majority in this House, even a two-thirds majority, does not necessarily even represent a majority of the electorate out there because we have a Constitution where there is no provision for proportional representation. Our electoral system has turned up situations from time to time where parties with small majorities of the electorate have enjoyed two-thirds or three-quarters majorities in this House of Assembly. We now have the very peculiar and unusual situation where the party that got a minority of the votes at an election actually has a two-thirds majority in this House of Assembly and can alter the Constitution without the assistance of anybody.

That is why I am urging on the Government to try its best to find a form of words in relation to this amendment at least to be able to say that it has had tripartisan support or whatever or at least a majority of the electorate through their representatives in the House of the Assembly would have voted for it. It would be a bit odd if when we look back over the history of Barbados we see a situation existing where a party that got the minority of the votes at the election can change the Constitution.

If we want to make it more difficult to change the Constitution of Barbados, and constitutions must not be changed lightly, I believe that it is necessary for us to revisit the findings of the last constitutional commission that we had in this country and to see - I believe that there may have been a minority report which adverted to the question of proportional representation for Barbados. I know, Sir, it has its problems, but it would seem to me that when you are dealing with small parliaments and when you constantly have this situation coming out of elections and where the Constitution of Barbados can be altered so easily, then we need to look and see whether we do not need to put the issue of proportional representation once

again before a constitution commission or some kind of arrangement that would prevent this situation from arising with such frequency. 5.35 p.m.

Therefore, Sir, my final plea to the Government is that you meet if not legal or constitutional, your moral responsibilities and make sure that you pay back the civil servants the 8% that was taken from them and this will make them far more believable to the people of Barbados that they are genuinely concerned about their welfare and that they are not bringing this constitutional amendment and have it televised as a political exercise.

I think that is a commitment I would like to hear coming from the Government today during the course of this debate. There are a large number of poor people in St. Michael South Central and around Barbados. Many people in St. Michael Central have called and asked me whether or not they are going to get back their 8% and I have told them that His Honour the Speaker cannot participate in the debate but I will make sure that coming to the end of my speech I will put your case.

Thank you very much. Mr.

SPEAKER: Thank you.

Hon. D. A. C. SIMMONS: Mr. Speaker, this debate has to be set in its political context and its legal context. I am grateful to the Honourable Member for St. Michael South Central for the way in which he spoke, the common sense that he showed and the obvious quality of his intellect. Would that I could say the same about the person who spoke before him. The Honourable Leader of the Opposition spoke in a way that was so intellectually skimpy as to suggest that he was perhaps wearing a mental bikini.

In dealing with the political context of this amendment, Mr. Speaker, one has to go back to September 17, 1991. The then Government brought an economic package that was really a declaration of economic warfare against the people of Barbados. The Bill, Reduction of Emoluments Act, was debated on September 17, 1991. I have the debate here. I have searched it and nowhere in that debate were the arguments which were proffered today in anyway touched on by those who spoke for the then Government. In fact, in introducing the Bill the then Prime Minister never even told the country the details of the Bill and how it would affect the rights of the workers in this country.

We know the history that that Bill was an all embracing piece of legislation which had to be

so crafted and contrived as to include in its compass all persons who were working in the public sector, strictly so-called, or the quasi public sector. I say crafted and contrived because they expanded the definition of Public Service as currently exists under Section 117 of the Constitution in section 2 of the Act of 1991 to say that "public service* included statutory bodies, the Central Bank and any other body the funds of which, comprise or include such monies as under an enactment may be voted by Parliament for the purpose, or all of any of the expenses of which are charged on, or are met from the Consolidated Fund."

In the various Schedules to the Act they set out all persons who were affected by the legislation. The First Schedule dealt with the Prime Minister, Ministers, President, other members of the Senate, Ambassadors, High Commissioners, other members of the public service, that is to say, holders of offices established by order made under the Civil Establishment Act, staff of all statutory boards, daily paid workers, contract officers in the service of the Crown, members of the Defence Force, and so on.

That Act was what lawyers call ordinary law. It did not purport to alter the Constitution so that when the Bill came before the House on September 17, 1991, it exempted from the power to cut the holders of section 112 offices, the Governor-General, judges, DPP, Auditor General. They could not be cut because the language of section 112 then existing and now existing said that "the salaries and allowances payable to the holder of any office to which this section applies and his other terms of service shall not be altered to his disadvantage after his appointment" and so on. But an attempt was made by the then Prime Minister to get even the judges to undermine the independence of the judiciary and to get the judges to agree to a cut.

Aside.

Hon. D. A. C. SIMMONS: Who is saying point of order? I have the debate here. You are going to deny it?

Mr. SPEAKER: A point of order, please.

Rt. Hon. L. E. SANDIFORD: Sir, the Honourable Member for St. Thomas is imputing improper motives to me in that he has openly stated that I attempted to undermine the independence of the judiciary. I am submitting that that is imputing improper motives to me and I would ask him to withdraw it.

Mr. SPEAKER: Would the Honourable Member withdraw the words, please.

Hon. D. A. C. SIMMONS: Mr. Speaker, on your direction I withdraw the words but I read from page 1096 of the Hansard Debate for September 17, 1991 - "Rt. Hon. L. E. SANDIFORD". He was challenged that he had sent a letter to the judges inviting them to agree to a cut and this is what he said:

"If, in fact, there was a communication, and I am saying there was, it was not in any attempt to derogate from the independence of the Judiciary. It was simply a case of seeking to ensure that all persons in the Public Service or otherwise in the service of the Crown would make a contribution and allow them an opportunity to indicate that. I simply want to indicate that there was no attempt to derogate from the independence of the judges and the reply was an appropriate reply."

Now, that is what he was saying. But the fact of the matter is that section 112 was inserted in the Constitution and in all Caribbean Constitutions as an attempt to bolster the independence of the Judiciary, to make sure that their salaries could not be cut and insulated them from political pressure. He admitted that he wrote the letter.

Mr. SPEAKER: The Honourable Member.

Hon. D. A. C. SIMMONS: The Honourable Member for St. Michael South. So when this Bill, Reduction of Emoluments Act, came to the House in September 1991, it was a Bill drafted in recognition of the fact that you could not interfere with the salaries, allowances or terms and conditions of the judges and the other persons who were protected. 5.45 p.m.

Gladwin Ophelia King challenged the constitutionality of the Bill and the Honourable Chief Justice held that she could not be granted the relief which she claimed. The Privy Council subsequently held that the legislation was not unconstitutional simply because the Civil Establishments Act, ordinary law pre-existing the Constitution and enacted in 1948 gave the Minister responsible for Establishments the power to vary salaries, terms and conditions of persons who are caught by the Civil Establishments Act. In essence the Privy Council held that the power to vary included the power to vary downwards, that is to say, to reduce the salaries and the Act of 1948 had been saved by Section 26 of the Constitution.

The Barbados Labour Party in its Manifesto at pages 43 and 44 explained that we were unhappy with the

legislation which allowed for the cutting of public officers' salaries. We thought that there was a need, having regard to events of early 1994, to amend the Constitution, to revisit the Constitution, to review it, to see how it could be made more relevant and we gave an assurance on page 44 of the Manifesto that we will appoint a broad-based commission to review the Constitution and to consult with the public to the fullest and make recommendations for changes to the Constitution, the better to safeguard Parliamentary democracy and protect fundamental rights.

We have explained that we will be setting up a review body whether it is a national forum or a Constitutional commission such as we had in 1979. A body will be established to look at the working of the Constitution since 1966 and make recommendations. That Commission, committee, forum or review body will have to consult widely with the public of Barbados and be open to the views of the public of Barbados. It will take time to collect the evidence as it were then, to organize it and distill from that a set of recommendations which will be put to Government for its consideration. We have also said I think at page 21 that we would like to repeal Section 26 of the Constitution and offensive pre-Independence statutes. There are many pre-1966 statutes which are still on the books and it will take time to go through them, collect them, see in what respects they need to be amended or otherwise dealt with.

Mr. Speaker, all of that is bound to take a considerable time. Moreover we are committed to bringing a new piece of legislation to abolish the Civil Establishments Act and create a new Public Service Act and new General Orders. That will require consultation with all of the unions affected and interested persons. We have to get a draft based on some precedent and send out the draft for comment. In the time that we are doing all of this, studying, preparing, drafting and circulating for discussion and so on we still want the public servants of Barbados to be assured that this Government has no intention whatsoever of doing as the DLP did in 1991 and cutting their salaries. The best way of giving that assurance is passing legislation which, as far as legislation can go will have that effect. The only piece of legislation that is best suited for giving that assurance, certainly in the life of this Government is the Constitution. It is the supreme law. It requires special majorities and so on to change certain of the provisions. We decided that as a show of our earnestness and sincerity to the public workers of Barbados prior to any negotiations - although the Prime Minister has said today that public officers can expect a wage increase - as a show of our sincerity we have drafted this Bill which seeks to put on the same level as the judges, the DPP, the Auditor-General and the commissions and so on, the teachers, policemen, Post Office workers, maids, all of those who are provided for currently under the Civil

Establishments Act and the various Orders giving them the same security. It is necessary, we think, to move this Amendment because the courts, over time, have had to interpret the effect of Section 112. I have said that the language is the same throughout the Caribbean. I have the Trinidad Constitution here. It is identical to ours. All that about options and so on which members were concerned about toe ay is in Trinidad. It is in Jamaica.

Mr. Speaker, let me start with the Judgement of the Chief Justice in Gladwyn King. In Gladwyn King, the Chief Justice said these words at page 31 of his judgement:

"It would seem to me on analogous reasoning that the protection given to Section 112 office holders by the entrenched provisions of the Constitution against alteration by an ordinary law such as the reduction of employment, against an alteration by an ordinary law of their salaries and other terms of service while in office, when contrasted with the absence of like Constitutional protection for those not holding Section 112 offices leads to the inference that Parliament can, by an ordinary law, alter the salary and other terms of service of those like the plaintiff Gladwyn King who do not hold Section 112 offices while they are in office."

Those are the words of the Chief Justice. He is saying, quite clearly, and I will read it again:

"the protection given to Section 112 office holders by entrenched provisions in the Constitution against alteration by an ordinary law of their salaries and other terms of service when contrasted with the absence of like Constitutional protection for those not holding Section 112 offices leads to the inference that Parliament, can by ordinary law, alter the salary and other terms of service of those like the plaintiff who do not hold Section 112 offices while they are in office."

I cannot put it any better. The Chief Justice has said that Section 112 gives Constitutional protection to a class of public officers. But there is another class, a vast army of officers who do not have that protection. 5.55 p.m.

I cannot put it any better. The Chief Justice has said that section 112 gives constitutional protection to a class of public officers but there is another class - a vast army of officers who do not have that protection.

All we are doing by the amendment before the House today is to bring to the level of that small class of 112 holders the vast class that are not currently protected as the Chief Justice said at page 31 of his Judgment.

Now, Mr. Speaker, I want to make the point even stronger. That was the Chief Justice. I would refer to the case of Hinds, the famous Caribbean Constitutional case of Hinds - the Gun Court case 24 West Indian Reports. I quote from that part of the Judgment of the Privy Council sitting as the final Court of Appeal for Jamaica, it is a Jamaican case, dealing with the constitutionality of the Gun Court and in that case Lord Diplock who delivered the majority judgment said:

"The distinction between the higher judiciary and the lower judiciary is that the former are given a greater degree of security of tenure than the latter. There is nothing in the Constitution to protect the lower judiciary against Parliament passing ordinary laws (and he foresaw it)

- (a) abolishing their office,
- (b) reducing their salaries while they are in office, or
- (c) providing that their appointments to judicial office shall be only for a short fixed term of years.

Their independence of the good-will party which commands a bare majority in the Parliament is just not fully assured. The only protection that is assured to them by section 112 is that they cannot be removed or disciplined except on the recommendation of the Judicial Service Commissions with a right of appeal to the Privy Council."

Then he goes on to say:

"In contrast to this, Judges of the Supreme Court and of the Court of Appeal are given a more firmly rooted security of tenure. They are protected* by entrenched provisions of the Constitution against Parliament passing ordinary laws -

- (a) abolishing their office,
- (b) reducing their salaries while in office, or
- (c) providing that their tenure shall end before they attain the age of 65 years."

"The manifest intention of these provisions is that all those who hold any salaried judicial office in Jamaica shall be appointed on the recommendation of the Judicial Service Commission and that their independence from political pressure by Parliament or by the executive in the exercise of its official functions shall be assured by granting to them

such degree of security of tenure ... as is justified by the importance of the jurisdiction that they exercise. A clear distinction is drawn between the security of tenure appropriate to those judges who exercise the jurisdiction of the higher judiciary and that appropriate to those judges who exercise the jurisdiction of the lower judiciary."

So Lord Diplock was putting in that case the same position as we have in Barbados but at that time there was a clear distinction between what in the Jamaica Constitution is referred to as the higher judiciary and the lower judiciary - Magistrates - as contrasted with Supreme Court Judges and Court of Appeal Judges and he was saying that the higher judiciary had the protection constitutionally of section 112 but the lower judiciary had no constitutional protection.

If I use the same kind of reasoning what we are saying in Barbados is that those persons who were referred to in section 112 have the protection against their salaries being cut but the vast number does not have that protection and so the legislation is elevated to similar status, for those who now do not enjoy that protection. That is what the amendment is about.

Now, Sir, I understand from conversation with Members on the other side that they do not like the language of the amendment which says, "shall not be altered to their disadvantage". I have to tell them that the use of that language is taken from the existing section 112 itself. It uses the language. I say you cannot alter the terms and conditions and allowances, salaries and so on of the 112 holders to their disadvantage. And we thought in drafting the legislation that we would use the same form of words so that there could be no argument as to what those words mean. Because those words have been judicially construed even as what we call *obiter dicta* in passing, have been judicially interpreted in cases to include a reduction in salary. That a reduction in salary is seen as the equivalent of an alteration to a person's disadvantage. That is the effect of the observations of Lord Templeman. This morning the Prime Minister read, and Members have a copy of the Privy Council Judgment and appeal. That is the effect of what Lord Templeman was saying.

So that, Mr. Speaker, we are being very careful in using the language which the Constitution itself presently uses, but if Honourable Members would like to see a specific reference to the word "reduced" in the Bill I have no problem with it. That is the easiest amendment in the world to make. I am saying it is going to be superfluous. It may be tautologous having regard to the judicial interpretation of "may not be altered to their disadvantage" but if it will make Members on the other side, at least one, feel more comfortable I am

willing to include the amendment so what I would put forward at the appropriate time is that the section read as follows:

Aside.

Hon. D. A. C. SIMMONS: I explained tautologous. I explained it has been judicially construed but if it makes them feel more comfortable... We are dealing with the Constitution. It is the highest law and when we are going to amend the Constitution we have to be careful and we have to make sure that we take into account the observations of all Honourable Members if they are reasonable.

I do not think it detracts or derogates from the efficacy of the section as presently drafted to add and insert these words, "shall not be reduced or otherwise altered to their disadvantage". There is no problem with us. If it would make the Honourable Member for St. Michael South Central feel more comfortable I am happy. As I said it may be repetitive. But what I would say is this, when we come to the constitutional review exercise we will have to address the language of 112 because 112, at the moment, does not use the word "reduced". So in this special amendment 112A we might have to carry this language into the main body of 112 to make it harmonise. But all of these things will be refined in the drafting when we come to do the Constitutional review exercise and we have a draft Bill. Obviously Honourable Members will know that they can expect to have, from me, well in advance any constitutional Bill for their study and comment. 6.05 p.m.

We have been sending out Bills as a matter of routine practice to the Democratic Labour Party and the NDP. They have some of the offshore legislation and the Magistrates Jurisdiction and Procedure Act for comment. This was such a simple amendment that appeared in the Gazette that we did not send it out. But I will give Members the assurance that any future Constitutional Amendment like all of the other major legislation that is coming will be sent well in advance to the secretaries of the political parties,

So that, Mr, Speaker, even though it is my private view, it is my professional view and it is the view which I hold in the office of Attorney General that it is unnecessary to include the word "reduce". Because Honourable Members will feel more comfortable with that word inserted in the legislation and in the spirit of willingness to listen to sense, a willingness to listen to reason from all shades of opinions, I am prepared to include the word "reduce". I think that the Honourable Member for St. Michael South Central spoke in a very sensible and restrained way as I said and he makes me feel

more comfortable to add the word. As I said, Sir, it does not effect the efficacy of the Bill as drafted and I have no difficulty in recommending to the Government that we insert that. I will at the appropriate time move the amendment to include those words which I have given to Members here on my feet.

Mr. SPEAKER: The Honourable Member has two minutes to conclude.

Hon. D. A. C. SIMMONS: Yes, Sir. Mr. Speaker, it was laughable to hear the Honourable Leader of the Opposition say that he would have been willing to accept the word of the Honourable Prime Minister that civil servants' salaries would not be cut. Then he would have told us that we promised to legislate to ensure they would not be cut and he would have been asking for the legislation. So as far as he is concerned, we cannot win with him. Do you know why it is necessary in this case, Sir, to back what we say by legislation? When the Reduction of Emoluments Bill was passed in here on September 17, 1991 the then Prime Minister told the country that that Bill would have effect for 18 months and it was written into the Bill. Do you know that it continued until March 1994?

Mr. D. J. H. THOMPSON: On a point of order, Sir. The Honourable Member is misleading the House. Only certain sections, in fact one particular section of the Bill continued in force and that was the section that dealt with increments. The sections which actually reduced public sector pay were spent by that time and a new Bill was brought to continue only one section of the Act. Those are the facts. If you do not understand them, say so.

Hon. D. A. C. SIMMONS: Mr. Speaker, the right to an increment was denied in 1991. In moving the Bill, the country was told that the whole Bill would be in effect for 18 months. I have the debate here. I can pass it for Honourable Members to read it. I am submitting, Mr. Speaker, that the whole Bill did not remain in force until 1993 and that some of it carried forward into 1994. This was the word of a Prime Minister backed by the actual legislation and a new law was brought to give you the right to hold up public workers' increments for another year.

Aside.

Hon. D. A. C. SIMMONS: Yes, a new law was brought - more ordinary law that further deprived the public workers of this country. Some parts of the Bill like Section 7 said that the Act shall come into operation on the October 1, 1991 and subject to Subsection 2 shall cease to have effect on March 31, 1993 and Sections 4, 7 and 8 shall cease to have effect on September 30, 1993.

Mr. SPEAKER: The Honourable Member will have to conclude now please.

Hon. D. A. C. SIMMONS: Notwithstanding, Sir, parts of the Bill continued into force until 1994. Therefore, it is important because of the damage done to the Office of Prime Minister by the last holder of that office that we not only speak as politicians in here but where the use of legislation will strengthen our words, we should give support to our sincerity. That is why we are backing our words by legislation.

I am obliged to you, Mr. Speaker.

Mr. SPEAKER: The Honourable Member for St. Philip North.

Hon. R. N. GREENIDGE: Mr. Speaker, I rise to participate in this debate as well as to lend my support for this Constitutional Amendment Bill. Mr. Speaker, as I reflect on the dark days of the 8 per cent pay cut, I cannot help but recall the grief and pain of the public workers in 1991. In my estimation, Sir, the most harm was done to those civil servants who in Bajan terms were "already to their bailer". Those in our boy days who would fly kites would know that when it is to the bailer there is not much more it can go. It can go no further. That 8 per cent pay cut struck them like a ton of bricks. It was sudden. That is the truth. It was a sudden blow. It was done, Sir, without any appropriate warning whatsoever. They had no time to prepare for this sudden change in their take-home pay and . obviously they would have put no contingencies in place.

I distinctly recall, Sir, working for two persons at that time who were getting their mortgage to buy a piece of property. Because of the 8 per cent pay cut they could not pay their mortgage and therefore they had to abandon ship and all of their past payments had to go, Mr. Speaker, because as I said they could not meet their future payments. They surrendered their opportunity to own a piece of property and it all came about because of the now infamous 8 per cent. No questions at all were asked, Mr. Speaker, about commitment to their families. Do you know what the key to all of this, Mr. Speaker? A lot of persons had signed a piece of paper who were saying: "No, I do not want my salary cut. I cannot afford it. I am to the bailer." 6.15 p.m.

A lot of people had said no to the cut of salaries. I heard the Honourable Member for St. John say that it was not a unilateral cut because people agreed to have their salaries cut and I want to tell him this. If you had 100 persons and you asked them if to cut their salaries, and 60 of them had said yes to it and 40 of them had said no to it, if you cut the 40% it is a unilateral cut. This is something which the Honourable Member does not seem to appreciate. It was unilateral and it smacked all of us in

here as unconstitutional. Here I am working as hard as I can, saying no to a cut, and still my salary is cut. That is the crucial point.

The Government of the day went ahead and cut the salaries and created a lot of hardship on numerous families in Barbados. I recall, Sir, that during two separate public debates during the last election campaign representatives from the government of the day, the Democratic Labour Party, made bold to say, and without any apparent feeling, that the right for government to cut salaries should be preserved. They said it in full view of all Barbados. The conclusion, Sir, which is to be drawn from what they said ^ is that if the Democratic Labour Party had returned to power they would never have thought about bringing this amendment to this House today. It is clear, because they said in the full view of everybody that the right to cut should have been preserved. So the guillotine would still have been hanging over the salaries of the public workers. It was 8% then, Sir, it might have been about 20% by now. Who knows?

We on this side believe that the key to all this is proper administration of the public purse, not cutting salaries. It does not surprise me that neither one of those two who were on television say that the right to cut should be preserved is any longer with us in this Chamber. I think the public workers spoke to that some time on September 6, 1994.

During this whole thing, I could not help throughout the whole 8% fiasco but note and observe the way in which some members of the past Administration would gloat and laugh at the so-called victories at the various stages of the 8% case. It went to the High Court. It went from the High Court...

Mr. J. O. TUDOR: On a point of order. I am not sure of whom the Honourable Member is speaking, because there is no member on this side...

Mr. SPEAKER: Order, please. Let us hear the Honourable Member.

Mr. J. O. TUDOR: ... of the House that enjoyed participating in that exercise. It was a very painful exercise for the members who were part and parcel of the decision.

Mr. SPEAKER: What is your point of order?

Mr. J. O. TUDOR: The Honourable Member is misleading the House. If he is not so doing he should probably list the names of the persons whom he spoke to.

Mr. SPEAKER: No point of order. Let us continue.

Hon. R. N. GREENIDGE: It went from the various stages from the High Court to the Appeal Court to the Privy Council and some of them might have considered it to be a victory, but I am saying that as far as the public workers were concerned it was not a victory. A lot of persons in this country and a lot of them on the other side were thinking party and not necessarily thinking about the feelings of the people.

The Honourable Member said it was painful, but I personally considered it to be insensitive to the feelings of the maids and the watchmen and the clerical officers in the public service who had their salaries cut. Some union members also forsook the cause of the workers and voted for the party. That is a fact. One member did what he thought was the honourable thing and the others simply forsook the case of the workers, thinking party.

Now this reduction in salary could easily have led to disenchantment, to the extent that workers could justifiably have said to themselves that having cut my salary by 8% I am going to do work 8% less. They could have taken that attitude and I say justifiably so. At a time in Barbados when everybody was talking about productivity - that was a word flying around, Sir - and few workers should be compensated according to how they worked and what they produced, Government was doing something which runs counter and which runs opposite to the whole concept of productivity. In other words, Government was cutting the salaries of hard working people by 8%. That was against the whole tenet of productivity.

I believe, Sir, that about 99% of employees would have wanted to vent their feelings about the whole issue; but they were powerless to do so. They saw this 8% cut as a violation of their contracted employment, but still they could not prevent Government from clawing away at their salaries. I think that Gladwyn Ophelia King must be highly commended as a brilliant and fearless young lady who dared to challenge the status quo at the time. She has to go down in history because in her writ she was speaking not only for herself but for hundreds of public servants out there and she was protesting against the obnoxious and the high-handed methods used by the Government of the time. The law denied them any remedy. 6.25 p.m.

The purpose of this amendment, Sir, is literally to forbid Government from ever acting in this arbitrary and high-handed manner again. It will afford Barbadians the protection that they wished they had in 1991. We on this side believe that a man's pay is like his religion. It is sacred. We believe that some Barbadians may even speak out against gambling, prostitution, and drugs. The main reason they speak out is that they consider the money that comes in from those things to be ill-gotten gains, but when it comes to the money that they work hard for, their honest

day's pay, we on this side believe that Barbadians should receive the pay that they work for.

I want to say something about the public servants. It is quite clear that Government cannot bargain for the private sector and so the workers in the private sector did not really lose anything. We are saying that public workers should not be the only ones to bear the burden. They are not second class citizens. They already get less than private sector workers, most of them, and they were being called on then to give up their 8%. What the past administration did in 1991 was to push the entire burden of a country on the public servants. That is what, in effect, they did and they foisted a piece of legislation on the poor public servants in September, 1991. As I said, there was no sensitivity whatsoever about the position of the public workers. They showed clear disregard for the public servants.

It shocked me today, Mr. Speaker, when I heard the Honourable Member for St John say that the Democratic Labour Party is the standard bearer for workers' legislation in Barbados because statutes like the Protection of Wages Act, the Holiday with Pay Act, the Factories Act, these are pieces of legislation which protected workers in one way or another.

We have all types of legislation which the Barbados Labour Party put on stream, the unemployment benefits and so on for the benefit of the workers. What the Democratic Labour Party has done is to cut salaries, reduce severance and reduce unemployment benefits. I do not know, having done all those things, how you can boast that you are the standard bearer for workers' legislation in Barbados. Honestly, Sir, I do not know how he could have made that point.

I am equally baffled, Sir, as to what exactly the objection was with the wording of the amendment as it stands. I do not know what is the difficulty in understanding the amendment. Previous speakers, including the Attorney General and the Honourable Prime Minister have said that all it is doing is simply adding the public servants on to the section 112 list of persons whose pay will not be altered to their disadvantage.

Mr. D. St. E. KELLMAN: On a point of order, Sir. The Honourable Member is misleading the House. They never said that they were adding anything on to that section. They said they would bring a new section.

Hon. R. N. GREENIDGE: Mr. Speaker, this is exactly what I am saying. I do not know what is the difficulty in understanding. This is a classic example of the problem I am having. What is the difficulty about understanding what is happening?

Now, Sir, I would like to ask a question on the floor of this House. I would like to know who in their right minds would really oppose an amendment like this? Honestly, it is simple. It is so well meaning. I would like to know who would oppose the amendment. I would hope that every one votes according to conscience and gut feeling and forget the party posturing and this type of thing. I would like Honourable Members to vote according to their conscience and do not be scared about what the Leader of the Opposition said that you would be monumental hypocrites if you vote for this amendment Do not be scared by that,

As a matter of fact. Sir, there is yet another quandary because if my eyes serve me correctly, I recall one member on that side actually marching against the pay cuts, and now he will be in a quandary and they will be in a quandary too, but remember do not mind what was said,

Now, I want to say that all this talk about the amendment not taking employees in statutory boards into consideration I think that must be dismissed. I have to clarify it and, as the Honourable Member for St. Joseph said, it must be clarified Now, there was never a legal decision as to whether it was legal to cut the salaries of employees of statutory boards There was never any legal decision on that. The deciding case was the case with Gladwyn King. It was a public servant's case. That is what the case was. Now, the statutory boards' case will be decided on Trevor King against the Central Bank case. That case is before the courts so there is no need to rush in to find legislation to protect workers of statutory boards because the court may very well find that it is illegal to cut their salaries in the first place and then they would not need any protection. It is illegal,

Aside.

Hon. R. N. GREENJUDGE: They are not subject to the Civil Establishment Act, This is the point. What we are doing really is to put what is already wrong right. We are addressing the public servants' cause and the amendment is a way of saying that the law should apply equally and universally, that public workers are part of this population and that legislation should not be prejudicial to the public workers.

The amendment seeks to give the public workers as much protection as it is possible to give at a time like this. We are giving the best possible that we can. It is a protection that they never had against cutting their salaries. We have taken the best possible precaution by having this protection enshrined in the Constitution. You cannot go any higher. It is an act of good faith on the part of this Government. It is our covenant to the people. It is a covenant we made them. We carried out the pledge. It is

saying to public workers, we know that you are worth it. It is also a way of restoring the confidence which the public workers had lost in Government generally. Since 1991 there are a lot of public servants who are timid to take out a mortgage or to put themselves in debt because they do not know when the guillotine is coming. We will give them the assurance that there is no need to fear the guillotine and that they can budget without any fear whatsoever of a salary cut. This is what we are doing. 6.35 p.m.

This Amendment acknowledges the worth of public servants. Our attitude towards the public servants and towards the public service generally could have been seen with the Conference We had at Sheilbourne with all of them about three or four weeks ago. We have great plans for public sector reforms in the Ministry of the Civil Service.

All public servants in this country can now take comfort in the fact that we are at last at the end of the wage freeze.

Thank you, Mr. Speaker.

Mr, SPEAKER: The Honourable Member for St. Michael East,

Mr, J. O, TUDOR: Mr. Speaker, I am very clear in my mind that we are into a debate which clearly has been brought to this House of Assembly at this time to assist the present Government in carrying out an election promise or an election position, or a position that they held purely as a political tool that they would want to hold over the heads of the Democratic Labour Party.

I was a member of the Democratic Labour Party during the time in 1991 when circumstances that prevailed within the country necessitated the Government to take firm and decisive action with regards to stabilizing the Barbados economy. At no stage was there any joy on the part of Members of the Democratic Labour Party who were confronted at the crossroads of our economic crisis to make a decision. There are very few options that are available to a Government and I am sure that the Honourable Members on that side will appreciate in good time that they may find themselves in the same position if they continue on the present course that they are going.

When we were faced with that decision, Sir, I myself in my constituency took the brunt of the lay-offs that were occurring in the public service and it angered me to witness the lay-offs that occurred in the public sector because

many of the lay-offs occurred at the bottom end of the scale and casual workers were sent home at that time. I saw the advent of severe hardship within my own constituency and I recognize that Barbados was confronted with probably one of the most difficult periods of our history and I could go on at length about the causes that brought us to that point but I would not want to prolong the House. I think that it is fairly well established that a number of circumstances prevailed, some of them aggravated by members on the opposite side that provoked a crisis in Barbados that led to the determination when we had to cut salaries.

Barbados has a very severe problem with its debt servicing and it also has a very high wage bill on the emoluments within the civil establishment. We must not be perceived as a Government that wanted to willy nilly cut salaries of public servants because the other options that were available to the country certainly may have been devastating to the extent that there would have been a devaluation of a significant proportion as we saw happen in Guyana, in Trinidad, in Jamaica, in Canada *et cetera*.

What is so strange is that in some of those countries there was also a pay cut to their public workers in addition to devaluation, a double blow. We can see the impact that that has had in Trinidad, in Jamaica and in Canada where those economies have come under severe stress. We know of all the persons who have been living at one standard of living and they have had to make adjustments. These are not issues that are new. These are real issues.

But, Sir, our constituency office in St Michael East at the time took a very responsible position, never mind that there were a few anarchists functioning from within the branch at the time, but under the astute leadership of Mr Frank Manning who was the Chairman at the time we were able to take a very responsible position and we in fact lobbied the Government and solicited the view that we should in fact have invited a 10% cut of civil servants pay. The reason why we did that was because we were of the view that if there were in fact such a cut those persons who were working could in fact contribute to those who were not working and to avoid further lay-offs in the system because we were trying to at least come to a position where the lay-offs would stop. We were in a crisis situation and we had to take a position.

I would opt any day for a situation where I would have to give up 10% of my salary so that I can assist another Barbadian who is not as fortunate as I am. I agree that some of them opted not to sign but I believe that if you check the records many of them opted to sign through political suasion or many of them did not want to see good Government in place. But those of them who recognize that they have a role to play in the stabilization of this economy willingly signed those forms and the result is that Barbados

as a result of that decision has been able to stabilize to the extent that we can see growth as we have seen in 1994.

The Leader of the National Democratic Party is on record as having indicated that this country has been handed to the Barbados Labour Party in what he termed the proverbial perfect wicket 6.45 p.m.

The record levels of foreign exchange that were achieved, Sir, speaks for themselves. The recovery as the Honourable Leader of the Democratic Labour Party indicated on the surplus on our balance of payments speaks for itself. Low inflation over the last 2 or 3 years speaks for itself. The unemployment level that took a serious decline after the 1991 decision where we were able to trim the size of the public service we have seen a gradual shift in the emphasis of employees from the public sector to the private sector to the extent that the employment levels were significantly reduced and when we left office I believe that it was somewhere in the vicinity of 21 or 22%.

The Central Bank Report on unemployment, Sir. I am quoting from the Central Bank Economic and Financial Statistics November/December 1994: If you look, Sir, at the number of persons that were employed in the third quarter 1991, there were in fact 98 900 persons employed at that time. We had slippage within the system, Sir, to the extent that in 1993, during the first period we had a decline down to 92 200 persons. Because of the stabilisation programme that was put in place, the economy gradually picked up to the extent that we were able to reduce the unemployment levels and by 1994 in the second period some 103 300 persons were employed in Barbados which meant that there was in fact a pattern developing where the economic programme that had been put in place by the Democratic Labour Party took root and we were seeing an about-turn in the economy. I know that if Honourable Members on that side are honest that they will clearly acknowledge that the programme has been a resounding success. And we have to be very fair to the programme.

Now, I personally do not want to get into the business of this amendment because I am no lawyer neither am I an economist. But what I do know is that there are several tools that can be used to inflict a reduction of emoluments from people. Taxation, cut in salaries, as this Government has done at the NCC last month where they have reduced the salaries of the workers from 5 days to 3 days. Sir, that represents a 40% cut but it is okay for Government to cut the workers at NCC by 40%. There is no provision for them because the impression that they give is that they are only cutting grass so they are not important. They are not doctors, they are not lawyers. They come from Licorish Village or St. Barnabas or Chapel Gap so it is okay to cut them by 40% and they are coming into this House

seeking credibility as if protecting the workers of this country. Well if you are protecting, protect everybody. Be sincere. If we are going to be honest let us be honest. The country has a significant problem and God forbid that we should go back into that same situation again. I wonder what this administration would do. I have every reason to believe that they will devalue in a hurry the Barbados dollar because that is one of the major options that will be available to them.

Certain remarks made by the Honourable Member for St. Michael East were ordered to be expunged from the record by Mr. SPEAKER.

Mr. J. O. TUDOR: This is what it says on page 21, Sir, "Never again in this country will it be possible for a Government to reduce the earnings of its employees without their permission". This is what it says in the Barbados Labour Party's Manifesto. I would like them to say to this Honourable House when this ever occurred, because they are bringing an amendment to this House which says that never again will it be able to reduce the salaries of public servants when in fact that has never ever occurred because permission was sought and the reduction of the 8% was done willingly by the majority of public servants in this country. Sir, it is a false premise on which this amendment has come before this House because it clearly has been brought here to hold the Democratic Labour Party out like a rag doll to finish lick the stuffing out of it

Mr. SPEAKER: You are referring to the Democratic Labour Party?

Mr. J. O. TUDOR: Yes, Sir. They want to hold us up to public ridicule to finish lick the stuffing out of the Democratic Labour Party. I take very serious offence to that because, Sir, the Democratic Labour Party took a very responsible position with regard to the cutting of salaries at that time. It was not a situation that any of us enjoyed. It was not an option that the Minister of Finance at the time woke up one morning and said, I am going to take it out on the public servants. There are a few concerns I have about the public servants if we want to talk about protecting them.

Right now, Sir, if we are serious about protecting the interest of the public servants there are hundreds of them who are working within the system who have been acting in established positions for periods of 10 years, 15 years, 18 years, 20 years and if you are talking about protection I am saying that all of those persons should be appointed in those positions. Persons who have acted for periods of 2 years or more should be uncomfortable that....

Aside.

