

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1994 - 99

HOUSE OF ASSEMBLY

Tuesday, July 18, 1995.

Pursuant to the adjournment, the House of Assembly met at the Parliament Buildings on Tuesday, the 18th day of July, 1995 at 11.20a.m.

PRESENT

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. B. M. TAITT, B.A. (Hons.), M.P.A., LL.B.
(Hons.)

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, Minister for the Civil Service)

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

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

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

Dr. R. L. CHELTENHAM, Q.C., M.A., M.Sc.
(Econ.)

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

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

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

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, JP., B.A., Dip. Ed.,
B.Sc. (Chairman of Committees)

Mr. H. F. LASHLEY

Mr. R. St. C. TOPPIN, LL.B. (Acting Minister of Agriculture and Rural Development)

Mr. D. St. E. KELLMAN

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

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

Prayers were led by Father Ivan Harewood.

Mr. DEPUTY SPEAKER: This House is now in session.

MINUTES

Mr. DEPUTY SPEAKER: The Minutes of Tuesday 11th July, 1995.

Hon. Miss B. A. MILLER: Mr. Deputy Speaker, Sir, I beg to move that the Minutes of Proceedings of the Honourable the House of Assembly for its meeting of Tuesday, 11th day of July 1995, which Minutes have been circulated, be taken as read.

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

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

PAPERS

Hon. O. S. ARTHUR: Mr. Deputy Speaker, Sir, I am commanded to lay the following:

The Duties, Taxes and Other Payments (Exemption)
(No. 9) Order, 1995;

The Duties, Taxes and Other Payments (Exemption)
(No. 11) Order, 1995;

The Duties, Taxes and Other Payments (Exemption)
(No. 12) Order, 1995;

The Duties, Taxes and Other Payments (Exemption)
(No. 13) Order, 1995.

Dr. R. C. HAYNES: I thank you *for* your assurances and I hope that accommodation with take place next Tuesday.

The question that the Standing Orders mentioned be suspended was put and resolved in the affirmative without division.

ORDER NO. 5 - THE INTERNATIONAL TRUSTS BILL,' 1995

Hon. D. A. C. SIMMONS: Mr. Deputy Speaker, first of all, let me make sure that all Members of the House have a copy of the Bill which is dated 18th July, 1995 in the top right hand corner.

Mr. B. M. TAITT: Before the Honourable Member begins, Sir, we did not have an opportunity to discuss this matter, Mr. Deputy Speaker but I hope the Honourable Member will accommodate those of us who received it late, not that he should not begin discussion, but I hope that after his completion of second reading he could accommodate us until the following week so we could participate fully in the debate because I suspect that another Bill was circulated before this one.

Hon. D. A. C. SIMMONS: That intervention is eminently reasonable, Mr. Deputy Speaker. I was explaining that the Bill dated the 18th July is in substitution for the Bill which had been circulated before and which Honourable Members would have read and there really is not much of a change. What has happened was that in checking the arrangement of sections it was found that we had erroneously numbered them and in addition to that the old Bill contained a definition of "designated person" which we have deleted. To that extent the Bill is shorter and less reading. Otherwise the Bill remains as sent out

Dr. R. C. HAYNES: The amendments are noted by the House as amendments so we cannot proceed with the new Bill for which notice was not given. This is an amendment so you are proceeding with the old Bill and this is the amended Bill I presume.

Hon. D. A. C. SIMMONS: We are proceeding because the notice was given of a Bill which has been in circulation *for* about two or three weeks now. What is with you is as it were the amendments to that original Bill and they are minor things but I wanted Honourable Members to understand that this one does not contain any substantially new matter. What it does is to create a deletion from the original Bill and provide for a renumbering of the clauses.

Mr. Deputy Speaker, I am pleased to be introducing this Bill today and will oblige Honourable Members by a postponement of further consideration at the

GOVERNMENT NOTICES

Hon. Miss B. A. MILLER: Mr. Deputy Speaker, I beg to give notice of the Rural Development Commission Bill, 1995.

FIRST READING OF BILLS

Hon. Miss B. A. MILLER: Mr. Deputy Speaker, Sir, I beg to move that the Rural Development Commission Bill, 1995 be read a first time.

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

Th? question was put and resolved in the affirmative without division.

SUSPENSION OF STANDING ORDERS

ORDERS OF THE DAY

Hon. Miss B. A. MILLER: Mr. Deputy Speaker, Sir, 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. O. S. ARTHUR: I beg to second that, Sir.

Dr. R. C. HAYNES: Mr. Deputy Speaker, Sir, whereas I would not wish in any way to interfere with the urgency of Government Business, I wish to draw to the attention of the Honourable Leader of the House that I have an important Resolution under Private Members' Business which I would like to proceed with as soon as possible bearing in mind that there are 250 000 seconders of it out there in the community.

Hon. Miss B. A. MILLER: Mr. Deputy Speaker, Sir, I regret that the Honourable Member for St. Michael South Central who is minority opposition leader has not spoken with the Leader of the House about these matters. As soon as Government Business permits and the Order Paper shows that we are heavy on Government Business, as soon as Government Business permits and I hope before we rise for the recess that I would be able to accommodate the Honourable Member.

appropriate time to allow Members even more time to study the Bill as requested by the Honourable Member for St. Michael West. He surely understands that this is part of a package of legislation that Government wishes to have in place, certainly by the time of the recess next month, so that we can have this pass the House and the Senate and be assented to in good time in order that the international community could be satisfied that we are putting in place a substratum of legislation that will continue to enhance Barbados' position as an offshore financial centre. 11.30a.m.

Now, Mr. Deputy Speaker, a few weeks ago this Honourable House passed the Society With Restricted Liability Bill which, as I said at the time, was a hybrid between a company and a partnership fashioned after a German model that provides tremendous flexibility for persons investing in Barbados.

The International Trust Bill which is before us today is another mechanism, another vehicle for greater flexibility in the offshore financial sector. Still to come I have drafted the Exempt Limited Partnership Bill and the Exempt Mutual Funds Bill. Those will not come until when we resume after the summer recess.

Mr. Deputy Speaker, I think everybody now appreciates that the wisdom of this party when we were last in Government to prepare the infrastructure for the establishment of Barbados as an offshore financial centre was well worth the effort that we expended in 1979 and 1980. Because today the offshore financial sector is estimated to earn Barbados in the vicinity of U.S. \$100 million annually and that is not a sum to be sneezed at. We are proud of the contribution that that sector is making to the economy and to the diversification that has attended the economy since 1979 by reason of having a thriving offshore international financial sector. However, Sir, the reputation which Barbados has as a low tax jurisdiction, not a no tax jurisdiction, and a reputation which it has for good, honest, reputable business has been a feature of activity since 1979 in that sector and Barbados is proud of its record. I was able to say in a previous debate that the U.N. did a survey and published the findings of the survey in June 1994 and they surveyed a number of countries - almost every country that you can think of - and Barbados was surveyed. I am proud to be able to report that Barbados is reported by the U.N. as a clean jurisdiction where there is not any trace of money laundering and other contaminants. We have to keep it like that at the same time as we diversify and increase the number of mechanisms that will make Barbados even more attractive as an offshore financial centre.

In 1991, Marshall Langer did a review of the Laws of Barbados and examined the need for the creation of new devices in the offshore sector. Among the recommenda-

tions of Mr. Langer was that Barbados should enact what he called an entirely new International Trusts Bill that would do much the same for offshore trust as international business companies do for offshore companies.

I think the case has been made, Mr. Deputy Speaker, that what are called "Common Law Trusts"¹¹ I think by which people mean trusts whose validity are dependent upon applications of the common law are an out-growth of hundreds of years of English legal history; the concept of trust of course being rooted in the principles of equity and the concept of trust being described as equity's greatest contribution to legal systems. But trusts with which many of us are familiar have many disadvantages and they have disadvantages which have survived for historical reasons. Those of us, Mr. Deputy Speaker, who have advised in private practice foreign clients from civil law countries - not common law countries - have found that the trust that we have been familiar with that has come through the English common law and English equity systems does not serve the interest of many clients from civil law countries. Indeed, it can be quite a frustrating experience to try to explain one of the standard form trusts to somebody from a jurisdiction who is not familiar, because the language tends to be - I do not want to say archaic. Is stilted the word? - but sometimes they do not understand how you can have 2 and 3 pages of a legal document with not a comma, not a full stop but just a whole set of words.

So that we are looking for something different, something which has the features of a trust, something which operates in the international context and something which would enable non-resident grantors and beneficiaries to provide for greater flexibility in their business investments.

