

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1994 - 99

HOUSE OF ASSEMBLY

Tuesday, October 17, 1995.

Pursuant to the adjournment, the House of Assembly met at 11.20 a.m. o'clock on Tuesday, October 17, 1995.

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

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

Hon. O. S. ARTHUR, M.Sc. (Econ.), (Prime
Minister, Minister of Finance and Economic Affairs)
(Minister for the Civil Service)

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.

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

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

Mr. J. O. TUDOR, JP.

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

Hon. R. C. EASTMOND, J.P., B.A. (Hons.), Dip.
Ed., LLJB. (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, (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

Hon. R. St. C. TOPPIN, LL.B., (Minister of State,
Ministry of State, Tourism and International Transport)

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 His Honour Mr. Speaker.

Mr. SPEAKER: This House is now in session.

MINUTES

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg
to move that the Minutes of the proceedings of the
Honourable, the House of Assembly for the 10th day of
October 1995, which Minutes have been circulated be taken
as read.

Hon. D. A. C. SIMMONS: 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 report that I am in receipt of the special report of the Ombudsman for Barbados.

PAPERS

Hon. O. S. ARTHUR: Mr. Speaker, Sir, I am commanded to lay the Annual Report of the National Petroleum Corporation for the year 1993-94.

FIRST READING OF BILLS

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, I beg to move that the Plant Pest and Disease (Import Control) Bill, 199S be read a first time.

Hon. Miss B. A. MILLER: I beg to second that

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

ORDERS OF THE DAY

Hon. Miss B. A. MILLER: Mr. 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. D. A. C. SIMMONS: I beg to second that, Sir.

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

GOVERNMENT BUSINESS

ORDER NO. 6 - THE CROWN PROCEEDINGS
(AMENDMENT) BILL, 1995

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, Honourable Members who are in the practice of the law will be only too painfully aware that for many years, for as long as I can remember, and I have been in practice more than 20 years in Barbados, there has been a problem in getting speedy monetary awards from the Crown.

Perhaps I do best by % explaining with reference to examples. A person is walking on the highway, steps into a manhole and breaks his leg. He brings an action against the Crown. They agree, as between the lawyers on both sides, that the matter should be settled for "X" dollars. After a long period leading up to the settlement it is finally settled and the procedure is that the proposed settlement has to go to the Cabinet for approval and then has to come to the House of Assembly for further approval by way of

Resolution. That does not mean that the person will be able to draw down after the matter has passed the House.

So in most cases there has been a lag sometimes running into years before the successful litigant can recover his damages or compensation. It applies equally where the Crown has been sued in court and the court makes an order.

Now, between the period 1991 to 1994 there was considerable difficulty and the pre-existing situation was exacerbated by the structural adjustment programme and Government's cash flow problems during that period 1991 to 1994. Honourable Members will recall that before the House went on vacation in August, I brought a Resolution under which the Government sought to award in excess of \$330 000 to a lady whose case had been with the Crown and properly filed as far back as 1990 or 1989 and five years later we were now trying to settle those damages. If I remember, the award did not include any element of interest.

Now, Mr. Speaker, this has been a thoroughly unsatisfactory situation. What the present Government is therefore proposing to do is to provide a mechanism which would allow persons who have a right to compensation from the Crown to get that compensation more speedily. Obviously the internal procedures will in no way be abrogated. The matter will still have to be evaluated in the Ministry of the Attorney General, a recommendation made to Cabinet and Cabinet approves the award, agrees or disagrees with the award, but as soon as the Cabinet decision is made then the person who should recover the compensation will be paid, we hope, within fairly short order after that decision.

What we are trying to do in this legislation is to provide that awards which have been certified are removed from the bureaucratic constraints and, as it were, fast tracked so that they will become like the special loans legislation or the External Loans Act. They will become an automatic charge on the Consolidated Fund. Members will know that where Barbados is making repayments of loans under the Special Loans Act or the External Loans Act those loans are automatically charged against the Consolidated Fund. So we are using a similar kind of mechanism to deal with this matter. These awards will hereafter if Members agree become part of the statutory expenditure of Government. 11.30a.m.