Mr. J. O. TUDOR: All I am saying is that if we are talking about serious Government in this country let us remove the political harangue and understand that Barbados as a country from time to time will come under economic stress. Despite which ever administration is in office there are options that must be available to the country. Tell me, what is there to stop a Government in the future. This amendment can be passed. What is there in the future to stop a Government from completely repealing all of this and re-imposing an amendment at some later date if they find it is the only tool that is available to them at that time. 6.55 p.m.

We will have to do it So the point is that we have to recognize that and this administration is on a head-on collision course where very shortly they are going to have to make a decision similar to the one that we had to make in 1991. The only reason why you may be able to say "no way" is because of the wicked that you have received from the Democratic Labour Party where you are in a growth pattern and that is precisely the point that we made. We took the hard decision in 1991 so as to chart Barbados on a course that we would not even have to consider the reduction of salaries in the future. Clearly, the signs are there for a proper growth pattern providing the tight fiscal control is maintained and that you do not seek to score cheap political points by saying that the Democratic Labour Party was such a wicked administration that they came and inflicted these kinds of measures on the people of Barbados. It is insensitive and the Members on that side, Sir, know full well when they make insensitive decisions how they come to feel the heat as they felt in St. Andrew yesterday when they were run out of St Andrew.

Aside.

Mr. SPEAKER: Let us continue please.

Mr. J. O. TUDOR: Mr, Speaker, there were a number of other interesting observations that I would like to make before I close because I am aware they want to close for dinner. The Ministry of Labour, Sir, seems to have become very lethargic with regards to the focus of the training of young people.

Mr. SPEAKER: So what does this have to do with the Bill before the House? The Honourable Member, I believe you are still focusing on the Bill before the House.

Mr. J. O. TUDOR: Sir, because of the Structural Adjustment Programme that we went through, there was the need which resulted in our having to impose an 8 per cent cut. There were a number of persons who were affected during that period who were laid off and are still to this date out of the system of employment. Our administration sought to put in place programmes that would seek to rehabilitate them into the main stream of

life. We set up a number of training programmes with specific funding from the World Bank so that we would be able to assist those members of the public who had been severely affected or are out of the system to get back in as quickly as possible.

Sir, you would appreciate that we took very serious decisions that affected people. But the whole process of stabilisation is one that those persons who have been affected must be facilitated somewhere down the line. I am a little concerned, Sir, that at present there seems to be no anxiety coming out of the Ministry in this regard and I sincerely hope that coming out of the Ministry very shortly will be programmes addressing the youth and those persons affected coming out of this Structural Adjustment Programme.

We have a number of young people in this country who are waiting and watching and they are not standing for any foolishness from any administration anymore. We have come to this country and told them the truth of what we were confronted with. It is a very dangerous practice to give the public the impression that all is well when things within the economy are very, very tight. The Economic Report speaks very fluently about growth and it shows that the Democratic Labour Party was able during the last 2 or 3 years to change the pattern or decline within the economy. But this does not paint a rosy picture for the future. This does not say that we are in a bed of roses. This paints still a very difficult picture about what is confronting us in Barbados. We must not have administrations which seek to give the impression that the Government has "X" amount of money, we can do everything, when in fact the reality of the situation is one where Government comes under pressure from time to time. If this administration is arguing that we were wrong to withhold money from the public servants of some \$33 million or \$35 million a year, the suggestion has already been made that the money should be properly returned and I think that is fair. The corollary to the amendment must clearly be that the Government returns that money to the public servants. Because if you are saying that we were wrong to do it and you are correcting the wrong, you have to correct the wrong in full.

I endorse the suggestion that has been made that we should properly return that money. Sir, if we were told at that time that the economy could have afforded to pay, clearly it is in a better state of affairs today and the Government without any hesitation seek to return that money to the civil servants.

Sir, I would like to just close in dealing with the incomes policy which was put in place by the Democratic Labour Party when we were in Government which is referred today as the single most important tool that has assisted in the stabilisation of this country. I would like to

urge, Mr. Speaker, that we in Barbados and the Government in particular I am speaking to must seek to speak honestly and fearlessly to the people of Barbados and stop playing politics. It seems very clear to me, Sir, that the people of Barbados have already spoken to us on this side. We are of the view that what we did was in the interest of the stabilizing of the Barbadian economy. We have taken our political lashes on this side. I would like the Government to stop the charade of political grandstanding and get down...

Aside.

Mr. SPEAKER: The Honourable Member, would you like to phrase that a little differently? Just rephrase your point please.

Mr. J. O. TUDOR: I want the Government to level with the public. Let the public appreciate that in Government it is a very tight ship that we are running. It is not a situation that a Government can do everything for everybody at all times. 7.05 p.m.

Clearly what we went through was an exercise that was very painful to us, because we were not able to do everything for everybody at all times. If this Government is honest, it will seek to...

Mr. SPEAKER: Honourable Member, please. Your imputation once again. You are obviously imputing dishonesty to the Government Will you rephrase that?

Mr. J. O. TUDOR: Mr. Speaker, I am not imputing anything. I would just like the Government to be straightforward with the public of Barbados and that they should not seek to politicise situations as sensitive as this issue because, in the final analysis, somewhere down the road they will find themselves in a very similar position as we found ourselves in.

I sincerely hope that it will take the responsible action that we took on this side and we do not find that Barbados has been devalued to the extent that we have seen in Guyana, Trinidad and Jamaica and the other Caribbean countries. I sincerely hope that the option available to them will not include that question of devaluation. I thank you.

SUSPENSION

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that this sitting be now suspended until 11 o'clock tomorrow morning.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

The question was put and resolved in the affirmative without division and Mr. SPEAKER suspended the House accordingly. 7.07 p.m.

RESUMPTION

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

Hon. G. W. PAYNE: Mr. Speaker, in rising to support this Bill for the protection of the salaries and allowances payable to the holders of offices established under the Civil Establishment Act and the Defence Act, I must say at the outset that I am somewhat disappointed with the contribution of the Honourable Leader of the Opposition in this debate. I know that the Members on that side and certainly the Leader of the Opposition found themselves in difficulty in attempting to lend support to a measure which would, in fact, make sure that what they did in cutting workers in the Public Service salaries would never happen again. But at the same time, I think the Honourable Leader of the Opposition has spoken and the only decent thing to do would have been to support these measures. I would hope that the contributions from Honourable Members on that side would be more charitable.

Mr. Speaker, if I may take the contribution of the Honourable Leader of the Opposition who spoke for four hours and whose speech could probably be condensed in about four minutes, there are four basic points in all that he did mention. I believe he spoke for almost four hours because he thought that, like the debates on the Estimates, we were limited to a certain time and maybe the Honourable Members, both on this side and on that side, would not be able to make any contribution in rebuttal.

Mr. D. J. H. THOMPSON: Mr. Speaker, on a point of order. I think that comment is grossly misleading. I certainly do not seek to use the Rules of the House in any way to reduce the contribution of any member. The Rules permit me to speak for unlimited time as the first person replying on behalf of the Opposition. Therefore, if the Honourable Member wishes to impute improper motives to me that I am using the Rules of the House to seek to disenfranchise or stop other members from speaking I feel that I should be entitled to Your Honour's protection in that regard. The Rules permit me to speak.

Mr. SPEAKER: Okay. Your point has been made. Will the Honourable Member please withdraw the remarks.

Hon. G. W. PAYNE: Mr. Speaker, I did not impute anything on behalf of the Honourable Member. I said that maybe he thought that was the position because you would know that in debates of this nature where debates are televised, notwithstanding the fact that a member may

speak for unlimited time, that where radio and television broadcasts are done the speech in excess of that of the person who introduced the Resolution is not normally broadcast and it is within that context that I said that I thought that the Honourable Member thought that the time would have been exhausted by his contribution. If he is offended by those remarks I will withdraw those comments nevertheless.

Mr. Speaker, the four points to which I referred that the Honourable Member alluded were firstly, that the salary cuts introduced by the Democratic Labour Party Government in 1991 were justified taking into consideration the options available. Secondly, since the introduction of the measures taken by the Democratic Labour Party at the height of the structural adjustment programme, the economy has performed well and the Barbados Labour Party can take no credit whatsoever for their achievement even though he is predicting a bleak 1995 and 1996. Thirdly, that the Democratic Labour Party has always been in the forefront of the struggle for workers' rights in this country. Fourthly, that the amendment is a hoax. If one can surmise from what he has said it is only reasonable...

Mr. D. J. H. THOMPSON: Mr. Speaker, on a point of order. Now, we need some consistency in this debate. I understood yesterday your ruling to be very clear on the question of what is now parliamentary language in this Chamber. You required me to withdraw the word "hoax" and I am assuming that you will be consistent and have the Honourable Member remove that word from the content of his speech. If not, he will be entitled to use unparliamentary language in responding to a presentation that I made when those same words were ruled unparliamentary already. I hope there will be some consistency this morning with respect to that.

Mr. SPEAKER: The Honourable Member will you withdraw the word "hoax", please?

Hon. G. W. PAYNE: Mr. Speaker, I am guided by you but did I understand you to accept the word "trick", that the amendment is a trick? I remember specifically the Honourable Member for St. John using that word subsequently.

Mr. D. J. H. THOMPSON: Mr. Speaker, again on a point of order. I assume that this House knows what its rulings were. The Honourable Member for Christ Church West made an objection to the use of the word "trick". I was also required to withdraw that word. Although I have heard such words used in previous sessions I understand these to be rulings about what is now parliamentary language. Therefore, unless we are uncertain I think Your Honour is going to have to rule on the specific words because I withdrew whatever I was asked to withdraw

for the sake of letting this debate proceed. Therefore I think Your Honour needs to rule on whether the word "trick"¹ is unparliamentary.

Mr. SPEAKER: Your point has been made. Will the Honourable Member strive to use language which is parliamentary, please. Will you withdraw the word "trick".

Hon. G. W. PAYNE: Mr. Speaker, I have no difficulty with withdrawing the word but I am very, very certain that I heard the Honourable Member for St. John use the word "trick" even after your ruling about withdrawing...

Mr. SPEAKER: That one might have slipped past the Chair. Please let us proceed.

Hon. G. W. PAYNE: In reading today's news -1 do not remember which section of the Press it is, I think it is the "Nation" the front page carries the word "trick" as used by the Honourable Member for St. John referring...

Mr. SPEAKER: The Honourable Member *for* St. Andrew I am asking you to withdraw the word and not to make any comments on the ruling of the Chair and let us proceed, please.

Hon. G. W. PAYNE: The Honourable Member said that the amendment does not accurately reflect what the Barbados Labour Party administration is trying to convey. One can only surmise, as I said, from what he has said that if the Democratic Labour Party had been returned to power, not only it would not have introduced this amendment but it would not have introduced any amendment reducing public workers' salaries. Secondly, if the Democratic Labour Party ever again regains power in this country, it would cut public workers' salaries again. As a matter of fact, by the very tenure of the Honourable Member's presentation, one shudders to think, God forbid, if the Democratic Labour Party had gained all the seats in a general election even this amendment from the presentation of the Honourable Member for St. John that they would want to change this amendment to the Constitution and require that such an amendment would have to be unanimous to ensure that a future Democratic Labour Party administration would not be able to cut public workers' salaries again. 11.20a.m.

Mr. Speaker, I would ignore the first 3 points that came over from the presentation of the Honourable Member for St. John because since the 6th of September the public has spoken on those points and all of us, not

only those of us in here have certainly been able to breathe a breath of fresh air and we hope that this breath of fresh air would certainly continue for a long time to come.

But if I may first address the words which have been used, the language rather in this Amendment before I deal with the question of it not accurately reflecting the true position of the Barbados Labour Party. I should like to say that there is absolutely nothing wrong with the language which the Honourable Attorney General has used in order to ensure that this Amendment is passed. What has happened is that the Democratic Labour Party has been caught by surprise that we have been able to bring about an Amendment of this nature in such a short space of time and secondly that it has been brought about in such a simplified form.

The Attorney General, quite rightly, used the language of the existing Section 112 (3) which states that the salaries and allowances payable to the holder of any office to which this section applies and his other terms of service shall not be altered to his disadvantage after his appointment, among other things. Subsection 4 identifies the particular offices, the office of the Governor-General, Judges, the Director of Public Prosecutions, the Auditor General, appointed members of the Judicial and Legal Service Commission and members of the Public Service Commission.

Mr. Speaker, we are further strengthened in our resolve that this particular wording is adequate by the language of the decision of the Privy Council when it states that these provisions ensure the independence of the selected officers free from any financial pressure which Parliament *or* the Executive might otherwise exert. Hence this Amendment simply gives public officers and soldiers that same financial security.

The Honourable Member for St. John cannot deny that if this provision were included in the Constitution before the action was brought by Gladwyn Ophelia King the decision would have been different, I mean the decision of the Privy Council. Or, put simply, when this Amendment is passed the Democratic Labour Party Administration of the future would not be able to cut the salaries of public workers, unless, of course, they change the Constitution for the requirement of a unanimous vote of Members of the House of Assembly.

The Amendment is sound and they find themselves in a very awkward position...

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, on a point of order. Unless this House be misled by the contribution of the Honourable Member there is no

vote in this House which requires unanimity. There is no change to any legislation which requires unanimity at all. I have never heard of such a principle arising in any law or otherwise.

Hon. G. W. PAYNE: Mr. Speaker, I do not think the Honourable Member was listening to what I said. I said that unless a future Administration changes the Constitution and I alluded to the fact where a future Democratic Labour Party Administration, God forbid, had won all the seats in the House of Assembly and had decided to change the Constitution to ensure that a similar Amendment would require the unanimous vote of all the Members of the House of Assembly. That is what I was referring to. As I said, the Amendment is sound.

They find themselves in a very awkward position. They cannot and I must repeat, they cannot congratulate the Attorney General for bringing this legislation to stop a recurrence of the pain and suffering which they have inflicted on the public workers of this country.

No one should be surprised that the Leader of the Opposition finds that this Amendment does not accurately reflect our true position because the Democratic Labour Party has always practised the politics of deception. One saw, very clearly, in their repudiation of their own Manifesto. They do not regard their Manifesto as a social contract with the people of Barbados. To them a Manifesto is a means to an end, a document in which they make a few promises for the purpose of winning an election only to repudiate those promises after, whether or not they win the election. One could only interpret that in the light of the admission of their leadership that they do not regard a Manifesto as a social contract.

Mr. Speaker, while it may be argued that the entire Constitution needs to be reviewed and one should not deal with it in a piecemeal manner in order to understand this Amendment one needs to go back to our Manifesto and the commitments given by us in that Manifesto and what we have done since that Manifesto was published.

In terms of the review of the Constitution we have set up a commission of social justice in keeping with what we said in order to advise us on the best ways in which we should set about implementing certain changes to the Constitution. 11.30a.m.

Mr. Speaker, we are also honouring a commitment given in our Manifesto as articulated on the political platform during the election by all of our candidates that as one of our first orders of business we will ensure, and I think it is on page 21 of our Manifesto, that never again in

this country will it be possible for a Government to reduce the earnings of its employees without their permission.

Mr. J. O. TUDOR: Mr. Speaker, on a point of order. I would like the Honourable Member to state clearly when the incident occurred where there was a cut in the remunerations of the public workers in this country without their permission. I would like him to state it. It has never occurred before in this country, Sir. The Honourable Member is misleading the House.

Hon. G. W. PAYNE: As I was saying, Mr. Speaker, when I was interrupted by the Honourable Member for St. Michael East, you must therefore dismiss any talk about deception or inaccuracies on our part and judge our seriousness against the background of our measures in our Manifesto and our attempts since the 6th September to honour the pledges contained therein.

I have already mentioned the Commission of Social Justice. That was not a deception. No inaccuracy there. Page 15 of our Manifesto, Mr. Speaker, "A BLP Government will remove all duties on the inputs for manufacturing". Mr. Speaker, we have done just that. No deception. I do not know what the Honourable Member for St. Michael East is quarrelling about Maybe he is worried about something that happened in the three months leading up to the election.

Mr. SPEAKER: Let us continue the debate.

Hon. G. W. PAYNE: I do not know what he is worrying about. No deception there.

Agriculture, on the same page, will benefit from the removal of duties on inputs. We have done just that No deception there as the Prime Minister has indicated. He has mentioned the concession to hoteliers and the expansion of plants.

Page 11 of the Manifesto "We will liberalise the exchange control regime in order to make the operation of foreign exchange accounts more effective."

I do not know if these things worry the Honourable Member for St Michael East. As the Prime Minister has indicated again we are going to make it possible for persons earning as low as \$50 000 in foreign exchange to be able to hold foreign exchange accounts.

Mr. Speaker, you know what is a deception? If the Honourable Member for St John and the Members on that side want to think of a deception or an inaccuracy one needs to go back again to their Manifesto. We need to repeat it in here. Their leadership does not regard their Manifesto as a social contract. Mr. Speaker, their

position is now so well known and I believe that the Honourable Member for St. John, the Leader of the Opposition, would agree with me that in a court of law we would state that it is judicially noticed. And talking about inaccuracy, deception, I refer to the Financial Statement and Budgetary Proposals, Tuesday 2nd April, 1991 by the then Minister of Finance, then Prime Minister of this country and this is what he told us in here. I was new to this House then and I must admit that when I heard the Honourable Prime Minister I was one of those on that side that felt the Honourable Minister of Finance was sincere when he stated - "I have already stated and I give the assurance again to this Honourable House that I do not intend to preside over massive layoffs."

I will say that again - "I have already stated and I give the assurance again to this Honourable House that I do not intend to preside over massive layoffs in the public sector" - The Financial Statement and Budgetary Proposals of the Right Honourable L. Erskine Sandiford, Prime Minister and Minister of Finance and Economic Affairs on Tuesday 2nd April, 1991. And we believed him then. But look what has happened. That Democratic Labour Party administration proceeded with massive layoffs and I know what it was all about because I come from the Constituency of St. Andrew, a constituency that is dear to my heart, where the majority of workers in that constituency are employed by Government related agencies and that administration proceeded to send home almost half the working population in St Andrew. That was deception. That was an inaccuracy.

And yet, Mr. Speaker, as I said earlier the Honourable Member for St. John could come in here and tell us that the Democratic Labour Party has always been in the forefront of the struggle for workers' rights in this country. Which Democratic Labour Party is he talking about? Certainly not the last administration.

Mr. Speaker, we have numerous examples of the anti-worker stance of the last administration. As a matter of fact, their very act in cutting public workers' salaries in the way that they did it, they were only interested in the unions when they wanted the unions to sign the protocol on incomes. Their very act of cutting the public workers' salaries breached all the elementary rules of collective bargaining.

Mr. Speaker, the General Secretary of the Barbados Workers' Union was a member of the Democratic Labour Party Government. He did not leave the Democratic Labour Party for nothing. He was driven by the policies of the Democratic Labour Party to leave that organisation. So I do not know what the Honourable Member for St John means

when he comes in here and tells us that the Democratic Labour Party has been in the forefront of the struggle for workers' rights in this country.

Mr. Speaker, their failure to give the necessary impetus to the productive sectors so that in turn they would be able to increase their profit margin and employ more people is another example of their anti-worker stance.
11.40a.m.

What have we done since we gained the reigns of power on the 6th of September? What have we done? I have already spoken of the concessions to the manufacturing sector and the agricultural sector. They did not have the foresight to do that, Mr. Speaker, and I have mentioned the way how these workers were laid off. Some of them were given a letter the same day and were told to go home. Then they had to demonstrate and the former workers at the Transport Board would know what I am talking about. It took weeks and months in some cases before they got their money.

The Honourable Member for St. Michael East talked about training. They sent home the workers and then they did not give enough money for training to make sure that workers who were dismissed would be able to be employed in another area.

Mr. J. O. TUDOR: On a point of order, Sir. The Honourable Member again is misleading the House. I believe in 1992 there was the commencement of a retrenched workers programme for training and there were about 30 or 40 different disciplines. I cannot speak accurately as to the number of persons that were retrained, but certainly there were a number of persons...

Aside.

Mr. SPEAKER: Your point of order must relate to what the Honourable Member has said.

Mr. J. O. TUDOR: Yes. There were a number of persons who were retrenched at that time and they were involved in a training programme under the auspices of the Barbados Training Board. There were about 30 or 40 disciplines in which people were retrained and I think that it is not fair to say that there was nothing put in place for the retrenched workers.

Hon. G. W. PAYNE: Mr. Speaker, the Honourable Member is talking about 150 workers out of thousands of people who were sent home - negligible, Mr. Speaker. What about the severance and unemployment benefits that were cut? Mr. Speaker, I wonder whether the Honourable Member for St. John, seeing that the Honourable Member for St Michael East just intervened, will tell us

whether or not it was a deception when the Honourable Member for St Michael East publicly protested the cuts and went the length and breadth of his constituency abusing his political party and calling on the Prime Minister to resign.

Aside.

Mr. J. O. TUDOR: On a point of order, Sir. The Honourable Member is misleading the House. I said in this debate only last night that my branch within St. Michael East took a decision that we would have requested a 10 per cent cut across the board in an effort to save other members of the community from being laid off. It is not fair to the Honourable Member to say that I walked the length and breadth of my constituency criticising my colleague.

Aside.

Mr. SPEAKER: Order please. Let us continue. Would you conclude please?

Hon. G. W. PAYNE: Mr. Speaker, I would like to refer to the statement by the former Prime Minister and the then Minister of Finance when he stated that he had prepared a programme and had obtained the support of the international financial institution for it and that the vast majority of Barbadians also have confidence in him and his Government. Mr. Speaker, the vote of "no confidence" in the former Prime Minister is now history and the result of the election of September 6, 1994 is also history.

I thank you.

Mr. SPEAKER: Honourable Members please. I would like us to continue this debate with dignity. I do not appreciate these interruptions. Let us hear the Honourable Members please. The Honourable Member for St. James North.

Hon. R. C. EASTMOND: Mr. Speaker, the matter of constitutional change, the matter of an alteration or amendment to our Constitution must never be brooked lightly or wantonly. It must be approached in a very serious way and for this reason with very few exceptions Constitutions the world over provide within themselves special procedures that are necessary to effect change and in particular to the entrenched provisions of Constitutions.

The Barbados Constitution is no exception, Sir, from the point of view that the Barbados Constitution to guard against the occurrence of a wanton or reckless change has provided within it, certainly in relation to the entrenched clauses, a specified procedure that must be followed to effect change. That constitutional change, must be

approached in a very serious manner. There is no doubt that we in this Government put our minds to this matter in a very serious way and considered the background necessitating the change and in full contemplation of what we were about to do. We made sure that we put things in the right order to bring them here, Sir.

Section 49(6) of the Barbados Constitution says: "No Act of Parliament shall be construed as altering this Constitution unless it is stated in the Act for that purpose". The Bill before the House meets with that requirement by saying "A Bill entitled an Act To Amend The Constitution". Certainly from that particular point of view, the Bill before Parliament is in order and as such I personally can find nothing wrong with it. However, I would want this Honourable House to be apprised of the background to the change and the background to what has brought us here today.

You will no doubt recall, Mr. Speaker, that in the year 1991 economic chaos broke out in Barbados in such a way and in such a degree that in the year 1991 we saw a Budget and two Mini-Budgets unloading a tremendous amount of taxation on Barbados, introducing a number of oppressive measures and admitting clearly that the economy had been completely out of control and was being mismanaged. One of the features to the poor management of the economy in 1991 was an excessively amount of Governmental expenditure brought on by the economic malpractices of the outgoing Democratic Labour Party Administration.

Mr. D. St. E. KELLMAN: On a point of order, Sir. Malpractices, Sir? Is that parliamentary, Sir?

Hon. R. C. EASTMOND: Mr. Speaker, the sum total of the contributions from the Member who just jumped to his feet is springing to his feet for 30 seconds as often as possible in every debate and without just cause as though he is either sitting on springs or something hot that cannot keep him in his chair. 11.50a.m.

Mr. Speaker, back to the economic background.

Mr. SPEAKER: The Honourable Member, I do not think...

Hon. R. C. EASTMOND: Mr. Speaker, I withdraw the offending remarks, but I just want to caution...

Mr. SPEAKER: All Members are Honourable Members, irrespective of their size.

Hon. R. C. EASTMOND: I just want to caution the Honourable Member that despite youthful exuberance there is often a time when you sit and listen in the same fashion and the same humility as the Honourable Member for St. Philip South.

Back to the argument though, Mr. Speaker, Barbados had come to a stage in 1991 where, because of a high amount of economic mismanagement, the Government of the day found itself trapped, where its expenditure had gone completely out of control and where at the invitation and the urging of the International Monetary Fund it had to impose a discipline upon itself to correct the malaise it had brought the country to.

I am saying this, having taken into account the factual background to the situation. The fact of the situation preceding the economic position of 1991 was that between 1989 and 1991 the major economic sectors of Barbados had not been performing, at the same time the Government was spending extremely heavily and the foreign reserves position had in consequence become almost perilous. At the same time Government found itself with a tremendous fiscal deficit and at the IMF's invitation it was supposed to implement a measure of cuts in governmental expenditure to meet IMF target requirements. The Government, having found itself in that particular predicament as a result of its own folly, decided then to look at what options it had available to it to try to comply with IMF requirements.

So there is an economic background to what transpired in 1991 and in consequence of the situation in 1991 where the Government of the time had to cut expenditure, Government thought it prudent then, against our advice, that it should introduce an Act called the Public Service Reduction of Emoluments Act, 1991-13. Section 5(1) of this Act says:

"For the avoidance of doubt it is hereby declared that nothing in this Act shall apply to the holder of any office referred to in section 112 of the Constitution."

Generally speaking, this Public Service Reduction of Emoluments Act, 1991-13 sets out quite clearly that it was the policy of the Government of the day to reduce by 8% the salaries of a large number of persons who fell under the Civil Establishments Act, but at the same time Section 5, from which I have just quoted, clearly says that Section 112 of the Constitution was one protecting specified holders of offices in the Public Service.

However, Sir, because of the fact that for the first time in the history of Barbados something like this has happened the entire legal community was almost tossed at the crossroads to ascertain whether these things were done rightly. I recall a number of lawyers speculating as to

whether what was done was really correct. There were those who thought immediately that it was unconstitutional. There were those who, looking at other areas of the law, did not necessarily believe that Civil Servants represented a special category of workers and looked at existing common law, and the result was that there was a lot of controversy. Nonetheless, Sir, as time would have proved it, the highest court of the land has given a clear literal interpretation to the existing Section 112 of the Constitution of Barbados, and that is why we are here today.

The Privy Council based in London, in looking at the case that was brought before it, considered that Section 112 was clear enough to specify that only particular holders of given posts were protected in the event of a cut in salary. Now, Sir, we in the Barbados Labour Party felt that notwithstanding that ruling we, in our interest in Civil Servants and in workers generally and in our political conscience could not permit a situation to recur where as a result of Government's recalcitrance and Government's economic mismanagement, poor innocent Civil Servants are required to bear a heavy burden in the process of rescuing a recalcitrant Government from its own folly. That is why today we have come to make this amendment to the Constitution.

I gather from the words of the Honourable Member for St. John that his unhappiness with what we have brought is not just an unhappiness over the expression in Section 112A, as we proposed it, but that his unhappiness goes further and he is unhappy with the manner in which we brought it, the spirit in which we brought it, but that he would have been happier if we had given him our word that we will not cut Civil Servants' salaries. What effect do gentlemen's promises as words have on the law? How could the holder of a responsible office like Leader of the Opposition, which has constitutional significance. ... The office of the Leader of the Opposition is a constitutional office and irrespective of who its holder is at a given time a measure of responsibility is expected of that holder. How can a serious Leader of the Opposition, considering his constitutional responsibility, say three times on national television, via this House, that he would have been happier if we in the Barbados Labour Party had given a mere verbal assurance, Mr. Speaker, that we would never cut Civil Servants' salaries....

Mr. D. J. H. THOMPSON: Sir, the Honourable Member must not....

Mr. SPEAKER: On what do you rise?

Mr. D. J. H. THOMPSON: I rise on a point of order. The Honourable Member is misleading the House. I never said I would accept an assurance from the Barbados

Labour Party, I would accept an assurance from the Honourable Prime Minister, and he should not place himself as high in that reckoning or higher than I would have placed him. I would accept the Prime Minister's assurance on that point only.

Mr. SPEAKER: Let us continue, please.

Hon. R. C. EASTMOND: Mr. Speaker, the Honourable Member still has not succeeded, because his statement yesterday was that he would have accepted words in preference to legislation. How can he come now and repeat that he would not just accept words, but only words coming from the mouth of a Prime Minister? The point about it is that in the process of performing the function of Government legislation is a necessary implement to ensure that legislative policy is executed, and the best process is to do that according to the Constitution and according to the parliamentary process, not according to words. Even though I have every assurance that my leader, the Honourable Prime Minister of Barbados today, is a person who would normally stand up on a given assurance, certainly the experience of that Honourable Member who just got up on his feet and his colleagues is such that they know from experience that they could not easily have relied on the words of certain people in their party when they had power.

Nevertheless, Sir, I was making the point that initially when this matter came before the country there was some confusion and that the courts have held that Section 112 did not extend to the general body of Civil Servants. We have had some reaction in the Press suggesting that certain persons were unhappy with the wording of the proposed Section 112A in this Bill. The learned Attorney General has given the assurance that if necessary he is prepared to bring about an amendment to ensure that those who have had misgivings with the wording, even though from our perspective it is not necessary, would feel more comfortable. Nonetheless, Sir, in my view the proposed wording of Section 112A is crystal clear. However, if a court of competent jurisdiction has found itself unable to interpret the words at their face value, I am sure a court of competent jurisdiction would look to see what mischief existed before, namely, that there was a situation that the Government could willy-nilly reduce civil servants' salaries and, in any event, Mr. Speaker, since 1993... 12.00 noon

Mr. SPEAKER: Honourable Member for St. James North. Yesterday I did caution about the use of language. Your words referring to the previous Government "mischief and "willy-nilly", I am suggesting to you to keep all language as parliamentary as possible. Continue please.

Hon. R. C. EASTMOND: Mr. Speaker, Sir, perhaps you can help me, Sir. I believe...

Mr. SPEAKER: Just proceed with the debate, please.

Hon. R. C. EASTMOND: I believe you will permit me to continue for the reason that I rather suspect that in 1991 you personally fell a victim to the particular Act that was implemented then. However, when a Court is being challenged to interpret law, there are certain specified rules and one rule which in law is called a mischief rule says that you look at what was happening before that was not being adequately dealt with by law and then interpret the new law in the light of what was going on before that was not going on.

I am not using the word "mischief"¹ in the sense that people use it. I was not using it in the sense that certain Honourable Members were wont to use it. In any event, Sir, I was about to make the point that since 1993 the House of Lords in England has held that Hansard can now be used to interpret law. Before that case in 1993, the case of Pepper and Webb, you could not turn to parliamentary proceedings and the record of Parliament to assist in interpretation; but since the famous case of Pepper and Webb held by the House of Lords in 1993, Hansard now can be used as a guide or an aid to construction.

I am putting in the record that the purpose of this legislation is to create a situation which will not be possible for a government to change civil servants* salaries by 8% or any other percent, our intention being to introduce an amendment to entrench in the Constitution a provision that brings a body of civil servants alongside those who are already protected.

I am saying that my view is that on the clear face of the words...

Aside.

Hon. R. C. EASTMOND: Why don't you stop interrupting this speech?

Mr. SPEAKER: Honourable Member for St. James North, one minute please. Honourable Members on this side, I am asking you to desist from shouting across the Floor of this House and interrupting. Please let us continue.

Hon. R. C. EASTMOND: Mr. Speaker, Sir, the Rules of this House do not permit me to call them "hecklers", but they really should let a Member continue in peace.

Sir, what we are saying through the legislation proposed here is that it was iniquitous for persons who held offices under the Civil Establishment Act to be

discriminated against in relation to any possibility of having their salaries cut. We were saying that our position which is in our manifesto is a clear one, where we were saying that given a chance to run the affairs of Barbados we would create law to protect civil servants under the Civil Establishment Act as far as we could. That is the purpose of the proposed amendment.

Apart from that, Sir, my submission is that having heard the speech of the Honourable Member for St. John, he appeared to have been saying that they thought that they were justified with what they did in 1991 they could not now come in the face of what we are doing and consider supporting us since they had to bear a number of options in mind. It seems to me as though - again to use a technical term - the Democratic Labour Party having cut the salaries in 1991 seem estopped now from coming and saying that having cut them then they cannot come and say now they support legislation that will prevent the cut. It seems that for the sake of more consistency, irrespective of the politics of the situation, that the Democratic Labour Party is saying that it cut, and it is still reserving the right to cut. That is what they are saying. That is what I interpret the speech of the Honourable Member for St. John as saying. We remember a man called Mr. Estwick and a man called Mr. Morris sometime around July saying that a government should reserve the right to cut.

The Democratic Labour Party now finds itself in the position where having already cut it cannot now come and like men get up and say, "We made an error then. We can correct our error today." So they are prepared to go the error of their ways in supporting legislative policy which would continue to give a government a chance to cut.

If I were a member of the Democratic Labour Party, and God forbid, I would have had to tell them that it was a scam in 91 and when the record of Hansard becomes available for us to read, because it is not available yet, you will see Mr. Speaker, in the speech of the Honourable Member that he referred to the 1991 legislation as a "breach". I am waiting *for* Hansard to come out. When the Member for St. John got carried away yesterday he referred to the legislation of 1991 as a breach, but we will wait for his speech and look at it. It wouldn't be available yet, Sir.

Nonetheless, Sir, we heard the Honourable Member for St. John indicate that his party stood out at the forefront of progressive legislation for workers. He said so. He gave the impression that the Democratic Labour Party is a party that always defends workers. Did not the Honourable Member for St. John remember that it was this said Democratic Labour Party that introduced a stabilisation tax in 1991, reduced severance in 1991, reduced unemployment benefits in 1991 as a scar on any record that they would

want to maintain as a perfect record in the area of industrial relations policy.

We produced this piece of legislation that was made on the Floor of this House that is the Holidays with Pay Act, Cap. 348. We produced Cap. 351, Protection of Wages Act. We produced an Act called the Labour Clauses (Public Contracts) Act. We produced a Factory Act. We have produced more legislation on the question of industrial relations than the Democratic Labour Party. What we are doing here today, Mr. Speaker, must be taken as part and parcel of our programmes for the workers of Barbados, specifically today for civil servants, but we want the workers of Barbados to put their faith in us and keep it there for we will never let them down.

Speaking of workers, Sir, one worker in all this stands out. I have before me a Judgement from the Privy Council and the name of the case is Gladwyn Ophelia King vs. the Attorney General of Barbados. That lady against all odds as a junior officer had the courage to tell Barbados and to attempt in the courts to have a case heard, when she thought that the policy of cutting civil servants' salaries was fundamentally wrong.

There were several civil servants hoping that the law would have been changed in their favour, but they did not have the courage to stand up like Gladwyn Ophelia King. As a young woman she represents a generation including people like the Honourable Minister of Health and the Honourable Minister of Education who are ladies of fine intellect with a tremendous future in Barbados. We need more Gladwyn Ophelia Kings who I believe is in the same age group as the Honourable Member for St. John... 12.10 p.m.

The Honourable Member for St. John was in here yesterday making all sorts of snide remarks that the Honourable Prime Minister was being coaxed on by people in the background, suggesting that the Honourable Prime Minister was mortgaged to some higher forces that would control him and things like that. I want the Honourable Member for St. John to know, even as he referred to the word "incarnation" and a lot of other things yesterday that the Honourable Prime Minister's position in this party and in this Government is beyond challenge. He is in control and indicated along with other members of our great party that he was committed to making sure that civil servants wages and salaries would be protected. He had the courage and character at an early stage in his administration to bring his Manifesto proposal into action. Such is the character of a decisive leader.

The Honourable Prime Minister was impeccable in style and speech yesterday and was flawless. In contrast, when I spoke to several members of the Democratic

Labour Party last evening they told me they were embarrassed at the disjointed, inarticulate, illogical, irrational presentation by the Honourable Member for St. John who resolved himself to exalt repetition as a fine art and when not repeating himself turned to invectives. The Honourable Member for St. John should realise that as a responsible holder of the office of Leader of the Opposition he must never let it appear that the office is too big for the man even though this weekend he is going to venture out in a new career as a deputation rookie model. He must rise to the occasion.