Now the question of International Trusts was referred to the Hague Convention in 1986, the Hague Convention on Private International Law and some of the provisions in the Bill are taken from the Hague Convention. I will explain one or two as we go along. But if I may revert to Mr. Langer, Mr. Langer's Report suggested that an International Trusts Bill should have the following parameters and I am going to enumerate those parameters especially for the benefit of the Opposition. 11.40a.m.

First of all, he said:

"Using a test similar to that applied to IBCs, the grantor and named beneficiaries of an international trust (IT) must be non-residents of Barbados at the time the IT is created and when any new funds are added.

A qualified Barbados trust company must serve as either sole trustee or one of the trustees."

Let me just say up front that Honourable Members will see that there is no specific provision in the Bill for the appointment of trustees, removal, retirement and so on. What we have done - and if Honourable Members look at Clause 31 of the amendment - is to make the existing Trustee Act and, where applicable, the Charities Act apply in respect of the appointment, removal, retirement, remuneration even, of trustees, so that rather than set out all of those provisions again we have incorporated by reference.

Mr. Langer said, for example, that -

"An IT cannot directly or indirectly own Barbados real estate or shares of Barbados companies other than IBCs. An IT may keep its assets anywhere in the world."

An IT should be created in any language in the trust deed, it need not be audited unless an audit is required by a majority of the trustees, distributions to beneficiaries who are non-residents of Barbados are tax exempt, the Barbados trustee must file a statement when the IT is created, an existing domestic or foreign trust can become an IT if it meets all requirements of the Act, it can change its situs from Barbados to any other jurisdiction, and so on, and he dwelt upon what the lawyers call the rule against perpetuities and the rule against accumulations.

I have a confession to make, Mr. Deputy Speaker. For all that I may have achieved in law, for as long as I have practised, I have a confession to make to the House. I can remember what the rule against perpetuities says, I have never in 35 years been able to apply it or to understand how it applies. I am happy that in the Bill we are dealing with it, but people have blind spots about things and blanks. I have not found too many lawyers who are comfortable and conversant with the rule against perpetuities and the rule against accumulations.

Aside.

Hon. D. A. C. SIMMONS: I am being told it has nothing to do with law, but we had to learn it in second year at L.S.E. Anyhow, when I explain the various provisions of the Bill I will deal with that, but I just wanted to make that confession, that it is one area of the law I have never been able to get to grips with.

Mr. Deputy Speaker, let me just take Honourable Members through the provisions of the Bill and comment on them as I go along. We have given some definitions and in particular I draw Honourable Members' attention to paragraph (e) of clause 2 where we give a definition of

"international trust". It means a trust in respect of which the settlor is resident outside Barbados at the time of the creation of the trust That is how you are getting the foreign element, as we would say, in private international law.

". . . at the time of the creation of the trust and at such times as the settlor adds new funds to the trust, at least one of the trustees is a designated person who is resident in Barbados,

no beneficiary, other than a person set out in paragraph (b), is a resident of Barbados at the time of the creation of the trust and at such times as the settlor adds new funds to the trust, and

the trust property does not include any immovable property... " (land) " ...situate in Barbados or an interest in any property so situate."

The Minister may by Order specify any person or by body to be a beneficiary of an international trust, and then we explain, for the purposes of this Act only, who are residents of Barbados:

- "(a) an individual ordinarily resident in Barbados or a citizen of Barbados with a residence in Barbados;
- (b) any incorporated or other body, incorporated, registered, formed or organised in Barbados the majority of the shares of other ownership of which is not beneficially held by persons resident outside Barbados."

Mr. Deputy Speaker, we have also given a specific definition of the word "trust" in this Bill. This is taken from Article 3, I think it is, of the Hague Convention of 1986 and it is defined with reference to specific characteristics.

Part II of the Bill deals with the creation of international trusts. Clause 7(1) states:

"Subject to subsection (2), a trust terminates on the one hundredth anniversary after the date of its creation, if not sooner terminated in accordance with the terms of the trust instrument."

So it is for a fixed period. Do you remember the Society With Restricted Liability was given a period of 50 years? International trust is now given a period of 100 years.

In Clause 7(3), "The rule of law known as the 'rule against perpetuities' does not apply to an international trust." I say hooray for that.

Because we are dealing with trusts which have a foreign element, provision had to be made for ascertainment of the proper law that would govern the international trusts. Just as we have in Conflict of Laws the proper law of the contract which can be determined by two tests, the subjective test where the contracting party actually selects the law that is to apply, albeit to a foreign contract, or a contract with a foreign element, similarly in relation to international trusts we are providing express choice and, as you like, the subjective test as well as the second test, which is the objective test, where you look at the system of law with which the trust has its closest connection and you apply, real and substantial test that you apply in the proper law of contract in private international law. We imported that notion into this area, so that section A deals with both tests, the proper law of international trust is the law of the jurisdiction expressed by the terms of the trust as the proper law - that is the subjectivist test where there is express choice of law. If not so expressed, the jurisdiction intended by the said law to be the proper law or alternatively the jurisdiction in which the trust at the time it was created had the closest connection. What we have done is to have statutorily enacted the proper law rules in relation to international trusts. In Part III, we have provided for what are called purpose trusts. "Purpose trusts" means a trust other than a trust that is for the benefit of particular persons whether or not immediately ascertainable or a trust that is for the benefit of some aggregate of persons ascertained by reference to some personal relationship. 11.50a.m.

This was a concept that has given a lot of difficulty in English law, but gradually persons have got around that and we are now providing for purpose trusts because it is tied up with the concept of charitable trusts. Hitherto, we had not in Barbados recognised the non-charitable purpose trust and the essence of a trust of course is an obligation concerning property which is enforceable by the Courts at the instance of beneficiaries so that there must be beneficiaries who can appear to the courts to exercise powers that are enforceable.

However, in relation to purpose trusts these are established for the benefit of purposes rather than for the benefit of persons. It is a concept that has been used quite successfully and legitimately, I dare say, in Bermuda; but in Bermuda they have limited the use of the purpose trust to creation of a philanthropic trust whether or not charitable. They have allowed the use of purpose trusts for holding shares in companies. They have allowed the use for corporate financing, that is, for example, for protecting assets held by subsidiary as security for the lender holding voting shares and holding shares or private trustee company.

This is a concept that is new to Barbados law and it is well that we have enshrined it in statute. Ultimately there will be decisions of the court to interpret it and show us how the courts understand it and how it will work in practice. Section 10 therefore is important

We have also provided for the appointment of protectors of the trust. The court may appoint a protector on the application of a trustee where the trustee has reason to believe that the existing protector for whatever reason is failing to act as such.

I know this is a technical area, Mr. Deputy Speaker, and we may have lost a couple of persons to my right, but we are dealing with technical law. These are new devices, new legal mechanisms. Even though the Honourable Member is a doctor he is pretending to follow me.

Administrative provisions are discussed. Part IV deals with the effect of foreign law, but where any question arises with regard to a trust that is governed by the law of Barbados or any disposition of property determined according to the law of Barbados without reference to the law of any other jurisdiction with which the trust or its disposition may be connected. In other words, we provide for the law of Barbados in most of these cases to be the governing law.

I knew that I was right when I said that the Honourable Member for St. Michael South Central although a doctor was pretending to be following and understanding. He just asked me to explain clause 14:

"Where a trust is created for a non-charitable purpose, the terms of the trust may provide that the doctrine of cy-pres is, *mutatis mutandis*, applicable thereto."

I am sure that the two lawyers on the other side don't have any difficulty with that. What it means in effect is where you created a charitable trust and the object of the charitable trust was not achievable if, for example, the money left on the trust could be applied to an object as nearly as possible - that is what is meant by "cy-pres" - to the original object of the trust then the gift would not fail and be void.

So if out of the millions which he has, the Honourable Member for St. Michael South Central creates a trust...

Mr. B. M. TATTT: On a point of order. The Honourable Member is misleading the House. This honourable gentleman said he does not discuss millions. He has gone beyond that.

Hon. D. A. C. SIMMONS: If the Honourable Member does not discuss millions, out of the hundreds of

millions then. If he created a trust and left the property \$20 000 a year.

Aside.

Hon. D. A. C. SIMMONS: That is political. I don't know if it would satisfy the four tests of the statute of Elizabeth I. Let us say, the Community College as an institute of education and to be used for the site at Two Mile Hill at the time when the gift was to go through...

Aside.

Hon. D. A. C. SIMMONS: Oh dear, I used a very awful metaphor. For example, the site of the college had moved somewhere else the gift would not fail because the site at Two Mile Hill burnt, because it could be applied to the site, let us say, in Passage Road or whatever. That is how it operates in relation to charitable trusts which, as I remember, must satisfy four tests and be for public benefit.