Mr. Speaker, that really is the kind of context in which this Bill is set. Now I have to take

Honourable Members through the legislation to explain to them what amendments we have made and the effect of the amendments. The first amendment which is dealt with in Clause 2 of the Bill refers to existing Section 22 of the Crown Proceedings Act, Cap. 197. The Act presently says:

"22 (1) Where in any proceedings by or against the Crown or in any proceedings in any Court which in England would be proceedings on the criminal side of the Queen's Bench Division or in connection with any arbitration to which the Crown is a party, any order (including an Order for costs) is made by any Court in favour of any person against the Crown or against a Government Department or against an Officer of the Crown as such, the proper Officer of the Court shall on an application on that behalf made by or on behalf of that person at anytime after the expiration of twenty-one days from the date of the order, or in case the order provides for the payment of cost and the cost is required to be taxed, at anytime after the cost has been taxed, whichever is the later, issue to that person a certificate in prescribed form pertaining particulars of the order:

Provided that, if the Court so directs, a separate certificate shall be issued with respect to the costs (if any) ordered to be paid to the applicant

(2) A copy of any certificate issued under this section may be served by the person on behalf of the Order is made upon the person named in the record as the solicitor or is the person acting as Solicitor for the Crown or for a Government department or officer concerned."

Now what we are doing, Mr. Speaker, is that we are amending the next sub-section which says:

"22 (3) Where the order provides for the payment of any money by way of damages or otherwise or of any costs, the certificate shall state the amount so payable, and the Accountant General shall pay out of monies voted for the purpose by Parliament to the person entitled or to his solicitor the amount appearing by the certificate to be due to him together with the interest, if any, lawfully due thereon."

That is part of the kind of cumbersome procedure that we have to go through. We have a number of people who have been waiting for years to get their money. What we are doing in the amending legislation is deleting the words: "Accountant General shall pay out of monies voted for the purpose by Parliament to the person entitled or to his solicitor." and substituting for those words: "Shall be a charge on the Consolidated Fund and shall be paid to the person entitled or to his attorney-at-law." The old law spoke of solicitor since 1972 so we are tidying up at the same time as we go along.

Mr. Speaker, you will note that section 22 deals with civil proceedings where there has been an Order of the Court. But we know that most of these matters do not in fact have any finality in Court but rather are settled out of Court. So I thought it would be wise if we dealt with the two situations separately of the Court and the out of Court settlement where the parties agree. So that immediately after Section 22 we are inserting a new section as Section 22(a) and that appears in Clause 3 of the Bill:

"22 (3) Where the Crown accepts liability for any injury or damage caused to or suffered by any person or property as a result of any act or omission of any servant or agent of the Crown any amount including cost that the Crown agrees to pay such person by way of compensation shall be a charge on the Consolidated Fund and shall be paid to the person entitled or to his attorney-at-law."

So we put both situations on the same basis and in that way we can provide for speedier disbursement of the funds. It is a Bill that we hope is more simple in its procedure and will provide for more efficacious and speedy settlements. There is nothing more to this Bill than that, Mr. Speaker, and I move that this Bill be now read a second time.

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

Mr. F. J. STUART: Mr. Speaker, I share the Honourable Minister's concern about delays which attend the disbursement of funds or monetary awards to litigants who are entitled to them. The Honourable Member quite rightly said that Attorneys-at-law generally know that sometimes injured persons for example have to wait for 6 or 7 years to get an award. My difficulty, Mr. Speaker, and the difficulty of the Opposition is that these delays as far as I am aware have very little to do with the issue of disbursement by the Crown. They have more to do with getting the matter before the Court in the first place and then getting a judgment out of the Court in the second place. The simplest part of that whole process is the part that has to do with getting the money from the Crown. Therefore, the Opposition is not convinced that this amendment is really necessary and its concern really is that the effect of the amendment is now to exclude from parliamentary oversight monetary awards and monetary settlements to litigants and injured persons and persons generally in that category.

We believe that in this era of accountability Parliament should continue to have oversight over matters of this kind. We do not accept that the issue of delay is a sufficient justification for excluding

from parliamentary scrutiny an issue as important as this. Reading this amendment, Mr. Speaker, one can envision a situation where large sums of money are paid out to litigants and to lawyers from the Consolidated Fund without any reference to Parliament. We would have been happier if the amendment had said something about the extent to which Parliament would be informed at some time after the payment or would have some say in determining the propriety of the award in the first place. 11.40a.m.

As the amendment stands, it is an Open Sesame, in my respectful submission, for unjust enrichment by persons who are not of goodwill. I am not going to be sidetracked by the utterances on the other side, the reality of this amendment is that under the present law Parliament has a say in determining when people get awards and how much those awards are. Under the amendment Parliament is not mentioned.