I want to give Barbados the assurance that as there are...

Aside.

Mr. SPEAKER: Let us have order.

Hon. R. C. EASTMOND: Mr. Speaker, I want to give Barbadians the assurance that they are in good hands, in the competent hands of the Honourable Member for St. Peter who, within weeks of being elected Prime Minister implemented a Manifesto policy to cut duties and taxes on manufacturing and agriculture, who in recent times has not only taken control of the economy of Barbados, but is proving himself already to be a visionary. I would want Barbados to know that this is but one of several pieces of legislation to come. This is but one policy that will be engineered and led by the Honourable Member for St. Peter.

I would conclude, Mr. Speaker, by saying that irrespective of the attack leveled at the Honourable Member for St. Peter by the Honourable Member for St. John, that the Honourable Member for St. Peter is a person, the latchet of whose shoes the Honourable Member for St. John is not worthy to lace up.

Thank you very much, Mr. Speaker.

Hon. Miss H. E. THOMPSON: Mr. Speaker, I rise in this debate to give support to the measure brought before this Honourable House. I sat yesterday and listened to the debate as it was started by the Leader of the Government, the Honourable Prime Minister of Barbados, and the Leader of the Opposition. During the course of that time I saw from the Honourable Prime Minister and heard an argument of tremendous cogency. He was erudite. He was clear. He was compelling in his arguments and most of all, he discharged his duty to the working people of this country and civil servants, in particular, never to have their salaries cut by a Government that is almost tyrannical in its approach to workers' rights and the rights of citizens generally.

By comparison, I heard from the Honourable Member for St. John a speech that was repetitious, a speech that was rambling, a speech that was completely unfocused, a speech that often had nothing to do with the subject being discussed. He spoke often of the front bench being legal luminaries and indeed he was most accurate there but proved himself over the course of four hours to be neither legal nor luminary.

One was appalled to hear a person who is an attorney-at-law pooh-pooh, to use one of the many non words that he used throughout the course of his speech almost as if...

Mr. SPEAKER: The Honourable Member, could you just rephrase that for us.

Hon. Miss H. E. THOMPSON: Throughout the course of his speech yesterday the Honourable Member deprecated - that, I believe, Mr. Speaker, is an acceptable word - the Privy Council when he knew, or ought to have known, full well, that it is the Court of last resort and the highest court in this country. The Privy Council still makes binding decisions for Barbados. He knew or ought to have known therefore, that when the Privy Council in its judgment indicated that the words "altered to disadvantage" mean "reduced" and included "reduced", that that was compelling for the law courts of Barbados and therefore his arguments were of no force.

I was not surprised, Mr. Speaker, at his attitude because during the course of the election campaign we saw of him what the good Barbados expression tells of many who are often without substance, "the higher a monkey climbs, the more it shows its tail". We have seen from the Honourable Leader of the Opposition such an absence of direction and leadership that I am afraid that people in this country might one day have to invest in him as a leader.

Mr. Speaker, we saw yesterday an attempt at political chicanery that was deplorable. During the course of the Honourable Member's speech he really said nothing. At a time..

Mr. D. J. H. THOMPSON: Mr. Speaker, on a point of order. In view of your rulings and in view of what is parliamentary, and in view of the motives which are being imputed to me the word "chicanery" must be struck from the record and the Honourable Member must withdraw it.

Mr. SPEAKER: Do you withdraw the word and let us proceed.

Hon. Miss H. E. THOMPSON: I will withdraw, Mr. Speaker, but the point is made.

Mr. SPEAKER: When I asked you to withdraw I was asking you to make your point a different way. Would you like to?

Hon. Miss H. E. THOMPSON: Of course, Mr. Speaker. We saw from the Honourable Leader a mode of conduct which has become typical of the Democratic Labour Party and I will elaborate on that. We are at a point in this country where as a people, we have to make difficult choices with regard to the issue of solid and liquid waste management. We are at a point in this country when we have to make hard decisions about the wastage of \$34 million on a hospital that is only maintaining seven people. We are at a point in our history when we are reviewing a situation where Sherbourne will take \$30 million to complete. We are at a point when the St Thomas Secondary School is still incomplete. We are at a point when the gymnasium has cracked from ceiling to foundation. We are at a point when the whole country is undergoing tremendous strain and problems. When this administration is grappling to deal with the almost chaos left by that last administration. 12.20 p.m.

While we are doing that, coming to grips with these issues as a people, the Leader of the Opposition stands in Parliament to say nothing. While we are coming to grips with national issues the Leader of the Opposition is modelling at fashion shows. While we, as a people, struggle to deal with our future, the fight for economic enfranchisement for all of our people, the Leader of the Opposition models. That is where we are in Barbados today. It did not surprise me that he had nothing to say yesterday.

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, maybe I should rise on a point of elucidation because this matter has come up in my speech, in the Honourable Prime Minister's speech and in several other speeches.

I think to perfect the record that in spite of all of those things happening in Barbados today, the Honourable Attorney General is also playing the trumpet at the same event and a prominent of the Barbados Labour Party is assisting the people in raising money for children in Barbados. It is a shameful act on his part, if so on mine.

Mr. SPEAKER: The Honourable Member for St. John your point is out of order, Let us continue, please.

Hon. Miss H. E. THOMPSON: I will go to watch the ladies model on a Sunday and listen to the musicians.

Mr. SPEAKER: Proceed with the debate, please.

Hon. Miss H. E. THOMPSON: Mr. Speaker, what we had yesterday was an opportunity, amongst other things, to examine styles of leadership and competence to lead. What we saw from the Honourable Member for St. John and what we have seen from him was characteristic. We know that the Honourable Member for St John already said, as the leader of that side, that they are prepared and want to continue to hold on to the right to cut the salaries of civil servants in this country. That cannot be acceptable not from a party that wants to push itself and advertise itself and sell itself as the defender of the poor, the Black and the working class. But that what they say and what they do is not in tandem is much evidenced from the actions and the conduct of the Honourable Member for St. John himself. Speaking in this very Chamber, as Minister of Finance, he wanted to give bus fare and lunch money to the young people of this country who wanted the right to work and earn. We are not to forget that. All he had as a solution for Barbados' economic problem and for the future of our young people was to offer them bus fare and lunch money. A situation that could have led to the worst exploitation of young men and women in this country by callous employers seeking to get all kinds of work done and giving pittance in exchange for people's labour. Yet the DLP of which he is a member, purports to be the defenders of the working class.

Mr. Speaker, that same Administration is the very Administration that set up wage freezes for the first time in the history of Barbados. The Party that he leads is the Party that cut the salaries of civil servants for the first time ever in the history of Barbados. It is that same Party that still purports through their chief financial spokesperson, a certain Senator who was rejected by the electorate of St. James South, jobless growth. What is that? Growth of the economy where people cannot work, where people cannot earn a living, where people do not have the right to eat, to buy homes, to look after their children and to take care of themselves.

It is sad that even having lost the election that even after the electorate has signalled to them that that type of philosophy is unacceptable, that they will still come back in here and try to attempt all over again to perpetuate the same sort of anti-worker stance. That they will still try to come in here and say that they are not supporting any measure to stop a Government from cutting civil servants salaries. Because that is what this debate is about. It is not about dry law. It is not about long rambling stories about who is legal and who is luminary. Cut to the bone, this debate today is about the right of a Government to deprive a citizen of the right to his salary.

The debate is about taking away a man's salary when he already has bills and expenses and has budgeted to

live on a certain salary and that salary is cut from beneath him, arbitrarily. That is what this debate is about. This debate is about guaranteeing the rights of children in this country to eat bread, as indeed under that last Administration the salary cut caused many people not to be able to eat. Children in this country were going to school and collapsing in school from starvation because parents could no longer afford to buy groceries.

This debate is about the fact that Barbadians in this country, civil servants must never again lose their homes because they can no longer pay the mortgages for the houses that they are living in. That is what this debate is about.

This debate is about guaranteeing the right of the citizen to live, to earn and to enjoy a standard of living that says I am somebody, I have self worth in the country of my birth.

This debate is the fight to defend the rights of the workers of this country and it is the fight that the Barbados Labour Party is carrying and has always carried on behalf of poor black people in this country.

Yesterday, the Honourable Member for St. John exploded the whole myth that the DLP has been perpetuating that they are continuing to defend poor black people in this country. Let me tell you of some of the legislation to protect workers that this Barbados Labour Party has enacted. The Protection of Wages Act, 1951, Holidays With Pay Act, 1952, protecting domestic employees 1961, the right of women to get maternity leave, it is called the Employment of Women Maternity Leave Act, 1976, protecting minors from exploitation on their job the Employment Miscellaneous Provisions Act, 1977, The Accident and Occupational Diseases Notification Act, 1952, Unemployment Benefit, the 1970s, Severance Payments the 1980s, the Factories Act, the fact that we started trade unionism in this country. The Barbados Labour Party's record has always been one where we have stood side by side with workers in this country.

Mr. D. St. E. KELLMAN: Mr. Speaker, Sir, on a point of order. I have sat here and listened to the Honourable Member going through many things and she has misled the House. The Holiday With Pay Act was passed before 1980 and you are aware of that

Aside.

Hon. Miss H. E. THOMPSON: I said the Holiday With Pay Act, 1952 under the leadership of Sir Grantley Herbert Adams.

Mr. D. St. E. KELLMAN: Mr. Speaker, Sir, again on a point of order, she repeated it and she said 1980.

Mr. SPEAKER: Let us...

Hon. Miss H. E. THOMPSON: I am not worried about it. I have sat in this...

Mr. SPEAKER: Continue, please.

Hon. Miss H. E. THOMPSON: Yes, I will, Mr. Speaker. Because I have sat in this Chamber and listened to the Honourable Member for St. Lucy purport to move Bulkeley back to St. George.

Our record in defence of the working class of this country, our record in defence of the poor and the black of this country is untarnished and strong. And that is what we hope to do today to continue that record. 12.30 p.m.

We hope, Mr. Speaker, today to protect by means of the Constitution, the supreme law of the land, the right of all public servants not to have their salaries cut arbitrarily. That is what we are here debating today. And we must not allow ourselves to become distracted by gymnastics in semantics about whether "reduce"¹¹ means the same thing "as alter to your disadvantage", because that is what the other side is seeking to reduce this debate to. A debate where we are twiddling in semantics - does "reduce" mean the same thing as "alter to your disadvantage" - when the Privy Council has already made clear pronouncement on it.

Mr. Speaker, what we are doing here is an attempt to keep good faith as between the Government and the citizen because under the last administration we saw a situation where they did a Manifesto and then came back and said, "what we say in a Manifesto is not important". So they breached all of their manifesto commitments.

We saw, Mr. Speaker, in the last administration, policy implemented and when people cried out against it we were told that we could like it or lump it. We were told that they were not getting headaches or ulcers no matter how much suffering people in Barbados were enduring. And when people could not send to school their children, when people were losing their houses, the Honourable Member for St. John, as Minister of Finance, was saying that he was not getting any headaches and the Honourable Member for St. Michael South, well his pronouncements are familiar to us all.

So that we come to this Chamber, Mr. Speaker, with clean hands and say to the people of Barbados, we promised you a good government, we promised you an open government, we promised you a government where

you could again have faith in politicians that what they say they would do and that there would be no bad faith as between a citizen and his government. That is what we are doing.

There is no bad faith. We want to keep good faith. We promised that civil servants would never be adversely affected by tyrannical government seeking to cut its wages and that is what we are doing today. We are putting the legislation in place to prevent it. We are here today, Mr. Speaker, because we have confidence in our own ability to govern so that we know that we will not have ever to resort to the sorts of measures that civil servants had to be subjected to keep Barbados afloat as they were under the last administration.

It is not a matter that the economy became bad, it really speaks of massive incompetence on their part because when they were cutting money from civil servants salaries they were putting up Sherbourne, they were pouring \$34 million into the St. Joseph Hospital. They were putting up a gymnasium which is now about to collapse. They have started a school which they cannot complete. Housing projects were abandoned. Schools fell into disrepair and became termite infested. The whole country was in serious problems and they were mis-prioritising projects and budget and spending. The Queen Elizabeth Hospital was on the verge of collapse. When they were cutting civil servants moneys and salaries they were finding money to spend on non-essentials. And so that we come to this Chamber, Mr. Speaker, confident that if we apply moneys properly, if we plan properly, if we set about on the sensible, realisable objectives then it will not become necessary to cut the salaries of civil servants. We have that confidence in ourselves and on the 6th of September the people of Barbados also said that they had that confidence in us and that they want to retain the right that the DLP wants to keep the right to cut salaries still on their own admission of incompetence and inability to govern properly. That after all this time they still have no confidence in their own ability to govern.

I agree with them because had they had the confidence to govern we could not have found ourselves in a situation where the tenders committee recommended that kola syrup be bought at \$15 a gallon but the Cabinet of Barbados decided that they should buy it at \$69 per gallon.

Mr. SPEAKER: The Honourable Member, please, I am not going to allow you to go down that line. You know that that is the business of a resolution before the House.

Hon. Miss H. E. THOMPSON: If they had the ability to govern we could not have found ourselves in a situation where contrary to the instructions of his Prime Minister, the Minister of Finance was setting up a gambling facility

in this country. If they had the ability to govern, Mr. Speaker, "Stinkeroo" could never have become "Stinkeroo". It could never have been a mountain of garbage -a national disgrace. And, Mr. Speaker, it is amazing that in 8 years Members on the other side never found it possible to go out to Arch Hall and Bennetts. The environmentalist never came out of the woodwork.

Mr. SPEAKER: The Honourable Member for St. James South, please let us continue to address the Resolution before the House. I would prefer that the comments that you make relate in some way to the Bill before the House.

Hon. Miss H. E. THOMPSON: Their ability to govern was demonstrated and is further demonstrated by the fact they were not sensitive to the difficulties and concerns and the hardships suffered by people in this country, neither the people at Arch Hall and Bennetts nor civil servants.

So now they go to Greenland and that in itself speaks to the level of the divide between the leadership of the Democratic Labour Party which to this day cannot name a deputy leader because when one person was at modelling practice somebody else was in Greenland.

Mr. SPEAKER: The Honourable Member for St. James South, please. I am asking you to address the Bill before the House. Let your comments in some way relate to what is happening here.

Hon. Miss H. E. THOMPSON: Mr. Speaker, this Bill is about good government. It is the Barbados Labour Party's Manifesto pledge to give to all Barbadians economic enfranchisement. It is about our manifesto pledge to bring good government to all our citizens, to allow all our citizens to achieve their maximum potential, to guarantee to everybody in Barbados the right to work, and earn and have a sense of self-worth. A sense of self-worth that is denied you if you cannot earn. If you are living in a situation where your salary is cut arbitrarily and you no longer have the money that you used to have and cannot meet your financial commitment.

Mr. Speaker, the constitution has in the past been altered by various means. This is not the first constitutional debate in my life time but I am happy to be able to participate in this one that when it comes to making the critical choices that will impact either positively or adversely on the long-term development of our country, that I can stand and say, I stand with the public servants and with the workers of this country. 12.40 p.m.

I want to identify with the party that says that we will not cut civil servants' salaries. That is part of what we must ask ourselves as politicians. What causes are we going to fight for? What do we want to be identified with? Do we want to appear tainted or do we want to set a record where we are saying to our citizens that we are standing with you? This is what I have to offer my country. That is the test to which we are being put today. What son of future do you want to guarantee to the children and grandchildren of Barbadians? Ten, fifteen or twenty years down the road do you want to entrench in your Constitution or not, that your children's and grandchildren's salaries can never be cut? I want to give that guarantee today and this is why I am supporting this legislation. I want to give that guarantee. The Democratic Labour Party must now make that choice and certainly their Leader is setting a tone where he is saying that "I am standing for a position where civil servants' salaries must be cut, and where I want to retain the right"...

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, on a point of order. The Honourable Member is misleading the House. At no point in my speech did I say that the position of the Democratic Labour Party is that civil servants' salaries must be cut. Therefore, the Honourable Member must withdraw that because it does not form part of anything that I have said either in here or out of the House of Assembly.

Mr. SPEAKER: The Honourable Member withdraw the words and let us proceed.

Hon. Miss H. E. THOMPSON: Mr. Speaker, the whole tenor of his speech yesterday was that he was not supporting ...

Mr. SPEAKER: The inference obviously you have drawn is not what is the conclusion of the Honourable Member. Withdraw the words please and let us proceed,

Hon. Miss H. E. THOMPSON: I will withdraw the words, Mr. Speaker. But the vote here today will indicate where people stood on this issue, because at the end of the day we must raise our hand and say "yea" or "nay" to cutting civil servants' salaries. That will indicate where we stand on this issue. By some means, Mr. Speaker, we will have to determine that

Mr. SPEAKER: Two minutes to conclude.

Hon. Miss H. E. THOMPSON: Mr. Speaker, there is much that can be said in relation to mismanagement. There are some of us who can manage to talk for four hours and say nothing or very little in relation to this matter. But the records of this House must show that this Barbados Labour

Party Administration came to this Chamber very early in its term of office to effect...

Mr. SPEAKER: Honourable Members, I want to hear the Honourable Member please. Let us hear the Honourable Member. She has the floor. Let us hear the Honourable Member please. Continue please.

Hon. Miss H. E. THOMPSON: ... to effect an act of good faith, to stand side by side with the black working class of this country and with civil servants in this country, and effect a change to the Constitution which will guarantee the protection of the salaries of civil servants in Barbados.

Mr. Speaker, I am indeed pleased to identify with that and to support what is a most worthy, commendable and patriotic move. Mr. Speaker, the other side must be judged not only by their past record, but by their vote today Barbadians must know that we are not going to be led in shame. By their vote they are being asked to chart a new path, to cut away from what they did in the past, and to understand the signal sent to them on the 6th of September.

Mr. Speaker, I commend the Government and I support it wholeheartedly in its support of the workers and public servants of this country.

SUSPENSION

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that this sitting be now suspended until 1:45 p.m., Sir,

Aside.

Hon. Miss B. A. MILLER: Yes, I am taking your advice, Sir. I beg to move that this sitting be now suspended until 2 o'clock.

Hon. R. C. EASTMOND: I beg to second that, Sir.

The question that the sitting be now suspended until 2 o'clock was put and resolved in the affirmative without division, and Mr. SPEAKER suspended accordingly.
12.47 p.m.

RESUMPTION

Mr. SPEAKER: The sitting is resumed. The Honourable Member for St Michael North.

Mr. R. St. C. TOPPIN: Mr. Speaker, I rise this afternoon to give my wholehearted support to this Bill. Let me say at the outset that after the Honourable Prime Minister made his opening remarks I did not see

the necessity for the Honourable Member for St John to have wandered on and on for perhaps in excess of four hours. The law was made very clear by the Honourable Prime Minister and this is a matter that deals with the security of a large number of persons in Barbados who make up our Civil Service. I was exceptionally appalled to hear that after the wandering of the Honourable Member for St John he concluded by saying that he and his party would not in fact be voting for this Bill. I can only hope, Mr. Speaker, that having had an entire night to reflect on their position sanity would once again have taken its seat and that Honourable Members over there would reconsider and support this very important Bill. But, Mr. Speaker, if perchance those Honourable Members insist that they will vote against the measure, perhaps it is really just in keeping with their history in terms of their attitude towards the Civil Service in this country.

I remember it was no less a person than one of the founder members of the Democratic Labour Party itself, a former Prime Minister of Barbados, the late Errol Barrow, who had described the Civil Servants of this country as an army of occupation. As if that were not enough, the Honourable Member for St John would come here and give the impression he has the concerns of the Civil Servants at heart, but he himself was elected to this Honourable Chamber in 1987. Approximately one year later I recall clearly that Honourable Member speaking on the Civil Service and saying that lack of efficiency, squandering of scarce resources and callous attitude to the public are all features of our Civil Service which are too readily apparent. That is what the Honourable Member for St John had to say about the Civil Service, Mr. Speaker. They never have anything complimentary to say about the Civil Service.

I go further. A former Minister, the Minister of State for the Civil Service in 1988 - the Honourable Member for St Michael South Central would remember him very well, he had categorised him as Public Nuisance No. 1, if I recall correctly, or his Ministry at least - in an address to Managers in the Civil Service saw it possible to say only that the Managers in the Civil Service were too consumed with hidden agendas, which was in fact undermining the very fabric of the Civil Service. The Honourable Member would remember very well that particular gentleman.

Later in the said 1988, which seemed to have been the year that the Democratic Labour Party picked to prove to the public of Barbados at large how contemptuous they felt for the Civil Service, there was a certain Permanent Secretary in that same Ministry for the Civil Service, whom I cannot name, when he was addressing an accounting course had to say of the Civil Service that wastage was one of the greatest handicaps to better husbandry in the Public Service, and he went on

specifically to single out Civil Servants in this manner. He said real work hardly begins on time and finishes well in advance of official closing hours. On the other hand, he said lunch breaks often exceed the stipulated 60 minutes.

These are but some of the remarks made by high ranking members of the Democratic Labour Party directly against the Civil Service of this country. It is now history, Mr. Speaker, that the last straw came in 1991 when they went and cut the salaries of the Civil Service in this country by 8% and destroyed a number of families, a number of people in this country.

Let me say something about this 8% as well, because there is a member of the said Democratic Labour Party whose only claim to fame was that he could run around Queen's Park a Saturday afternoon when cricket was being played, brandishing documents saying "Yes, I managed to get them to sign for the 8% cut" Let me tell you a bit about that signing, Mr. Speaker. I know in certain Government Departments, one in particular, where when people were asked to sign they refused to sign and it was only afterwards when people around them were being dismissed that because of fear and intimidation that was being applied to them, directly or subtly, that they in fact signed that form. There was no real consent in signing that form agreeing to have their salaries cut by 8%, but that is the whole approach of the Democratic Labour Party.

We are now here today, Mr. Speaker, with a measure to provide security for the Public Workers of Barbados and we heard yesterday the Leader of the Opposition saying that he is not going to support it. They can only emphasise the negatives about the Civil Service. They have never stopped to consider the working conditions, for example, of Civil Servants. I remember a time when working conditions were so bad in a certain Government Department, the Treasury Building to be specific, there were complaints about the risk to health by asbestos, the risk to health by carbon monoxide from passing cars, faulty and in some cases no air conditioning at all and decaying fibre glass windows. It was so bad that workers in that building staged a walk out in protest of the conditions. This was around 1988-89. Mr. Speaker, do you know what that Government did? They forced the same employees to go back and work in the Treasury Building without rectifying any of their problems. Not one problem that was complained of did that Government see it fit to rectify before forcing the workers back to work in that building. I believe, Mr. Speaker, if you were to go into the Treasury Building today, as I had to a couple of weeks ago, you will see that conditions in there are still very dilapidated, and that situation obtains in a vast number of Government Departments and Ministries in this country today. Go into the Registration Office in Bridgetown, any Government office you can find, the vast majority of them are still in a dilapidated condition.

Their only concern, Mr. Speaker, is to portray the Civil Service as some evil in this country. The Civil Servants are not evil, they are a group of human beings that are over worked and under paid, and I will stand by that statement. They are not concerned to examine the working conditions of these people.

Look at the question of job security as well in the Public Service. I am saying that it is not satisfactory to have a situation where so many people are asked to act in established posts for such a long period of time. This is a reality, Mr. Speaker, I meet it every day, be it in my constituency or on the streets of Barbados. People are being asked to act in established posts for too long and related to that is the fact that too many posts that can be made permanent remain temporary for far too long. All these are things that Civil Servants encounter across this country and all they can say over the years are the things I have highlighted, the negatives, the bad things about the Civil Service.

I recall a time when people in the Ambulance Department, I think it was, were calling out to the then Minister of Health saying they had been working in those positions for over 10 years and yet they had not been appointed. Today that position still remains the same. Even when it is clear that someone, that an employee is acting for will not in fact be returning to that post, they are still asked to act indefinitely. 2.20 p.m.

All these things affect the morale and the job security of the civil service and here we are trying to take a step in the right direction by the Bill which we introduced yesterday and they are saying that they are not going to support it

I remember as well the present Honourable Prime Minister having to refer to the monster of acting appointments, and these are things which must be corrected. They bear significantly on the morale and on the productivity of the civil service.

There are also human beings in the civil service who have to operate under rules and regulations that are vastly outdated as a result of which they feel totally alienated in the decision-making process in the particular department or Ministry in which they work. The public sometimes gets angry with civil servants. You go and you ask a civil servant a question, he will have to go and ask another civil servant, then that other civil servant will have to ask another civil servant before it goes on to the Permanent Secretary before it goes on to the Minister. It is not the fault of the civil servants. It is because of the outdated rules under which civil servants have to function today in this country.

We have brought together a large number of civil servants at a retreat that we held some weeks ago and we already have a little publication in relation to that retreat. I believe that would have been the first for a very long time with the civil service. We are taking the civil service into our embrace and allowing it to have an input now as to what it thinks should happen in the public service. Give us your views. We will look at them and we will work together from now on in this country with the civil servants. We are not going to cram anything down anybody's throats in the future. There is going to be a bigger publication as well in relation to this retreat. We are serious about reform in the civil service.

Mr. Speaker, as I said, by and large, civil servants are in need of assistance. I make no apology for saying that. I am both a new and a young Member of this Honourable House. There are as well a number of new and young - I am young, Mr. Speaker. At least I consider myself to be young - Members as well on this side and there are some new and perhaps not so young Members on the other side but we are all in this Honourable Chamber. A large number of us are here for some four months. I have said before and I repeat that I do not intend to bring to bear any form of political hypocrisy at all to my participation in political life. I urge Honourable Members on the other side to share that view. Call a spade a spade. This is a very serious issue and I am urging those Honourable Members on that side to behave in a very serious and committed manner in the affairs of such a large number of people in Barbados.

I remember the Honourable Member for St John yesterday sought to portray himself as being in the vanguard of the heads and members of statutory boards and the point must be repeated that the question of the cuts in relation to statutory board employees is a matter that is presently before the court. But certainly, it does not lie in the mouth of anyone on that other side to pretend to be in defence of such employees when in fact they themselves, as part of the package surrounding the 8% cut, laid off such a vast number of people not only in the public service proper but also in statutory boards at all levels.

I believe Mr. Speaker, you yourself can bear testimony to that because I believe that you would be as aware as anyone what I am referring to. So I don't want to see any hypocrisy in debates in the House of Assembly. These are serious issues.

Mr. SPEAKER: Could you withdraw that. Put it a little bit differently for me, please.

Mr. R. St C. TOPPIN: Withdrawn, Mr. Speaker. I wish to see a serious commitment to the management of the affairs of this country. There are certain issues upon which you have to approach the matter in a very

serious way and this is one of these issues. I will urge those on the other side not to take a stand as a result of which they will be stained for life in this country because if they vote against the Civil Service in this debate they ought not to be able ever again to look the civil servants in the face and be respected in the future. They ought not to be able to do that.

I do not believe that this debate has to be dragged on and on. This is a simple and direct issue being debated. The law has been explained. Every aspect of the matter has been fully ventilated by now, Mr. Speaker, I do not intend to delay this Honourable Chamber any longer. I have no difficulty whatsoever in supporting this Bill. It is a Bill to provide protection for a large number of persons who have been disadvantaged in a number of ways over the years, namely the public servants of this country.

I will do anything I can to ensure that their lot as workers of this country is improved and once again I give my total support.

Thank you, Sir.

Mr. D. St E. KELLMAN: Mr. Speaker, I rise on this occasion to say from the outset that unless this Bill is amended and amended in such a way that I have no choice to...

Asides.

Mr. D. St. E. KELLMAN: The only way I can support this Bill is if it were amended in such a way that I am forced to support it. As it stands right now, Sir, I cannot support this Bill.

Asides.

Mr. SPEAKER: Let us hear the Honourable Member.

Mr. D. St. E. KELLMAN: I have a situation where a Bill - and I am convinced in my mind that this Bill was brought to this House of Assembly to judge the Democratic Labour Party. One only had to listen to the speeches coming from over the other side this morning. All of them saying the Democratic Labour Party is to be judged. Sir, if we are to be judged, then we must be judged off the facts. I am saying to you, Sir, that in 1991 we were faced with three situations:

- 1) A cut in the civil service salaries.
- 2) A devaluation.
- 3) Laying off of people, and
- 4) excessive taxation.

I would like to ask the Government of today if they are not going to cut salaries to tell me the option they are prepared to take if they are faced with the same situation. I am saying, Sir, it is strange that a government five months old would bring legislation like this now and not at the end of their term. If they had brought it at the end of their term one could easily argue that they were trying to protect the civil servants from the Democratic Labour Party but they cannot argue successfully that they are doing this right now.

Some will argue they are not playing politics. So why is it they are bringing this Resolution when they have other constitutional amendments to be made in this Honourable House of Assembly. They said they are putting the workers first I would like to know if the NCC workers are not workers too because they have just reduced them from five days to three days and the Honourable Member for the City says they are putting the workers first. 2.30 p.m.

Mr. Speaker, I am convinced in my mind that we on this side had no plans of cutting the civil servants salaries again. I will tell you why. We set about a programme where we rebuilt the economy. In 1994 agriculture grew by 1.9%, manufacturing grew by 3.4%. If you doubt me, look at the Economic Report, Sir, Construction - 2.8%, inflation fell also by .5%. Unemployment fell also and we promised the civil servants in this country that when we were putting this programme in place we said to them they would have to accept a little pain but we said that at the end of the day they would have seen results and today I am saying that they have seen the results.

If we had said to them that we were expecting growth and there was no growth then I would have said we had failed them and we were unjustified in doing what we did, but saying that we predicted that we were going to do something and the positive results came out of what we did I do not see why anyone should look at us and say that we should be ashamed of a successful programme.

Mr. Speaker, there are reasons why salaries had to be cut in this country and it did not start in 1991. It started in 1981. There is something called the CMCF and the Honourable Member for Christ Church South can talk about this. When I am calling a spade a spade I call it and I tell the facts as there are. We had a situation where we had people in senior positions, who are now hiding in the United States, giving advice in this country who gave advice to Prime Ministers, that he should allow the manufacturing sector to export to Trinidad without receiving a cent and the Central Bank would finance it.

You know what happened with the CMCF? Trinidad tricked us when they took out all the money. Not Guyana. The people keep saying Guyana. It was not Guyana it was Trinidad because Guyana owed the money to Trinidad and Trinidad owed it to us but they made sure they got the funds and we suffered. Can you imagine if we had \$140 million today invested at 10% since 1981 the amount of interest we would have received?

Aside.

Mr. D. St E. KELLMAN: You have to blame the Governor of the Central Bank at the time for that too. Can you imagine us allowing Trinidad to use that amount of money at that point in time and then a year or two after we had to run to the IMF to get money that we had? That is not all.

I am sorry that my friend is not here because in 1985 the same person advised the Barbados Labour Party along with the World Bank to borrow money from the World Bank. Yes, the World Bank advised them to borrow money from them and you know what happen? The advice was given. My friend from Christ Church South toW mo on a call-in programme that they did not need the money. Since that I heard that repeated by other members from that side so I am not going to blame them because if you have advisers and they advise and you take the advice, you might take a little of the blame but you have to blame the advisers too.

They borrowed the money on the Japanese market when the yen was .008. Mr. Speaker, you would not believe it. But by March 31, 1990, you believe the yen was .008? No, Sir. It was not that. By March 31, 1990 that same yen had risen to .015, nearly twice the amount. In other words what I am saying is, if you had borrowed \$50 million you had to pay back \$100 million in less than five years. In other words, if you were using simple interest the interest rate was about 20% then. That is the advice from the World Bank and the big guru at the Central Bank; that you had at the point in time. As you see Sir, there is a build up.

You also had a situation, and you cannot blame the present Prime Minister for this, you have to blame the past one, God rest him in his grave, where the cement plant is in my constituency.

Mr. SPEAKER: Which one is that?

Mr. D. St E. KELLMAN: Mr. Barrow? You Mr. Barrow is on record as going against any Japanese loans so you would have to mean Mr. Tom Adams and not Mr. Barrow.

The cement plant, and I would never forget this. They came into my constituency and said that we were going to build a portable cement plant, the Barbados Labour Party, Tom Adams, for \$50 million and he said "No, he had this magnificent plan, one for \$200 million". You know that cement plant never put a cent in the Treasury of Barbados? You can imagine having an investment, \$200 million, never put a cent in the Treasury but extracting money from the Treasury every year? Can you imagine if we had all of that money today we would not even have to talk about going to the IMF, cutting anybody's salaries, anything like that. We would be able to give the civil servants 50% increase because on the interest alone with that investment we would be able to pay that salary increase to the civil servants.

Aside.

Mr. SPEAKER: The Honourable Member, I do not really want to interrupt you but I take it that all of this is leading to the Constitution amendment.

Mr. D. St. E. KELLMAN: Of course, Sir. I have been linking it to the cut and the salary increases.

Mr. SPEAKER: I see.

Mr. D. St. E. KELLMAN: Not only that. The same adviser decided that he wanted \$100 million and we had to look for that money to finance and then we had to take a salary cut so how can you blame the Democratic Labour Party for that? But what is worrying me - and my friend is back in the Chamber. I know the Honourable Member for Christ Church South disagreed with the loan from the Japanese. I know that as a fact because he told me so on a call-in programme.

Mr. Speaker, we have to be very careful. Never again in this country should we allow any Governor - and I am going to say this to the Honourable Prime Minister. If he takes the advice of the present Governor of the Central Bank he will never go wrong. Not only because he comes from my constituency, but because of his training. He deals with actuals, actual figures, not flimsy projections. He will not give him advice to increase certain people's salaries and forget about the others.

Hon. D. A. C. SIMMONS: Mr. Speaker, on a point of order. The Honourable Member is speaking in such generalities that I am not able to follow. Is he saying that the former Prime Minister, the Honourable Member for St. Michael South, only gave salary increases to those at the top in 1990 to the tune of \$30 million and forgot those at the bottom? If that is the point he is making I would be grateful if he would make it clearly,

Mr. D. St. E. KELLMAN: Mr. Speaker, this is about facts and we do not have to run away from issues. 2.40 p.m.

But what they should do is to make sure that the evidence we received in this House yesterday...

Aside.

Mr. D. St. E. KELLMAN: I understood clearly what you said yesterday. We regraded the civil servants' salaries. We do not have to lie about it. But you would remember that yesterday the Honourable Member for St. Peter...

Aside.

Mr. D. St. E. KELLMAN: You want me to say that, I will say it. The Honourable Member for St Thomas wants me to talk about what the Honourable Member for St. Peter said yesterday when he said that the Supervisor of Insurance and the Managing Director of the National Bank would have to look at the pay package offered to them. That is what you want me to say. I will say it.

But, Mr. Speaker, that is exactly the same trap that the Democratic Labour Party walked into in 1989. I am saying that if we walked into that trap in 1989 you should not walk into that same trap. If you go...

Aside.

Mr. D. St E. KELLMAN: They are talking about walking into a trap. What trap? Mr. Speaker, if you increase the salary of the Managing Director of the National Bank you must increase the salary of the clerk down at the bottom right up because it will be those same people who have to provide the information for the Managing Director* You cannot come in here and talk about you are going to restructure something and interfere with one person's salary. The clerks at the bottom expect an increase too. Let me tell you something. You are laughing at this but this is a serious matter. Already the lawyers and the Accountants are saying they want to be treated the same way as the Accountants in the private sector. Be careful. This is advice and I will not send you a bill for it. No consultancy fees as yet

Mr. Speaker, we found ourselves in a situation in 1991 where we had to cut the civil servants salary because of a build up from 1981. The Honourable Member for St. Thomas would not deny it.

Aside.

Mr. D. St E, KELLMAN: He knows that

Asides.

Mr. D. St. E. KELLMAN: Mr. Speaker,...

Mr. SPEAKER: Please continue.