If in this case the trust provides for money to be given for a specific purpose but that purpose is not attainable at the date when the gift should take effect but another one near to it is attainable the gift would not fail. You can apply it, not for the original purpose but for the second or die other purpose.

He is only testing my memory to see how much I remember about the law, Sir.

In Part V of the Bill, Mr. Deputy Speaker, we deal with provisions to restrict and prevent fraudulent dispositions and it is all defined in clause 19, but if ever there is a disposition that is made with an intent to defraud, if a trust was set up and the property was being disposed of for a fraudulent purpose the court would be able to declare that void.

We have also accepted in Part VI of the Bill the recommendation of Mr. Langer and others. In fact, there are a number of persons who have been writing on this area. 12.00 noon.

In fact, there is an Australian gentleman who now works in Bermuda who has written a number of articles about international trusts. I think his name is Mr. Robert Miller. He and another lawyer, Robin Todd, from Bermuda have been writing at length, in depth and with great intellectual nous about international trusts. They have recommended what the Bermudan legislation contains, that is, part of the Bill is specifically for the appointment of a protector of the trust. We deal with that in clause 26.

We have picked up in Part Vn of the Bill many of the observations and comments of Mr. Marshall Langer. For example, "Where the deed creating an international trust is in a language other than English the deed must be accompanied by a certified English translation."

Members will recall that last week when we amended the Companies Act we also gave similar flexibility to allow for registration in a foreign language but provided there is a certified translation. Confidentiality, of course, is provided for. The impact of taxation, or lack of taxation in this regard, is dealt with at clause 29:

"Non-resident beneficiaries of an international trust shall not be subject to income tax in Barbados on amounts allocated or distributed by trustees out of trust income."

I think Honourable Members will be pleased with the simplicity of that language. I fancy that if we were to look at legislation in the original Income Tax Act and the original Trustee Act you would have found some very convoluted usage of language.

Aside.

Hon. D. A. C. SIMMONS: I am getting a small recommendation for an amendment to the definition of "trust corporation" from the Honourable Member for Christ Church South which I will deal with in due course.

I was saying, however, that the law relating to taxation should always be simple, easily intelligible and certain. I hope that Honourable Members would find that this provision in clause 29 which exempts non-resident beneficiaries of an international trust from taxation says what it means in very simple language. More and more I think we have to demystify the law and use language that is easily intelligible to the average person.

Similarly, at subclause (4):

"A beneficiary, who is a resident of Barbados shall be subject to tax in Barbados on trust income in respect of any year during which he is resident in Barbados.

Notwithstanding any provisions of the Income Tax Act, the income and gains of an international trust, including income from foreign or foreign securities are exempt from income tax in Barbados".

We have provided for the payment of a fixed stamp duty. We have also made it clear that the Exchange Control Act and the Succession Act do not apply to international trusts. Now, I hope that the accounting, banking and legal profession, and, of course, the Central Bank, would be aware that the Exchange Control Act does not apply to this body of legislation.

Now, what law will apply in the event of the courts having to interpret the laws that are relevant? Apart from that provision where we deal with the proper law, all other matters requiring the application of other laws are provided for in section 31, that the basic principles of equity and of common law in so far as they apply to trusts will apply and the Trustee Act and Charities Act.

There is no need to register an international trust in Barbados. I think the ordinary trust created under Cap. 236, the Trustee Act provides for registration of the trust deed but in respect of an international trust there is no need for registration.

Now, all that I have said in the last few minutes sounds technical. Indeed, it may even sound abstruse but all we are doing is to allow a non-resident person of substantial means to create a mechanism using the concept of trust where he says in his document - it has to be created in writing - that he is giving his £20 million to X, a trustee, to manage for the benefit of A and B, the beneficiaries. That is all it is. We have now hedged about that concept by the rules set out in the Bill. Now, he is not dealing with the £20 million that he has. He wants trustees, maybe a trust corporation, one of the banks in town that has a trust branch, maybe an attorney-at-law or an accountant, to take this corpus of wealth and manage it in the best interests of the beneficiaries. As I say, it is international because it contains a foreign element. Now, how does that impact on Barbados apart from the exemptions from tax exchange controls provisions? 12.10 p.m.

This Bill has the potential for assisting in the creation of a sophisticated management class in Barbados to manage substantial funds properly and honestly. Get that straight. Do not think that if we do not provide for theft in this that anybody who steals trust property will get away. They will be dealt with, under the Theft Act.

We are creating an infrastructure that will permit Barbadians of suitable competence adequately to manage substantial funds in the future. This is an area that is, as it were new to us. It will be developing. But, as I said, it creates potentiality for the development of a cadre of person who will be able to bring new skills in financial management to this area.

I have noticed more and more, a few young persons, I can even call them children who are in the age group of my daughter, early 20s who are doing first Degrees in Law and then saying that they want to go and do the Masters somewhere in International Finance and Management. I commend that. The more and more I think that as we provide these kinds of instruments for the operation of the offshore financial sector, more and more opportunities are

going to open up for many of our young, bright students to get the kind of expertise that they can bring to bear in the management of the systems which are provided for, on the ground in Barbados, as it were.

As I see it, Mr. Deputy Speaker, the Bill has, in its broadest context, an ability to diversify the range of financial and legal instruments or mechanisms that will assist Barbados in attracting more and more offshore business to Barbados. The market is calling for it The Government has responded, by this Bill.

Secondly, I think the Bill will provide the legislative basis from which, ultimately, Barbados can develop a corpus of persons who will be equipped to manage international trusts and substantial funds. The other things we are bringing are, as I said, Exempt, Mutual Funds and so on. But this Bill will challenge young Barbadians to get qualified to develop an understanding and expertise in international finance.

With those words, I commend this Bill warmly to Honourable Members. I am going to move that it be read a second time now, Mr. Deputy Speaker, but the Members of the Opposition have asked that we defer further consideration for another week. In fact, I do not know if the Leader of the Opposition will be in his place next week but I know he has an interest in this and I would be glad to defer it so that he can make his input into this.

I beg to move, Mr. Deputy Speaker, that the Bill be now read a second time and I also beg to move that further consideration of this Bill be postponed.

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

The questions were put and resolved in the affirmative without division.

Mr. DEPUTY SPEAKER: Order No. 4.

CONSUMPTION TAX (VALIDATION) BILL, 1995

Order No. 4 was called - To move the Second Reading of a Bill to amend the Consumption Tax Act, Cap. 63.

Hon. O. S. ARTHUR: Mr. Deputy Speaker, Sir, the House will recall that, in 1993, as a consequence of the Government's decision to remove the surcharge on CARICOM goods, certain adjustments were made to the Consumption Tax Act. If I might be specific, Sir, the financial proposal to Parliament then was that the *ad valorem* consumption tax should be increased by four percentage points and specific rates be increased

by fifteen percentage points. The amendment to the Consumption Tax giving effect to that Budgetary Proposal was passed in this House in 1993.

The Comptroller of Customs had identified a number of errors in the current Consumption Tax Schedule which, according to him, presented problems in the administration of the Act. Among these was the incorrect classification of goods, the omission of tax rates, the omission of the symbol X, grammatical errors and omission.

What this Bill before the House is seeking to do, Sir, is in essence to correct these errors in the Schedule and to validate actions taken since 1993 in relation to the collection of Consumption Tax on the goods affected. It is therefore, Sir, a relatively simple matter, having absolutely nothing to do with the imposition of a new tax, but tidying up matters pertaining to the carrying out of a previous budgetary measure.

There is nothing therefore of substance beyond that particular matter. The House is, therefore, merely tidying up matters in the Consumption Tax Order and seeking validation for the collection of taxes, arising out of the consumption tax in 1993.

I give the House the assurance, Sir, that there is absolutely no intention by Government to do other than to tidy up. Last week the House had the benefit of a full discussion on economic and financial matters. This is a pure tidying up arrangement

I beg to move, Sir, that this Bill be now read a second time.

Hon. G. W. PAYNE: I beg to second that, Sir.
12.20 p.m.

Mr. B. M. TAITT: Mr. Deputy Speaker, Sir, I take the assurance given by the Honourable Prime Minister and Minister of Finance that there is no hidden consideration in this very simple looking Validation Act. There are two points that I have to make as a Parliamentarian. I am always concerned whenever we have to make legislation to validate something that has already happened. As a basic principle I have serious objection to that and from an administrative point of view I find it difficult to understand how the tax collecting system could have errors that go back to a 1991 imposition and now we in 1995 are being asked to validate that. But I take the Prime Minister's word on it.

The problem I have however is that the language that is used here will capture everything that the Controller would have done.

Section 2 reads: "Notwithstanding Section 6 of the Consumption Tax Act, all demands for consumption tax made by the Comptroller under that Act in respect of goods falling under Tariff Heading No. 48. 18 with effect from 1st April, 1991 ..."