Asides.

Mr. SPEAKER: Let us proceed orderly, please.

Mr. F. J. STUART: There is nothing in the amendment, from what I can see, that suggests that We delete the words: "Accountant General should pay out monies voted for the purpose by Parliament to the person entitled or his solicitor" appearing in the third, fourth and fifth lines of subsection (3) thereof and substitute: "shall be a charge on the Consolidated Fund and should be paid to the person entitled or to his attorney-at-law." Parliament no longer has to vote money for the purpose of making monetary awards to litigants separately, for each separate awardee.

Aside.

Mr. F. J. STUART: The case to which the Attorney General referred, the Honourable Member for St Thomas, the Megan Smith case, it was brought to Parliament and Parliament was given an explanation as to what was the order of the award and all the terms and so on that went into the making of the award. As I understand the amendment - and I just seek clarification from the Honourable Member, because the support of the Opposition is going to depend on the nature of the clarification given - if parliamentary oversight is being excluded from this amendment or not. On the face of it, it looks that way to us, and all we want to be assured is that Parliament will continue to be informed on matters of this kind.

The issue of out-of-court settlements, Mr. Speaker, is even more dangerous, because when matters are settled out of court - and I am not speaking about the Honourable Member for St. Thomas but as an Attorney General, as

distinct from this Attorney General. We have seen in the Caribbean recently the fall of an Attorney General. Attorneys General do not take vows of sanctity or purity. I am not talking about this Attorney General, I know him too well to be referring to him in a matter like this, but I am saying that a person of less than acceptable propriety can use the mechanisms created by this amendment to enrich himself and to enrich his friends in the legal profession as well by settling matters that really do not need to be settled, and then by settling at sums that are excessive in all the circumstances.

The Opposition is just raising concerns about the amendment itself. We are concerned that whereas in the law as it stands parliamentary oversight is necessary, parliamentary scrutiny is a necessary part of the procedure, under the amendment it does not appear on the face of it that parliamentary scrutiny or oversight is necessary. We agree with the Government that accountability is important in this day and age. We are dealing with a sensitive and enlightened public and every attempt to involve Parliament in the decisions of the Crown should be encouraged and Parliament should not be excluded from matters as important as this.

I raise these concerns, Sir, and I hope that the Honourable Member for St. Thomas will want at some time later on today to allay the fears of the Opposition on that issue. That is the main issue for us. Where does Parliament come into aH of this? We can see it in the existing law, 22(3) of the Crown Proceedings Act, we do not see it on the face of the amendment and we just want to be clear in our minds that Parliament is not being shunted aside and that these things can be settled and monies paid out behind closed doors. It is true that at the end of the day there is the Auditor General's Report and the Accountant General's Report and all that, but these reports are not usually timely and long after abuses have taken place, even when these reports come, it is possible that it might be too late to correct them. That is the area the Opposition needs to be satisfied on and, depending on the nature of the clarification given, the Opposition will take a decision on this amendment, but as of now we are very uncomfortable with the amendment.

I am obliged to you, Sir.

Hon. Miss M. A. MOTTLEY: Sir, I just want to rise in this debate on the specific point raised by the last Honourable Member. I was a little surprised to hear his concerns about the possibility of parliamentary oversight and unjust enrichment.

Sir, as I understand it, the manner in which settlements were paid prior to this amendment was

that Parliament, every year, voted for a sum of money which was under Cabinet Office. Cabinet Office would then satisfy the payment of judgment on settlements reached between the Honourable Attorney General and the particular litigant so that, as a matter of course, there was never a situation where each settlement made by the Honourable Attorney General would come to the Honourable Parliament for specific approval. Therefore, to insinuate initially and then to ask a question later relating to an attempt to bring about some pan of parliamentary oversight belies a lack of understanding of the existing procedure for dealing with settlements between the Attorney General and litigants. The only time that Parliament was specifically apprised of a settlement was if the vote in Cabinet Office could not satisfy the requirement of the settlement and in those circumstances a request for a supplementary would be made to this Honourable Chamber thereby ensuring that this Honourable Chamber would have been apprised of the particular circumstances leading to that particular supplementary. But there are a whole host of settlements made between the Attorney General and litigants yearly that Parliament has never been apprised of on a settlement by settlement basis.