Mr. D. St. E. KELLMAN: If we had that situation the Honourable Member for St. James South would not be now disputing whether we want an incinerator or not The interest alone would be enough to give Barbados an incinerator and we would have no problems with Greenland.

As a matter of fact the solid waste...

Aside.

Mr. D. St. E. KELLMAN: Mr. Speaker, we are looking for revenue. What we are trying to do and we will show Government now how they could get revenue to make sure that they will not have to interfere with the civil servants' salaries again.

Aside.

Mr. D. St. E. KELLMAN: Yes, I would advise the Honourable Member for Christ Church South. Down at Harrison's Point and at Ragged Point in St. Philip there are two areas designated for land based tourism. Every time that there are a lot of cruise ships in the Harbour there are problems. You know that, Sir. What we have to do is we have to please the captains and passengers of the cruise ships and we have to provide the facilities.

The Democratic Labour Party had started a programme at Ragged Point and at Harrison's Point and I am saying to the Government to move swiftly to make...

Aside.

Mr. D. St. E. KELLMAN: Yes, they have started. We had feasibility studies and everything, Sir. I hope you do not represent that constituency.

I am saying that the facilities are in place. All they have to do is move swiftly to put them in place to make sure that we can tap the necessary foreign exchange and revenue from those cruise ships. If you put them in place swiftly you would get enough money to buy an incinerator for this country in the same way that you have enough money to get 3 sewerage plants, you would get enough to get an incinerator.

The civil servants in this country do not have to fear the Democratic Labour Party because they know that if we were faced with a choice between devaluation and sending them home that we would not devalue the dollar or send them home. What they have to ask is what choice

the Barbados Labour Party will take. This is what I want them to tell us today. I would like them to explain to me if they are faced with the same situation what choice would they make in that particular matter.

I am a bit worried too, Mr. Speaker. In their Manifesto on page 21 they are making a bold statement and I should like you to disassociate yourself from this:

"Never again in this country will it be possible for a Government to reduce earnings."

Mr. Speaker, Sir, tell me how that is possible. Never again in this country would a Government be able to reduce salaries.

I would like to see the Amendment coming to this House to guarantee me that this would never happen again. I thought that they would have gone one step further and they would have put clauses 2 and 3 never again in this country would there be any talk about devaluation. Never again in this country would there be any talk about sending home people. Lay-offs or anything like that

Mr. Speaker, if you are on the workers' side you cannot pick one item and decide that you are going to rule on that one item without ruling on all the other items. The civil servants must be sure that they are so protected that nothing can interfere with them.

I know the Honourable Member for Christ Church South will agree with me on this.

Aside.

Mr. D. St. E. KELLMAN: I did not say that you have spoken, I said you would agree with me. Because he is aware that in the parish of St. Lucy they are raising dolphins so I am told by him and I agree, sea moss...

Aside.

Mr. D. St. E. KELLMAN: I know. If they put a landfill down there the leachate will come to Half Moon Fort and destroy all the dolphins and the sea moss, *et cetera*.

Mr. SPEAKER: The Honourable Member I take it you are dealing with the matter which is before the House.

Mr. D. St. E. KELLMAN: Sir, we are dealing with salary cuts and in order to get salary cuts and to protect salary cuts you must get income. If we are having dolphins at Half Moon Fort, sea moss, lobsters, *et cetera* there is no income so you cannot guarantee anybody anything. Do you understand where I am coming from, Sir?

Mr. SPEAKER: Eventually, we would get to the Bill before the House.

Mr. D. St. E. KELLMAN: I have always been speaking to the Bill before the House, Sir.

I am not going to do like the other side to come and say we will not cut your salaries and yet still not to tell them how you are going to protect the revenue of this country. That is exactly what I am doing. I am showing them how they could protect the revenue of this country. There is no need for foreign exchange. You do not have to spend foreign exchange. We are going to save you some.

Another worrying factor in this debate is that we have been hearing the name Gladwyn King. All the time we are hearing this name Gladwyn King. The one admission I am not hearing is that she was ill-advised. They cannot challenge me on that Can you imagine you have a situation where Parliamentarians on that side took a salary cut and they were lawyers and none of them went to court. But they got a civil servant Gladwyn King to go to court. Do you understand what is happening, Sir? My good friend from St. Thomas...

Mr. SPEAKER: The Honourable Member, I am not so clear about your imputation there. What are you saying about the Honourable Members?

Mr. D. St. E. KELLMAN: I am not questioning their integrity. I would not do that. One thing I would not do is to get personal, Sir. I am not doing that, Sir. One thing I will not do is get personal, Sir. I have fought campaigns, people have said all sorts of things about me and I do not get personal because I am in here to do a job, to represent my people, and personalities are not important, Sir. We are here to do a job and if we are to set an example to the young people out there that is the way we must go. 2.50 p.m.

Mr. SPEAKER: It was not so clear to the Chair when you said that the Honourable Members over there who are all lawyers that they got...

Mr. D. St. E. KELLMAN: I said all the lawyers over there did not take it to court. That is not a lie, Sir, because if not I could sit down and let...

Mr. SPEAKER: Proceed.

Mr. D. St. E. KELLMAN: Sir, one of the things I would say to you is that it is clear that some of us in Barbados do not understand our people. You have a situation in a house where you have a husband and a wife. The husband is working for \$1 000 a month. He took a salary cut of 8% which is \$80 but he was told that

if he took that cut there is a possibility his wife might get a job or that he might be able to keep his Mend in a job. His friend is kept in that job and if he did not take that cut his friend would have gone home and he would have been begging that same civil servant who had his whole \$1 000 for \$200 a month.

Do you understand what I am saying to you, Sir? On top of that, Sir, when the economy grew the wife who was unemployed, applied for a job and she got a job.

Aside.

Mr. SPEAKER: Let us hear the Honourable Member, please.

Mr. D. SL E. KELLMAN: You have a situation now that because of an 8% cut the family was able to get an additional 8% back later on and a job bringing 100% income for the wife.

So, Mr. Speaker, people want you to believe that we were not a caring Government and it is strange we heard yesterday about the expansion in the tourism industry.

Mr. Speaker, we heard that the investors had no confidence in us and they were not investing but yet still yesterday I heard from the Honourable Member for St. Peter that not only did they invest in upgrading the buildings but they expanded their hotels and he helped them.

So, Mr. Speaker, I would like to know if the investors had no confidence in the Democratic Labour Party how can the tourism sector spend so much money refurbishing their hotels.

Aside.

Mr. D. SL E. KELLMAN: They knew an election was coming that is why they would have waited until after the elections to do it and not before.

I would hope, Mr. Speaker, that never again in this country at any time any Member on this side decides that he is going to go and talk to funding agencies about investments in this country, I would leave this party. Something strange came out at Greenland, Sir. You have a situation where there are people in this country talking about they would go and talk to international lending agencies.

Aside.

Mr. D. St. E. KELLMAN: No, no blackmail about this. He could not be a blackmailer because in order for

him to talk he had to get it from somebody else, Mr. Speaker. It is said that the fruit does not drop too far from the tree so we have to be careful. I am not party to anything like that because this country is our country.

Mr. SPEAKER: Honourable Members, please desist from shouting across the floor.

Mr. D. St. E. KELLMAN: I am not ganging up with anybody to get rid of anybody else, Sir. That is a serious statement, Sir, because when I heard it I was wondering who it was that talked to the international lending agencies about the Democratic Labour Party. The Member would tell you, Sir, that she does not carry too much influence so we have to be careful in this country. Barbados comes first.

Mr. SPEAKER: The Honourable Member has two minutes to conclude.

Mr. D. SL E. KELLMAN: Thank you, Sir. Whatever is done in this country, Sir, must be done in the interest of the masses of this country because when you look after the masses you look after everybody else. We in the Democratic Labour Party have always looked after the masses and by looking after the masses we have looked after the whole country because there is a spin-off effect.

Mr. Speaker, I am saying to you that the Democratic Labour Party found themselves in a situation built up since 1981 and I have some sympathy for the Honourable Member for St. Peter because he means well but there are detractors trying to make sure that things do not work in his favour and we on this side, we have sympathy for him and we will continue to protect him, even if we have to protect him from some of his own members, Sir. Thank you very much.

Mr. G. A. CLARKE: Mr. Speaker, I am indeed heartened that this amendment to the Constitution should come within six months of this legislative session. Sir, it reflects this Government's commitment in its manifesto to the people of Barbados but more particularly to the civil servants of this country.

Sir, on page 21 of the Barbados Labour Party Manifesto it states under the heading "protection of wages in the public sector" that the Barbados Labour Party totally rejects the heresy that Government ought to have either now or at any time in the future the legal right to reduce the salaries and wages of its employees. The salaries and wages of these employees deserve the same protection as that enjoyed by the salaries and wages of their counterpart in the private sector.

This Manifesto speaks about the reduction of salaries in the public sector. We will not reduce the salaries of

the civil servants. The amendment before us today, Sir, speaks about altering to the disadvantage of the same public workers. As far as I am concerned, Sir, to alter to any person's disadvantage is the same thing as a reduction.

As you and I know, Sir, having taught for a number of years, that when you alter you either alto* upward or downwards. But when you alter to a person's disadvantage that is tantamount to a reduction. So therefore the amendment before us is totally in order and I intend to support this today.

Before I do so I would want to look at the historical perspective behind why it is needed at this time to protect the workers, especially the civil servants, in this country.

This issue, Mr. Speaker, was fought over in the last general election and the civil servants in their large numbers came out and said that they wanted protection of their salaries and they voted in their large numbers for the Barbados Labour Party.

Aside.

Mr. G. A. CLARKE: I know it because we are in Government and that is where you are because you cut the salaries of the Civil servants. 3.00 p.m.

Mr. Speaker, that was a big issue and the people spoke and they spoke very clearly and decisively on September 6. But why were the salaries of the civil servants cut and not the salaries of those in the private sector? I believe, Sir, that you cannot allow or ask one particular sector of the country to bear the brunt While the others in the private sector are not touched. I also believe, Sir, that you cannot ask teachers, policemen, the poo-maids, and the people in the Civil Service who have worked and who continue to work day in and day out long hours, to bear the strain while a group of administrators whose management style was somewhat lacking, managed badly.

I believe, Sir, the question was asked: What do we do if we are faced with a similar economic situation? Mr. Speaker, the Barbados Labour Party has ran this country before now. We have seen that the style of our leadership has been positive. We have seen that measures have been put in place to not only strengthen the economy but to carry us forward. Therefore, we will not be faced with the option of either to cut salaries as the Honourable Member for St. Lucy alluded to a while ago. We will not have to cut salaries. That is why it is this Government that have brought this measure at this time in our session. The

Member said that we should have waited until the end of the term to bring this amendment. To my mind, Sir, that was a very foolish statement.

Mr. SPEAKER: The Honourable Member, could you rephrase that please?

Mr. G. A. CLARKE: To my mind, Sir, I believe that no Member should get up in this House at this time to make a statement that you should bring a set of amendments at the end of your session. After all, the civil servants in this country deserve better and we have confidence in the Civil Service. We have confidence in the public workers of this country and so within 6 months we have decided to bring this amendment at this time. Therefore, we think that the people of Barbados, especially the civil servants, will be grateful for this amendment

Mr. Speaker, if you *lock* at what happened in 1991 to the poor civil servants who were at the end of the economic ladder, those persons who were working for less than \$100 a week, those persons who were working for \$1000 a month, the teachers, maids, policemen, the civil servants who continue to work hard found that the salary cut not only reduced their salary in a big way, but it caused frustration among many of those persons. I know of cases, Mr. Speaker, where a number of persons could not make ends meet and they were taking home very low wages after the deduction had been taken out Their take-home pay was very small and to reduce this, Mr. Speaker, further caused frustration. Not only did it cause frustration, suffering and pain, Mr. Speaker, but many of these poor people could not meet their monthly commitment I want to make the point, Sir, that workers have commitments and long term goals. They have mortgage payments to make, loans to repay, they have children to feed, and they have other commitments. Therefore, one would have planned one's income and to reduce this it caused frustration among those persons at the lower end. To reduce a person's income who is working for \$100 by 10 per cent, what are you doing? Many of the people did not even have bus fare sometimes. I know of many cases where children did not go to school because they could not afford it*

Many parents sent their children to school Monday through Thursday and on Friday they did not attend because of the reduction that was taken by that party over there. Mr. Speaker, not only did this have a serious affect on the workers, but I believe that it caused productivity to decline. A worker who is working for reduced pay who is under stress and who is not motivated cannot produce. The records show that production during the period 1991 to 1993 fell by a large percentage because of the worker's stress, ridicule, and because workers did not produce as they did previously based on the salary that they were obtaining. This situation caused a problem. The standard

of living, Mr. Speaker, of many of these workers also was affected. The standard of living dropped during the 18-month period 1991 to 1993 and this caused serious problems within the economy. As you know, Mr. Speaker, if a man cannot spend, the income that is derived from other workers will also be declined because one man's spending represents another person's income. This causes serious problem within the economy and I am yet to see otherwise. The workers of this country suffered tremendously at the hands of the DLP Government during those years. But one can imagine, Mr. Speaker, why this happened. It was the DLP who always effected and disadvantaged the workers in the public sector.

We have heard previously about one Prime Minister saying that the Civil Service was an army of occupation. We have heard also, Mr. Speaker, that in the 1960's it was that party that took the windfall money from the workers in this country. We know of that. It was that party and the Barbados Labour Party stood up against it way back in the 1960's. In the 1970's, we know about the Public Order Act which also affected the public workers of this country. We also know, Sir, that it was the Democratic Labour Party who not only asked, and through their management style, made all top workers who wanted to progress in the Civil Service to have a DLP card. If you did not have a DLP card in the 1970's, you could not get pass certain levels and that was the policy of that Government to always disadvantage workers who were productive and who wanted to get on. I am saying that under the Democratic Labour Party those persons who progressed were those persons who held DLP cards, but young bright men had to leave the Service because of policies introduced by Barrow, former Prime Minister, which are still part and parcel of the Democratic Labour Party. We have seen in the Teaching Service, in the Police Force, all across Barbados that those persons who were put in prominent positions by the DLP were put in those positions not mainly because they were competent but because they held the cards of the DLP, and they still practise it. 3.10 p.m.

When you hear the Leader of the Opposition saying he wants to ensure the security of the Public Service, he wants to ensure that we do not disadvantage them, he is not speaking of this administration. We have never done it, we do not send home persons who are working, we do not send home persons who are producing, it was not this party which did this. We do not set out to destabilise the Civil Servants. I know it was that party that brought in legislation in 1986 to abolish certain posts within the Civil Service. So when they talk about the Barbados Labour Party disadvantaging workers in the Civil Service. They should shut up.

Mr. D. St. E. KELLMAN: Mr. Speaker, Sir,...

Mr. SPEAKER: On what do you rise, Sir? Are you on a point of order?

Mr. D. St. E. KELLMAN: I thought you could not read from speeches, Sir.

Mr. SPEAKER: Are you implying that the Honourable Member is reading?

Mr. D. St. E. KELLMAN: Yes, Sir. Consistently, Sir.

Aside.

Mr. D. St. E. KELLMAN: Oh, notes! I am sorry, Sir.

Mr. SPEAKER: The Honourable Member is using his notes. Let us proceed, please. Will the Honourable Member continue, please?

Mr. G. A. CLARKE: I am saying, Sir, that the Barbados Labour Party has a proud record and we have to hold this record. We have people who we know can produce and we have to protect their interests. Another speaker said they do not read from notes, they do not prepare. I am a teacher, I have always prepared my speeches. You see, the Leader of the Opposition spoke for four hours yesterday and did not speak on the topic. The Member for St. Lucy got up and spoke a while ago and rambled. He talked about sea eggs, fish, lobster...

Mr. D. J. H. THOMPSON: On a point of order, Sir. I consider the remarks which the Honourable Member is making now are an affront to the rulings of the Speaker. I believe that Your Honour is conscious of relevance and anything that you permit any Member to say in the course of his presentation is relevant to that presentation. I sought to be guided by Your Honour at all times and so did the Honourable Member for St. Lucy and he is reflecting on your ruling and on your status as the Speaker of this House in what I would consider to be almost a challenge to your authority. I am very, very concerned about this.

Mr. SPEAKER: The Honourable Member for St. John, I thank you for your concern. The Honourable Member for St. George North, I do not think it is a statement that you necessarily need to withdraw, but the imputation is clear. I will suggest that you continue. I gave the Honourable Member for St. Lucy permission to speak, and also the Honourable Member for St. John. That is all finished. Let us proceed, please.

Mr. D. St. E. KELLMAN: On a point of order, Sir.

Mr. SPEAKER: This is another point of order.

Mr. D. St E. KELLMAN: Yes, Sir. The Honourable Member is misleading the House* Nowhere in my speech did I mention sea eggs.

Mr. G. A. CLARKE: He did not say sea eggs, he talked about sea moss. Anyway, Sir, this Bill before us is very serious and we have to safeguard the rights of the workers in the future. We have to safeguard and ensure that the workers of this country are protected from any future administration which by its style and management may cause the economy to decline. We see it as important because in the future the DLP may come back to power, within the next 30 years, but because we know what they are capable of doing, they may very well want to cut the salaries of Civil Servants again, not by 8%, but by 10% or 20%, so we have to ensure today that this does not happen, and we are going to change that

The Honourable Prime Minister has made the point that within the course of this Session we will be amending any legislation that might be disadvantageous not only to the workers of Barbados but to Barbados as a whole. This Government must be aware that the Democratic Labour Party has never joined hand in hand with us to change the Constitution at any time. It was the Cox Commission in 1979, when we came to power in 1976 there were lots of changes and amendments that were supposed to be made and we did not have a 2/3 majority, and when we asked the DLP Opposition at the time to join forces with us they said no, so it is not surprising to me today that the Opposition will not be joining us to help secure the future for the Civil Servants. It is not surprising that they would not want to join with us today to give us the majority that is necessary. That is why when the educators up the hill, the educators on the hill come together I hope they will remember this important Session. They must remember this, that we are asking the Opposition to join with us, to join a movement that is looking after the betterment of the workers. We are asking them to come with us, to join with us to protect Civil Servants' salaries in the future, but the Opposition is saying no.

Mr. D. J. H. THOMPSON: Mr. Speaker, on a point of order. I think the record of this House should be very accurate. There was a Cox Commission and any legislation which came to this House consequent on that Cox Commission was not abandoned because of the failure of a 2/3 majority. The Democratic Labour Party never stood in the way of the then Government with respect to any amendments. We fought the Emergency Powers Bill because it was against the interest of the workers of this country and was an act calculated to take away their rights, but we never fought any Constitution amendments. That is my recollection.

Mr. G. A. CLARKE: Mr. Speaker, I still maintain my position that the Democratic Labour Party will not join in

any serious debate or amendment to change anything that they consider to be fundamental to the 1966 Constitution. As far as they are concerned, the 1966 Constitution should not be changed and especially if the results is to the betterment of the workers of this country. I would hope that the Members on that side will have a change of heart between now and the vote. I hope this, because I am sure that all the Honourable Members on that side recognise that this is the right direction, that we must safeguard the rights of civil servants who work hard. I have just gone to a Department and I can attest to the fact that civil servants work hard. They are competent and they deserve better. Therefore, when you cut the civil servants' salaries and you are not cutting their counterparts in the public sector, what are you doing? You are saying that civil servants must bear the brunt, but their counterparts must be allowed to flourish, 3.20 p.m.

We have heard the Prime Minister in this Honourable House today say that within the course of this term he hopes to make sure that civil servants are treated better than they were treated before. There must be hope for them and the Barbados Labour Party Government intends to continue as we have always done to look after the rights of the workers.

We have heard today about previous Barbados Labour Party Administrations which brought in vacation pay, Protection of Wages Act We have done all these things. Unemployment Insurance. We have given decent wages every time. In the eighties we gave them \$105 across the board when the economy was doing badly, and the Honourable Member for St. Lucy should take note of this. In 1981, the economy was not as buoyant as it is today but it was worse than in 1991. The recession in this country was worse in 1981 than in 1991 and we gave the civil servants a decent wage package.

I have heard the Prime Minister say that within the course of this year the regrading would take place. We have heard the Prime Minister say that wages will be increased. There is no wage freeze now. Wage freeze is over, I want to repeat it for the Leader of the Opposition that wage freeze is over. I want to make it clear.

Aside,

Mr. G. A. CLARKE: Within the civil service there is always regrading. You should know this as a former Minister of Finance. As far as we are concerned, wage freeze is over and the civil servants in this country will get a better deal under the Barbados Labour Party.

Therefore Mr. Speaker, I want to say to the civil servants across Barbados that there is hope under the Barbados Labour Party and the civil servants have voted right this time. This Government intends to keep its

bargain with them. We always honour our manifesto. We believe that it is a sacred document

Aside.

Mr. SPEAKER: Don't shout across, please.

Mr. G. A. CLARKE: Mr. Speaker, we, within the course of this term, must look at our manifesto. Of course, it was laid in the House before and made a document of this House. The chart that we are setting is clear. We will make sure that we protect the workers' rights of this country. I am sure that we have proper management in place. We have management that is not dithering or sleeping. We have a management style which the civil service appreciates and they are willing to work.

I have heard of the frustrations in the civil service but I have not experienced this type of thing.

Mr. SPEAKER: The Honourable Member has two minutes to complete.

Mr. G. A. CLARKE: I have gone to a department where civil servants are happy to work and are willing to work under a new administration. Some say they could not understand the management style of the previous Administration which was leading them. They are willing to work. They are working long hours, harder hours. They are working non-stop and we appreciate them. We want to tell them at the end of the day that they will be rewarded. I thank you.

Mr. D. CARTER: Mr. Speaker, I rise to support the Bill before this Honourable House. I would like to congratulate the Prime Minister for having the foresight to bring this BUI so quickly. Certainly, if I were the Prime Minister I would have brought this the week after assuming office.

Mr. Speaker, in this country, over the past few years, the workers of this country, especially the civil servants, went through some terrible and horrible times and I am glad that they saw the light and they did the right thing on September 6. In doing the right thing, they brought the Barbados Labour Party to power and our Prime Minister, the Honourable Owen Arthur, I am quite sure, we will do the things that will make people in Barbados more happy.

If I go back slightly to the period 1976-86, the workers of this country and the people on a whole were smiling and enjoying life to the fullest. After 1986, we went through a period where life changed dramatically in this country. I have the honour to represent the people of Christ Church East Central and from walking about my constituency, especially the middle class areas like

Kingsland and Newton, I saw a dramatic change in the people who were complaining because the last Administration of this country dealt a severe blow to them.

In other words, the actions undertaken by the last Administration when they made that 8% cut partly destroyed one-third of the decent people of this country, the people who are government workers in this country and the people who are given employment by those government workers. It is a shame. Most of them are people just like me, of ordinary backgrounds, who have worked hard to accumulate material things and who were living reasonably well and then all of a sudden, the uncaring Government found it possible...

Asides.

Mr. SPEAKER: Let us hear the Honourable Member, please.

Mr. D. CARTER: Not only that the people suffered, but there was a domino effect whereby people from the villages like Vauxhall and Sargeant's Village were unable to get little jobs from those middle class people. They were gardeners. They were servants, all of a sudden all of that went through the door.

Mr. Speaker, we are here and we say that people are our greatest asset and we in the Barbados Labour Party are going to think about the people's future. I am glad that my Prime Minister, the economic guru, would do the things in this country to help the majority of people but, certainly, someone like myself would have to think about the social aspect of life in this country. I am prepared with the Barbados Labour Party to make sure that we continue to do the things that are necessary. 3.30 p.m.

Yesterday I stood in this Honourable House and I heard the Opposition Leader spoke for four hours and I really wondered what he was talking about. Now, I know he is a man with a certain amount of ability but certainly yesterday I really could not admire him. He spoke for four hours and I am sorry but he did not live up to the high standards that we expect of him.

Aside.

Mr. SPEAKER: Order, please. Let us hear the Honourable Member. The Honourable Member for St. John, order, please.

Mr. D. CARTER: When the Bill came before the House, when I read the Bill I thought it was a simple thing. As I understand it, there were certain people in this country like judges and those people whose salaries were not affected. Our learned Attorney General, in a simple

way just tried to make sure that the other workers of this country would have a similar protection. To my surprise, really, I would have thought that with something so simple as this that by yesterday 7.00 p.m. we would have been over.

Aside.

Mr. SPEAKER: Okay, okay, please.

Mr. D. CARTER: But, certainly, I am appalled to see the Members on the other side getting up and trying to defend why it was possible to cut the salaries of the workers of this country by 8%.

Also, I would like to congratulate the Honourable Attorney General for being so nice when he put an additional word in to accommodate the Honourable Member for St Michael South Central. It shows that we are a caring people. Even then, although the learned Attorney General, and I know that the Member is an eminent physician, but he had sufficient sense to realise that even people who do not have the same legal training could still help in situations like these.

Mr. Speaker, as I said we in the Labour Party have always looked after the ordinary people in this country. If you go back to the days of Sir Grantley Adams, we are the people who started helping the ordinary people of this country and for some reason now, since the 60s, Honourable Members on the other side, the Democratic Labour Party, are fooling the people that they look after the ordinary people of this country. I am quite sure that if you were a caring Government, you had other options in your tenure in office whereby you would have spared the ordinary workers of this country.

I can assure you, Mr. Speaker, that when I walk through my constituency now, in the Kingsland area, the Newton area and the constituency as a whole,...

Mr. J. O. TUDOR: Mr. Speaker, I notice that the Members of the Government have fled to such an extent that the House does not now have a quorum. I think that we should not proceed unless we have a quorum. We need nine members, Sir.

Mr. SPEAKER: Your point of order is taken. Please ring the bell.

The bell was rung.

Mr. SPEAKER: Let us proceed now. The Honourable Member for Christ Church East Central.

Mr. D. CARTER: During the presentation, one of the Honourable Members on the other side eluded to the fact

that the NCC workers were now working three days instead of five. I remember clearly speaking to workers of the NCC before the election and then there was a reduction in their working days.

Mr. J. O. TUDOR: Mr. Speaker, on a point of order. We are not saying that it did not occur. The point is that this administration is bringing an amendment indicating that they will not cut salaries and at the same time they are bringing that amendment they have cut the salaries of the workers of the NCC.

Mr. SPEAKER: That is no point of order, please. Let us proceed please. Will you take your seat.

Mr. D. CARTER: I believe, Sir, at this point we are now trying because as you know in our Manifesto Job No. 1 is jobs. But because we are going through a reconstruction period, I think it is better to have 100 people working three days than to have 10 people working five days.

Aside.

Mr. SPEAKER: Let us hear the Honourable Member, please. Proceed, please.

Mr. D. CARTER: As I said, Sir, we know we came here and we found 30 000 out of work and it is now our job to make sure that we put people back in employment. We have to do it in a systematic way and that is the reason why, in the NCC, we may have to make a lot of people work at a reduced work week. In doing so, we would make sure that more people in this community will have a daily meal.

Mr. Speaker, the last administration under the leadership of the former Prime Minister, a man who is near to the church and from all appearance looks like a gentleman and talks like a gentleman, but I am quite sure that with his brilliance....

Mr. SPEAKER: The Honourable Member, let us keep the level of debate, you know, and let us proceed. That is an imputation. Just proceed, please. Let us cut out the inferences and imputations, please.

Mr. D. CARTER: When the Democratic Labour Party under the leadership of Mr. Lloyd Erskine Sandiford found itself in such a dilemma, I would have thought that with his brilliance he would have been able to restructure the economy of this country so that the people would still have a reasonable life. But as I said before, with all the various options he had, he and his Government decided that the only way out was to cut the workers' salaries by 8%. I was told that a lot of the workers of this country

were pressurized in signing that little document. I think it is a cry when we claim that we have democratic principles in this little Barbados that the ordinary workers should find themselves in such a position.

In bringing this Bill to the Honourable House, I am quite sure that the workers of this country will never ever have to go through such a dilemma. I am also quite sure that the present administration in all its dealings in this Parliament will do the things that will make the ordinary people and the people as a whole a happier people. 3.40 p.m.

In Christ Church East Central, Mr. Speaker, it hurts my heart when I have to go to the areas like Gall Hill and Wotton and see one in every 10 persons not working. Who are responsible for such a dilemma in this country? I put the blame squarely on the shoulders of the past Administration because of their bad policies that they brought to this country. Today we find ourselves trying to grapple with life again.

I do hope and I am quite sure that my Prime Minister and certainly the Government of the day, will see it fit in the coming months, and I am looking forward to the day when the Prime Minister would be able to produce his first Budget, where people of this country because of the policies would, once again, have a better life.

I feel compelled in this Honourable House to emulate some people in here as a new Member of this House. Before I came here I might have tried to emulate the Leader of the Opposition. But after yesterday's performance, surely I certainly cannot emulate him any more. But I know that I have got some eminent people on this side and I believe that in time to come, as we move on from strength to strength, I am certain that in the very near future that I would be able to give a presentation in this House certainly, more worthy than that which I heard yesterday.

Aside.

Mr. SPEAKER: Let us proceed, please. Continue.

Mr. D. CARTER: Mr. Speaker, the Barbados Labour Party, over the years as you know and as other speakers have said, have brought a lot of social legislation to the people of this country and it really nags me when the Members of the other side would not appreciate the work which the Barbados Labour Party has done in the past years.

I know that in these difficult times this Government in its new outlook will make sure that, the people of the higher echelons of this society would be able to improve sufficiently so that they in turn would be able to find jobs for the ordinary people of this country.

I also feel that the time is ripe for us in the Labour Party to make sure that we look after the youth of this country, to make sure that training is available and with all these various things in place there is no doubt in my mind that the Barbados Labour Party which forms this present Government would be able to put this country back on course.

As I said at the beginning of my speech, the Bill before the House is a simple one. The Prime Minister is asking us to support this Bill whereby the workers who were disadvantaged before would have the opportunity to have the same privilege as the people like the judges and the Governor-General of this country.

Without any further ado, Mr. Speaker, that is my presentation to this Honourable House.

Thank you, Sir.

Mr. SPEAKER: The Honourable Member for Christ Church East.

Mr. W. C. C. CALLENDER: Mr. Speaker, Sir, I rise this evening in a sad mood. This is because I have seen many money Resolutions passed in this House by all Members of the House. But I am hearing that the Opposition does not intend to support a Bill which is more far reaching than the money Resolutions that have been brought to this House since I have had the honour to be here. It therefore saddens me when I see this kind of position by Honourable men who do not understand the dignity of the Civil Service. It is a case of human dignity. It is a case of respecting the workers of Barbados. This is what it is about.

If Honourable men can come to the House and support money Resolutions, why is it that an issue that hits at the fundamental rights of human beings they cannot see it fit to support? They speak of a hoax and a charade. They can call it what they like. I rise to appeal to the Honourable Members on the other side that they have no choice but to support this Resolution. If they have a heart they have nothing to do but to support it I believe that my evening would be happy if I could see these Honourable men refuse to be so adamant in their ways because they have found that to be adamant has brought their destruction. One side was adamant, the other side was adamant and something had to give. The Democratic Labour Party fell from Government in this country, Sir.

We have gone to an election and the people have said we will have no more of that Enough is enough. Yet still, I am hearing my opponent during the election say that if he had to cut the salaries again, he would do it In effect if he had to cut it by 10%, he would do it If he had to cut by 20%, he would do it If he had to cut by 50%, he would do it Whatever he had to do once it came to a cut in salary, he would do it That is what he said The implication is that if he had to cut..

Mr. SPEAKER: A point of order, please.

Mr. J. O. TUDOR: The Honourable Member is imputing improper motives against a former Honourable Member. I have never, never understood that the person to whom he seeks to refer ever indicated that he would cut civil servants' salaries by 50%. What the Honourable Member is known to have said is that if similar conditions...

Mr. SPEAKER: The Honourable Member...

Mr. J. O. TUDOR: It is not fair for him to misrepresent the Honourable Member.

Mr. SPEAKER: Continue, please.
3.50 p.m.

Mr. W. C. C. CALLENDER: Sir, I am saying that a former Member of this House said that if he had to cut salaries again he would do it It therefore means that if he had to cut by 50% he would do it By extension, if he had to do it by 80% he would do it.

Mr. SPEAKER: The Honourable Member for Christ Church East an objection has been made to such a statement and I would prefer you to phrase that another way, please. Let us continue.

Mr. W. C. C. CALLENDER: I am saying, Sir, that these Honourable Gentlemen have no remorse about what they did in 1991. They had no remorse last year and they have no remorse this year. And I am saying that good relations would tell you that when you have done something that you ought not to have done, you would apologise. You would say that you are sorry and that you would never do it again. You would never want to do it again. You would not even contemplate it You would bring flowers for a lady. You would make up, Sir. But these gentlemen do not want to make up. They want to break up. They have broken up themselves and they want to break up this country but the people will have none of this, Sir. We have told them that and we are going to say it again in history.

I am saying to them, Sir, this former Prime Minister said he did not want to commit political suicide but he

wants to commit political suicide or if the young gentlemen on that side want to commit political suicide let them this evening vote against this Bill, Sir. The people of Barbados must rise up and let them know they will have none of this. They will not forgive them if they this evening decide to vote against the Bill which is brought here in the interest, not only of the civil servants, Sir, because it hits at the root of justice. It hits at the root of fairplay, Sir. That is what it hits at We are talking about justice for all people and what justice is there that you are going to cut the wages of civil servants. Are they a special breed that must be punished every time you look at them? Is this what you are condoning? Is this what these Honourable men want to say this evening that they are going to punish civil servants?

I am saying, Sir, that they have no choice whatsoever but to support this Bill this evening and since the Honourable Attorney General has been so generous as to include the word "reduced" which they were quibbling about they now have no choice whatsoever.

There comes a time when you have to change your mind about something and this evening they have to change their minds about the position that they held on this when they started to speak. They have to show this country that for once they would stand up as honourable men in defence of the people of this country. Do they not hear the deep deafening shouts of the 20 000 as they march in the street singing "We shall overcome"? Have they forgotten that, Sir? Do they not see the sea of people crying out for justice as they flooded the streets of Bridgetown? Do they not have visions of that still? If they felt the pain they would see it still, Sir, but they are looking at me as if they are not seeing, Sir. Do they not still feel the pain of the scars that would not heal, the mortgages that could not be paid, the cars that were repossessed, the hungry mouths that did not cry out only because of pride, Sir? Where is their sense of vision? Where is their sense of sensitivity and feeling, Sir? This evening is a grave evening in this country, Sir, because this country must stand up for its wronged. This must be a united House which says that it respects the wishes of people because if 20 000 could march it means that there should not be a choice as to whether you would cut their salaries. You would find alternatives, Sir. You will have to find alternatives. This House this evening should dedicate itself to saying that is not an option, the people do not want that option, Sir, and other options must be found. The people do not want devaluation. They do not want their salaries cut, other options have to be found.

Mr. SPEAKER: Could you let us hear the Honourable Member, please?

Mr. W. C. C. CALLENDER: Sir, you recall that the Barbados Labour Party went into an IMF Programme under the late Tom Adams, and under that programme they

did not get a cut in salary, instead they got \$108 increase, that is what they got. They did not have a salary cut at that time. It was not an option. In those days people got an increase in salary and they still wanted to march. They can tell people march even though they got increases in salaries so history has shown that a salary cut is no alternative and in all decency these Honourable gentlemen have no choice but to support this Resolution this evening.

Sir, they are quibbling about the word disadvantage^ Disadvantage means to be in an unfavourable condition or circumstance. Advantage means the giving of a better position. Disadvantage therefore means to be in worse position. The Bill as presented means that we would not want to put the civil servants in a worse position. But let me go back a little further because I am talking about economic management I am talking about management of the economy and I am saying that the civil servants did not have to have their wages cut. That was not necessary but you will recall that there was a regrading exercise in which senior civil servants benefitted from a give out of \$33 million. What that says is that the upper echelons they benefitted but in the salary cuts everyone suffered so if you are talking about the man at the bottom it therefore means that you cannot have a situation where you are giving out \$33 million in which a certain upper class will benefit and then you come and you punish the maids and the messengers and all of those people.