You see, the Prime Minister in his presentation spoke about 1993. This Bill says from 1991. Now, I would like to ask the Prime Minister if he would be kind enough, before we pass this piece of legislation, to ascertain that there is not some citizen who by virtue of this, will be suffering a set back. 1991 cannot meet the basis which the Prime Minister himself has put forward.

There is an explanation which will come. I will listen for the explanation but one cannot help noticing this difficulty and when I saw the piece of legislation was going back to 1991 I intended to ask the Prime Minister whether he could give us chapter and verse on what are the actual items because anyone who has ever dealt with the tax department, and this is not a criticism of the tax department, anyone who has dealt with the collector of Taxes knows that it is easy to pay in but it is impossible to get back. Anyone who has ever tried to recover overpaid taxes or taxes paid in error or any of those things can testify to the meticulousness with which the Department seeks to ensure that it does not part with a cent. I know of one or two of my constituents who have had this particular difficulty. I am not going to try to create a storm in a teacup here, Sir, because the Minister has given the assurance that he has no hidden agenda in this regard but the letter of the law as written here for us to amend, suggest that there is a further explanation which must come. I think that the Minister, since he has the capacity, under a different law, to ensure that any maladministration that might occur as a result of this to an individual, he can deal with. He has to give the assurance that this will apply entirely and only to the particular mischief that is being corrected.

I am insisting on that, Sir, because experience with Government Departments in recovering money suggest that these things must be pellucid. There must be no scintilla of doubt in anybody's mind because interpretation always goes against the citizen in these circumstances. I hope the Minister will give us the explanation.

Now, the opportunity could be taken under this Bill to discuss some other aspects of consumption tax but I suspect that we will have another opportunity to do so and although one is always very wary when one sees a very soft introduction of a particular piece of legislation, I will not use this opportunity to broaden the debate but will wait to hear the explanation of the Minister on this.

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

Dr. R. C. HAYNES: Mr. Deputy Speaker, I do not propose to prolong these proceedings in this matter very much. I was checking here quickly for Head 48.1 and I am assured that it is not a significant item. I think it is important, Sir, for the House to understand what we are talking about really is a document this size which really relates probably to thousands upon thousands of items and over the years we have had to come to this House to correct all sorts of errors, to validate previous collections by the Comptroller of Customs either because of difficulties in interpretation of the Act or in the alternate problems relating to the application of the particular Act. For example you may get a situation where it is unclear whether an item should fall under a particular Head or under another Head where there are actual errors in budgets over the years going back to the 1970s and so on.

I tried, certainly in 1987, to pull together all the errors for the previous years and I believe that this particular document here is a successor to that document so that whereas one always has to be very cautious when a Minister introduces anything and says that this is no big thing, as soon as you hear those words that should raise the appropriate level of suspicion. In this case, looking at the particular Head 48.1 which deals with a category of paper that I do not particularly want to discuss I will leave that to the Honourable Prime Minister to answer the question to explain what it is all about I think it is unlikely to be a major problem. I will leave that to the Honourable Prime Minister to deal with.

I believe that the time has come where we should be able to pick up these errors at an earlier stage and I think that, is one of the problems. I do not know whether this thing is computerised now. It was supposed to have been computerised so that all customs officers throughout the system would have the information available to them and that information would also be available to the Ministry of Finance. I sincerely hope that if it is not computerised that it be computerised as soon as possible and then we could pick up these errors at an earlier stage because in this case it seems not to be anything too significant but of course it could be significant in other cases. I think that the important thing is to be able to get information at an early stage when there is an actual error or differences in interpretation and so on so that matters can be dealt with expeditiously. Thank you very much, Mr. Deputy Speaker.

Hon. O. S. ARTHUR: Mr. Deputy Speaker, the Honourable Member for St. Michael West is too experienced a Parliamentarian to rise on a matter were it not his intention to bring something of substance to the attention of this Honourable House. In this matter, Sir, I must again stress that what we are dealing with here is not the imposition of taxes by this Barbados Labour Party administration. We are seeking to deal with the tidying up of the manner in which a previous Democratic Labour

Party Administration sought to impose increases in consumption taxes. The point I am making is that in order to increase the consumption tax an Order has to be made, the goods to be taxed have to be properly described, the rates of taxes have to be set out in the Schedule, tariff numbers have to be accorded to the goods and matters of that character. 12.30 p.m.

In this particular instance, Mr. Deputy Speaker, a number of goods were misclassified, the "X" that had to appear in the Tariff Heading was not put against certain others, and there were certain grammatical mistakes and so on.

We are therefore changing, Sir, the Order but we are also seeking to validate the collection of taxes in an instance where the Schedule to the consumption tax was prepared - and this was in the case of Tariff Heading No. 4818 - but no tax rate was put, if you go back to the Order for 1993, against the goods that were affected by the Minister's decision. This validation is asking Parliament to agree that taxes charged on those commodities by the DLP Administration, Sir, were properly imposed and collected.

Sir, I must inform the House of the commodities such as toilet paper, and the point that the Member for St. Michael West wants me to say is that the Democratic Labour Party Administration was so desperate in that period that they even went and increased the tax on toilet paper, that is the point, handkerchiefs, towels, table cloths, napkins for babies, bed sheets and similar household goods, sanitary or hospital articles. And then there were other things that are so personal that I do not believe that it would be in good taste to read into the records of this Parliament. I would urge the Honourable Member for St. Michael West himself to pick up the Consumption Tax Act; and when he sees the very personal nature of the commodity on which taxes were imposed by his administration he may come to understand why the Comptroller of Customs perhaps felt that no administration with sensitivity would have wanted to increase taxes, Sir, on those particular articles.

But I am not going to offend good taste, Mr. Deputy Speaker, by going the full extent of listing all of the items that were taxed under 4818, but just to say that the Member for St. Michael West who is very experienced in these matters wants me to spell out in the fullest details the extent of the financial distress that overtook a previous Minister of Finance.

So that a 29 per cent rate of consumption tax was intended to have been imposed by a previous Minister of Finance on all of the commodities falling under 4818. The Note before me says that the rate of tax applicable to the goods was omitted in error and showed up in the

Schedule to the subsequent Amendment of 1993. What the Bill, therefore, is asking us to do is to validate the collection of taxes on these articles falling under Tariff Head No. 4818 and at that rate of tax should be at 29 per cent.

Now, Sir, the only tax that is being validated is on one item. The intention in 1991 was to have a 29 per cent rate of tax. That tax has been collected and this House is being invited to validate it. There is no more to this issue than that, and I thank the Member for St. Michael West for providing such enormous political ammunition to those of us who will in the future want to speak with great feeling on the lack of heart that was observed by the Democratic Labour Party in its indiscriminate use of the most penal form of taxes ever applied to civilized people.

With those remarks, I beg to move that this Bill be read a second time.

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

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

On the motion of Hon. O. S. ARTHUR seconded by Hon. D. A. C. SIMMONS, Mr. DEPUTY SPEAKER left the Chair and the House went into Committee, Mr. W. C. C. CALLENDER in the Chair.

COMMITTEE

Mr. CHAIRMAN: This Honourable Chamber is now in Committee.

Clauses 1 and 2 were called and passed.

On the motion of Hon. O. S. ARTHUR seconded by Hon. D. A. C. SIMMONS, Mr. CHAIRMAN reported to His Honour, Mr. DEPUTY SPEAKER, the passing of one Bill in Committee and Mr. DEPUTY 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.

ORDER NO. 6 - RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND FOR THE PURPOSE OF THE CONSTRUCTION OF THE SIX ROADS ROUNDABOUT, SAINT PHILIP

Hon. G. W. PAYNE: Mr. Deputy Speaker, I beg to move the passing of a Resolution for the acquisition of 15 parcels of land at Six Roads, Saint Philip, 12,006 square metres belonging to Rupert Alleyne, 49.1 square metres

belonging to the said Rupert Alleyne, 45.65 square metres and 52.21 square metres the property of Rupert Alleyne, 751.59 square metres the property of R. Ramandar, 21.12 square metres the property of Seymour Nightingale, 142.51 square metres the property of Marcus Proverbs, 116.37 square metres the property of Marcus Proverbs, 1,109.71 square metres the property of Earl Nicholls, 18.16 square metres the property of Oneta Gill, 66.79 square metres the property of Oneta Gill, 188.37 square metres the property of George Warner, 178.87 square metres the property of Frank Cossy, 59.22 square metres the property of Ricks Cash and Carry and 516.52 square metres the property of Frank Springer. 12.40 p.m.