Now, if the Honourable Member wants to say that we should broaden the scope of legislation to ensure that there is a yearly report or semi-annual report of all settlements made between the Attorney General and litigants, that is a different matter, and I would be entirely prepared to support that matter because that would bring about a level of accountability to which he has referred. But the reality is that the legislation as exists does not require the Honourable Attorney General to lay any such report before Parliament, and in those circumstances therefore these amendments cannot be construed as an attempt to bring about parliamentary oversight or to remove things from the scrutiny of Parliament.

Sir, I would just wish to make those comments and also to say that as a matter of course, as I understand it, all settlements over \$25,000 come to Cabinet for Cabinet's approval, so it is not just a case of finding an Attorney General who may not have taken the vows of sanctity of purity and therefore not ensure that his standards of propriety are the highest required of him under the Constitution, because there is an element of collective responsibility in determining whether that settlement as recommended by the Solicitor General in most instances is one to be accepted. I think we have to understand too that we are not just focussing on the Attorney General, but it is usually the Solicitor General who makes the recommendations to the Attorney General and to Cabinet, and not the Attorney General usually in his own right 11.50a.m.

So that to focus on one man would be to give the impression to the public that there are not already checks and balances in the system, or to focus on one office would be ... We weren't focussing on the office but we were focussing on a man because this present Attorney General was particularly exempted by the Honourable Member and quite rightly so.

Sir, in those circumstances, therefore, the public must be informed that there are already checks and balances in the system that prevent the opinion of one man giving away the Government's money as a form of unjust enrichment. We therefore would not wish any impression at all to go to the public that the system even provides for the possibility of this unjust enrichment. It would have to be an agreement with Cabinet once it is over a certain amount and I believe that amount is low. I think it is \$25 000 but the Attorney General can correct it

Furthermore, as is being pointed out to me, the Attorney General does not pay out the money at the end of the day so that the public must understand that to focus this whole issue on the Attorney General is to fail to understand how the system works and to fail to understand how persons from the most junior lawyer in the AG's Chambers may make recommendations to the Solicitor General who would then consult with the Attorney General and once it is over a certain amount it comes to Cabinet. Cabinet would determine whether it accepts the advice of the Solicitor General and the Attorney General before it determines whether it would agree.

Under the previous system, Cabinet Office would then pay out the cheque. All we are saying is that the process of forecasting what liability is at Government is so difficult that in order to ensure that litigants are not delayed in receiving their funds once the settlement has been agreed upon that this should become a statutory charge on Government. Therefore there would not be the specific requirement to vote the money in that instance.

Certainly, Sir, I would have no objection and I am sure most of us over here would have no objection to a requirement that we undertake that we will lay before Parliament the settlements that have been reached between the Attorney General and the litigants.

A lot of people don't realise that a lot of settlements are reached in \$2 000 and \$3 000 and therefore to come to anybody for specific permission is to further delay the system. Therefore, Sir, I don't accept the initial thrust of the Honourable Deputy Leader of the Opposition's speech although I accept his last request

for clarification. I hope that this goes some way towards helping in that clarification, but I am sure that the Attorney General would seal any further clarification that is required by the Opposition. Thank you, Sir.

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, as I understood the contribution of the Honourable Member for St. Thomas, he was saying that the basis of this legislation - at the end of his speech - was for speedy and efficacious settlement. He said that is the basis of this legislation. The first question which this Opposition raised, and I hope this can be answered, is to what extent have delays between agreed settlement and payment by the Crown, except in land acquisition matters, been a major factor in relation to non-speedy and efficacious settlement.

If the basis of this piece of legislation is to speed it up, then the Minister needs to clarify that point because in my experience as former Minister of Finance, having acted as Attorney General and brought many settlements to Cabinet on several occasions, once the amount is agreed, since the vote is so small right now - in fact you almost cannot identify it and there is a reason for that which I will get to; but experience tells you something that inexperience does not. There is a reason for this. There is a reason why it is such a small vote.

In cases where the vote cannot cover those settlements routinely a large supplementary is brought to cover those matters and they are paid within a reasonable time. The delays are not at the stage of payment unless Government is facing a severe cash flow situation and I assume that this Government, based on its economic planning, does not propose to face a -severe cash flow situation over the medium-term and that arrangements are being made to avoid any such eventuality. So there shouldn't be a problem in paying, based on what we hear about Government's finances. So that issue must be laid to rest

What is the mischief then that is being cured? Under the present system there is a vote in Attorney General's Chambers, not the Cabinet Office. The Contingency Vote - I am not correcting anybody. I am addressing the Speaker - sometimes is used to assist in settling legal claims when the vote in the Ministry's sub-program 01 is expended. You then go to Contingencies. If Contingencies cannot solve that problem because of other commitments you then go for a Supplementary.