It is not fair. Let the Opposition admit, Sir, that they made a mistake. Let them admit that they were faulty in their judgement. No one could kill them for that There comes a time, Sir, when a man has to admit he made a mistake and the more you admit a mistake the bigger you become. If they have not admitted before, today, Sir, is their time to admit they made a mistake and no one will kill them for that because every man makes a mistake at some time and we have to remember today that we are not infallible. We too can err, Sir.

We on this side too can make mistakes, Sir, and we would not want to glory in the mistakes of the other side. We would want to make sure that we do not repeat the mistakes of the other side. We would want to ensure, Sir, that the economy is well managed. We would want to look at the productive sectors of this economy very carefully. Sir, we would want to ensure that tourist arrivals in this country increase. We would want to ensure, Sir, that there is a turn around in this situation out of the USA and that tourists out of Europe come in even greater numbers and that we should put in place mechanisms with the greatest urgency to ensure that the tourism sector gives us the kind of buoyancy that this country should have if we are not to resort to the kind of measures that the Democratic Labour Party resorted to.

The Honourable Prime Minister, Sir, recognises the importance of the key productive sectors and has given support to agriculture and to manufacturing. He knows that these are key sectors and already we are seeing signs of improvement in manufacturing. The Prime Minister has indicated that he does not want wastage of the funds of this country. Prudence in the management of our affairs is essential at this point in time. It is not business as usual, Sir. People of Barbados have made a choice for change they therefore do not expect that it will be business as usual. They have given us a heavy mandate, Sir. This evening when we sit here and support this Resolution we are seeing in effect that we are part of a covenant, that we are into a covenant with the people of Barbados that we will manage this country efficiently. This is what we are saying. It is not a simple Resolution about making sure that civil servants do not get cut It is a Resolution which has implications for the management of the economy. We are saying, Sir, that we will not be fooling around, that we will put the most competent people in places to help us run this country. That is what we are talking about That is the kind of talk we want to hear, Sir. 4.00 p.m.

We are saying, Sir, that when it comes to a corporation that cannot be run by a Government and if it needs to be put in private hands that we will have to do that. This is the kind of talk we are talking about and we have to be straight about these matters. That is what we are talking about We are saying that whatever we have to do that we will do it for the sense of justice. Justice must prevail in this country, Sir. That is what we are talking about in this economic management

We are saying, Sir, that the people's resources should not be thrown away by building monuments that cannot be used and monuments in disrepair, and monuments lying disused. This is what we are talking about that we do not repeat the mistakes of the past administration. I am not glowing in your mistakes, but I am saying that we use that as a lesson for ourselves. The people of Barbados do not want that behaviour, Sir.

I wish to point out that in the area of agriculture which is key to this country that we have started to make moves. We have been making contact with overseas organizations to ensure that the produce of the people of this country is marketed overseas.

Mr. SPEAKER: The Honourable Member, I ask what relationship does this have?

Mr. W. C. C. CALLENDER: Sir, we are making a point that this is not a question of just cutting of salaries or restoring salaries. We are saying that it has to do with efficiency in running the economy. We are looking at

the choices that are available to us. We are saying that there should be no wastage and we are saying that we need to get money, and that we need to get foreign exchange. All of this is critical if we are to carry out the promise that we are making here today.

Sir, I also want to make the point and, I have said it before, we are talking about justice and justice should stretch beyond salaries. As we said in our Manifesto and I will read a section:

"Victimization and fear of victimization has left many workers afraid to take part in trade union activity under the Democratic Labour Party. But we will protect the dignity of the worker in the work place and restore his confidence to exercise his freedom to associate with his colleagues in trade unions as an essential element of stable employee/employer relationship."

By extension, Sir, we are also saying that we do not condone victimization of any sort. That is what we are saying by extension and our setting up a commission for social justice will ensure that this is a just society. This is a new order, Sir. This is a new Barbados that we are into. After we have gone through the IMF, gone should be the old ways of doing business in Barbados and gone should be the style of old politics in Barbados.

I want the Opposition to know, Sir, that today is their greatest day to stand up as men and let the people of Barbados see that they stand for justice and that they will support a Bill that means a lot to the people of this country, a Bill that sends a message for justice, a Bill that sends a message which says they will not allow what has happened to happen again and that they are spying on us, Sir, that they want us to manage the affairs of this country comfortably in the interest of the people. Even if they have to keep us on our ^MP's and Q's" and on our toes in the interest of this country, that is what they are about.

They are not about restoring the old order. They are not here saying what they have done in the past and they should do again. This is not what it is about, Sir. This is a different Barbados. We are working for a complex economy, Sir, and all of us have to understand why we are here in this Parliament today. As a matter of fact, Sir, I believe that it is only because of the crisis in the past few years that I am here today. If there was no crisis, I would not be standing here today so I have to speak from the bottom of my heart. Crisis has brought us here today because, if there was an understanding that relationships, justice, fair play and a sense of decency should prevail, I would not be here today. Since I am here, I am using this opportunity not only to look back at the past but to look at

the future because the future is more relevant to us. The future is relevant to our children and we together and the Opposition will have to understand this is what we are about. This is what we have to concentrate on.

In speaking about justice, Sir, I wish to make the point that you cannot have people giving up their land. We are talking about justice and, if you extend that, you cannot have people giving up land and not be paid as we discussed last week and we have sought to rectify that. Likewise, Sir, we have a case where we have people who have land at the airport were not being paid for this land. It is about time that in the interest of justice the people of Thyme Bottom and Wilcox who have land where they cannot put houses on they be compensated for their land or give them somewhere else.

Mr. SPEAKER: The Honourable Member for Christ Church East, could you address the Bill before the House?

Mr. W. C. C. CALLENDER: Sir, I am making the point that when we approve this Bill this evening we are saying that we are standing up for justice. I am making the point also that you must look at justice as a wide ranging thing. This is the point that I am making, Sir. Therefore, I think this is a serious matter and I am addressing it here. Just as I believe that teachers who have had their salaries cut should also be able to operate in good conditions for their work. To quote a case in point, Sir: The teachers of St. Bartholomew Girls' School should be allowed to work in good conditions and the children should have good conditions and with speed they should be moved from that school which they are in now because it is not fit for teachers to work in or for children to study in. This is the point that I am making, Sir.

I believe that this will be a great evening for Barbados. I believe, Sir, that the Opposition will understand that this issue is not a hoax. This is not a charade. This is a fundamental issue. It is a fundamental issue that has to be addressed. If ever they are going to talk about justice again, they have to understand and I quote from Gordon Hewitt: "A long line of cases shows that it is not merely of some importance, but it is of fundamental importance that justice should not only be done but should manifestly and undoubtedly be seen to be done." Whatever the Opposition says, Sir, I cannot see how they can do justice to this country if this evening they do not vote for this Resolution. They have to vote for it. They will stand condemned by the people of Barbados forever. It will be political suicide like Jim Jones and his people, Sir, and we do not want a repeat of this Jim Jones situation. So if the Leader of the Opposition is Jim Jones, tell him that the other members will not be followers.

Mr. SPEAKER: Point of order please.

Mr. J. O. TUDOR: On a point of order. I am not aware of any Jim Jones who committed political suicide.

Aside.

Mr. SPEAKER: Continue please.

Mr. W. C. C. CALLENDER: Just as Jim Jones in Guyana committed suicide and his people committed suicide, I would not want the Opposition led by the Member for St John to commit political suicide and all that follow him. 4.10 p.m.

I think these are Honourable Members and therefore on this occasion whatever they may have felt before, Sir, I am saying to them that a man has a chance to rethink a situation and that having rethought the situation they should magnanimously, just as the Honourable Attorney General changed the Resolution... This is not a two-thirds business. This is a business that should have the support of the whole House where Barbadians can see that we are serious in this Parliament This is what I am talking about.

The Constitution is the sole source of authority for all public action, executive, legislative or judicial. Authority must be sought, not in the common law principles such as parliamentary sovereignty or prerogative power, not in constitutional conventions such as ministerial responsibility, but in the written provisions of this Constitution. I am saying that this evening once we change the Constitution we are here saying that we respect the people of Barbados. We are saying that we want to enshrine this. We are saying that there are boundaries beyond which you do not go. We are saying that there are boundaries which determine justice, fair play and a sense of decency and you do not go beyond those boundaries. This is what the Resolution is about.

Sir, I want to say that I believe that our people are looking forward to this vote this evening. I would wish not to be disappointed by the Members of this Parliament. I would want to go home happy tonight knowing that this Resolution has the full support of this House and that a division will not be called.

I hope I can place confidence in these honourable and decent men of the Opposition.

His Honour R. D. MARSHALL: Mr. Speaker, this afternoon I rise to support this Bill before this Honourable House. I sat here yesterday and I listened to the Leader of the Opposition ranting and raving in this Honourable Chamber.

Mr. SPEAKER: Honourable Member, I would prefer you to rephrase that, please. We will not accept such language.

His Honour R. D. MARSHALL: I will rephrase that, Mr. Speaker. Mr. Speaker, he was talking all over his face.

Mr. SPEAKER: I will not accept that either.

His Honour R. D. MARSHALL: Mr. Speaker, I would say it was the worst contribution ever made by the Leader of the Opposition in this Chamber. At the end of his contribution, I noticed some of his tin soldiers...

Mr. SPEAKER: Honourable Member are you referring to Members in this Chamber?

His Honour R. D. MARSHALL: No, Sir. I am not referring to Honourable Members.

At the end of his speech, people whom probably he invited to the Chamber to support him, Sir, were in here carrying on as though he had done something meritorious, but to sum it all, I would say that it was just an exercise in futility.

Mr. Speaker, what we are about here today is about dignity. That is what has brought us here today. I would say, Sir, that it was because of the lack of political dignity that brought the Democratic Labour Party to rain the political terror that they did on the civil servants in this country in 1991. Sir, previous to the 8% cut, the Democratic Labour Party came to this Chamber quite hurriedly and they decided that they would first of all increase the salary of themselves. The next thing they did was to dish out \$30 million to the top civil servants of this country leaving the people at the bottom like the Gladwyn Kings with none of that or very little of that \$30 million that was given in back pay to the civil service.

Mr. Speaker, the 8% cut legislation was hurriedly voted for by the members of the Democratic Labour Party and today they have come to this Chamber deciding that they will not support the legislation that would make sure that never again would civil servants salaries be cut by any Government. Sir, if they do not want to support it that would be up to them. The civil servants answered them in September 1994.

Mr. Speaker, the 8% cut is all about disadvantages or being disadvantaged or, if they want to use the term, being reduced. That legislation that cut the salaries by 8% made the civil servants lesser men and lesser women financially than they were. A person sets his standard of living financially depending on what kind of income he or she

is making and if you are making an income and you go to a mortgage institution one of the ways to qualify is by way of salary. If you go to a mortgage institution and you do not qualify salary wise you cannot get your mortgage.

Here you had civil servants who had mortgages, paying their mortgages every month, having to pay other bills, send to school their children, pay for a car and just like that 8% of their salaries was removed from them without their having any say at all in the matter. Sir, we had people having their salaries cut by all kinds of threats. We had one former Minister going to work places and telling people that if they do not sign there are other means of sending you home. Mr. Speaker, this is the kind of thing that a civil servant had to put up with in this country.

Mr. Speaker, I want to go back to the blow that was dealt the civil service in this country. After they cut the salaries by 8%, they took the people's mortgage deduction interest and removed it from them. They removed the allowance that the people had. The house repairs deduction was removed from the people and at the same time, Sir, you had the cost of everything rising in the country. 4.20 p.m.

It was in this country in my constituency where you had children who could not go to school because of the measures taken by the then administration, the Democratic Labour Party. Mr. Speaker, as I said, it is all about dignity.

I sat in my living room and watched the petticoat debate on television during election time.

Aside.

His Honour R. D. MARSHALL: A petticoat debate, Sir, where all of them took part in a debate.

Mr. SPEAKER: The Honourable Member, it is not so clear to the Chair.

His Honour R. D. MARSHALL: Mr. Speaker, when you have a Government being run by all women, it is referred to as a petticoat government

Mr. SPEAKER: So what is your inference? You must withdraw that, please.

His Honour R. D. MARSHALL: Let me rephrase it, Sir. I sat and I watched a debate....

Mr. SPEAKER: The Honourable Member please, simply withdraw it

His Honour R. D. MARSHALL: Mr. Speaker, I withdraw the remark.

Asides.

Mr. SPEAKER: Order, please. Proceed.

His Honour R. D. MARSHALL: Mr. Speaker, I watched one of the members from the Democratic Labour Party going on television and saying that if they had to cut again they will cut and they were proud of it

Mr. Speaker, the Honourable Member for St. Michael East got in this Chambers yesterday and talked about supporting this 8% cut and if it were 10% he said he would go as far as a 10% cut But he failed to tell the people that he walked around this country deploring his administration for the stance they took in sending home people. He went as far as New York doing the same thing, even saying that he could be Prime Minister of Barbados.

Mr. Speaker, the Barbadian civil servants made sure that in 1994, September 6, they were not as docile as the Democratic Labour Party thought they were and what the Democratic Labour Party ran into was an iceberg that destroyed them.

Asides.

Mr. SPEAKER: Just let us hear the Honourable Member, please.

His Honour R. D. MARSHALL: I am happy, Sir, that I can stand in these Chambers and stand behind the Honourable Prime Minister of this country and go behind him, and support him in the measures he will be taking to put back this country on a sound footing.

Mr. D. St. E. KELLMAN: Mr, Speaker

Mr. SPEAKER: On what do you rise?

Mr. D. St. E. KELLMAN: On a point of order, Sir, How can a former Prime Minister,...

Mr. SPEAKER: He said "Honourable".

His Honour R. D. MARSHALL: I said "The Honourable".

Mr. D. St. E. KELLMAN: My apologies, Sir.

Mr. SPEAKER: Proceed, please.

His Honour R. D. MARSHALL: Mr. Speaker, as I said, the Right Honourable Prime Minister is capable of the goods he has promised.

Mr. SPEAKER: The Honourable Prime Minister.

His Honour R. D. MARSHALL: The Honourable Prime Minister, Sorry, Sir. The Honourable Prime Minister is capable of delivering the goods that he has promised to deliver.

Asides.

His Honour R. D. MARSHALL: It has been answered, Sir.

Mr. SPEAKER: Order, please. The Honourable Member for the City. Let us proceed please. I thought we had passed the petticoat politician.

His Honour R. D. MARSHALL: It is the Member for St. John. He probably likes to wear them.

Mr. Speaker, as I said, I am happy that all the Honourable Members on this side will support this piece of legislation. The Members on the other side said by the mouth of the Leader of the Opposition that they cannot support the legislation. I do not expect them to support it at all. They support the kind of legislation that will give them more money in their pockets or the kind of legislation that will cut civil servants pay and reduce them to lesser persons financially.

Mr. Speaker, as I said, I support these measures and as I said it is all about dignity. I would like to say whereas there are men without dignity and there are men who carry inside of them the dignity of other men, we might add that there are men who carry within them the dignity of the world and one of them is the Prime Minister of this country. He has dignity.

As I said, Sir, I support this Resolution. I thank you.

SUSPENSION OF SITTING

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move, that the sitting be suspended until 4.45 p.m.

Hon. Miss M. A. MOTTLEY: I beg to second that.

The question that the sitting be suspended until 4.45 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the sitting accordingly. 4.30 p.m.

RESUMPTION

Mr. SPEAKER: This sitting is resumed. The Honourable Member for Christ Church West.

Mr. H. deB. FORDE: Mr. Speaker, Sir, the Constitution Amendment Bill of 1995 purports to make an

Amendment to Article 112 of the Constitution. I think one should say, at the outset, that this Article which appears in Cap. 112 is an entrenched clause. It is entrenched in order to give it extra protection from Parliament being able to change it by a simple majority. It is entrenched because of its importance and its significance. I therefore, at the outset of my short intervention in this debate, I should make it clear that what the Government is seeking to do is to give that sort of protection by means of the entrenchment of this particular bit of legislation.

A Government does not take that decision lightly. It takes that decision when it is convinced that the situation warrants us putting beyond the easy reach of a Parliamentary majority, the right to change such an important position. The Government is therefore to be congratulated on having the courage of its conviction as set out in its Manifesto to come so early in this session to make such a fundamental change in a fundamental way.

Therefore I found it rather strange that the Honourable Leader of the Opposition should place his Party's position on the line by stating that they will not be supporting this Amendment. I thought that the Democratic Labour Party had got beyond the mistakes which it made in 1991.

In the 350 plus years of our history, it has not been known for Governments having voted to pay their civil servants or their public officers to reduce their pay in any way. I certainly cannot, in living memory within the time I have been taking an interest in politics or within the time I have been in this House, other than in 1991, seen any Government come to the House seeking to reduce the pay of its public servants.

But in 1991, we witnessed the Democratic Labour Party taking such a drastic step, without looking, in my view, properly at the other options, and that is my view, which might have been available to the country and for the purpose of \$30 million - I think that was the total cost - causing a tremendous upheaval and a reversal in what I thought was proper employee relations. The Democratic Labour Party may therefore feel today that it does not want to admit its mistakes.

Let me at the outset say that the Leader of the Opposition has not correctly stated the stance of the Democratic Labour Party in 1994 at the time of the last election. I recall myself being on a debate with the former Minister of Education, Mr. Estwick at the time and he made it unmistakably clear that a Democratic Labour Party Government could never, at any time, countenance taking away the power to reduce salaries if they considered that, in their opinion, the circumstances so warranted it.

I do not believe that anything said by the Leader of the Opposition has shown that the Democratic Labour Party in its bean wants to resile from that position. Therefore the 4 hours of wasted specifying, if I may put it that way, in which he indulged in this House was really to camouflage the deep feeling within that Party, that it must have the power, this ultimate power as part of the method of governing that it thinks circumstances warrant, it has to reduce the salaries of its public servants. That is a divide between the Democratic Labour Party and ourselves.

The Barbados Labour Party has made its position clear that it does not have, even in economic times - that may be straightened to use this as a method and that there were other options open to a Government. We went on the public platform and, as pan of our position, we gave an undertaking to change the law and we are changing the law and going, in my opinion, along the right path by enshrining the provision as one of the enshrined clauses or articles of our Constitution.

Mr. Speaker, I think it ought to be made quite clear that Parliament has the power to pass laws, any law, but subject always to the Constitution because although Parliament is supreme, its supremacy has been curtailed by the Constitution which we passed in 1966.

Let me illustrate what I mean. I will do it in relation to the judges so as to be relevant. Prior to 1966 there was a provision in the Laws of Barbados under our Supreme Court of Judicature Act, 1956, No. 56 which said that the salary of a judge could not be reduced during the time that he was in office. The word "reduced" was used. But it was part of the ordinary law and it was very easy, for any Government by a majority of the persons present in Parliament on the day that the particular Act was before the Legislature. Not necessarily a majority of the House. Suffice it to have a quorum to alter that provision.

I submit to this House that there was no security of remuneration for the judges in the legislation of Barbados prior to the 1966 Constitution. When those of us who went to the Constitutional Conference met in London there were certain offices that were specifically singled out and particularly the Judiciary. Because there was a tot of argument about this. There was a fear on the part of some people that there would be interference with the Judiciary. There was a fear about the position of the Auditor General and the Director of Public Prosecutions and therefore we enshrined in Section 112 as one of the tfays of strengthening and protecting that independence and giving confidence to the country their remuneration. Tlie form of words used then are the form of words which the Privy Council has subsequently now pronounced on as having the effect of saying that you cannot reduce their salaries at any

time after their appointment and during their period of office.

5.00 p.m.

We have altered to their disadvantage and I respectfully submit to this House - and I have listened very carefully to the speech of the Honourable Member for St. Michael South Central, the leader of the National Democratic Party, who has fears about that phrase, but that phrase has now received judicial recognition, interpretation and approbation from the Privy Council. I will revert to the phrase a little later, but one thing is certain that it means, that once the enshrined clause is there now the Judges have security of remuneration and of their pensions under our law to the extent that if any Government seeks to reduce their salaries, we would then have to come by way of constitutional amendment.

I had great difficulty yesterday when the Leader of the Opposition made references to the Privy Council. I hope he was not saying that merely because the Privy Council is a body of men outside of Barbados that one must have no confidence in the system of justice which they administer, because I really could not support that I have always been a person advocating, as the Labour Party has advocated very strongly, getting to the stage where Caribbean jurisprudence can have its own final court of appeal, but if there is one thing that can be said is that in the interpretation of the Constitutions of developing countries the Privy Council has now moved to the stage where they have begun to appreciate the social and other circumstances which led to those Constitutions and have started interpreting them not against the interests of the people, as one sometimes says of the Judiciary, but in a way that makes sense. I hope that the Leader of the Opposition was not signalling that the Democratic Labour Party, had the judgement gone the other way, would have come into the House and attempt to do otherwise in order to reverse judgement of the highest court that is still the final Court of Appeal of Barbados.

I want to revert to this Bill, Sir, and say simply that the Government is saying that it is prepared to give to the workers who constitute the bulk of the public or quasi-public service in this country an undertaking that as long as we are the Government we are entrencing their salaries, their right to the salaries which they have and that at no time at all can they get less. They can get more. We are saying by this legislation that we are entrencing that clause so that if any future Government wishes to change the law it has to come by way of constitutional amendment, and that is the highest protection that we can give them in the system of Government which we now have.

When the Public Service Reduction of Emoluments Act, 1991-13 was passed by the Democratic Labour Party - the Leader of the Opposition supported it at the time,

I voted against it - it was an ordinary law. The Government did not need a majority, they did not need two thirds of us in Parliament, they could pass it by a mere majority. Once this provision is passed the National Union of Public Workers, the Barbados Workers' Union, the Sanitation Union now, all the Unions could rest secure that for that to be altered you have to come into this Parliament and get a vote of two thirds of the Members here, and you have to go into the Senate and get the same. No longer can anyone change the position without that sort of mechanism. That is the security which we are giving. What is the difficulty? If the Democratic Labour Party says that it believes in giving protection to the workers, what fear has it got of this legislation?

I will tell the Leader of the Opposition why it has become necessary in this country to legislate in areas such as this. We have to be cognisant of what has happened in the world in general, but here on our own doorsteps, in Barbados in particular, in the last few years. People have become cynical about the words of their politicians. I do not think there is one person who will contradict that. During the election campaign I made many statements about the cynicism which has come up in the country, because politicians' words are not being trusted, and in areas that normally we may not even want to legislate I think increasingly in order to rebuild public confidence we are going to have to back our words with legislative action.

I have spoken in this House on numerous occasions where issues of convention, we would have done things because it is a usage and a practice, but I have seen in this House the Democratic Labour Party reverse conventions that we all considered were part of the constitutional framework of the Government of Barbados. We may well have, when we look at the whole exercise of the constitutional review, to enshrine those conventions as well. The Right Honourable Member for St. Michael South and I have had exchanges across the Floor of this House about the convention of collective and ministerial responsibility. You could read a lot through this Constitution and you would not see a reference to it enshrined here, but it is part. I have always understood it to be part of the historical development of our system of Government and a lot of people of my age, and even younger, have always understood it to be part of the historical development, particularly when we move into full self-government and independence. But they have come to see these understandings undermined and, contrary to what the Leader of the Opposition may think, it is not a question of anybody, any rumour - and he is very good at making these imputations about somebody standing beside somebody - he must recognise that the mirror image which the Democratic Labour Party sent to the country in the last three years of its governance particularly was a mirror image that was itself shattered and has shattered the belief

and confidence of the people in their governing systems. That is what has happened and it is principally for this reason that I think the Barbados Labour Party must show the courage of its convictions and of its statements by legislating in areas such as these and restoring people's confidence until we have rebuilt Barbados to the stage that when a politician walks the streets of Barbados you do not hear the cheptse you get, or you do not see people being turned off from us. We have a process of rebuilding that has to be done in this country and I am happy to be part of the process before I demit political life in this country.

The Honourable Member for Christ Church South, Sir Harold Bernard St. John, probably has the longest experience of this Constitution than any of us. He was in here when the Bill which is going to be taken to England was being discussed. I went as one of the advisers to him and Mr. Freddie Miller from the Labour Party side, so we have had a long history of this. 5.10 p.m.

We have had a long history of this and I can find no difficulty whatsoever in the phraseology that seems to call some people to say that they are at a loss. The Attorney General is quite right in the very erudite submission which he made on the interpretation of Section 112, the exact words of which are reproduced so far as they are necessary in this amending Bill.

Mr. Speaker, I have taken the trouble to look again at the Constitutions of the other countries in the Commonwealth Caribbean to see how they have given the same protection to offices that wish to be protected. I am not going to go through all. But if we take Jamaica and we look at Sections 101 and 107 of the Jamaican Constitution, Ordering Council of 1962, you will see the same words: "In relation to the remuneration of judges of the Supreme Court provided that the emoluments, terms and conditions of service of such a judge other than emoluments that are not taken into account in computing pensions, shall not be altered to his disadvantage during his continuance in office". You can alter the things that go into computing his pension, but you cannot alter his emoluments to his disadvantage during his term in office.

Now likewise, Sir, the Constitution of Dominica has a similar provision and naturally the Commonwealth of Dominica Constitution Order 1978-81(3) for those who want to look at it, Sir, here are the same words: "Shall not be altered to his disadvantage after his appointment". The Constitution of St. Lucia, which I have here as well, Section 82(3) a similar phraseology. The Constitution of Trinidad and Tobago uses the same phraseology.

Aside.

Mr. H. deB. FORDE: The Honourable Member wants me to find it. The same form of words is used. I will pass it so that he will have the pleasure of looking for the reference. Likewise, Sir, are the provisions of this Constitution and the Constitution of Bahamas Independence Order 1973. In short, Mr. Speaker, the phrase "altered to his disadvantage" is consistently used in these Constitutions to understand that if you want to legislate, reduce or in any way to disadvantage in terms of remuneration or allowances certain categories of public officers, you have to go through the provision of passing special legislation by way of Constitutional Amendment and not by way of ordinary law as was done in this House in 1991.

Sir, I want to give comfort, if comfort is needed, to those who say that they do not understand these words and some who, I think rather unwittingly and very quickly, have taken political stances and say that the words mean nothing and they are "*wishy-washy*". Now if they are "*wishy-washy*", then they must be "*wishy-washy*" in every Constitution in the Caribbean.

Mr. D. J. H. THOMPSON: On a point of order, Sir. It appears that the Honourable Member was not listening to your rulings yesterday. The words "*wishy-washy*" or the term or expression was ruled unparliamentary and I assume that it is still unparliamentary. Therefore, the Honourable Member as a senior parliamentarian must abide by your ruling.

Mr. SPEAKER: Will the Honourable Member rephrase his words please?

Mr. H. deB. FORDE: I would never wish to follow in the bad foot steps of the Honourable Leader of the Opposition if he has used a phrase that is unparliamentary and I will leave replying to him in those terms outside. But the Honourable Leader of the Opposition is implying that the words have no recognizable meaning, that they are not certain enough, that they provide an area of doubt in the legislation itself if he wishes me to speak in an academic way. I say that he is absolutely wrong and if he would read not only the Gladwyn Ophelia King vs. The Attorney General but other Constitutions, if he would read the literature written by persons who have interpreted the Constitutions, then he would be satisfied. If he would also read the Gladwyn Ophelia King judgment correctly, he should be satisfied in his mind.

Sir, I would like to commend to Honourable Members that they should read a thesis written on "Judicial Independence and The Role of The Judiciary" by one of the outstanding public officers in Barbados as part of her

thesis for her Ph.D. in which the whole history of judicial security and independence was traced.

Now I want to deal, Sir, in the limited time available with the argument that the Labour Party is resiling on its undertaking - and that it should go to amend the Civil Establishment Act. I will deal with the Civil Establishment Act point. The Civil Establishment Act is part of the ordinary law of Barbados. This is one of the laws that can be changed as the Democratic Labour Party changed it in 1991 by a simple majority and not a simple majority of all Members of the House, but a simple majority of those Members of the House suffice it that there is a quorum who are present on any day. Therefore, if all we did was to amend the Civil Establishment Act, we would not have given any greater protection or comfort to the civil servants as we are giving by coming this way under Section 112. That is obvious.

The second point which I make, Sir, from my years of knowledge and interpretation of legislative documents is that the effect of passing this amendment would be impliedly in any event to repeal the section of the Civil Establishment Act which gives the Minister the power to vary downwards the salaries of established public servants. That is a well known rule of interpretation and, if Honourable Members doubt me, I will bring in Banyon on Statutory Interpretation. There is a copy over there in the Library for them to read so that they can understand the argument that the Government should just bring the Civil Establishment Act and that is the end of it. That is not so. That is proper statutory interpretation and I will deal with the final argument that I have heard.

The final argument is that the Government has said in its Manifesto that it would change Section 26 which is the existing law section and, therefore, it is going back on its word. I say that is nonsense. The Government has had the advice of its top Parliamentary Council and the Solicitor General and sanctioned by the Attorney General, not acting in his capacity as a politician but in his professional capacity because he had some independent role to play and people do not understand that. I have said it in the House at the time of Pele and it was not understood. There are times when the Attorney General, despite he is a politician, has to put his professional integrity and his role as the final legal advisor to the House on the line. I say that what he is saying is the best way to do it at this time and that does not mean that the Government has resiled from its undertaking to look at Section 26. But the Government has promised and I accept the Government's word that in due course it will have a wide based Constitutional Commission,

Mr. SPEAKER: The Honourable Member has two minutes to wind up please,
5,20 p.m.

Mr. H. deB. Forde: I hope that the Democratic Labour Party and the NDP will put the future of constitutional amendments beyond the partisan political role I hope we would live up to this, because we have now had 28 years of our own experiences and we also have behind us the tremendous changes that have taken place in Canada, for instance in the European Community, as to how we go about governing our people, establishing the civil society, making sure that fundamental rights and provisions are respected, introducing participatory democracy, giving people a wider say in the government while at the same time keeping a balance between the overall public interest and the system of governance which we want and the interests of the individuals. I believe that the time for us to look for that review is then.

Sir, we tried in 1980 to get the broad-based commission but the Democratic Labour Party refused to join the Cox Commission. We had started to work on looking at some of our laws which still offend the fundamental rights provisions. Now at the conference in London the Democratic Labour Party had given an undertaking that it would have done a review of those laws. Ten years have passed and it has not done it.

When I came into office I asked Sir Roy Marshall if he would undertake the task but he was not available at the time so that we are going to have to do it now. We are going to have to do it, certainly against the background of seeing what balances there must be for there to be a proper system of governance in Barbados between those fundamental rights of the individual and the interests of the State where the public interest as a whole may in some circumstances override or cause an abridgement or modification of the rights so that a fundamental right is not necessarily absolute.

I believe, Sir, that this Bill which the Government has brought down is well drafted and that it achieves the objective which has been so clearly set out by those who have spoken, both on the front Bench and on the Back Bench and that it honours a pledge and a commitment made in our manifesto. I seriously say to the public servants of Barbados and to the workers of Barbados that they can say tonight that this legislation when it passes in here and it passes in the Senate they are more secure at any time in the history of Barbados than they would ever have been under any other government. It is another plus for the Barbados Labour Party.

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I too would like to make my contribution to this debate. The Honourable Member for Christ Church West, I think, put it all in, a nutshell when he said during his contribution that the Democratic Labour Party finds itself in a position where it feels that it has to be consistent. We have to

remind ourselves, Sir, and it is in our interests not to let the people of this country forget that the Democratic Labour Party is the party which when in government cut public workers' salaries, froze their increments, laid off people and without severance, cut severance, reduced unemployment benefits. Bobby Morris said that Barbadians were lazy and shouldn't have the unemployment benefit I found that particularly distasteful because I was the Minister of National Insurance at the time and introduced in fact the unemployment benefits into the National Insurance Scheme in Barbados.

Mr. Speaker, Sir, it is well-known but I repeat it, the Barbados Labour Party did not support the 8% pay-cut legislation and we marched against it. The unions marched against it. This entire debate in my political judgment is about the fact that the Democratic Labour Party intends, and wishes to retain the right to cut or to reduce the salaries of public workers without reference to the said public workers. They said it during the last election campaign. It was said by one of them, and the rest of them, not one, disassociated himself or herself from those remarks. So I have to assume that they were at that time all agreed to it and that they are still all agreed to it.

I find it hard to understand how anybody in Barbados who claims to be a person representing the interests of people who elected them, the interests of Barbadians as a whole, including all the workers of Barbados, would have difficulty supporting the matter before the House, even if, as some Honourable Members on the other side are claiming, that the language is insufficient. Is something wrong in supporting it now and perhaps at a later time making it sufficient? This is not properly to be described as an attempt to throw out the baby with the bath water. The truth is that this Democratic Labour Party has traditionally been the party which had sought to derogate from the rights of workers. To use a good old time Barbadian phrase - "They had larceny in their hearts then, and they have larceny in their hearts now".

Aside.

Hon. Miss B. A. MILLER: It's a well-known phrase. You may not have actually put your hands in the till, but the larceny is in the heart. There is nothing unparliamentary about it. It is the stark truth.

Mr. Speaker, Sir, the Democratic Labour Party was the party which even deprived its own members of pensions or rights to pensions which might have accrued to them. I see the Honourable Member for St. Michael South sitting out there stony-faced. He knows that too. He has carried home his. The Honourable Prime Minister becomes eligible for a pension in a quite different way from other Members of this Chamber; and it is entirely selfish.

The Honourable Member for St. Lucy wants to know how. When he gets to be a Prime Minister he will find out that the terms and conditions are different for Prime Ministers than it is for the rest of us in respect of pensions. 5.30 p.m.

It is selfish and some people think, Mr. Speaker, wicked, some people think unkind, that other members should have been cut off from their pension by 38 days. The General Election in September, 1994 was called on a date which cut off people from their pensions by 38 days and was called by a person who already knew that his pension was secured in his back pocket, and who is enjoying that pension today, and had the temerity, to use the words "much loved" by the Leader of Opposition to suggest, since demitting the office of Prime Minister, that he feels that in his present situation as a former Prime Minister that he should be entitled to a staff of five paid for by the taxpayers knowing how he left the Treasury and knowing the state of the economy.

This Government has to mop up, as the Honourable Prime Minister has said from time to time in excess of \$60 million in arrears. He would not pay National Insurance contributions for Government workers, wouldn't pay people their severance long due, people's property acquired by Government cannot get paid, Sherbourne, they tell us it is going to cost \$30 million to finish it.

Aside.

Hon. Miss B. A. MILLER: I would not support it either. The Old Queen's College Building, supposedly the new headquarters for the Ministry of Education is covered in bush, half-finished and the St. Thomas School. You have heard it all, the litany in here. Other speakers have made these points. But I am making them in this context that the Honourable Member for St. Michael South, knowing full well how he left matters could have the heart, could in any conscience suggest that he should have a staff of five to attend him. The Prime Minister does not have that. The Leader of the Opposition does not have that but this just shows where the priorities were misplaced and misguided. They had it all wrong and they had it all wrong with the workers of this country.

I am proud to say, Sir, that the Barbados Labour Party during the years when we have been in Government, and we have been in Government for fewer years than the Democratic Labour Party, that we have passed through this Honourable Chamber more social legislation designed to ameliorate and to enhance the quality of life of all Barbadians.

It gives me no joy to make the point in here today, and it must be made, that the Democratic Labour Party,

which has had more years in Government than any other party in Barbados or extant in Barbados today, because you know in Barbados I always say, Sir, we have parties without leaders, leaders without parties, any computation you could think of we have in Barbados. But among those parties existing in Barbados today the Democratic Labour Party has held the reins of Government the longest and they have the largest record in terms of anti-worker legislation. Really and truly it should not come as a surprise to us that they should seek to torture and manipulate language which we have brought here to do nothing but improve the lot of workers, that they should torture and manipulate the language to service, as is their wont, their wish to derogate from the rights of workers. It is a sad thing.

This debate is no slight matter. The Honourable Attorney General has made the point. The amendment of one's Constitution is a very serious matter. We have not come here lightly to do it. The Honourable Prime Minister has made the point that this is priority for the Barbados Labour Party because of where in the order of things we put the rights of workers, and our record is there.