The Division of Public Works and Transport is proposing to undertake highway improvement at the Six Roads junction in St. Philip, which is located approximately 19 kilometres east of Bridgetown and 5 kilometres north east of the Grantley Adams International Airport. Improvement of this junction has become necessary with the proximity of new housing developments, the industrial park and the Rock Hall improvement, all of which have resulted in an increased traffic flow through the area. Also, because of its closeness to the airport complex, motorists from the parishes of St. John and St. Joseph tend to favour a route that includes Six Roads on their way to the Airport. The convergence of six roads at the junction has also contributed to the increased likelihood of accidents occurring there.

Mr. Deputy Speaker, the six roads which converge at the Six Roads junction are: Highway 5 from Boarded Hall through Carringtons to Six Roads. On the north side of this road there is an open lot and on the south side a one-storey dilapidated structure which will have to be acquired. Secondly, Highway 5 from Union through Groves to Six Roads, the health centre is situated on the north side of this road and any improvement would necessitate only the setting back of the existing fence. The service station operated by ESSO Limited is located on the south side of the road. Thirdly, Highway 5B from Grantley Adams Airport through Four Roads to Six Roads, the ESSO station is located on the east side of this road. On the western side there is a small Shell filling station which forms part of a larger property, the location of the filling station but not the substantial property nearby. Highway 6 from St. Patrick's, Woodbourne through Foursquare to Six Roads, the Shell filling station is located on the east side of this road. The improvement on this side of the road will result in the demolition of an outbuilding. On the western side is the one-storey dilapidated structure. Congo Road, from Sanford through Lucas Street, to Six Roads and, finally, Marchfield Road from Sunbury through to Six Roads. An open lot is located at the western side of this road, along with a supermarket and pharmacy complex. The health centre is located on the eastern side.

Each road, Mr. Deputy Speaker, is approximately 6.7 metres wide and accommodates two-way traffic. The width of the existing roads is adequate enough for the traffic flow, but the common area of the junction is much too small to currently entertain the circulating traffic.

It is therefore proposed to construct a roundabout at Six Roads, since it is considered that this will assist in facilitating an easier traffic flow in the area. This proposed project will necessitate the acquisition of the said 15 parcels of land.

I would like to stress that while we are moving on the acquisition at this time, it is not proposed that the actual works will begin until the next financial year. This is a project that had first been talked about during an earlier Barbados Labour Party administration, and even though the final completion of it was not done during the last administration, there are a number of problems relating to certain designs of the actual junction itself which had to be sorted out before implementation. As a matter of fact, the existing tank at the small service station will have to be demolished, the service pump will be relocated and the building near the pump will be demolished. The new tank will be located approximately 60 metres from its present location, a covered box drain to act as a footpath and to take away drainage water will be constructed along the perimeter of the property. Access to the new service station will be from Four Roads. Two suckwells will accept the drainage water, one each on Four Roads and Foursquare Road. The one on Foursquare Road will be on the property of Texaco, the other on the property of Plantations Limited. A new office will be located west of the tank, with the back of the building 19 metres from the edge of the proposed sidewalk. There will be two No. 3 metre lanes on either side of the pump which will be in front of the office.

As I said, we are just laying the groundwork so that when actual construction starts on the roundabout we would not have to stop the completion in order to complete the acquisition, as we have been doing with a number of projects being undertaken by the Ministry of Public Works.

With those few remarks, Mr. Deputy Speaker, I now move that this Resolution do now pass.

Hon. R. N. GREENIDGE: Mr. Deputy Speaker, I rise to second this Resolution. I do it because Six Roads is a place very dear to my heart.

I recall, Sir, in 1964 the very first job I ever had was teaching at Princess Margaret School in Six Roads and I know that so many of the young men and women in St. Philip have actually passed through my hands as a teacher there, that, honestly, Sir, to hear the name Six Roads mentioned I must reflect on those days as a teacher, as a

games master, a leader in the community, perhaps as almost everything there in Six Roads.

In the 1950s, Mr. Deputy Speaker, Barbados was earmarked as the Federal Capital, and it does not surprise me that a Commission which came to this island to try to find out exactly where they were going to put the headquarters decided that the best place in Barbados to put the Federal Headquarters would have been at Six Roads.

Mr. Deputy Speaker, Six Roads has always had very good potential as a business area in particular. In fact, I know for sure that it was considered to be a fifth town at one stage. 12.50 p.m.

I believe that the time is going to come very soon where on its own steam it is going to become a town in its own right.

There is a uniqueness about Six Roads. I do not think that there is any other part of Barbados that we find 6 roads converging at the same point. Indeed, Sir, I do not know if there is anywhere in the Caribbean that we can find it. I believe that for some reason there was a calculated effort by the people who were involved in the road construction to ensure that they all converge at that one point.

I do believe that it is for that reason that it is going to be a much more simple job to transform that area into a roundabout than it would have been to transform certain other areas in Barbados into a roundabout. Sometimes when you pass there you wonder if indeed and in fact you are actually passing through a country area.

Dr. R. C. HAYNES: On a point of order, Sir. I would like to draw Your Honour's attention to Standing Order 28(2) and I wish to make the point that the Honourable Member is being thoroughly irrelevant. The Standing Order reads as follows:

"A Member must confine his speech to the subject under discussion, and may not introduce matter irrelevant thereto."

All this business about his teaching at Princess Margaret School and all that kind of thing is totally irrelevant and it is your responsibility, Mr. Deputy Speaker, to make sure that Members not only know the Rules but to make sure that Honourable Members adhere to the Rules.

Mr. DEPUTY SPEAKER: Continue.

Hon. R. N. GREENIDGE: Mr. Deputy Speaker, I am speaking about when you pass through Six Roads, what you actually see there. There is an area there

which does not even look like a country district and the reason is that right there at the junction there are 2 gas stations, 2 doctors' offices, the pharmacy, post office, library, health centre, school, the market, playing field, industrial park. There is a mall and a welfare department. Sir, the list goes on. I am saying that it is an extremely busy area. That is the point I am making.

Obviously, Sir, it was at its busiest in the 1990s. Perhaps the busiest point was when the Plantations building was there. Traffic might have abated just a bit recently, but it continues to be quite busy. That area has impacted on every single household in St. Philip whether it is by the Post Office, the Health Centre or whatever. As I said, a lot of traffic goes through there and a lot of young children. You get them walking across to the Mangrove Four Roads School. You get the children going to Princess Margaret School and, because of what I have said, you get the pensioners as well. You get the old age pensioners, people going to the health centre, you get the sick people going to the doctor, you get the pregnant women going to the clinic and therefore the need to have Six Roads as a very safe place where people can actually cross the streets becomes, I think, almost imperative. We have to do something about it, because the people in St. Philip, whether they come from the North or the South of St. Philip, always have to go to Six Roads for something. In particular, as I said, the old, the sick and the pregnant and the young.

On the other side of the coin we have 2 gas stations there where cars are always in and out, where cars are always trekking from one to the other and it is not in its present state at its safest. There have been lots of accidents at the very Six Roads area, dozens of them. A lot of them have been fatal. In particular, you get cases where people come to the junctions and there is some confusion as to who is to move first and I am speaking about four junctions. The normal East-West road you travel has the right of way: you keep driving. At the other four you get people coming there almost at the same time and then there is confusion as to who is there first, who should move off and so on, and very often it results in accidents. Some of the accidents could have been avoided if the traffic was well regulated.

I welcome this move to have traffic regulated by way of a roundabout at Six Roads. I believe it has remained dangerous for too long and I support any measure to make Barbados a safer place. In particular, I support any measure to make St. Philip a safer place.

Whether the work begins this financial year or the next I am looking forward to it and I am sure the people of St. Philip are looking forward to it. As I said, it should not be a difficult project because it is tailor-made for a roundabout where you have a central point that makes it an almost natural roundabout. This then would lead to a better

regulation of the traffic. There is one particular road coming from Woodbourne, that particular junction, where there is a building at the corner and sometimes it tends to obstruct your vision. I believe that the people are going to be happy that this particular obstruction will be removed.

The roundabout is going to be relatively safe because Barbadians have now become comfortable with roundabouts where the only cardinal rule you have to obey is to give way to the person on your right. Of course, you would not have to wait until the light changes. The traffic is going to flow a lot more freely.

Now the actual Six Roads area. I do not want to preempt the Honourable Attorney General. I am aware that he visited Six Roads some 3 weeks ago. There has been no discussion between myself and him as yet, but I hope that having seen the Six Roads area as it is now he is thinking exactly what I am thinking and Mr. Deputy Speaker, I believe that the area could accommodate a fire station and I am very concerned about it.