The Democratic Labour Party is the party that left an unprecedented 30 000 people unemployed in Barbados in September, 1994. If you had a thermometer that you could measure unemployment in Barbados it would burst - almost one-third of the labour force of this country. I do not know how Members on the other side, meaning Members of the Democratic Labour Party, could get up in here over these two days and seek to pretend that they left us a good hand to play, that they left Barbados in a good condition. They left Barbados in a good condition, Sir, and they love Barbados? They love Barbados like how a butcher loves a pig, only one intention in mind.

Mr. Speaker, Sir, a lot of this, in my opinion, is just politicking. We have always pledged, not now - this goes back in time in this party that we put Barbados first. All of this that we have seen in here, this grand-standing over the past two days, is meant, among other things, to distract us in here and Barbadians outside of this building from recognising the disunity that exists in the ranks of the Democratic Labour Party, to distract our attention from the truth about matters like the St. Joseph Hospital, the Mangrove Pond dump, and casino gambling. They are so glad for any little issue to hold on to that would take the public's attention away from the role that the Democratic Labour Party played in all of that, all of this talk is to try to distract people from the 8% salary cut.

As the Honourable Member for St. James South said, a mother who could not feed her children because her salary was cut or because she was laid off is not going to be distracted by talk in here anymore than people

who were distracted during July, August and early September last year. People are not going to forget the frozen increments. They want to distract them from the infelicities, inequities and iniquities in high places.

In every single Ministry there is a tale of woe, monies not accounted for. I do not have it to hand but I have examined with care the Auditor General's Report of the last several years. It is available to the general public in the Public Library and it should be required reading for everybody. To see that in almost every single department of Government how much and in some cases what cannot be accounted for. Many of those matters must now be the concern of the Public Accounts Committee. 5.40 p.m.

The Honourable Leader of the Opposition is Chairman of the Public Accounts Committee. Previous to 1986 the Public Accounts Committee hardly ever met. The then Leader of the Opposition, the late Mr. Errol Barrow complained that he could not get a quorum. The majority of those sitting on the Public Accounts Committee are Members of the Opposition for obvious reasons.

The Public Accounts Committee did a lot of work between 1986 and 1994. That is partly how the final exposure of the St. Joseph Hospital came about and a whole host of other matters which Barbadians would never have known about had not the Public Accounts Committee been getting about its work. But people ought to pay a little more attention to the Auditor General's Report than they have been in the past.

Mr. Speaker, Sir, this Government is hard at work. As the Honourable Prime Minister said we have to plan, we have to take decisions, some of them will be hard decisions, some will not be. We are inheriting, after 8 painful years of mismanagement, and we are not going to correct it all in a moment. Many more tough decisions are going to come.

But I hope that the people of this country are not allowing themselves to be fooled again by the Democratic Labour Party. That this debate has anything about a care that the DLP may have about people. The fact, is that Honourable Members sitting on that side have still not yet properly accepted the verdict of the 6th of September, 1994. Because they are still scheming and plotting and doing every single thing in their power to undermine and to destabilize the new Government. But we will not be distracted from our mandate. We have to be very careful, Sir,...

Mr. D. St. E. KELLMAN: Mr. Speaker, Sir, the Honourable Member is accusing me of trying to destabilize and cripple the Government I am not party to that.

Mr. SPEAKER: The Honourable Member the words you used scheming, plotting and destabilize, would you change that for us, please?

Hon. Miss B. A. MILLER: Nobody else has opposed. He has excused himself. Nobody else is associating themselves with his remarks. But I will rephrase what I have to say. They accept what I am saying. They think that that is their function as an Opposition. They are opposing for the sake of opposing. But we will not have our mandate subverted. We will be very careful that even though there is a lot of remedial work to be done, there is a monumental mess to clean up, there are a lot of unpaid bills to be paid, even though we have to do all of that at the same time - and this is why we have to work doubly hard as we all are now - we have to be getting on with our own programme, with our own agenda. We cannot afford to let what we have inherited derail us. Mr. Speaker, I found it incredible that Honourable Members on that side could speak of the wonderful things that they had done and the magnificent condition in which they left the economy of this country.

I believe that, by this time, everybody in Barbados knows that all of the productive sectors of our economy were left in decline by the Democratic Labour Party. Sugar.

Aside.

Hon. Miss B. A. MILLER: No. Do not show me the Central Bank Report. The Central Bank Report is showing an improvement of one year over another. But you must look at the other Central Bank Reports of earlier years to see where you are coming from. Two is an improvement over one. One is an improvement over zero.

Mr. Speaker, Sir, when we left Government in 1986, we were producing 120 000 tonnes of sugar. In Barbados today, this crop that we are about to reap if we reap 30 000, 35 000 or 36 000 tonnes, we reap a lot. The first time ever in my life time. Even if you get to 40 000. We moved from 120 000 in 1986. We cannot even - and this is not true only because of the drought of last year, for several years in a row - satisfy our quotas.

Mr. D. St. E. KELLMAN: Mr. Speaker, on a point of order, Sir. The Honourable Member is misleading the House. We have never failed to satisfy our quotas, Sir. We have always had carry forward sugar to compensate.

Mr. SPEAKER: Let us continue, please.

Hon. Miss B. A. MILLER: I have it all documented, Sir. Mr. Speaker, Sir, things were so bad that we had to import sugar for domestic consumption in Barbados. If it is one thing Barbadians would remember is the Guatemalan sugar. That is where we are at in Barbados, in my life time. Sugar is down. Manufacturing at such a standstill that the Honourable Minister of Finance who is the Honourable Prime Minister made the point in his opening presentation, that he had to move swiftly. They were among the first people that he had to address. Tourism, I keep saying it. It is very easy to quote and say we are doing well, we are having more and more cruise ship arrivals and we are having more and more arrivals out of Europe. But our major market is North America. This is the fifth consecutive winter that arrivals and revenue are down in tourism. Where is this wonderful, bountiful Barbados that they left? Where is everything that the Leader of the Opposition said that they left us poised to take off? With what, Sir?

Barbadians are said to be heavily taxed people. This goes through successive Administrations. But we have always been able to point out in the Barbados Labour Party that, at least, in our time you can see what your taxes paid for. You could see roads. You could see polyclinics. You could see schools. You could see a hospital. You could see jobs. But there is not anything that I can point to for 8 years. I knew they were off to a bad start when they started with the Arch.

Aside.

Hon. Miss B. A. MILLER: That was a major capital project, an Arch. The truth is that that Chamberlain Bridge should be made a swing bridge again. It would be a major attraction in the centre of Bridgetown. It would give us a certain access to the Inner Basin of the Careenage that could generate marina type business and jobs.

But when you see an Administration coming in after 10 years, you would think it is coming in like how we are coming in now brimming with new ideas, brimming with new ideas and projects. When I saw in 1986 that they kicked off with a major capital project in the form of an Arch, it occurred to me that it would be downhill all the way from there.

Aside.

Hon. Miss B. A. MILLER: But the Honourable Prime Minister reminds me that we started off by giving immediate relief to manufacturing and to agriculture which they brutalized in the 8 years between 1986 and 1994. 5.50 p.m.

Mr. Speaker, Sir, I am one who went out and marched with the workers of Barbados. I am one who came up in the Barbados Labour Party in a tradition which goes back to the 1950's and even further back before my time. I heard the Honourable Minister of Health make reference to holidays with pay. That was a spectacular concept furthermore something that you actually implemented in the 1950s. The Democratic Labour Party had a Manifesto in 1961 which talked about holiday homes for the workers but the workers are still waiting for those holiday homes.

. The Honourable Leader of the Opposition is laughing and telling me it is a historical document. It is a flawed historical document but the workers are still waiting for those holiday homes. But then, Mr. Speaker, Sir, we know that this is the party of performance on this side, the Barbados Labour Party. We promise and we perform.

I want to close on this note, Sir. In everything that I have heard the few Honourable Members on that side say, and some of them are obviously either afraid to speak or were waiting for prime time or cannot bring themselves in conscience to speak. Mr. Speaker, Sir, I heard the Honourable Member for St. Lucy say he could not support the language that he saw. He spoke at length but he never told us what language he would find supportive.

Asides.

Hon. Miss B. A. MILLER: Honourable Member for St. Lucy you must speak for yourself.

Mr. SPEAKER: Okay, let us continue, please.

Hon. Miss B. A. MILLER: Mr. Speaker, the Government has embarked upon its programme. The people of Barbados can see that we are at work. I believe at a very soon date and in some quarters I see it already, men and women are back at work and there will be more of that. We do not have any apology to make for what we are doing here.

I can remember another debate that amended the Constitution but I would not go into detail on that one at this time. It does no credit to the Democratic Labour Party so do not seek to know. The Honourable Member for St. Lucy wants to know about it. His political history is lacking and perhaps he needs to talk to some of his older colleagues. We promised to change this and we are changing it. I believe, Sir, that Barbadians will be the better off for it.

A political party with the social record of the Barbados Labour Party would not now, in the closing

years of this last decade of the twentieth century, as we are approaching a new millennium, the Barbados Labour Party would not now sully its record by looking to hurt the interest of workers. This is meant to ameliorate. This is meant to help. This is meant to enhance the quality of life for workers, their terms and conditions of work. I believe that all workers, bar none, welcome this. I do not believe there is one single worker out there who will be affected by this amendment who would say no to it so who are those Honourable Members over there who would oppose it? There are the only ones in Barbados, in my submission, who have an interest in this who would oppose it

Mr. SPEAKER: The Honourable Member has two minutes.

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, it gives me the greatest pleasure to support this measure.

Mr. F. J. STUART: Mr. Speaker, I ask to be forgiven if I prove incapable of the evangelical fervour of the Honourable Member for Christ Church West. I have always applauded his legal sagacity but my respect for it did not begin today it dates back to the time when he argued vigorously in the courts of Barbados, the unconstitutionality of an Act, or certain sections of an Act - the Landlord and Tenant (Registration of Tenancies) Act - an Act which I believe, and I stand to be corrected on this, was passed during the time of his attorney generalship. So he is an expert on what is unconstitutional and I respect his legal sagacity and insight when he is talking on matters unconstitutional.

I entered this debate, Mr. Speaker, with some hesitation because having listened to the Members of the Government on the issue of the state of Barbados and the state of unemployment in Barbados I would much have preferred to be debating a constitutional amendment that had to do with the amendment of Chapter 3 of the Constitution, an amendment that sought to entrench the right to work. Then I believe the over 30 000 unemployed Barbadians who were told by the Barbados Labour Party that job No.1 is jobs would have had some hope held out to them and would have been promised some relief from a life that navigates between despondency and despair and sometimes the prospect of total extinction. But today we have to debate an amendment to the Constitution, not to minister to the requirements of the unemployed, but to the minister to the requirements of the employed. So job No.1 is really not jobs. Job No.1, and I here adopt the language of the Honourable Member for the City, is grand-standing. That is job No.1. I adopt her language on that.

Hon. Miss B. A. MILLER: Mr. Speaker, on a point of order. The Honourable Member is trying to distinguish

the employed from jobs? Because you are employed it means that job is not your interest? These people tried to divest the employed of their rights.

Mr. SPEAKER: Okay. Your point has been made. Let us continue please. 6.00 p.m.

Mr. F. J. STUART: The reality, Mr. Speaker, is that we are not talking about the unemployed this evening at all. We are talking about the public workers whose salaries were reduced by 8 per cent in the year 1991. These public workers will not be able to enjoy the homes in which they live, will not be able to park their cars safely anywhere in Barbados if the 30 000 people who are unemployed in Barbados do not have their requirements met in the near future urgently.

Sir, when we stand up in this Honourable House and try to give the impression that we are doing something big and that the angry young men...

Mr. SPEAKER: Order please.

Mr. F. J. STUART:...roaming Barbados, looking for jobs have something going for them. Mr. Speaker, this is the equivalent of a mountain being in labour and alas giving birth only to a mouse.

Mr. Speaker, the circumstances that led to the reduction of salaries in 1991 have been discussed over and over again and in the blame casting milieu that prevailed in that year the Barbados Labour Party claimed that the economy was in crisis since 1986 when the Democratic Labour Party introduced a set of tax measures which it was contended the economy could not bear. I remember the fervor with which the Honourable Member for St. Peter prophesied that the economy would come to doom because those policies were misplaced. By 1991, the Honourable Member for St Michael South Central was claiming that the crisis was caused by the fact that the Democratic Labour Party Government reversed his policies about which the Honourable Member for St. Peter had complained. And the Democratic Labour Party itself through its leadership argued the cause of the crisis was the financial and economic profligacy of the Barbados Labour Party between 1976 and 1986 and that that profligacy had matured by 1991 and the Government was plunged into economic crisis.

The point that I am making is this. Whatever might have been the cause of the crisis, all three political parties in Barbados were agreed that there was a crisis and that something had to be done about it. It was the view of the Democratic Labour Party that one of three options had to be met: Either it had to devalue the Barbados dollar,

a prospect which had been held out from the Barbados Labour Party platforms as early as 1989, or that it would have to institute massive lay-offs in the Public Service to cut back public expenditure, or that it would have to reduce with the consent of public servants their salaries in order to effect the necessary cutbacks required by the IMF Programme. The Democratic Labour Party took the position that the most humane option of those three was to call on public servants, to seek the consent of public servants, to have their salaries reduced by 8 per cent. That consent was sought and obtained...

Aside.

Mr. SPEAKER: Order please.

Mr. F. J. STUART: and the Democratic Labour Party Government reduced the salaries. It is as absurd to say that those people who did not consent should not have had their salaries cut as it is to say that persons did not vote for the Labour Party in the last election should not obey the Government. If you are practising democratic procedures, it is trite knowledge that the views of the majority prevail.

Now, Mr. Speaker, the premise upon which the Barbados Labour Party brings this amendment today is that at sometime in the past, and this is how I read Page 21 of their Manifesto, the salaries of public servants were cut without their consent and that this shall never be allowed to happen again. If I may refer to Page 21 of the Manifesto, I believe that I see underscored "Never again in this country will it be possible for a Government to reduce the earnings of its employees without their permission", the clear implication being in my view that at sometime in the past the salaries of public servants were reduced without their permission and that this mischief must be guarded against.

Mr. Speaker, as far as I am concerned, this promise rests on an untruth because never in Barbados have the salaries of public workers ever been reduced without their permission. Their permission was sought and obtained and, therefore, this edifice of protection which the Barbados Labour Party is now seeking to erect rests on an infrastructure of untruth. On that basis, I find difficulty in standing behind the Barbados Labour Party in this matter.

Aside.

Mr. SPEAKER: Let us hear the Honourable Member please.

Mr. F. J. STUART: The truth is and we have to demystify this argument. The truth is that public workers in Barbados have never had and do not have now the final say in determining what is or is not to their advantage. They have never had it whether you are talking about the

increase of salaries or reduction of salaries. The Government of the day always determines for public servants what is to their advantage. As recently as 1986, public workers in Barbados thought a 30 per cent increase was to their advantage. The Honourable Member for Christ Church South thought otherwise and he legislated and told them what was to their advantage. Whether you are talking about an increase or a reduction, they have never had the final word. When a Government comes to the House with an amendment that says that the salaries and allowance of the holders of offices under the Civil Establishment Act and the Defence Act shall not be altered to their disadvantage, the question that has to be asked is this. Who determines that disadvantage? The answer to the question always is that the Government determines that. Mr. Speaker, Parliament has the right to make laws, subject to the Constitution, for the peace, order and good Government of Barbados. 6.10 p.m.

Parliament has the right to make laws subject to the Constitution for the peace, order and good government of Barbados. That is a power Parliament has always had under the Constitution of Barbados. Whatever the peace, order and good government of Barbados requires therefore, a government is entitled to legislate for within the provisions of the Constitution of Barbados. It is a myth for any Honourable Member in this House to state before the public of Barbados today that this amendment protects the salaries of public workers from any future reduction. It just is not so. All the amendment does is to make it more difficult for the salaries of public workers to be reduced, more difficult if a government does not have a two-thirds majority, but if a government has a two-thirds majority, as the government has amended to protect, the government can amend to take away. That is the stark reality that faces the public workers of Barbados tonight. This is not...

Aside.

Mr. SPEAKER: Let us hear the Honourable Member, please.

Mr. F. J. STUART: This is not any protection of public workers' salaries. This is a constitutional amendment that now requires Parliament if it wants to pass a law for the peace, order and good government of Barbados to satisfy the manner and form requirements of the Constitution, but it can still do it as long as it gets the requisite two-thirds majority.

That is the trite, plain situation that results from this amendment. This talk about the protection of public workers' salaries and the entrenchment of the provision is all myth. It is myth because whatever man invents, man can circumvent and if a government has a two-thirds

majority this right which has been given can be taken away by the government. So this is no protection of public workers' salaries.

Asides.

Mr. SPEAKER: The Honourable Member for St Philip South, I have given him permission to speak. Let us hear him, please. Continue please.

Mr. F. J. STUART: I am obliged to you, Sir. So we face a situation therefore, Mr. Speaker, where we have to confront the meaning of the language which is used in this amendment.

Now I have heard the Honourable Member for St Thomas, my very good friend, state with some conviction that in his professional opinion the words "shall not be altered to their disadvantage"¹ properly cover the salaries of public workers. I am a lawyer and I make no...

Hon. D. A. C. SIMMONS: I never said that I said that the phrase "shall not be altered to their disadvantage" is synonymous with a reduction. It is tautologous in that it says the same thing as "reduced". That phrase has been judicially construed whether as obiter or otherwise as meaning "shall not be reduced".

Mr. SPEAKER: Let us continue please.

Mr. F. J. STUART: The Honourable Member is quite correct when he says that the phrase has been construed as obiter. In the Gladwyn Ophelia King decision it was obiter. Section 112 of the Constitution of Barbados was not the issue in that case.

Mr. Speaker, I make no claim to legal omniscience. I am an attorney-at-law. I am experienced enough in the practice to know that a legal opinion is just what it says, an opinion which may be right or wrong. I do not speak with the dogmatic certitude or with the pontifical finality of the Honourable Member for St Joseph. His opinion was that the Government's action in 1991 was wrong. It was unconstitutional. That was his professional opinion.

The High Court of Barbados said he was wrong; the Court of Appeal said he was more wrong; and the Judicial Committee said he was most wrong. So much for legal opinion. So when the Honourable Member for St Thomas talks about his professional opinion, a legal opinion is just an opinion and it can either be right or wrong.

The aim of all legislative drafting is to make the intention of the legislature clear and the public workers of Barbados were promised that their salaries would never be

cut or reduced again. The word "reduced" is not unconstitutional. It appears in other parts of the Constitution. In at least one other section that I have seen. If, therefore, the use of the word "reduced" puts the issue beyond doubt and put it beyond adjudication by any court, what is the objection to using the word?

I do not agree with the legal purists that because you are amending section 112 that you have to retain the phrasing of section 112. The civil servants of Barbados were promised at page 21 of the Barbados Labour Party's manifesto that legislative provision would be made against the future reduction of their salaries and what we call for is an unequivocal observance of that promise.

That does not mean that when once that is done the salaries of civil servants are safe. I already made the point that any government with a two-thirds majority in Barbados after this amendment can reduce the salaries of public workers and can claim that they have done it constitutionally. That is the bottom line in this debate. I really have no time to get involved in all the sophistry and so on that follows in these matters. It is my view that this is a word game. This is a diversion. This is an attempt on the part of the Government to divert the unemployed from the plight in which they find themselves and from which plight the Government promised faithfully to relieve them.

So, Mr. Speaker, I need not take up the House's time in arguing this matter. It is quite clear that what has been said in this House today about the amendments, all the talk about protecting public workers' salaries, falls far short of public service expectation. It is not true to say that after this amendment all is well with the public servants and all is sweetness and light. It just is not so. So far as section 112 is concerned, the claim on the part of the government that the public workers are being put on the same level as those persons protected by section 112(4) the judges, the DPP and so on, I reject that contention as well. I reject the contention because I contend - again this is only a legal opinion and I have just told Your Honour what I think about legal opinions. 6.20 p.m.

I contend, Mr. Speaker, that the focus of Section 112 is the terms of service of the public workers of Barbados and that the salaries and allowances of the judiciary and so on, are just two of those terms of service. If you are talking about terms of service, it is quite natural that you would use the language "alter to their disadvantage" and for the very simple reason that if you are talking about terms, you alter terms. But if, as is the case in the amendment to section 112A you are limiting your focus to salaries and allowances, then the appropriate language is not "altering to their disadvantage" because you do not really alter salaries in that sense. You either

reduce or increase salaries, or leave them where they are. You alter terms and since the focus of section 112 is "the salaries, allowances and other terms of service", of the persons mentioned in 112(4) then, in my respectful submission, Mr. Speaker, the language "altered to their disadvantage" is not appropriate when you are talking about salaries and allowances only.

That is another reason why I think that the promise made by the Government to the civil servants should be strictly observed. It is why I think that if the word "reduce" will put the issue beyond doubt, then the promise made to the public workers should be kept. But then the promise is made, as I said, this edifice is sought to be constructed, on an infrastructure of untruth. It is not true to say that the salaries of public workers have ever been reduced without their permission. I think the promise made to the public workers made an assumption that was untrue and I cannot be party to the untruth of the Government.

Mr. SPEAKER: The Honourable Member has two minutes to conclude.

Mr. F. J. STUART: I am obliged to you, Sir. Therefore, it is my considered view...

Hon. D. A. C. SIMMONS: The way that last comment was phrased is an imputation of a lying Government and I resent that very much, Mr. Speaker. He said "untruth on the part of the Government" I am not taking that.

Mr. SPEAKER: Rephrase it, please.

Mr. F. J. STUART: Mr. Speaker, I unreservedly withdraw the imputation. The Labour Party wrote the Manifesto, not the Government I really meant the Labour Party. I do not think the public of Barbados would have any difficulty with that imputation at all.

- 1 In conclusion, Mr. Speaker, the position of the Democratic Labour Party on this issue is quite clear. We do not know and we cannot see down the dim vistas of the future what kind of economic crisis will face this country at any time in the future. A natural disaster, a destruction of our sugar crop, the break-out of an epidemic could all put Barbados in a situation overnight where the Government has to adopt emergency measures to husband its resources in pursuit of its business.

Mr. SPEAKER: Conclude, please.

- Mr. F. J. STUART: Yes, Mr. Speaker. If it is required, it is my view that any Government with a two-thirds majority or any House for the peace, order and good governance of Barbados would pass a law to reduce

' public workers' salaries. They are not beyond reduction even by this amendment

I am obliged to you, Sir.

Hon. Miss M. A. MOTTLEY: Sir, I rise in this debate to give my support to this amendment to the Constitution which seeks to protect the wages of public servants from the possibility of a cut in salary or their allowances by reason of ordinary law or by reason of any delegation of power to the Minister under the Civil Establishment Act.

Sir, I have no difficulty whatsoever in supporting this amendment to the Constitution because it seeks philosophically to correct a principle which in my view is flawed in its very nature, that the public servants of this country who constitute but only 25% of the labour force, that the public servants of this country but only 10% of the population should be the ones to bear the brunt of an adjustment in times of economic hardship and that is our difficulty with the instance of 1991 when the Public Service Reduction of Emoluments Act was passed by the former Government

The former Government, Sir, found itself in a position where, due to its own mismanagement and folly, led this country down a road where the fiscal position was such that they found they had no other alternative but to cut people's salaries whether all agreed or not I want us to focus on that reason because Members of the Opposition have risen in here over the last two days and sought to perpetuate the myth that the only alternative available to the Government was a devaluation.

Sir, that Government in 1990 not only did they regrade the top public servants in this country to a tune of \$33 million, the same amount that within less than a year they would cut public servants salaries by, but they also started or continued 30 projects in the public sector without financing available from sources other than the Consolidated Fund. I would venture to say, Sir, that it was akin to them taking us out on a boat 20 miles offshore, seeing a shark and dropping us into the water and then saying "Oh Lord, let us get out of in here."

Their action, Sir, in 1990 precipitated the collapse of the Barbados economy to the point where within nine months of an election they would have to come and reverse the position of a sound economy batting like Gary Sobers to an economy where 10% of the people in this country would have to carry the brunt of the adjustment for the other 90%. It cannot be fair to ask such a minority in this country to pay the price for the economic mismanagement and incompetence of a Government

We in the Barbados Labour Party Government have determined that not only do we have the confidence in ourselves to run this economy in such a way that we do not believe that it will ever befall us to have to resort to that, but that philosophically we feel that it cannot be right to ask 10% of the population or 25% of the work force who cannot afford it because we must look at their circumstances.

It is not 10% of the population who owns 90% of the wealth in the country but it was public servants numbering some 25 000 struggling to steer on a tight rope to keep ends together, struggling to stay on a tight rope to pay their mortgage, to be able to service other debts, to be able to keep their family together through the provision of food and other necessary items to have a basic decent existence that all parties since Independence have promised them.

Now, Sir, it is very clear. I have no difficulty with the wording of section 112. Indeed, not only has the Privy Council considered it, but the Privy Council has been extremely clear in its judicial consideration of section 112 clearly stating that the judges and those other officers were protected and hence they could not be touched by the public sector Reduction of Emoluments Act. Not only that, but they followed the line of reasoning which was followed by the Honourable Chief Justice of this country who in his Judgment, and I quote briefly where he said,

"It would seem to me an analogous reasoning that the protection given to section 112 office holders by the entrenched provisions of the Constitution against alteration by an ordinary law of their salaries*.

The same alteration being used in relation to salaries that the Honourable Member for St. Philip South said you cannot use:

"and other terms of service while in office when contrasted with the absence of light Constitutional protection for those not holding Section 112 offices leads to the inference that Parliament can, by an ordinary law, alter the salary and other terms of service of those who like the plaintiff Gladwyn Ophelia King do not hold Section 112 offices while they are in office." 6.30 p.m.

Sir, all this Amendment seeks to do is to ensure that persons like Gladwyn Ophelia King who had the courage and conviction to test this matter in the courts of this country, that they be on equal footing with judges, *et cetera*.

The Honourable Member for St. Philip South stated, quite categorically that you can never legislate against

someone cutting in the future. He is correct in saying so. A Parliament will always have the right to legislate but in this case that Parliament must have a two-thirds majority to alter the provisions. But what is more is that by bringing this Amendment the Barbados Labour Party has clearly shown that it has no future intention of ever bringing an Amendment to cut people's salaries who are public servants in this country. Where is their commitment to that? Look at it, Sir. The Democratic Labour Party's Manifesto of 1994, pages 41 to 42 - let the public read it - not a single word to protect the rights of public servants against having their salaries cut. The truth of this, Mr. Speaker, is that..

Asides.

Mr. SPEAKER: Let us hear the Honourable Member, please.

Hon. Miss M. A. MOTTLEY: ...after the Leader of the Opposition, in his four hours yesterday, went from pillow to post talking all over his mouth and talking all around the issue. If it were not unparliamentary to say that he did not have the courage of his conviction, I would say so. But it is unparliamentary to say so.

Mr. SPEAKER: Do not say it, then.

Hon. Miss M. A. MOTTLEY: I would not say it, Sir. But the one thing he did not do was to back up the fact that their Manifesto never contemplated that they would ever have to support a cut against public servants salaries in this country.

I would not bother to say that he did not have the courage to do it. But I will say this, that in his 4 hours, the speech moved from being an act of expiation to a tirade of political invective and innuendo which only the Honourable Member has mastered so well in this country. I will always salute him for his ability to participate in political invective and innuendo.

Mr. D. J. H. THOMPSON: Political invective and innuendo. I do not think you would allow that, Sir. But I am wondering. If you would allow it, well let it go.

Hon. Miss M. A. MOTTLEY: If it offends the Honourable Member...

Aside.

Hon. Miss M. A. MOTTLEY: ...for me to refer to political invective and innuendo, I would withdraw it

Mr. D. J. H. THOMPSON: On a point of order, Sir. Let me make the position clear. I am not offended by anything the Honourable Member says. However Your Honour is the Presiding Officer in this Chamber and you set the standards of debate. I do not set them.

Mr. SPEAKER: The Honourable Member...

Mr. D. J. H. THOMPSON: Political invective and innuendo. Something is wrong.

Mr. SPEAKER: Please continue.

Hon. Miss M. A. MOTTLEY: Thank you, Sir. The Honourable Member seems preoccupied with reminding the Chair of its functions. But that is perhaps because his mind has been diverted to other matters on the weekend such as modelling.

Mr. SPEAKER: Continue, please.

Hon. Miss M. A. MOTTLEY: Nevertheless, Sir, the fundamental point is this, that in the 4 hours of debate, it is regrettable that the Honourable Member found it necessary to refer to the Privy Council in the manner in which he referred to it. The Privy Council is still the highest court of this land. The interpretation that was rendered in the Judgement of Gladwyn Ophelia King against the Attorney General is a Judgement...

Asides.

Mr. SPEAKER: Would Honourable Members desist from speaking across the Boor.

Hon. Miss M. A. MOTTLEY: I know that he does not want to hear me but the truth is that his mind is totally focussed on modelling on weekends. I understand that

Nevertheless, the point is this, that in that Judgement the Privy Council made certain statements which are binding upon the courts of this country. It disturbs me, Mr. Speaker, that the Leader of the Opposition in this country could seek, in a public debate of this kind, to use words which would cause one to doubt whether he would himself be bound by any ruling of the Privy Council. It is something which must concern all the citizens of this country.

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, on a point of order. The Honourable Member is misleading the House. I have never expressed any doubt about the ruling of a Privy Council. But I express doubt sometimes about the reasoning of human beings. I am entitled to do that. That is what legal arguments are about, arguing about

reasoning of judges. Sometimes it is right, sometimes it is wrong. She may not understand that but I do.

Mr. SPEAKER: Your point of order is taken.

Hon. Miss M. A. MOTTLEY: The Honourable Member stated specifically yesterday and I wrote it down that the Judgement from the Privy Council, not the reasoning was being treated as if it were one of the 10 Commandments from Mount Sinai. He could not even remember which Mount to call it. He then went on to say specifically that this is a sovereign country. What the fact * of this being a sovereign country have to do with a Judgement from the Privy Council? Unless it would pass his mind that, as a sovereign country, we should not follow ** the Judgement of a Privy Council.

Asides.

Hon. Miss M. A. MOTTLEY: I am worried, Sir. I hope that that is, in fact, not the intention. I am worried for another reason. Because if it were not unparliamentary for me to refer to it as intellectual dishonesty, I would do so as well.

The Honourable Prime Minister in his presentation yesterday evinced a clearer understanding of the law than the Honourable Leader of the Opposition with his 5 years of legal training and 8 years of practice.

It is unfortunate when persons who have the privilege of sharing both public office with a professional knowledge of the law would seek to engage in acrobatics, in their interpretation of the law and, as I said, Sir, if it were not intellectually dishonest of me to say so I would say so. Because all he has done is to hide behind the fact that they are not prepared to stand up in this House and say that the Democratic Labour Party, as a Party and as a Government *** again in this country wants to retain the right to cut people's salaries. It does not have anything to do with reduced. It does not have anything to do with alter to their disadvantage. But the last words of the Honourable Member for St Philip South perhaps came closest to it when he said that we do not know whatever kind of economic crisis or natural disaster may come to this country but at the end of the day, a Government in the future must have the right * to review and reduce public servants' salaries. ^

Aside.

Hon. Miss M. A. MOTTLEY: Residual power. We are saying on this side and we are saying it in the context that we understand that a Parliament can always change laws, that it would be more difficult to change an entrenched position of the Constitution.

We are saying, on this side, that not only is this Act being brought to protect public servants' salaries as

long as the Barbados Labour Party forms the Government of this country...

Asides.

Mr. SPEAKER: Let us hear the Honourable Member, please.

Hon. Miss M. A. MOTTLEY: Not only is it a question of protecting public servants' salaries so long as we in the Barbados Labour Party are the Government of this country but it is also evidence of our intention to continue to do so because of our basic philosophical position.

But I want to even broaden it, Sir, because we came into Government in September of 1994 after the last Government presided over a level of industrial unrest that was almost akin to what we saw in the 1930s and 1940s and 1950s. Because for the first time in post-independence Barbados we saw workers' rights being altered to their disadvantage by the Democratic Labour Party Government when they reduced the right to severance pay at 4 weeks a year, when they reduced the amount of unemployment benefits payable, when they deprived the right of seasonal workers to claim unemployment benefits, that right having been given to them by the Barbados Labour Party in the early eighties. So people like fishermen and people selling fish in the markets were in trouble. But also, Sir, when they foisted on the public servants of this country, as a corollary to this Bill that they were forced to take holidays without pay, that they were forced to take three days holiday instead of receiving their increments, an action CHI their pan which contrasted clearly with the previous position of the Barbados Labour Party who through the 1950s and again between the late seventies and the early eighties brought legislation to improve the rights of workers, not to take away from the rights of the workers what we had fought for in the fifties, what Grantley Adams had fought for when he passed the Protection of Wages Act so that you could no longer pay anybody in kind for their labour, or what he had fought for when we ensured that persons were to have the right to have holiday with pay and not three days without pay because you were not getting your increments. 6.40 p.m.

We have sought, Sir, to ensure that we, by this action, send a strong signal not only to restore morale in the public service but indeed, Sir, to ensure that the trust and the *bona fides* for good industrial relations in this country can indeed flourish. The Honourable Prime Minister made it clear in his speech yesterday that he has made, as a basic foundation, his negotiations with the Coalition of Trade Unions in this country that there will be no wage freeze. That party who has the gall through the Honourable

Member for St Philip South to get up in here and talk today about the 30 000 unemployed was the same party that presided over four years of a wage freeze in addition to the wage cut

Now, Sir, the 30 000 unemployed that he referred to and called this Bill a diversion from those 30 000 unemployed and that the people of this country cannot be saved unless those 30 000 unemployed are employed. Sir, his Government was the one that left 30 000 unemployed in this country. His Government was the one that ensured that it rose to 30 000 when it sent home people from 1991 and on.

Mr. Speaker, even you, Sir, are well aware of the victimization that took place in statutory corporations in this country ...

Aside.

Hon. Miss M. A. MOTTLEY: I am not calling anybody's name. The Speaker knows well of whom I am speaking. Too well.

Mr. SPEAKER: Of whom are you speaking? May I ask?

Hon. Miss M. A. MOTTLEY: Sir, I have not given notice of the person's name and therefore I would not breach the rules of the House by now calling her name. I believe she is at the Child Care Board, Sir.

Nevertheless, Mr. Speaker, it hurts me, because it helps to continue the doubt and the cynicism that persons outside have in politicians. When a person can get up and so glibly refer and dismiss responsibility for their government *for* the pan they had to play in the rise of unemployment in this country.

Now, Sir, they know better and I know better that you cannot create 30 000 jobs in five months but the Prime Minister has said that we have already started to lay the foundation for the creation of those jobs and we started by keeping faith with the people of this country by removing the taxes on the manufacturing and agricultural inputs so that those sections, Sir, could begin to grow and provide employment for people in this country. And the manufacturers took issue with the same Leader of the Opposition who had difficulty with that clause and put the Leader of the Opposition in his place. I have no more to say on that. Let the Leader of the Barbados Manufacturers Association deal with the Honourable Leader of the Opposition.

I want also to make another point. The Honourable Member for St. Philip South made much ado about the

fact that a majority of public servants voted for the cut in the salary and that therefore they had the right to cut people's salaries and that it was untrue to say that never before a Government had cut people's salaries without their consent. Sir, the majority of persons who are sitting on this Front Bench had their salaries cut as well as the public servants. And if only for that reason I can tell you that it is a fact that many of us did not sign the option form and therefore when you say you did it with people's consent it is an untruth to say so. And there was not, Sir, like normal elections with which he seeks then to equate it, procedure laid down for proper managing and counting of the votes because for all we know, Sir, I do not know who signed what and who counted what, and where they were counted and where they were signed. So that with the absence of those guidelines to protect the integrity of that counting of the votes I cannot rely on any result that they gave. I would not dignify it, Sir, with calling it a bogus election.