There was a time when it was thought that one fire station in St. John could have serviced St. Philip and St. John. Perhaps when I was a boy, yes, because there were not the types of developments that you have now in St. Philip. The parish of St. Philip has seen more residential areas than perhaps any other in Barbados. Fortescue Development was not there when I was a boy nor was Palm Springs, Apple Hall, Inch Cape, Harmony Hall and Castle Terrace, Long Bay and Atlantic Park, Crane Park and Mangrove, Ruby Park and Union Park and all the others. 1.00 p.m.

I do believe that now that we have so many extra houses in St. Philip that perhaps the time is right for us to have that fire station located somewhere in Six Roads which is so central to St. Philip. As I said, I do not want to preempt the Attorney General. I do not know how he is thinking but he is going to speak on it after lunch.

Mr. Deputy Speaker, I just want to say that I welcome the idea of having the roundabout as a safe way to regulate the traffic at Six Roads and I commend the Honourable Minister of Public Works, Transport and Housing for what he has done.

Thank you very much.

SUSPENSION

Hon. Miss B. A. MILLER: Mr. Deputy Speaker, I beg to move that this House be suspended until 2.15 p.m. this afternoon.

In the luncheon interval, Sir, I would like to advise Honourable Members that a Condolence Book for the late Sir James Cameron Tudor is sitting on the desk in the little office just off the lobby across from the Prime Minister's Room. The door is open. The book is there and it is available for Members' signatures.

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

The question that the sitting be suspended until 2.15 p.m. was put and resolved in the affirmative without division. Mr. DEPUTY SPEAKER suspended the sitting accordingly.

RESUMPTION

Mr. DEPUTY SPEAKER: This sitting is now resumed. The Honourable Member for St. George North.

Mr. G. A. CLARKE: Mr. Deputy Speaker, the acquisition of 15 parcels of land at Six Roads in St. Philip shows Government's commitment to improving roads not only in the urban area, but also in the rural areas as well. Six Roads is, indeed, an important link between the Grantley Adams International Airport and the central areas of St George, St John and indeed to St Andrew because we know that much traffic comes through St George to St. Philip and also to the airport.

Of course, Mr. Deputy Speaker, the representative for St. Philip North has underscored the point when he said that development has taken place in St. Philip moreso than any other parish in Barbados over the last 10 years. A lot of tenancies have been converted and development and industrialisation have taken place in St. Philip.

I also want to make the point, Sir, that throughout Barbados there is a need to develop road facilities and improve the condition of roads. Within recent times the Ministry of Public Works, Transport and Housing has been busy widening some of the roads. It has happened in my constituency. There has been widening of the roads in the St. Judes and Workman's areas. I believe that as tourism develops in areas like Gun Hill which attracts a number of tourists every year, there is a need to widen that road in light of the fact that two vehicles cannot now pass. I would want to see during the next couple of years a massive programme to widen roads in the rural areas. We hope that this can take place.

I would also want to say, Sir, that over the past year or so one sees that a number of acquisitions have taken place, for example in Highway 2A where over 148 pieces of land were acquired for improvement of the road at Highway 2A.

The Bridgetown Bypass is another important aspect of road development within Barbados. I understand that over 428 parcels of land will have to be acquired to improve that highway which would improve Greater Bridgetown and make traffic easier for people living in that area. It will also help to improve business within the rural areas.

Other improvements have taken place, for example, at Searles, Highway 6, over 70 pieces of land have been acquired, Codrington Hill, 26 pieces of land have been acquired, Clermont Road 81 pieces and Canewood in St. Michael 64 parcels of land have been acquired in order to improve road infrastructure within urban and rural areas.

I must say that the Ministry of Public Works, Transport and Housing since September last year has not only tried to acquire and improve roads in this country but we have acquired land for housing development as well. More to the point, we have been busy not only in acquiring land but also paying people whom we have acquired from. Between September 1994 and May 1995 over \$10 million was paid out to persons for their properties.

Of course, we would want to pay more but, as you know, in previous times a lot of land was acquired but people were not paid. Government would want not only to take land but to pay people in a timely manner. Many people have complained that Government over the years has acquired land but has not paid them. In fact, I believe that Government owes persons in this country millions of dollars from way back. A number of years have passed and people have not been compensated but it is the intention of this Government to compensate people in a timely manner.

I am sure one can say that the Ministry of Public Works, Transport and Housing since September, 1994, has been trying to improve the life of Barbadians and trying to make the roads better for pedestrians as well as for motorists and we want to commend the work that is being done by the Government. 2.25 p.m.

I believe that over the next couple of years we would have to acquire more land to improve and to make life better as we become a more modernized country.

Thank you very much, Mr. Deputy Speaker.

Mr. DEPUTY SPEAKER: The Honourable Member for Christ Church East.

Mr. W. C. C. CALLENDER: Mr. Deputy Speaker, I am compelled to speak on this Resolution. It is next door to my constituency and a lot of my constituents pass through this area on their way to Three Houses

Park, Bath and the other well-known places in St Philip and St. John. Any measure that seeks to make travelling more safe for my constituents and for the people of Barbados, I feel pleased to support. I also want to look at it, Sir, within the larger context of land acquisitions in Barbados and the use of land in Barbados since we are talking here about acquiring land. I want to speak on the issue of the need for acquisition of land to relocate as I understand it, the residents of Thyme Bottom who live in the area of the Airport and who have been asking about this. They have been in abeyance for some time. Some cannot get their land sold because of the Airport development I believe that consideration has to be given speedily for acquisition of this land so that these people can be relieved of their discomfort, not knowing what they can do with their lands and not knowing what they can do, in terms of improvement of their property.

I also want to speak in the context of roundabouts as well because we are speaking of acquiring land for a roundabout. I think that the roundabout at Six Cross Roads would add to the beauty of the area. I believe that it might be necessary to have a suitable monument to the parochial people of St Philip. We all know that the Philipines have this great loyalty to St Philip. I believe that, in time, a recommendation might have to be made to have some suitable emblem, monument or whatever, placed at that roundabout in honour of the people of St. Philip. I am sure that the Representative of that area might want to look at that.

I do not know if they would want to make it in plastic or if they would want to put it in wood or gold or silver, but I believe that a suitable emblem should be put at that area because we are not just looking at it as a roundabout in a heavy structural sense, but we are looking at it in the sense of the beautification of the area as well, not just for safety because that area represents the apex of the whole area surrounding there. I believe that since it is heavily traversed that it should reflect a place in Barbados which we would want to cherish and which should be a landmark for Barbados and could also serve as a tourist attraction because of the fact that we have the convergence of Six Roads as well as the fact that we are going to add another dimension to it which could help to highlight the heritage not only of Barbados but of the proud people of St. Philip, a parish that has produced so many great people in Barbados. Unfortunately Obadale Thompson has not come from St Philip but if he had come from there, he would have had a good opportunity to put a suitable thing there for the Philipines.

Speaking about roundabouts, I also want to say that since this roundabout is scheduled to come on stream next year, we can, perhaps, look at having a line of thought that says that we are going to look at other roundabouts that are nearby. In the interest of economies of scale and so on, we

could at the same time look at having a roundabout at Lowlands junction so that the goodly people of Lowlands and Fairview would not have to traverse miles before they can get to the other part of Christ Church which they hold so dear and where they have a lot of relatives and friends. I think that we can look at roundabouts, in that context

Similarly, speaking about roundabouts, we are looking at the roundabout in Kings Corner. I must tell the truth and I must speak now to the Honourable Minister here and to his technicians. When one first looked at the roundabout when it was in its initial stages, it really looked quite bizarre. They told me it is not a roundabout. They call it a boot about. It is like a boot in an oblong shape. But I think since it has been painted and widened by taking in part of the road, it looks a bit more pleasant to the eye. But I think we still have difficulty with certain vehicles being able to get around that roundabout. We might need to review the roundabout. Acquire some land. There is a big wall there. I believe we might find it necessary to acquire some of that land so that that area there might become a roundabout and that the passers-by could more easily see what is happening in the road. I believe that if you are looking at roundabouts next year, that is one that could perhaps be on schedule for a little embellishment.

But I do commend the efforts of the Ministry for having put that section there in place so as to minimize the accidents that used to occur at that roundabout. I think it shows that the Ministry is looking in the right direction, is considering the safety of the people of Barbados and I think it signals well for a Government which is looking after the safety of the people.

Thank you very much, Sir.

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

Mr. F. J. STUART: Mr. Deputy Speaker, may I just briefly intervene in this debate. I could hardly allow a debate to take place on Six Roads and not intervene having regard to the fact that upwards of 30 years of my life have been spent no more than 200 meters away from the Six Roads junction. Therefore I am intimately familiar with Six Roads. I do not think anybody would seriously contest that Six Roads is the major metropolitan area in St. Philip. It is the situs of the only secondary school in the parish; the only polyclinic in the parish; medical and pharmaceutical services are got at Six Roads; the only post office in the parish can be found at Six Roads; and for many years, the only service stations in the parish could be found at Six Roads as well.