The point is this. It was induced by fear. There were persons who walked around Ministries in this country and who brought pressure to bear on the public servants of this country. What is more, Sir, is that in so doing they ensured that they according to their results could say that it was a majority. We do not know it was a majority, Sir. And I will never accept that it was a majority because certainly the majority of people I know did not sign it and the majority of people I talked to in the public service denied ever having signed it, Sir.

The fundamental point is this, as I keep going back, this debate is about they wanting to keep the right to cut public servant salaries as a measure of economic adjustment and it is fundamentally wrong, Sir, to ask 10% of the population to bear that burden and I would continue to hold that view.

Yesterday, Sir, we heard them speak also about the question of victimisation. Sir, nobody was guilty of more victimisation than the Democratic Labour Party in 1986 where heads from the BTA, the NCF, the Child Care Board, and I will come down the line where people even at the bottom of the ladder in these statutory corporations were sent home. Sir, that is the fact so let us not be hypocritical in the manner in which we speak. Then again I do not know that I can expect better.

Sir, I would wish to say at this stage that I would like to support this amendment to the Constitution of Barbados. The Democratic Labour Party has a very hazy history and a very dismal history when it comes to constitutional amendments in this country because they have always taken a position that alters the rights of citizens to their disadvantage whether it was in the 1974 constitutional amendment debate where they sought to restrict the rights of citizens of this country or whether it is in this debate

where they continue to take a position to ensure that the public servants of this country do not have a right to have their salaries protected. So I am not surprised by their stand this evening. It is something that runs through their history as a party. It is something with which they are comfortable. But I only hope that the people of this country would understand that the Democratic Labour Party does not care anything about them when it comes to protecting their rights. 6.50 p.m.

The Democratic Labour Party does not believe that the public servants have a right to be protected with their salaries in this country. What is even more, Sir, is that one would have thought that as a young person the Honourable Leader of the Opposition would have had the courage to get up and distance himself from a position which sought to inflict on 10 per cent of the country an unreasonable, unrealistic and harsh burden. But this is the same person who purports to want to lead the people of this country. I say, Sir, that whether it is watching him when he is accepting the nomenclature "Sweet Davie" or whether it is watching him when he is in the newspaper advertising for modelling on Sunday, or whether it is watching him speak for four hours and not doing or saying anything, Sir, or whether it is proudly proclaiming that he can be the subsidiary of another human being and the advice given by that other human being in the private sector in this country, I have serious doubt, Sir, that he has the capacity to lead this country. I believe that the wisdom of the people was shown on September 6, 1994 when they also clearly shared the same doubts as to his capacity to lead. It may well be, Sir, that there are persons on that side who have greater ability to lead and had greater ability to lead and they will have to sort that out for themselves. That is a matter for them.

I just wanted to finish, Sir, by restating the fundamental philosophical position that divides this Barbados Labour Party from that Democratic Labour Party Government and that is that under no circumstances do we believe as a political party and as a Government that a Government must use the right to cut its civil servants' salaries as a method of economic management in this country. They believe that maybe because they have no confidence in their ability to manage the economy, because whether it was in 1976 or in 1994 they left the economy in difficulties. Do not mind all of the talk about tourism being up last year. It is still below the figures of 1989. It is still below where they received it and carried it.

I say to you, Sir, that this debate is of historical significance and I applaud the Honourable Prime Minister for being so swift in ensuring that the *bona fides* of politicians and the *bona fides* of Government in this country can be re-established by showing that we commit to this. We do not purport to say, Sir, that we had

a Manifesto and we distanced ourselves from it or that we have a Manifesto and it is not a social contract. We believe, Sir, that it is our duty to move through this Manifesto *seriatim*. As to the other constitutional changes, the Commission of Social Justice will in due time advise the Prime Minister, I am instructed, as to the proper mechanism for full constitutional change in this country embracing the people of this country in their deliberation and not simply a small group of people as they want to do in their party.

Thank you, Sir, for allowing me to participate in allowing me to participate in what I believe is a most historical debate not only because of its attempt to protect public servants, but historical because it clearly shows the division between the Barbados Labour Party and the Democratic Labour Party in terms of philosophy in this country. I thank you, Sir.

Mr. SPEAKER: The Honourable Member for St. Joseph.

Hon. Dr. R. L. CHELTENHAM: Late as it is, Mr. Speaker, in this debate, I did not feel that I could allow it to end unless I make my contribution. It is not only because the debate is important in its own right, but because I had the honour and the privilege of putting the case for the public servants at three levels: High Court, Court of Appeal in Barbados, and at the final Court in the Privy Council. If indeed there is a small whole in my heart, it has to do with all that me and those who worked with me gave to this case and the fact that in the end we were disappointed over the final judgment.

The issue of the 8 per cent salary cut of the public workers and the freezing of their increments, Mr. Speaker, represent the high point of anti-worker legislation in this country. The public must never forget that it was a Democratic Labour Party Administration that introduced it. It shadowed the moral of the public workers and it caused considerable dislocation and pain in this country and it still causes pain. It was from the outset an issue that was both legal and political and, to that extent, I am not surprised that much of the debate in this House is being not so much of a constitutional and legal nature but of a political nature. It is giving rise, if I may say so, to a lot of political emptiness which we have heard from our friends from the other side and a lot of untenable argumentation from them.

The notion by the Honourable Member for St. Philip South, for example, that what we are doing in entrenching the protection of the public workers in the Constitution does not mean that the future Government cannot cut

public servant salaries is really trite and nonsensical. Because it is well known that no Parliament can bind a successor Parliament and that all that a Government can do is to give the highest and firmest protection within the law and within the Constitution. That is what the Barbados Labour Party Administration is doing. We are giving the workers the highest and the firmest protection that we can give as a Government within the law and within the Constitution. That is all that we can do. You cannot do as a Government more than that and I think that every person in Barbados understands that.

Equally weak is the notion that because a majority of public workers voted, or so it was said or alleged, for the cut that the Government was right to cut the public servants wages or that it meant that a majority voted that that majority vote could have affected all of the workers. Each relationship between the employee and the employer is separate and no majority vote can interfere with your contractual relationship between the employer and the employee. This is not an area where majority principle applies. But it is totally untrue to say that the workers have voted for the cut because an appreciable minority running into thousands of workers voted "No, we do not accept that the Government has any right to cut our salaries". A large number actually refused to vote either "yea" or "nay".

I want to deal with another area which we do not accept. It has to do with the argument of the Opposition that in Government they were faced in 1991 with the option of either reducing the public servants salaries and wages or plunging this country into devaluation. It was always a false equation and I have consistently argued that. Wendell McClean in an affidavit, which he swore to and it was part of the evidence in the Gladwyn Ophelia King Case, argued the position quite clearly. It is not always that I agree with him, but he made it clear that Government had several options in terms of raising the \$40 million which they said was needed. They could have re-ordered their priorities. For example, there was no need to go ahead with the monstrosity of Sherbourne. They could have raised taxes. They could have cut back several of their programmes; but it was not unavoidable. 7.00 p.m.

Mr. D. J. H. THOMPSON: I think the Honourable Member needs to be corrected if he is dealing with what was contained... He is misleading the House. There was no allegation in that affidavit about Sherbourne or about any specific project which Government should or should not have undertaken. You should be specific and truthful in what you are saying.

Mr. SPEAKER: No point of order.

Hon. Dr. R. L. CHELTENHAM: I am glad, Mr. Speaker, that you have rightly categorised that as no point of order. I was not saying that Mr. McClean said that they could have done. He said 'the Government could have re-ordered its priorities and he was thinking of raised taxes. It could have cut back its expenditure in several respects, but it is not true that it was an unavoidable option that it either had to reduce the wages and salaries of public servants or face devaluation. That is why this side has always argued that it was a false option. The real truth was that the international agencies were telling the Government that the public sector was too big in Barbados and the wages and the salaries as pan of total expenditure too big.

The Government, therefore, in deference to the international agencies decided to cut the salaries and the wages of public workers, sent home thousands and introduced the scare tactics of devaluation in order to justify what they were doing. The devaluation argument was no more than a scare tactic.

Mr. SPEAKER: Honourable Member for St. John, I would like you to observe the Rules of this House, please desist from shouting across this Chamber. I have spoken to you time and time again today. Let us continue, please.

Hon. Dr. R. L. CHELTENHAM: So Mr. Speaker, I think that those political issues need to be put in proper perspective. I just want to say in answer to what was the allegation that was made yesterday that the team working on behalf of the public workers, including myself, took the view, and this was particularly reflected in the second and third stages of the case, that the matter was a matter of large public interest, that we ought to demonstrate our solidarity with the workers. To that extent, no fees were charged in relation to the Stages II: the Court of Appeal case in Barbados and the Privy Council case. It is not true that horrendous fees were charged that crippled the Union or anything of the sort. I am proud to say that we expressed our solidarity with the workers and that no fees were charged in relation to the appeal case in Barbados and the case at the Privy Council.

I just want to say further, Mr. Speaker, that Lord Templeman, the Chairman of the Judicial Committee, perhaps better than many of us, appreciated that the real answer to the case really was - and he said this in the case of dialogue between the Committee of the Privy Council and Dr. Ramsahoye who was then arguing:-

"Are you not sure, Dr. Ramsahoye, that the real answer to this problem, insofar as the public servants are disgruntled, is for them to vote the Government out?"

That is the question of the Committee asked - Lord Templeman. He did not know how accurate he was in his

insight and that within three months how prophetic he was: the public servants were to join with the other people of Barbados in voting the Government out for this reduction in wages and salaries and for other diabolical acts.

Just let me say, Sir, much of what I care to say in this debate has been largely said and much of it too with great elegance and eloquence by the speakers on our side. I think, however, there are at least three questions which have arisen in the course of the debate which we need to answer. The first is that to the extent the Government used as its first line of defence in justifying the constitutionality of the wages and salaries cut and the freezing of the increments the Civil Establishment Act which predated our independence and which was on the Statute Book since 1949, why is it that in seeking to correct that injustice which was done to the workers and making it extremely difficult by entrenching it in the Constitution for any government to again use that as an option, why is it that we are not now tackling the Civil Establishment Act?

I think that the answer has been in part if not in whole given before, but I think that the workers and the general public need to appreciate that the Civil Establishment Act is really an ordinary piece of law as opposed to the Constitution which is a fundamental law, the supreme law and the fundamental law of the land.

When the Government therefore puts the protection in the Constitution in an entrenched clause such as section 112 it is not easy to be changed. It can only be changed by a two-thirds majority. It is giving the workers the firmest and the most secure protection that any government can give them within the law of the Constitution of Barbados. So it is not necessary at this stage, even though we have committed ourselves to looking afresh at the relationship between the Government and the public servants and to introducing a new Public Service Act later in the day to do anything with the Civil Establishment Act.

I accept the contention too of the Honourable Member for Christ Church West that by this amendment which we are seeking to introduce today we would, when it is passed, by implication, have nullified that provision in the Civil Establishment Act whereby there could have been a ministerial order to vary, which means to increase or to decrease the salaries, emoluments and wages of public servants.

The second question, Sir, which I think we need to answer has got to do with a question which has been raised by the Opposition and may be put like this. Why is it that all of the constitutional amendments which the Government seeks to introduce and has committed itself to introduce could not have waited and be brought together? Why is it that we have separated out this protection of the

public workers by way of a constitutional amendment and why could we not have waited to make all the amendments which we have identified as necessary to the Constitution onetime?

We committed ourselves Mr. Speaker, and it must never be forgotten. It was one of the big issues of divide in this country in the last two or three years between the then Barbados Labour *Party* Opposition and the Democratic Labour Party Government. The Barbados Labour Party in Opposition and throughout the election campaign committed itself most strenuously to putting right at an early day the situation whereby it will never be easy again for a government to resort to the option of a reduction of civil servants' wages and salaries to correct mismanagement or as an economic policy option.

The mood in this country largely brought about by a disrespect for the manifesto of the political party, by the Democratic Labour Party since 1986, is one of widespread cynicism of politicians. A situation where the public, to a large extent, doubt their words. 7.10 p.m.

The Government felt that it was necessary to restore morale in the Public Service first of all, very important. It was necessary too as an index of our commitment to our words expressed in the Manifesto, necessary in order to improve the climate for negotiation between the Government and the public workers that we should move with despatch within the first six months of our administration to entrench this protective provision in the Constitution of our country. That is exactly why we are doing it at this point.

We recognise that there are several other changes which are necessary in the Constitution. The Bill of Rights need to be expanded, for example, Mr. Speaker. We need to ensure that the discrimination against women and children born to Barbadian women out of wedlock abroad that all of that be removed. We need to look at the situation with respect to Prime Ministerial succession, particularly in circumstances of the death of the holder of the office. We need to look at the role and the power of the Senate. We need to look at the whole question of the laws that came down at Independence and the extent to which they collide with the spirit and the provisions of the Constitution.

There is a large range of issues that need to be addressed and we have committed ourselves to addressing them at a later stage by way of a wide-based constitutional commission but we feel it important at this point that we should have introduced the amendment which we are introducing today as an index of our good faith, as a signal of our commitment to honouring our Manifesto, as an

attempt to restore shattered morale in the Public Service and improve the climate for negotiation between the Government and the public workers.

There is yet another question, Mr. Speaker, which I think we need to address. What of the workers not covered by the Civil Establishment Act, that is to say, workers paid by the Government and working for the most part in statutory corporations? There are several answers to that question. The first is that they are not covered by the Civil Establishment Act. The Civil Establishment Act only relates to persons working within the Public Service narrowly defined. That is the first thing.

The second thing is that I do not think that they are covered by the Constitution so that there is good reason why the amendment which we seek to introduce could not be extended to cover workers in statutory boards.

Aside.

Hon. Dr. R. L. CHELTENHAM: My learned friend, the Attorney General has just reminded me that section 117(c) is the basis for my statement that the Constitution does not cover workers in parastatal bodies or public corporations. Only civil establishment workers are covered by the Constitution and the Civil Establishment Act.

Now, the interpretation given to section 112 by the Privy Council, and by the High Court of Barbados, and in a 2 - 1 judgment by the Appeal Court of Barbados, did cause a lot of surprise in this country. It is still a point of much debate among constitutional lawyers because as the matter was framed in argument, the real reason why those offices, the Governor-General, Auditor General, DPP and persons who populate the Service Commissions were especially singled out was to give added dignity to ensure that they could not be subject to political interference and financial pressure. The fact that they were singled out no one felt that meant that those that were not specially mentioned could have been discriminated against in the sense that their wages and salaries could have been altered to their disadvantage.

As was said earlier, the learned Chief Justice of Barbados felt that the fact that they were not singled out meant that their salaries and wages could have been altered to their disadvantage. That view was supported by a majority opinion in the Court of Appeal in Barbados and by the Privy Council. In the face of that clear ruling by the Law Lords, it became necessary for us to reduce that discrimination and to make sure that there cannot be any easy resort to that technique of reducing workers' wages and salaries by this or any other Government for that matter. This is a big point of divide and continues to be between our two sides because throughout the campaign

the Democratic Labour Party never changed their position that they would like to see this power continue on the statute book whereby they can easily reduce civil servants' wages and salaries. We on the other hand, the Barbados Labour Party, are saying that we are confident that we can so manage the financial and economic affairs of this country that it will not be necessary to resort to the reduction of civil servants' wages and salaries as a policy option, that would be to introduce a serious element of uncertainty to the public workers and we would never be able to ensure a revival of their spirits and morale if this power remained hanging over their heads.

I put it that way, Mr. Speaker, because ever since the Civil Establishment Act was on the statute book it was never felt that it could have been interpreted by Government to mean that the Minister of Establishment had the power to reduce public servants' wages and salaries. In fact, so much was that so that the Government relied on a new vehicle in order to effect that reduction. They did not use the Civil Establishment Act They use the vehicle of the Public Servants Reduction of Emoluments Act, 1991-13.

It was not until a bright young man at the University of the West Indies, told them, "But do not run scared. I believe that that power was there on the statute book containing the expression 'vary'". The Minister of Establishment has the power to vary by order the emoluments. The Government seized on that and decided that they were going to justify the reduction in the salaries by reference to the Civil Establishment Act It was necessary to clear the position once and for all and that is what this Government is doing now.

The opinion given by the learned Attorney General that you cannot alter to their disadvantage that that means that you cannot reduce is sound in law. Altered to your disadvantage means reduced. It is an objective test It is not a question of who is to determine whether a thing has been altered to your disadvantage or not As long as there is not an increase but a reduction, there is an alteration to your disadvantage. To that extent, I would beg to differ with deep respect but very firmly with the opinion expressed by my learned friend, the Honourable Member for St. Philip South. 7.20 p.m.

Everything we are doing in terms of the language, in terms of the procedure is, in my respectful submission, sound in law and will realize the end which we seek to realize and that is to ensure that the workers in the public service are provided with the highest and the firmest protection which our Government can give them and that is to put in an entrenched clause of the Constitution that their salaries and wages cannot be altered to their disadvantage.

I do not think, Mr. Speaker, that more needs to be said on this matter. I am happy to be associated with a Government that has moved, within 6 months, of its being in office to honour this Manifesto commitment and to do its utmost to restore shattered morale in the public service conscious of the fact that we cannot achieve the change which we have set out in the charter for change which is our Manifesto unless we have a contented Civil Service of high morale, secure in the knowledge that their wages and salaries will not be cut without notice or at the shortest notice.

I think that the Government needs to be commended for the initiative which it has taken and I am happy to be associated with it.

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

Rt Hon. L. E. SANDIFORD: Mr. Speaker, I did not really intend to join in this debate. I say that advisedly, Sir, because I believe that it is not necessary for this Parliament or this country to live through, once again, and to rehash and to regurgitate the events of 1991. All of that is history. I believe that what this Parliament should be interested in and certainly what the people whom I represent in St. Michael South, and the people of Barbados are interested in, is the implementation of those positive measures by a Government in accordance with their Manifesto pledges.

The Government must not continue to act, as they have been doing up to now, as though they are still in Opposition; and they must not continue to believe that their best public efforts are simply to deal with or throw lashes, or take other kinds of political action, I would not say rabble rousing, against this Democratic Labour Party. ^

Asides.

Mr. SPEAKER: Please continue. *

Rt Hon. L. E. SANDIFORD: Let me say, Sir, we are dealing with a piece of legislation here, a Bill entitled the Constitution (Amendment) Act, 1995. This was introduced by the Honourable Member for St Peter, the Honourable Prime Minister who, quite clearly, set out what it was all about, as far as the Government was concerned. This was their Manifesto pledge, the Barbados Labour Party's pledge during the 1991 Elections and they are now introducing it They have framed an Amendment to take into account the decisions taken in the Gladwyn Ophelia King case. The Amendment is being framed to take into account, on the advice of the learned Attorney General, that particular decision. I have no quarrel with that, That is the right of the Government and that is what the Government is ^ expected to do. ***

The Honourable Member for Christ Church West said it quite plainly in his peroration. He said this was the Barbados Labour Party's policy and this is what would be to the advantage of the Barbados Labour Party. I believe words to that effect were used in his peroration.

I have no interest in being polemical. I have no interest in being aggressive. That has never been my style....

Asides.

Mr. SPEAKER: Let us hear the Honourable Member, please.

Rt. Hon. L. E. SANDIFORD:... and I do not intend to stan now. It is well-known that I am a counter puncher. I am not ready for the Member for the City yet I will give her a little more latitude. No one will provoke me nor incite me, within the Rules of this House, to say what I do not wish to say.

Asides.

Mr. SPEAKER: Let me hear the Honourable Member, please.

Rt. Hon. L. E. SANDIFORD: This is the policy of the Barbados Labour Party. They are right to go ahead and implement that But we also, on this side, have a policy. There is no reason, why in pursuit of their political ends and objectives, they should try to entrap or entice us on this side to support their political policies. It is as simple as that. That is why, contrary to rebuttals and the criticisms from the Government's front and back benches, they were so concerned by that *tour deforce*, that speech made by the Leader of the Opposition, the Honourable Member for St John, who made a most brilliant introduction for this side on that particular matter.

Asides.

Rt. Hon. L. E. SANDIFORD: You see, Sir, if you get up and say nothing in this House, there is no problem with that. Whenever a Member makes a telling speech, you can see that everybody tries to attack him or to attack the person who made that speech, all of them front and back, Sir. That is what has happened. And that is why they are so very concerned about the speech made by the Honourable Member for St. John. He put the case very clearly. It was pellucid, and he clearly set out the dimensions of this debate*

Asides.

Mr. SPEAKER: Let us hear the Honourable Member, please. Order, please.

Rt Hon. L. E. SANDIFORD: I will just say that they will not get me involved in matters in which I do not wish to be involved. What I have done in this country, I have done, as the Leader of the Government I am grateful to my colleagues, my Party and the people of this country for giving us the opportunity to be the Government of this country in the most difficult economic circumstances that this country has ever had to face. That is what it is. 7.30 p.m.

Now, Sir, before I go on to the next point, let me make the point At this stage I am like the old Roman Statesman Cincinnatus. He was summoned from his farm to perform certain public responsibilities and duties. He performed those duties and returned to his farm. So, Sir, I am not involved in the shows, in the hoaxes, in the charades and in any of...

Mr. SPEAKER: Let us hear the Honourable Member please.

Rt Hon. L. E. SANDIFORD: Yes, Mr. Speaker, I am a singer. I am not a model.

Mr. SPEAKER: Order. Order please. Let us hear the Honourable Member.

Rt Hon. L. E. SANDIFORD: Let us understand what this particular amendment is really about The Barbados Labour Party made certain promises and this Constitution Amendment Bill is supposed to give effect to those promises. I have always had doubts, Sir, that this bill is anything more than that It is a political statement and the implementation of a political promise. But we should never seek to bring the public servants as pawns into this, and to make than believe that they are being given the same entrenched position as the judges when in fact that is not the case. In two days this matter will have been voted on in this Chamber, and it may take one or two days, I would not like to anticipate that, in the other place.

I am accustomed hearing, Sir, about reprobating and approbating. Like the Prime Minister I am not an attorney-at-law. I have never had to argue any case before the Privy Council in London or elsewhere, win or lose. What we have to realise, Sir, is that if in the space of 48 hours this matter can be put on the Statute Book, in 48 hours it can also be taken off the Statute Book. Those who believe, and the public officers who may be believing that they are being given some kind of entrenched position like the judges in this matter, will be sadly mistaken. For the Judges under our Constitution or Conventions, I am not sure which, rule "*quamdiu se bene gesserint*". I can quote the phrases just as they do. They know the phrases too, Sir, and there is no way that anyone else is being given by

this amendment the kinds of entrenchment that those judicial officers have been given.

I have no quarrel with the amendment because there are competent legal draftsmen; they are given the instructions, and they do the job. I do not have any quarrel with that. It has been drafted by competent legal draftsmen, and we are being asked to pass it. But it is nothing more than putting on the Statute Book a political promise made in political circumstances. It however does not carry the kind of validity, or thrust, or support, or weight that is being put upon it by the Members of the Government. That is my interpretation of it. That is how I see it.

Asides.

Mr. SPEAKER: Continue please.

Rt Hon. L. E. SANDIFORD: So we have to look at a different scenario altogether. Whether we put in "reduced", or whatever we put in here is not going to give any more underpinnings to the security of the public officers than the fact that the Government which put the amendment there can also remove it - that same Government or any Government - if they have the required majority. So I think we have to look at this matter in a different light altogether. I take an economic position. I am not going into philosophy, and I am saying now....

Mr. SPEAKER: Let us hear the Honourable Member.

Rt. Hon. L. E. SANDIFORD: And I am saying from now, that the policies which we implemented were implemented in order to carry out a fundamental change in the economic arrangements in this country, and to lay the foundations *for* growth, to lay the foundations for competitiveness, and to lay the foundations for succeeding Governments to take action on behalf of the people that would not require any very painful economic measures. Twice we had, in this country, to take action.

The Barbados Labour Party Government of the early 1980s had to have recourse to the International Monetary Fund. Again in the 1990s we had to do that also. Now we were not like Mexico, and the Member for St Michael South Central quite rightly pointed out what has happened to that country and what were the actions of the International Monetary Fund in relation to Mexico. 7.40 p.m

We did not have any fairy godfather or godmother anywhere to support us in our stabilisation programme and in our programme of economic restructuring. *Each* country has to come to terms with the situation that it faces. Our testing time as a country was 1991. We had to take action; there were no scare tactics and we did not do anything

lightly. I said on more than one occasion that we had no pleasure in taking the actions that we had to take. It was a time that called for sacrifice and we took the action in all humility, but we had to act. Now I ask myself what would have been the position in September 1991 if this particular amendment had been on the statute book. What would have been the position, Sir? We were faced with a situation of having to reduce expenditure, to increase revenue and to earn foreign exchange. The foreign reserves were almost depleted, leading towards a devaluation, Sir. Because when those foreign reserves are down to zero, or near zero, and the international capital markets were not accessible, what do you do in the face of those circumstances? You cannot do it by talking. It calls for action and, with all due respect, I can say that there are only two persons in this House who have had to manage the affairs of this country at the highest level. That is why when he is not too emotional, I have such a high respect and regard for the Member for Christ Church South, because he had to deal with difficult situations...

Aside.

Rt. Hon. L. E. SANDIFORD: ... I understand the scenario that we are going through here. We have a front bench of all lawyers, except the Prime Minister. He is the one who thinks in economic terms.

Aside.

Rt. Hon. L. E. SANDIFORD: Well, I heard him using some legal talk, but he said that he did not understand it, so I do not know.

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Aside.

Rt. Hon. L. E. SANDIFORD: You are a politician. You are not a lawyer.

Aside.

Rt. Hon. L. E. SANDIFORD: Not me and you. I tell you that I am not into that.

Sir, I ask the question rhetorically. What would have been the position of the Government of Barbados, not Erskine Sandiford, whoever he is. What would have been the position of the people of Barbados in such a situation. With no Government, no financial institution to come to say that we are going to support your efforts? I am saying that this was no scare tactics. We were faced with a situation where it was either the need to take action that would lead to a resolution of the economic problem facing the country, or there would have been devaluation. I asked you to accept it in 1991 and you did not accept it.

Aside.

Mr. SPEAKER: Let us continue with the debate

Rt Hon. L. E. SANDIFORD: That is how we saw it. The Government, as the employer, had to bring its own finances in order, after a decade and more of untenable expenditures into some reasonable alignment with revenues. We had to take the action and we did. We said furthermore that the standby arrangements would be for a period of 18 months, and we said quite transparently what we would do in terms of the 8 per cent cut in wages. We said that they would be restored at the end of the specified time. We are only hearing about the 8 per cent cut. We are not hearing that what has been cut has been restored.

Aside.

Mr. SPEAKER: Let us continue please.

Rt. Hon. L. E. SANDIFORD: I made no such promise that nothing would be restored. I kept my word, Sir. There were some forces that were saying that the pay cut should not be restored, and I stood up to that too. I said "no", we are going to keep our word. Now I have said that this particular measure purports to give security to the public officers, including the members of the Royal Barbados Police Force, those in the Central Administration, those in the Military and wherever else. I have said that I do not believe that the bill gives the security that is being claimed would flow from it. But I am saying that if this matter were to be put beyond any doubt at all, the Government should consider, as the Leader of the Opposition, the Member for St. John, indicated, the Government should consider repaying the money that was cut, if we are doing so well. Consider it. Not only consider it, but if you are indebted to the unions...

Aside.

Rt Hon. L. E. SANDIFORD: Okay. Say that it cannot be done.

Aside.

Mr. SPEAKER: Just a minute please. Honourable Members, let us continue in order please.

Rt Hon. L. E. SANDIFORD: Mr. Speaker, I am saying that this particular measure does not give the security that it claims or purports to give. If the money cannot be repaid immediately, then you are the Government, find some means. The unions used to talk about bonds. Give a medium term instrument or whatever. Talk about bonds had to be dropped, but anyhow, I will not get into that now. I am saying that you have to consider these matters. Consider them if you are so much concerned about the security of the public officers. Look at that. I

approached the public officers with a particular proposal. There were option forms. 7.50 p.m.

I am now however hearing of doubts now being cast on the integrity of the public officers who managed that particular process and who were the overseers of the process, the same public officers who you are saying are so hardworking, and I heard a parliamentary secretary say how hardworking they were.

You see, Sir, that is where we are. The vast majority of public officers on those option forms opted for an 8% cut and I, for one, and my Government, will be ever thankful that they took that decision which was the right decision in the circumstances. At this time, I would say that we are poised for the take off in this country. The programmes that we implemented have worked. A government has a responsibility to manage its inheritance and to implement the promises that it has made to the people of Barbados.

In this context, Sir, the Government may go ahead and put this on the Statute Book. They have the numbers to do it, Sir. On this side, we stick to our own position. We will continue. We will support those measures that we believe are genuinely in the interest of the people of Barbados, but we are not going to get caught up in the political objectives of the Barbados Labour Party Government.

Thank you.

Hon. O. S. ARTHUR: Mr. Speaker, Sir, I rise to wind up this debate. As has been observed at various times in this debate, the Constitution of Barbados is the supreme law in this country and it therefore should not be amended for trivial reasons. The Barbados Labour Party constitutes the Government of this country and has brought this amendment to this Parliament for reasons which are profound.

It was this Party, Sir, which in the 1950s introduced the Protection of Wages Act to Barbados and we were party to discussions at the constitutional conference which saw the drafting of a constitution for this country which had at section 16 a clause which provides Barbadians protection from the deprivation of their property. Now, Mr. Speaker, Sir, on moral grounds, on grounds of political philosophy, on all policy grounds, this Administration which I have the honour to lead, believes that the same Constitution which at section 16 provides protection to the citizens of this country from the deprivation of property, which to the man in the civil service should be his wages and salaries, is a Constitution which is worthy and needs to have entrenched in it a provision that protects the

public servants of this country what for them is the only property that they have, their wages and their salaries.

Our position, therefore, in this debate stems from a moral high ground, a position of philosophy, of consistency with what we have supported as a political institution from the 1950s when we sought to protect people's wages through the 1960s, when we supported the framing of a Constitution that protected people from being deprived of their property. All we are seeking now to do is to extend the ethos of the policy that has emerged from that approach to administration in this country to the public servants of Barbados.

All this amendment is seeking to do, political promises aside, is to challenge this House to determine whether it is judicious and worthwhile for the public servants of this country to have their wages and salaries protected by an entrenched section of the Constitution and is asking aU of us as lawmakers to determine whether the law, as we are seeking to draft it, is sound law and can pass the scrutiny of those who have to determine whether law is sound.

On this side, we are absolutely clear as to where we stand morally, philosophically, in terms of policies, in terms of our confidence to give effect to this without dithering on it. I want to lend the full weight of my office as Prime Minister of this country to say that having brought this matter to this House I have no intention whatsoever to come back to this House to ask the House to amend this Constitution to take off from the people of their country the amendment that we are seeking to put here.

I make that point if only because the last speaker who just spoke said that it is possible to come back in 48 hours and undo what we have just done. I just want to say, Sir, for the records, that I do not and no member of this side is willing to come back to this Parliament and ask this Parliament to remove from the Constitution of this country the entrenched provision that protects public servants in the same way that we have a Constitution that protects people in Bridgetown who own property. We are not willing to come back and change that, once we have made it law. This is what this debate is about

I am also satisfied that it is sound law. I am not a lawyer. I am advised, Mr. Speaker, by my Attorney General, as I am required to by the Constitution of Barbados. Those who want to criticise me for relying upon the judgment of my Attorney General, they can rely on whom they want to rely upon. I saw the Leader of the Opposition when he was Leader of the Democratic Labour Party in the election campaign seeming as if he was relying upon somebody who calls himself the "man at the helm".

If that is his way, Sir, of being advised, that is the "man at the helm", Sir.

I have been advised, Sir, by persons authorised to advise the Government of Barbados that it is sound law, that it meets the purposes for the execution of the policy that we are seeking it to meet, to entrench in the Constitution of this country protection for the public officers of this country against having their wages and salaries cut to the extent that we can do it by way of law and constitutional amendment. On those grounds, Mr. Speaker, we commend this amendment to Parliament and to the people of Barbados.

Now, Sir, the Leader of the Opposition gave a long but timely speech. The gravamen of his speech to the extent that his arguments collided with the matters raised in the Constitution was that he was prepared to accept from me my words that I was not going to cut civil servants' salaries. But he was not prepared to accept my putting those words in a constitutional amendment and entrenching them, Mr. Speaker, in law.

Mr. D. J. H. THOMPSON: On a point of order. I made the point that I would accept the Prime Minister's word until such time as the constitutional amendment, pursuant to his Constitutional Commission came down. I made that position very clear, Sir.

Mr. SPEAKER: No point of order.

Hon. O. S. ARTHUR: Mr. Speaker, I heard what he said, Sir. He said it more than once because he repeated it so often that it sunk in that he was prepared to accept my word that I was not going to cut civil servants' salaries, so he did not understand why I had to bring this amendment. His quandary is to explain why it would be that he would accept the word of a government that he opposes that it will not cut public servants' salaries, but cannot accept the law through which that same government wants to express that policy in something that can give the people the assurance that it is not only a politician speaking. 8.00 p.m.

That, Mr. Speaker, represents as neatly as I can the fundamental confusion that has afflicted the Democratic Labour Party in this particular matter.

Now, Sir, the Democratic Labour Party in this matter speaks without reference to either a moral or a policy anchor. I say a moral anchor because in 1991 they promised in their Manifesto they were not going to cut people's wages. Indeed, they went to the other extreme. They promised that they were a party that believed in decent wage increases, having stated that in

their Manifesto, and then they went ahead and cut people's salaries.

Sir, in their 1994 Manifesto they stayed clear totally of any reference to the question as to where that party stands on the question of whether it feels that that section in the Civil Establishment Act that empowers the Minister to vary people's salaries should be retained or not, so it has not expressed opposition on it. This debate challenges the Democratic Labour Party now to say where it truly stands and to say whether in relation to its general relationship with the public servants of Barbados it can be guided by other than fiscal matters because the only argument that has been advanced on the other side in relation to the matter as to how it will deal with the rights of civil servants is that it will be guided by fiscal considerations, that it faced hard fiscal times and it reacted to hard fiscal times by cutting the civil servants' salaries. From this side, the argument has come that within the context of those same fiscal times they were finding the money to build Sherbourne, to build a half-finished building at St. Thomas, and that the civil servants of this country are left to presume that their rights come second to the rights of Sherbourne and the rights of St. Thomas in its half-finished condition.

I am saying to the Democratic Labour Party, Sir, that this matter transcends fiscal issues. They have to take a stand. I want to put it even more accurately than that. Between 1920 and 1950 the salaries of public officers in this country were reduced more often than they were increased but those were in the dark days when this country was under colonial rule. In 1948 a Civil Establishment Act was put in this country that gave Ministers the power to vary salaries - and this country was led by Grantley Adams - and he never thought that he had to vary downward civil servants' salaries in order to run Barbados. It was unthinkable. It was led by Errol Barrow and he never thought it necessary. I believe that if he were alive today he would never have thought that a Government of Barbados should ever have to exercise the power to cut civil servants' salaries to say that they are running Barbados well. It was led by Tom Adams and he never did it. It was led by Bernard St John and he never did it. I am bringing this matter to Parliament because I want to give this House and this country the assurance that I want to stand where they stood rather than stand with the colonial past of Barbados.

I believe that it is within us to run the affairs of this country without having the recourse of cutting people's wages and salaries as an economic salvation. Let us not go back to the days of the 20s, 30s and the 40s. This is what this amendment is challenging the Democratic Labour Party to take a position on, to say whether they stand with Errol Barrow or whether they stand with the colonial masters. It has nothing whatsoever to do with fiscal considerations.