Aside.

Mr. F. J. STUART: Until recently it threatened also to be a major shopping area when Plantations, Six Roads was opened. That complex now mutely testifies to the fact that white elephants are not the sacred preserve of the public sector but that private businessmen can make miscalculations as well and can leave white elephants knocking around.

I have recollections of the accidents fatal and otherwise that have taken place at Six Roads. In fact, as I speak, I can reconstruct the morning on which, for example, the brother of my predecessor in this House lost his life at that Junction. There have been many others. I have happened to be around for a few. So that, for many years, traffic through Six Roads has needed to be regulated. Persons travelling on Highway 5 coming from Sam Lord's Castle, Union on to Bridgetown, persons who have the right-of-way on that road have used it, in my view, very recklessly sometimes and persons coming from the other directions have had to be very careful. Because the volume of pedestrian and vehicular traffic has increased so markedly, as a result of the massive development taking place in the area, both in the area of housing and in the area of business, it has been necessary to regulate the way Six Roads is used. I think that the roundabout is an excellent idea. I think it will inject more certainty into the use of Six Roads both by school children, many of whom have to use it to get either to Princess Margaret School or to other primary schools, St. Martins, Four Roads and St. Martins, Mangrove. And of course the aged who use the Six Roads Polyclinic and who now use the Post Office at Six Roads since that Post Office now provides a wider range of services than traditional post offices are wont to provide. So I think I can readily identify myself with the Resolution before the House. I think the roundabout will bring some order and will reduce the vehicular and pedestrian brinkmanship for which that junction has been well known for sometime. 2.35 p.m.

I look forward of course to the placing of pedestrian crossing there to facilitate pedestrians as they use the junction, even after the roundabout has been established. I am sure the people of St. Philip South in particular, but the people of St. Philip in general will be grateful to see this roundabout established. I am obliged to you, Sir.

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

Hon. D. A. C. SIMMONS: I just rise amidst the cacophony from the Honourable Member for St. Michael West to say that during his contribution to this debate the Honourable Minister of Labour mentioned that 3 weeks ago I had in fact visited Six Roads and I think it is but right that I update the House on the visit to Six Roads.

Mr. Deputy Speaker, some months ago I went to have a look at the St. Philip Post Office at Six Roads to be confronted by a building that has outlived its usefulness and is now unable adequately to serve the needs of the postmen and postwomen who work there. While looking at the property with a view then to its extension by the addition of an "L" wing my eyes set upon what was called the pink and blue elephant across the road. I suggested to the officers who were with me that perhaps Government could give consideration to the acquisition of that property. We therefore went, all the Heads of Departments on both sides of the Ministry, the Attorney General's side and Home Affairs.

There were about 14 of us who went up in a bus to Six Roads and we toured that Plantations complex. The unanimous view of all who went on that visit was that there is enough space already existing to accommodate a new court, a new police station, a new fire station, a post office, a library, a land tax department and a licensing authority depot. Obviously there would have to be certain modifications to the existing structure but all of the Heads of Departments were satisfied that, with slight modifications, it could adequately serve the needs of all those departments.

Under the Barbados Labour Party Government you do not just acquire like that. I would like to announce that I would like Government to acquire it so that you do not hear a headline tonight that Government is buying the Plantations Complex. I want it clearly understood that Government has not taken a collective decision on the matter. I gave an undertaking then to the Receiver and the Bank concerned that I would make certain recommendations to Cabinet and to the Planning and Priorities Committee. Those recommendations will be forwarded in due course and soon to Cabinet and the Planning and Priorities Committee. I have to say that we are going to recommend that Government acquire it. It is up to all the others on the Front Bench to agree. It would make sense for Government to acquire that property. I am not going to disclose...

Aside.

Hon. D. A. C. SIMMONS: It would make sense for us to house all of those agencies in one central area and some of the Government properties on the other side could be freed up for sale or other use. As I said, the post office is now far too small having regard to the demographic changes in St. Philip. There is no parking...

Aside.

Hon. D. A. C. SIMMONS: I do not know why the Honourable Member for St. Michael West wanted to talk about the industrial park. I wanted to keep this

debate non-partisan but he has now forced me into putting into the record that all of that development at Six Roads ...

Aside.

Mr. B. M. TAITT: On a point of order, Sir, I have not spoken yet and I do not think the record will show that I can force him into anything. I do not think it is fair. The Honourable Member should not draw me into the debate. I have not spoken.

Hon. D. A. C. SIMMONS: I will just make the record right, Sir. The Health Centre, the post office, the library, Princess Margaret School stand there today as monuments to the foresight and action of the Barbados Labour Party administration of the fifties. They were all built in the middle fifties.

In February 1976, recognising the high level of unemployment in St. Philip and the fact that the then Democratic Labour Party Government seemed unable to do anything to reduce and alleviate that high level of unemployment, in the campaign leading up to the February 26th by-election I made it the central issue of that campaign to call for an industrial park in St Philip in the hope that it would provide work for the people of St. Philip.

I came in here after the election of February of 1976 in time for the Estimates Debate of that year to be confronted by Estimates which gave the lie to what the Honourable Member for St. Michael West then as Minister for Industry and Trade had been saying that they had plans on the drawing board to bring an industrial park to St. Philip North. The Estimates of 1976 therefore, where he was talking about was marked off and delineated for the rearing of sheep. That is the marginal note to the Estimates. There was nothing mentioned in the Estimates of 1976 about the development of an Industrial Park in St. Philip. The Estimates Debates of 1976 will show that I made mass in here with that.

The Honourable Member for St. Michael West is not one to be easily knocked down. 2.45 p.m.

In fact, his skin is as hard as an "Old Wife's Fish", almost like whip leather. Because even though I was pounding him, Sir, he still had the nerve just before the general elections to go out there in a big tractor and sit at the wheel pretending to be turning the soil just before September 1976. I think that I have the photograph and he did me a great discourtesy. I was the representative at the time and when he had this big ground breaking ceremony he was not even so generous...

Mr. B. M. TAITT: On a point of order, Sir. The Honourable Member knows that he is not to put that in the record that I did something on a pretense. I was a Minister at the time and there was an active clear action so he cannot say that it was a pretense. He should withdraw pretense.

Hon. D. A. C. SIMMONS: Sorry, Sir. If that is found offensive, I withdraw the word. I saw him sitting at the wheel, Sir, purporting to turn the soil.

Mr. B. M. TAITT: On a point of order. It was a real tractor. I was driving a real tractor. Do not say purporting to. It turned the soil.

Mr. DEPUTY SPEAKER: Do you have a licence for this tractor though?

Mr. B. M. TAITT: On a point of order, Sir. It was a genuine tractor. I was driving the tractor. He is jealous of the fact that I can drive a tractor.

Hon. D. A. C. SIMMONS: Sir, they had no properly drawn plans for the development of that area. The development of that area as an industrial park took place after 1977.

Aside.

Hon. D. A. C. SIMMONS: The Barbados Labour Party was the Government. Mr. Deputy Speaker, I am only making the point that he was most unkind and ungenerous when he had that big spread the evening he refused to invite me officially as the representative for St. Philip North. But true to form in the able company of one Pabbo Johnson we went to the site and made our presence felt.

I just wish to say that my Ministries are looking very seriously at the acquisition of the Plantations Complex for Government use and I will keep the House updated from time to time. I am obliged to you, Sir.

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

Mr. B. M. TAITT: Mr. Deputy Speaker, I shall be very short. I do not wish to cast any peril on these proceedings. But since the Honourable Member, the Attorney General who now finds succour and love in St. Thomas, having been driven from St. Philip by the people of St. Philip, having spoken in such vain, I think it is necessary to put the record straight. The Honourable Member has never been able to get his position with St. Philip quite to coincide with his wishes and that is part of the problem. Sir, he said that he was not invited but he had led a campaign of villany outside. He was not in the House then. If he had been in the House, he would

never have done that but he led a campaign which sought to suggest that there was never any thought of an industrial park in St. Philip. The issue of the industrial park had been laid to rest by the Industrial Development Corporation. Mr. Rawle Chase had given the Press clear indication, and Rawle Chase is a man of honour, Sir, of the IDC long before the Honourable Member had become a candidate under the tutelage of the then potential Prime Minister Tom Adams. The fact is that they were able to go and take the plan of the industrial park and as a result we have the St. Philip Industrial Park.

I am sorry if the Honourable Member was not invited to the soil busting of the industrial park which had been put in place by one of the most distinguished citizens of St. Philip, the former Honourable Member of this House, Mr. Reynold Weekes, who had in fact identified the area and who put his reputation on the line to confirm that an industrial park was always in the offering. Because it is Reynold Weekes, Sir, who had laid the foundation for what the Honourable Member for St. Philip North and the Honourable Member for St. Philip South and the potential Honourable Member for St. Philip who never made it as an Honourable Member for St. Philip in real terms who is now the Honourable Member for St. Thomas, also agreed that Reynold Weekes had laid the foundation for transforming St. Philip from a rural unheard of area to one of the most developed parks of Barbados.

I think that sufficient honour has not yet been paid to the work of Reynold Weekes as a representative who has managed to make St. Philip a beacon.

Mr. Deputy Speaker, as you know, you travel very often, almost as often as the Honourable Member for St. Joseph used to travel. You know, Sir, that when one is coming in the night and one approaches the run-way that sometimes inexperienced pilots have difficulty in determining whether they are over Bridgetown or over St. Philip because of the number of lights that are available especially in St. Philip South.

Aside.

Mr. B. M. TAITT: I beg your pardon. That is the trouble. You were sleeping. You should not be sleeping. But, Mr. Deputy Speaker, quite seriously I want to lend my support to the roundabout because the people of St. Philip are among the best people in Barbados, Sir. Occasionally, there is a little hiccup in their judgment but constantly, Sir, they have demonstrated the understanding of Barbados. But that roundabout in St. Philip has been talked about and promised and planned for almost as long as I have been in this House. I am very pleased to see that the work of the Democratic Labour Party in finally putting it together has found favour with the distinguished Minister of Transport and Works. One of the things one has to say for the

Minister responsible for Public Works is that unlike some of his colleagues on the front bench, he is never afraid to lode at a Democratic Labour Party project, accept that it is a worthy project and to proceed with it.

I think that we should applaud him for continuing the work which was done by the distinguished Member for St. Michael East who when he was Minister of Public Works was able to move this project from mere talk into the execution stage. The Honourable Member for St. Michael East has demonstrated as the newspaper headlines will show today, Sir, that he is a lion. He has no problem taking on the biggest and the best I think that it is a tribute to his sagacity and perspicacity, the Honourable Member for St. Michael East, that he is able constantly to win. He tread where angels fear to tread and he has defeated the whole Government. I think that it should be recorded that the Honourable Member for St. Michael East has defeated the whole Government. I think that the credit should be his.

I know that when the Honourable Member for St. Andrew gets up that he will give credit to the Honourable Member for St. Michael East for having dusted off the plans for the roundabout and putting it on the front burner, giving the two representatives of St. Philip the opportunity to speak in glowing terms. We can look forward to more of this work from the Honourable Member for St. Andrew *m* he proceeds to dust off the plans which were left behind. So we applaud him on this occasion. This roundabout is long overdue. My colleagues who were Members of the House 20 years ago remembered Reynold Weekes calling for a roundabout or some other similar thing at Six Roads.

I must say, Sir, that the Honourable Member for St. Philip North when he speaks in this House does cau&e me some anxiety, because he does not always wish to come to the quick of these issues because he fears that he might give undue credit to the Democratic Labour Party. I think he can feel comfortable in the knowledge that the Democratic Labour Party has always regarded St. Philip as one of the areas that deserves the development. Based on what they were saying, I wondered if they understood, the Honourable Members on that side, rural development in its real sense, because St. Philip is a clear indication of how the Democratic Labour Party understood rural development. 2.55 p.m.

I listened to the Honourable Member for St. Philip North with a certain degree of pride, as he spoke about when he was a little boy and he described this backward area of the country that was the St. Philip in which he grew up, and then he went on to give a recitation of the things that have changed, all the wonderful things that have happened in St. Philip, and I am very pleased to hear that the Democratic Labour Party has been able to bring this kind of change to St. Philip. What a pity we do not have another Resolution about roundabouts in a few of

the other rural areas so we would hear similar speeches that would speak to the changes that have occurred over the last 30 years or so, most of which would have been engineered by the Government of the Democratic Labour Party. As Your Honour knows, Sir, it is a good thing to go into a constituency and to see the changes that have occurred. I look forward to the discussion about rural development which will come, in which we will be able to expand this area a little more.

But I wanted to lend my support to the roundabout at Six Roads, particularly after the Attorney General, the now representative of St. Thomas - I am not sure if he fully has been able to wipe the dust from his feet in St. Philip, Sir, but as he speaks about St. Philip he speaks with a certain joy and I wanted to speak after him. I wanted to ensure...

Hon. D. A. C. SIMMONS: On a point of order, Sir. He is imputing improper motives to me and I would just wish to read, for the benefit of Honourable Members, to show that he is not being truthful, Sir, the debates of 1976 on page 6422 where the then Mr. Adams said these words in reference to the Minister of Trade. He said:

"...the Minister of Trade, Senator Branford Taitt, who declared that for a long time the Government had intended putting an industrial park in St. Philip North, that it had been in the Estimates for a long time and that all that was holding it back was that they were going to move the Government sheep farm for Six Roads, St. Philip and as soon as they got the sheep moved that the industrial park would be set up. It had nothing to do with the by-election."

Hear this, Sir:

"What an outstanding teller of falsehoods that man

Mr. B. M. TAITT: Mr. Deputy Speaker, you understand what I mean when I address the speech by the Honourable Member for St Thomas, because in seeking to verify anything the last thing anyone, who is familiar with the gentleman whom he just quoted, would do to verify something would be to quote the late Tom Adams. But if the Honourable Member is still finding solace in the words of Tom Adams, well who am I to question that?

Seriously, Mr. Deputy Speaker, the Honourable Member for St Thomas has carried on this discussion about the St Philip industrial park for all of those years. There has never been any doubt in anybody's mind, least of all the former Member of this House, Reynold Weekes, that the industrial park had been planned before the nefarious activities engendered by people like a certain merchant, a certain publicist whom they had brought to

St. Philip to help them in their cause in circumstances in which our candidate refused to speak about matters which he knew could have dealt with the issue.

But that helped us finally to recognise that St Philip is truly the parish of the Democratic Labour Party, because for an of its time thereafter once we got rid of the Honourable Member for St Thomas until the Honourable Member for St. Philip North, who is a short-term holder of the position, he is temporarily in the position....

Aside.

Mr. B. M. TAITT: I am getting verification from those who know over here that he is temporarily holding the position for the next couple of months. One has to be very generous and recognise that he is in a growth pattern, and while he is here I hope that when he next comes to the House to speak about the roundabout, because I do not understand why the Minister feels it must wait until next year, but we know that the Prime Minister does not allocate easily to the Minister for public works, so we understand* his difficulty in these circumstances. Whenever it comes we look forward to the roundabout, so we hope that the Honourable Member for St Philip North will take a leaf out of the book of the Honourable Member for St. Philip South and recognise that when he speaks of St. Philip he does not have to go off into esoteric discussions that are not germane to the point at issue.

Mr. Deputy Speaker, I am grateful to you.

Hon. G. W. PAYNE: Mr. Deputy Speaker, having listened to Honourable Members on both sides, it is fairly obvious that we are all agreed that this roundabout could really regulate properly the flow of traffic in the Six Roads area.

As I stressed earlier, this particular Resolution relates to the acquisition of the parcels of land in the immediate area and we are not in the process of beginning the construction at this particular point in time.

I would also like to remind the Honourable Member for St. Michael West that this is a project which was actually conceptualised by the Barbados Labour Party way back, even before 1976 - before 1961 as a matter of fact - and I do not recall seeing the signature of the Honourable Member for St Michael East on this or any other project in the Ministry of Public Works.

With respect to the naming of the project after any particular resident in St. Philip, I would like to remind Members of the House that a proposal had been made by the last administration to name this particular roundabout the Bussa Circle. I do not think many people need to be reminded as to who Bussa was. It was a proposal

at the time and I think when we begin this project we probably will have to meet with the representatives of the area and decide whether or not we will go through with the renaming of the area.

There is just one other matter of significance that was raised. The Honourable Member for Christ Church East mentioned the roundabout at the Lowlands junction. I think it is the third occasion he has mentioned it in this House, and if he keeps mentioning it I believe at some time we will get around to it. It is one of the projects we are looking at and he can rest assured he will not have to mention it a fourth time.

With those few remarks, Mr. Deputy Speaker, I move that this Resolution do now pass. 3.05 p.m.

ADJOURNMENT

Hon. Miss B. A. MILLER: Mr. Deputy Speaker, I beg to move that this House be adjourned to Tuesday, July 25 at 11 o'clock in the morning.

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

The question was put and resolved in the affirmative without division and Mr. DEPUTY SPEAKER adjourned the House accordingly. 3.06p.m.

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