This evening they will have to tell us where they stand. We know where we stand. We stand with Grantley Adams and the people who brought the Protection of Wages Act to Parliament. We stand with those people who brought holiday with pay to the statute book of Barbados. We stand with Tom Adams in 1982 when he faced the same IMF that the Honourable Member for St Michael South faced in 1991 and he granted \$25 across the board despite the stress that he had to encounter and a \$5 per person increase in the following year despite having to deal with the International Monetary Fund. That is our record. The Democratic Labour Party in this debate has the opportunity to redeem itself and to say now whether it is going to stand with Errol Barrow or whether they are going to go back to the days of the 20s, 30s and the 40s and that is what this debate is all about.

Now, Sir, a lot of other issues were brought into the debate that I will deal with in the Budget. I really ought to touch, before I go, on a point that was raised by the Shadow Attorney General. When I was at Harrison College in Sixth Form - the former Prime Minister might remember James Joyce, a Dubliner - we read that short story called "A Painful Case" and it had a character called "Mr. Duffy", if the former Prime Minister remembers, because he taught me English well, that Mr. Duffy was always at a little distance from his own body.

Aside.

Hon. O. S. ARTHUR: The Honourable Member for St. Michael South. He writes me so often reminding me that he was an ex-Prime Minister that I cannot forget Mr. Speaker, he was a Prime Minister and I will always honour him as a Prime Minister. It is a rare atmosphere that the Honourable Member for John will never, ever, ever be able to fly in, Sir.

I was saying, Sir, that there was a character, as the Honourable Member for St Michael South would recall, Mr. Duffy, a character that was always, as Joyce said, at a little distance from his own body observing his own action with doubtful side glances and we heard Mr. Duffy today. He came in here because he did not want to speak, he did not believe in what he was saying, and he was a little distance from his body observing his own action with doubtful side glances. He came in here to say that what we want is a constitutional amendment to entrench the rights of people to work and that there are 30 000 people unemployed and that we have a responsibility to put a constitutional amendment to protect them.

I would only add to that, Sir, that we will have that constitutional amendment to protect them and we will add to the constitutional amendment that we should also

have made it a criminal offence punishable by a fine and confinement and, indeed, the imprisonment for 10 years for each percentage point of unemployment for all those persons who caused unemployment in this country to rise from 15% to 27% and to have 30 000 people now in Barbados to be looking for jobs at this time.

Mr. Speaker, he, as a Don Blackman Dem, does not believe in what he is saying.

Aside.

Mr. SPEAKER: Order, please.

Hon. O. S. ARTHUR: The Barbados Labour Party did not cause 30 000 people to be unemployed in this country. His argument is that men have a right to work but they do not have a right to keep in their pockets what they are working for. That is his view of law. He does not believe in what he is saying because he did not want to speak in the debate.

The Honourable Member *for* St. Michael South his argument was clear that the Democratic Labour Party has a policy and the Democratic Labour Party's policy is that this amendment can be changed in 48 hours by any Government that wishes to do so. He said as much, Sir. 8.10 p.m.

The argument of the Member for St. Michael South was clear, that the DLP has a policy and the DLP's policy is that this Amendment can be changed in 48 hours, by any Government that wishes to do so. He said as much. I give the people of Barbados the assurance that the Government of which he is speaking is not this Government because we have no intentions, whatsoever, of changing this Amendment to revert to the old bad situation. The only policy that he can be now enunciating is what he believes will be the policy of a future DLP Administration. I want to set that in the context of what happened in the election campaign.

In this debate, the DLP does not have a policy anchor because many spokesmen of the DLP in the election campaign said that they believe that the Government of Barbados must retain the rights to cut people's wages and that they will do it again. The Member for St Michael South spoke this evening, as he is doing so often these days, on behalf of the Democratic Labour Party. He spoke of their policies, loudly and clearly, for all in this House to hear, that it is a matter that can be taken off the Statute Book, within 48 hours. Sir, the only way in which we could take this off the Statute Book, if we put it within 48 hours, is if we get their support. We will not be asking for it because we will not be coming back for it. The Barbados

Labour Party now, and in the future, has no interest, whatsoever, in taking this Amendment that we are proposing to put on the Statute Book off the Statute Book.

If it is his fear, Sir, that a future Government of Barbados will undermine what we are now seeking to accomplish, Sir, I can only give this House the assurance that that undermining will not come from the bosoms nor the bowels of the Barbados Labour Party, because we know what we stand for and have stood for, from the Party was conceived.

I think it is a very clear debate. I am not going to get into the economic issues about the growth rate of the economy. I would expect however that a shadow Minister of Finance should know that 2.6% growth in 1995 coming after a 4% growth in 1994 is on top of - and not as compared with - but it might be a simple distinction that flogs him. And that the only reason why this economy this year is not going to be bubbling along is, as he knows, that the sugar crop for last year was 51 000 tonnes, this year it is going to be 36 000 tonnes and we did not cause that, Mr. Speaker. He also should know that the tourism industry last year benefitted from one shot activities that are hard to reproduce, among those was the English cricket tour and the Global Conference that boosted numbers in the first half of the year, but that we still have serious structural problems to address in tourism in this country, including the future of those parts of the tourism industry on the south coast where there has not been refurbishment which are competing with the Dominican Republic and cannot do so. He knows that the Democratic Labour Party left no marketing programme in place and that if you pick up the tourist industry in September what happens in December is influenced by what was done in June and that the absence of a marketing programme by the Democratic Labour Party explains why arrivals were down in December and nothing was done by the Barbados Labour Party. These are the realities.

And, therefore, when I say, Mr. Speaker, that I am intending to put this economy on a sustainable growth path, it is to take the foolishness of the Democratic Labour party's Administration out of our economic administration.

He also read selectively from the Economic Review and time does not allow me this evening to deal with it. But I am warning him. He is taking the advice from persons who cannot even nil in their election returns properly. I do not come to this House and challenge lawyers about the law. But I am hearing this gentleman coming to the House and challenge me about economics and I am going to tangle with you about economics and finance.

Asides.

Mr. SPEAKER: Let us continue orderly, please.

Hon. O. S. ARTHUR: I want to conclude, Sir. I fundamentally believe that the Democratic Labour Party knows that what it did in 1991 was wrong. It was a policy forced on the Democratic Labour Party that Errol Barrow would never have supported. This debate gives this country, not only the Democratic Labour Party, a chance to redeem itself.

I have brought this Amendment to this House in the fullest confidence that I am doing something that is consistent with the philosophical context within which the Constitution of this country was conceived. I am bringing it to the House with the fullest confidence that I am trying to give effect to a sound policy. I am bringing it to the House in the fullest confidence that it is sound law. And I am bringing it to the House with the fullest confidence that we shall be able to preside over the management of the country's affairs, in such a way, that we would never again have to resort to wage cuts, either as a policy or as a weapon in this country.

It is within that assurance that I now have the honour to move that this Bill to amend the Constitution be read a second time.

I am much obliged to you, Sir.

Hon. Miss B. A. MILLER: I beg to second that, Sir.

The question that this Bill be now read a second time was put and resolved in the affirmative, the House dividing itself as follows:

The bell was rung.

Ayes: Hon. O. S. ARTHUR, Hon. Miss B. A. MILLER, Hon. D. A. C. SIMMONS, Hon. Dr. R. L. CHELTENHAM, Hon. G. W. PAYNE, Hon. R. N. GREENIDGE, Hon. R. C. EASTMOND, Hon. Miss H. E. THOMPSON, Hon. Miss M. A. MOTTLEY, Hon. Sir HAROLD SL JOHN, Mr. W. C. C. CALLENDER, His Hon. R. D. MARSHALL, Mr. H. deB. FORDE, Mr. L. R. TULL, Mr. D. CARTER, Mr. J. M. EDGHILL, Mr. G. A. CLARKE, Mr. R. St. C. TOPPIN, Dr. R. C. HAYNES - 19.

Noes: Mr. D. J. H. THOMPSON, Mr. F. J. STUART, Rt. Hon. L. E. SANDIFORD, Mr. J. O. TUDOR, Mr. L. A. WEEKES, Mr. D. SL E. KELLMAN - 6.

Hon. O. S. ARTHUR: Mr. Speaker, Sir, I beg to move that you do now leave the Chair and the House goes into Committee on this Bill.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

The question was put and resolved in the affirmative without division and Mr. SPEAKER left the Chair and the House went into Committee, Mr. W. C. C. CALLENDER in the Chair.

COMMITTEE

Mr. CHAIRMAN: This Honourable House is now in Committee. 8.20 p.m.

Clause 1 was called and passed.

Clause 2 was called.

Hon. O. S. ARTHUR: Mr. Chairman, I beg to move that Clause 2 do now stand part

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

Mr. CHAIRMAN: The question is that Clause 2 do now stand part.

Hon. D. A. C. SIMMONS: Mr. Chairman, I wish to make a few comments in relation to Clause 2 and having regard to the fact that my time was only half an hour yesterday there are a couple of points that I need to make.

First of all for the benefit of the Honourable Member for St. Michael South, he seems not to appreciate that as soon as this Bill is assented to it not only will appear in the volume of laws but the Constitution itself will need to carry, as section 112A, the terms of the amendment that is now 112A. So that it is quite silly for the Honourable Member to have suggested during his speech that the effect of this amendment will not be an elevation of those officers protected by the Bill to the same status as let us say, Auditor General, Judges and those who are provided for under section 112(4). This will now be 112A and in the next print of the laws or the Constitution you will see it after it passes the Senate and is assented to by Her Excellency. That is the first point I want to make. So that just as Section 112(4) says that this section applies to the offices of Governor-General, Judges, the Director of Public Prosecutions, Auditor General and so on, the next immediate section will say, "the salaries and allowances payable to the holders of offices established under the Civil Establishment Act and the Defence Act shall not be altered to their disadvantage".

Secondly, Mr. Speaker, yesterday during the course of his presentation, the Honourable Member for St. Michael

South Central indicated that he thought that a word such as "reduced" could have been included in the amendment by way of further amendment I then said that I took his point but to have included the word "reduced" would have been to derogate from the language of the Constitution and would have been synonymous with the phrase, "shall not be altered to their disadvantage and indeed would be tautology in a section and that it would in all the circumstances be inelegant but if he were comfortable with such a word inserted, I would give it consideration and we would look at it

I wish to say that today the Honourable Member for St Michael South Central had discussions with me and the Chief Parliamentary Counsel who drafted the Bill, and the Honourable Member and Mr. Richard Byer of his party in discussion ultimately accepted that it would have been superfluous to add the word "reduced" because the phrase "shall not be altered to their disadvantage" was judicially construed by at least 9 judges in the Ophelia King vs. Attorney General case, was judicially construed by Lord Diplock in the Hinds case and in those circumstances they were satisfied that the *bona fides* of this Government were sound and worthy, and that having regard to the principles of draftsmanship and statutory interpretation the language that is current in all Caribbean constitutions ought to remain and ought not to be diluted by the introduction of another word which might, at some time, give a wrong construction.

Moreover, having regard to the decision of the House of Lords in 1993 in the case of *Pepper v Hart* which holds that in a matter of statutory interpretation debates of - in England the House of Commons, in Barbados the House of Assembly - can be used as an aid to construction. You can look and see what the Minister said when he introduced it, that in the light of *Pepper v Hart* there was likely to be no difficulty in the future in understanding what the Honourable Prime Minister meant when he moved the Second Reading of this Bill and what I meant when I spoke yesterday as to the true intent and purpose of the amendment

I am very grateful to Mr. Byer and the Honourable Member for St Michael South Central for their understanding and their willingness to be guided in this matter.

I regret, Mr. Chairman, that I cannot say the same thing for the members of the Democratic Labour Party Opposition because...

Aside.

Hon. D. A. C. SIMMONS: *Pepper v Hart* Thank you, I think it is *Pepper v Hart* It is a 1993 House of Lords case.

Sir, in relation to the members of the Democratic Labour Party I have to say the speech of the Honourable Member for St Philip South contained the hypothesis that if the word "reduced" had been used it would have put the intent of the amendment beyond doubt But he failed to go any further and tell us whether even if we had used the word "reduced" he would have found it possible to vote for the amendment as then re-amended. So that I do not know what to say about the Democratic Labour Party and so I have not sought to re-amend the Constitutional amendment and what we have voted on is the amendment as brought to Parliament that has received the approbation of the Honourable Member for St Michael South Central.

I just wished to give Honourable Members and the public of Barbados the assurance that legislation can only seek to provide the framework within which action can take place. We come in here week after week and pass legislation outlawing all kinds of conduct. It shall be an offence to do so and so. That does not mean that somebody the next day will not go and do precisely the same thing ^ that you legislated against So that legislation can only be used as a medium to proscribe certain types of conduct, behaviour or whatever. 8.30 p.m.

So in relation to a constitutional amendment all we can do to give public officers the assurance that their salaries will not be cut is to enshrine that commitment in the highest form of legislation which is the Constitution. Beyond that we have no more control because in the year 2010 a Parliament differently constituted having a two-thirds majority on one side might decide that what we did was to hamstring that Parliament and then they can then amend it But it is so about every law. So that the only thing we can do for the public officers is to implement the legislation to say that we cannot and will not by law interfere with the salaries, wages and conditions and allowances of public officers to their disadvantage so long as we constitute the Government and so long as this amendment remains the law of the land.

Mr. Chairman, Sir, in regard to the statutory board workers, Section 117(7)(c) of the Constitution at present does not include them within the vocabulary of "Public Service." They were brought in specially in 1991 in a Schedule in the Reduction of Emoluments Act But for the moment, they are not affected. Indeed, I believe that the law has always been that an employee of a statutory board is in the same position as an employee who is subject to

the private individual employment contract. If his salary is cut or his terms of conditions and let us say that there was a manager of a statutory board who was entitled to a telephone allowance or a motor car, for example, and the corporation withdrew those benefits from the employee, he would be entitled to sue at common law and not under any Constitution on the ground that he had been wrongfully dismissed in the sense that he had been constructively dismissed. Indeed, that is what the famous *Grosvenor vs. The Advocate* Case was about, the withdrawal of a perquisite of office by employer. So that in my opinion statutory board employees are in that kind of situation. But I will not dwell on the matter because I think such a case may be before the High Court in relation to statutory board employees. I just wanted to make those points before the closure of the debate, Mr. Chairman. Thank you very much, Sir.

Mr. D. J. H. THOMPSON: Thank you very much, Mr. Chairman. I think now that we are in Committee that any impression which anybody may have, and they certainly cannot have it from the speech of the Honourable Attorney General, neither in the Second Reading stage nor anything that he has said now, that there has been any peace offering or any attempt to discuss formally with members of the Democratic Labour Party an adjustment to the amendment such as to include or put in very clear language the concerns which the Honourable Members of the Opposition have raised would be totally ill-founded. I want the public to understand very clearly that, while it may be true that discussions have taken place between the Honourable Attorney General and other Members who may sit on this side, and there is nothing wrong with that, that no formal discussions and no offer had been made, no adjustment had been proposed to the Opposition with which we could concur. There had been no discussion at that level.

Mr. Chairman, as I understand it in these things and I am not saying that we have reached that stage, very often when we have legislation coming before the House and both sides agree that there may be concerns which could be addressed by a further examination of those sections, that Members get together and they discuss possible further amendments which are then done in Committee. The Honourable Attorney General in his second reading speech quite generously offered, if necessary, to make amendments or adjustments to this amendment to take in the concerns of Members of the Opposition. I wish, Mr. Chairman, to say that no such offer had been made to the Democratic Labour Party. We engaged in no discussions at all with the Attorney General on any further adjustments. Now that is the first point that must be made. So that any impression given outside of this Chamber as may have been given, Mr. Chairman, in today's newspaper that there was some ...

Hon. Sir HAROLD St JOHN: On a point of order, Sir. The point of order that I wish to draw to your attention, Sir, is that we are in the Third Reading of this speech and it is limited to the details of the Bill. The principles of the Bill have already been dealt with, Sir. It is my submission that the Honourable Leader of the Opposition can only make his observations with respect to the clauses of the Bill.

Mr. D. J. H. THOMPSON: Mr. Chairman, I was merely responding to the concerns which the Honourable Attorney General in Committee raised and he did say that he had discussions with the Chief Parliamentary Council with a Mr. Richard Byer and with the Honourable Member for St Michael South Central. So he raised them and I was only seeking to clarify the very clear position that no discussion took place between him and any Member of the Opposition in respect to any adjustments to this section. So fine. They understand it and we understand it.

The second point that I want to make, Mr. Chairman, is that in responding to comments made by the Honourable Member for St Michael South and in relation to the comments made in second reading about the interpretation that could be given to Section 112(a), there may be an idea that this section as presently drafted, and I am dealing with the details of this section, gives the person covered by that section the same rights as those listed under section 112(4) of the Constitution. We maintain, Mr. Chairman, as our position in the Democratic Labour Party that Section 112(a) does not give the same rights as drafted.... 8.40 p.m.

Hon. O. S. ARTHUR: Mr. Chairman, on a point of order, Sir. I respectfully wish to say that the Honourable Member is in breach of the Rules of the House. On a Third Reading speech he cannot go back to general principles as to what.. He has to say now in respect in which he intends or not to support section 2. If he wants to add or subtract from it, he is entitled to do so but I respectfully suggest to you, Sir, that the Member is giving a Second Reading speech and I would ask you, Sir, to rule. We cannot be dealing with general principles. If he wants to change the law, he must say how he wants to change it.

Mr. D. J. H. THOMPSON: Mr. Chairman, Sir, I am presently drafting. We are in Committee. The Honourable Member may not understand what is going on here but we are in Committee and I am dealing with the drafting and the words in section 112 (a) which say very simply:

"The salaries and allowances payable to the holders of offices established under the Civil Establishment Act and the Defence Act shall not be altered to their disadvantage."

I am saying - a technical point - that follows on from section 112. Section 112 reads as follows, Mr. Speaker

"A Committee to which a Bill is committed shall not discuss the principles of the Bill, but only its details."

^N(1) There shall be paid to the holders of the office to which this section applies such salaries as may be prescribed by or under any law.

(2) The salaries payable to the holders of the office to which this section applies are hereby charged on the Consolidated Fund.

(3) The salary and allowances payable to the holder of any office to which this section applies and his other terms of service shall not be altered to his disadvantage after his appointment, and, for the purposes of this subsection, in so far as the terms of service of any person depend upon the option of that person, the term for which he opts shall be taken to be more advantageous to him than any other terms for which he might have opted.

(4) This section applies to the offices of Governor-General, Judges, Director of Public Prosecutions, Auditor General, appointed members of the Judicial and Legal Service Commission and members of the Public Service Commission and the Police Service Commission."

In that regard, Sir, one can see in the language of it that there is a difference in the rights based on the language used under section 112 which vest in the officeholders under section 112 (4) and the right given to those persons under The Civil Establishment Act and the Defence Act under section 112(a). I am saying that if the Honourable Attorney General, assuming that he wishes to give the same rights to the persons under the amendment as persons have under section 112, that it would be much better - and this is a technical point - to have added at the end of subsection 4 of section 112 those offices to which those rights should apply, which, Mr. Chairman, in drafting that section he simply could have added to Governor-General, Judges, Director of Public Prosecutions, Auditor General, appointed members of the Judicial and Legal Services Commission, members of the Public Service Commission and the Police Service Commission, and the further...

Hon. O. S. ARTHUR: I respectfully wish to submit to you, Sir, that section 112(4) of the Constitution is not before the House. The Standing Orders of this House says:

The Member for St. John, Sir, is discussing the details of section 112(4). If he wants to discuss 112A and amend that he is entitled to do so, but to go back to 112(4) is to discuss general principles which are not allowed in Committee under Rule 48.1 am asking you, Mr. Chairman, Sir, to rule.

Mr. CHAIRMAN: He is making his point regarding 112A and is bringing surrounding evidence to support his case. I think he may continue.

Mr. D. J. H. THOMPSON: Thank you, Sir. So Mr. Chairman, if however the Honourable Member for St. Peter wishes me to apply the kind of argumentation and if he wishes to pull me within the four corners of his idea of how the Committee system functions I would put it another way. It would have been much better if in drafting section 112A - and these are the details of the Bill - if the drafters had avoided the particular words which were used here and would have drafted a section which read perhaps as follows, Mr. Chairman:

Section 112A - to give effect to what the Bill says they wish to perform.

1) There shall be paid to the holders of offices to which this section applies such salaries as may be prescribed by or under any law.

2) The salaries payable to the holders of the offices to which this section applies are hereby charged under the Consolidated Fund.

Hon. O. S. ARTHUR: Mr. Chairman, Sir, on a point of order. I am seeking clarification as to whether the Member is formally putting an amendment before this Committee or not. You must judge, Sir. Otherwise he is wasting the House's time. In Committee, Mr. Chairman, under Rule 49 we shall call the clauses, clause by clause and either amend them or not amend them. He cannot put a hypothetical amendment. He is either formally putting an amendment or not putting an amendment. You cannot put a hypothetical amendment, Sir, otherwise we will spend the whole time here. So put it formally as an amendment so we can vote on it.

Mr. D. J. H. THOMPSON: There is no rule which says I must put formally any amendment to anything. We are in Committee. I have rights and privileges as a Member of this House. I reserve the right to discuss in Committee any issue which I think is relevant to the section as drafted and relevant to the rights of civil servants in this country. I defy anybody to come in this Chamber and give the impression whether from the high office of Prime Minister or anywhere else that I do not have those rights.

The Chair has already ruled and you should remain in your seat and quietly listen as other Members should do while I make my contribution.

Mr. CHAIRMAN: The Honourable Member for St. John is asked to take his chair.

Mr. D. J. H. THOMPSON: Mr. Chairman, the Honourable Member for St Peter is totally out of place in this Chamber to say that any Honourable Member is wasting his time, particularly after you have ruled in the matter.

I am saying to you, Mr. Chairman, and I will repeat it, that if it is intended to give those persons under the Civil Establishment Act and the Defence Act the same rights as the persons listed at section 112(4) of the Constitution then that section could effectively be repeated with those offices to which those exact rights with the exact wording of section 112 could be spelt out. Therefore, in the absence of that, I am merely saying to the Honourable Attorney General, as I believe I am entitled to do as a Member of this House, without challenge, that if that is what he wants to achieve it is our view on this side that he could proceed on that basis.

Asides.

Mr. D. J. H. THOMPSON: I am discussing that in Committee. The House of Assembly permits it and Mr. Chairman on several occasions in previous administrations we have discussed and amended legislation in this way.

I need to go on now to the question of the interpretation of the section because the Honourable Attorney General has made a very important point and has supported that point by reference to a decision of a court on the matter of interpretation of statutes. Mr. Chairman, this was raised in Committee and I think it is a very important point. I don't think that the best way for us to proceed in this Chamber is on the basis that you can have a section drafted which may not be as clear as it should be and that we proceed on the basis that the only way that you will discover if it is clear is if you refer back to the debate.

Aside.

Mr. D. J. H. THOMPSON: I don't say you are saying so. I said I don't think we can proceed on that basis. Therefore, the duty of any Chamber like this, any group of sensible lawyers, any group of parliamentarians like this, is to seek in the first instance to achieve that clarity, to have a clear amendment which gives affect to the purposes which the Honourable Members of the Government say they want to achieve. I am saying that I do not think it should fall from the mouth of the Government to adopt the stance where even in the face of that uncertainty, even if another Honourable Member has called for an amendment which puts it beyond doubt as I understood was the basis....

Mr. CHAIRMAN: The Honourable Member has one more minute.

Mr. D. J. H. THOMPSON: Thank you.... of the point made by the Honourable Member for St. Michael South Central that from the beginning our job should be to get the precise language to achieve the end that we want to achieve. 8.50 p.m.

We do not believe as a matter of policy or as a matter of conduct in this House that we should have a situation where legislation is unclear and where the courts are left to sift through all of the contributions of Members of the Government, and perhaps Opposition if there is concurrence, to see what the intent of the legislation is. In the case of the Government on this occasion I am not even sure if all of the speeches had been consistent on that point because I have understood the Prime Minister's view and the others to be different.

Thank you, Mr. Chairman.

Hon. Sir HAROLD St. JOHN: Mr. Chairman, as I understand it, this amendment seeks by its language to make it abundantly clear that in the future the disabilities which certain of the public sector workers in Barbados suffered as a result of the passage of specific legislation will not be suffered in the future. The way that this Bill does it is by ascribing to these particular offices a position which section 49 of the Constitution states very clearly that in the future any law to change their position has to be passed by a special majority.

It is my view, Sir, that in that respect these public servants are placed in exactly the same position as those holders of office which are set out in section 112. The reason is that this section 112A is in Chap. 9 of the Constitution and by section 49 any law dealing with any section in Chap. 9 can only be effective if it is passed by a particular majority, so that is clear. There cannot

be any doubt about that at all. They have far greater protection than they have now.

Let us now deal with the other aspect of it. The wording is different but the law which, as I understand it, we are trying to ensure cannot be passed in the future is the law which was passed previously and which the Privy Council ruled was within the competence of Parliament to change and that law dealt with salaries and allowances. That is precisely what this Bill does. In the future no change can take place to the disadvantage of the holders of specific offices, those under the Civil Establishment Act mid the Defence Act, unless by a constitutional amendment. That is all it says and that is all it purports to say. It deals with the specific mischief which was created by the law which was challenged in the case of Gladwyn Ophelia King and the Attorney General of Barbados. That is all that this amendment is trying to effect As it is drafted, it is abundantly clear. The way how it is placed in the Constitution makes it abundantly clear so I do not see any difficulty with it.

Dr. R. C. HAYNES: Mr. Chairman, I do not particularly like to address legal matters in this Chamber because, usually after such speeches on my part when they are televised, one finds oneself having to refuse legal briefs. I would not wish to be caught in violation of the law since I am not a registered legal practitioner in this country.

Sir, I just want to clarify one or two points. My position as you heard earlier in this debate was that I would have wished further clarification by introducing the word before "alter" to read "reduce or alter" and that was largely because I felt that there was some uncertainty and secondly in the hope of building some kind of consensus position on this particular amendment

I have discussed this matter extensively with my advisor, Mr. Richard Byer. I have also had discussions with the Attorney General and I have had discussions with the Senior Parliamentary Counsel. In the circumstances, as I understand it, and since I would not like to give the impression that I can bring this kind of legal learning to bear on the matter, but it seems to me that I can accept the case that was put to me that the interpretation of the words "to the disadvantage of" has had a judicial construction put upon it by the Privy Council and that judicial construction includes the question of a reduction as well, that to a large extent, has allayed my fears. The only reason why I rise to speak is to assure those IS 000 people and more, those who actually voted for the NDP and the others who supported the NDP that in voting for this matter that I am giving expression to the Manifesto commitment of the National Democratic Party.

I also understand that the present legal situation is that, in any matter before the courts of Barbados, it is now possible that the purpose and intent of Parliament can be imported into the decision making process in a court of law. I wish to assure you first of all, Sir, Barbadians and all Members of the House that we would have no hesitation if any matte of interpretation appeared before the courts of Barbados, then we would make sure that we are represented to make sure that the debates of this House repeive judicial attention in the matter and in particular the positions taken by the Prime Minister and the Attorney General in this matte. I think, Sir, that we are fully covered from a legal point of view.

Aside.

Dr. R. C. HAYNES: We, the wide family of the National Democratic Party. We are fully covered in this matter. I am bound by the Manifesto position of the NDP and the amendment does not certainly violate our position in any way.

Aside.

Dr. R. C. HAYNES: I will send him a copy of the NDP Manifesto which he could keep under his pillow, as obviously the Prime Minister does. He adopts all our policies. I presume he has a look at it every night

Sir, I do not wish to be diverted on this matter but I do not think I need to get into the legalities of the matter. If this dialogue had not taken place during the day I might have risen at this point to seek to introduce the word "reduce"¹¹ but I think it would be unfair to the Government and I do not think I need to detain Members. I think this House, the records of Parliament and the people of Barbados clearly understand where we stand on this matter, faithful to our Manifesto position. 9.00 p.m.

The people of Barbados clearly understand where we stand on this matter, faithful to our Manifesto position and I think the reality is, that the bottomline is that when the Amendment has passed would make it far more difficult for Governments in the future to reduce civil servants' salaries. Even if they have a two-thirds majority they would have to come to the House in the first instance to amend the Constitution. It is obviously mote difficult

But I would just urge the Government to remember that their work is not done. You have to amend the Financial Administration and Audit Act and the Central Bank Act or I will bring in the Amendment.

Aside.

Dr. R. C. HAYNES: Second Reading, Sir. I would have to violate the Rules of the House. I do not intend to do so. All I am saying is that in order to strengthen this clause to make this particular clause that we are dealing with here more effective, I would like to see the additional legislation brought in, if we are serious about dealing with the fundamental problems that have resulted in the need for this Amendment

Thank you very much, Mr. Chairman.

Mr. D. J. H. THOMPSON: Mr. Chairman, just so that the record is very clear on this. We have had a long debate. We have put our position and we have a right to make sure that it is crystal clear. Much of our position has also hinged on a possible interpretation of Section 112A.

In the course of his presentation just now, the Honourable Member for Christ Church South equated the Amendment Section 112A in relation to salaries and allowances to the provision of Section 112 which refers in Section 112 (3) to salaries, allowances and other terms of service. Section 112A which is being proposed in this Chamber does not refer to other terms of service. Therefore even on the very face of the Amendment, Mr. Chairman, those words are not included. That is the first concession which the Government has to make because it is a fact. Therefore any time that anybody is putting forward an argument that these rights which are being provided by Section 112A are exactly the same as the rights which exist under Section 112 (3) is not making a valid point.

The second point is that the holder of an office under Section 112 has the right to opt. That is an additional right that they have which in relation to Section 112A is not being given. Therefore it is wrong. It must be made clear that anybody who says in this debate that the persons by virtue of this Amendment who will benefit have exactly the same rights as persons under Section 112 is misleading this Chamber.

I am saying to the Honourable Member for St. Michael South Central that if therefore... That is the premise on which because you did admit that the legal arguments may not have been fully put and I will make sure they are put now.

If the Honourable Member for St Michael South Central has, on the basis of assurances given to him by Honourable Members on that side, left this Chamber with the impression tonight that persons affected by Section 112A have exactly the same rights, he can see from the faces of Members of the Government that that is not so. That concession has been made.

The second point that I want to make, Mr. Chairman, is that if, therefore, it was the intention of the Government to give them those same rights the Section should have been drafted in that way. This is all we are saying. There is nobody who can question that

The third point I want to make relates to the question of the issue of using the aid of Parliamentary Debates. I did not make this point when I spoke earlier.

Asides.

Mr. D. J. H. THOMPSON: Interpreting this Section. That is correct. Three Honourable Members have referred to the fact that if there is any doubt about the drafting of a Section that one can refer to Parliamentary Debates - they just spoke about it - to have a clear understanding of what that Section means. That would only arise if the issue is in doubt There would be no need for us to turn to Parliamentary Debates.

Mr. CHAIRMAN: The Honourable Member make your remarks relevant to what we are dealing with.

Mr. D. J. H. THOMPSON: I am making it relevant to this Section, Mr. Chairman, in the sense that if, as it is presently drafted, the matter was taken before the court to determine whether a person who qualifies under the Civil Establishment Act and the Defence Act whether their salary and allowance have been altered to their disadvantage or not That it would only be if there is some doubt about the interpretation of this Section that you would have to lex* to extraneous matter including Parliamentary Debates to determine the effect which was intended by Parliament when it passed this piece of legislation. Unless you get to that point, you would not need to turn to Parliamentary Debates.

The fact that this matter had been raised in Committee suggests to me, and it is not comfort to me that at some time in the future one may have to turn to Parliamentary Debates to determine what a Section means. That should be one of the very reasons why we cannot support the Amendment, Mr. Chairman. Because if there is any doubt at all about what this Section means, then it must mean that it is not adequately drafted. We are simply saying, in the course of our submission that we did not think that this Section is adequately drafted.

It is quite possible, as the Honourable Member for St. Thomas has mentioned, the Attorney General, that at some point somebody may have to turn to the question of the Parliamentary Debate to determine if this particular Section means what it purports on the basis of what is drafted.

We have had a long debate, in Committee, to establish that we are still not sure, at the end of

the day, whether this Section gives exactly the same rights as office holders under Section 112. Some people believe it does and I have said so. Some people said they are only adding to the list of persons protected under Section 112. That was said in the Debate. Can I support what the Honourable Prime Minister said at the beginning that we are merely adding to this list in Section 112 those other persons who will have the exact same protection?

We are saying they are not so protected. That the Amendment is not adequately drafted. That it is not putting the issue beyond doubt. And that because of that, on that basis, we could not accept this Section as drafted. Therefore we do not need the comfort of any idea that one is going to have to come back to read Parliamentary speeches to understand exactly what the Section means.

Thank you, Mr. Chairman. 9.10 p.m.

DIVISION

The bell was rung.

The question that Clause 2 stand part was put and resolved in the affirmative the House dividing as follows:

Ayes: Hon. O. S. ARTHUR, Hon. Miss B. A. MILLER, Hon. D. A. C. SIMMONS, Hon. Dr. R. L. CHELTENHAM, Hon. G. W. PAYNE, Hon. R. N. GREENIDGE, Hon. Miss. M. A. MOTTLEY, Hon. Miss H. E. THOMPSON, Hon. R. C. EASTMOND, Hon. Sir HAROLD St JOHN, Mr. W. C. C. CALLENDER, His Hon. R. D. MARSHALL, Mr. H. deB. FORDE, Mr. L. R. TOLL, Mr. D. CARTER, Mr. J. M. EDGHILL, Mr. G. A. CLARKE, Mr. R. St. C. TOPPIN and Dr. R. C. HAYNES -19.

Noes: Mr. D. J. H. THOMPSON, Mr. F. J. STUART, Rt. Hon. L. E. SANDIFORD, Mr. J. O. TUDOR, Mr. L. A. WEEKES and Mr. D. St. E. KELLMAN - 6.

On the motion of Hon. O. S. ARTHUR seconded by Hon. D. A. C. SIMMONS the CHAIRMAN reported the passing of the Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. O. S. ARTHUR seconded by Hon. D. A. C. SIMMONS the Bill was read a third time and passed and cited as the Constitution (Amendment) Act, 1995', the House dividing as follows:

Ayes: Hon. O. S. ARTHUR, Hon. Miss B. A. MILLER, Hon. D. A. C. SIMMONS, Hon. Dr. R. L. CHELTENHAM, Hon. G. W. PAYNE, Hon. R. N. GREENIDGE, Hon. Miss. M. A. MOTTLEY, Hon. Miss H. E. THOMPSON, Hon. R. C. EASTMOND, Hon. Sir HAROLD St JOHN, Mr. W. C. C. CALLENDER, His Hon. R. D. MARSHALL, Mr. H. deB. FORDE, Mr. L. R. TOLL, Mr. D. CARTER, Mr. J. M. EDGHILL, Mr. G. A. CLARKE, Mr. R. St. C. TOPPIN and Dr. R. C. HAYNES -19.

Noes: Mr. D. J. H. THOMPSON, Mr. F. J. STUART, Rt. Hon. L. E. S ANDIFORD, Mr. J. O. TUDOR, Mr. L. A. WEEKES and Mr. D. St. E. KELLMAN - 6.

ADJOURNMENT

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to move that this House do now adjourn to the 21st February, 1995 at 11:00 o'clock in the morning.

Hon. O. S. ARTHUR: I beg to second that, Sir.

The question was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly. 9.18 p.m.

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(Christ Church East Central) CHELTENHAM Hon.
Dr. R. L. (St. Joseph) CLARKE, Mr. G. A. (St.
George North) EASTMOND, Hon. R. C. (St. James
North) FORDE, Mr. H. deB. (Christ Church West)
— GREENIDGE, Hon. R. N. (St. Philip North)
HAYNES, Dr. R. C. (St. Michael South Central)
KELLMAN, Mr. D. St. E. (St. Lucy) MARSHALL,
His Honour R. D. (St. Michael West
Central)
MILLER, Hon. Miss B. A. (City of Bridgetown)
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Hon. Miss H. E. (St. James South) TOPPIN, Mr. R.
St. C. (St. Michael North) TUDOR, Mr. J. O. (St.
Michael East)**