However, Mr. Speaker, Sir, I maintain and have always maintained as a Cabinet Minister that an *ex gratia* payment is a policy issue. It is not to be determined by

any lower level functionary be they a first stage legal counsel or the Solicitor General himself. It must be a policy issue determined by the Cabinet. Because it is a policy issue, there is no need for you to have a large vote in the Legal Affairs Department to solve that problem.

In an era of accountability, the object is to make the Minister and his functionaries more accountable, but accountable to whom? Not to themselves. Accountable to Parliament. That is the basis of the claims of accountability which are being made in Barbados, that on too many occasions public functionaries, including Ministers, are making decisions giving directives to statutory boards and taking acts which Parliament does not have any control over because Parliament represents the interest of the people.

So I am saying there is a need for us to understand that this legislation further reduces the scope of Parliament because Parliament's present role is to vote at the time of the Estimates for a sum of money to settle these matters. When that vote has been expended, under the existing system, the Minister comes back to Parliament so that he is accountable as with the case we recently did, the Megan Smith case. If we wanted to question the Attorney General at that time, he was open to question. It was a large settlement. He brought it to Parliament and if anybody had any doubt about the *bona fides* of the settlement they could have questioned it. That is what the Opposition is saying is necessary in a modern democracy; that Parliament becomes more relevant and not less relevant

I am saying that this legislation - and we mean no slight to the Attorney General because I know he wants to speed up the system of justice. So don't take it as any attack on the Attorney General. I know that there are public functionaries that sometimes encourage Ministers to do things which on the face of it make it appear that it is speedier. What this legislation is telling the public of Barbados is that the present problem is Parliament, that the present problem in settling legal claims is Parliament I am saying I reject that assertion out of hand. The problem is not Parliament There are many problems in the legal system. There are even more problems with lawyers, and there are some problems with litigants, but the problems do not reside in Parliament because as soon as the Attorney General says to Cabinet Ministers "Gentlemen, we have come to an Agreement.. 12.00 noon

Aside.

Mr. D. J. H. THOMPSON: And ladies.,

Aside.

Mr. D. J. H. THOMPSON: He would always insist on that but my mind was very clear. "Gentlemen and ladies, we have reached a figure of \$500 000". The Cabinet agrees and immediately steps are taken by the Cabinet Office.

When the Honourable Member was a former Minister I know of no occasion in which he has ever complained that parliamentary approval had been a problem. I know of no occasion when the former Attorney General, the Honourable Member for St George South, has ever complained to this House that there was dereliction of duty on his part in bringing a matter to Parliament for settlement. He would always complain, as would I, that the problems were lower down and in other parts of the system but the problem was not with Parliament. This legislation, based on the opening remarks of the Honourable Attorney General, may give the impression, erroneously so, that what slows down the process is Parliament.

Mr. Speaker, the only reason why a matter goes to Cabinet now for settlement is nothing to do with the \$25 000 limit, because the previous Cabinet that I was in said all "*ex gratia*" payments must come to Cabinet, be they small or large. The previous Cabinet brought all matters before the Cabinet for settlement. Now, because of a policy decision - and the Minister can feel entitled to bring any policy matter to Cabinet under the system of Government we practise. But the only reason why it must go to Cabinet is because the vote is so small that it bursts very early and therefore the Minister has to bring it to Cabinet to get a supplementary. It has nothing to do with any accountability.

There is no Minister who has a vote under his jurisdiction who can be required to bring any matter to Cabinet. So long as he is not requiring a supplementary, it is a matter of his judgment. If he has a vote of \$1 million, so long as the sums expended under that vote are correctly expended, he does not have to bring it to Cabinet. Any matters which the Attorney General wanted settled without supplementary he was not required to bring to Cabinet.

When you change the law in this way this can very well bypass Cabinet because since you are not going to have to come to Parliament for supplementaries, it does not make sense for the Honourable Member to make it clear because he is one man and we do not make laws for individuals. You could be the best Attorney General this country has ever had, or you may aspire to that, but that does not mean that the Opposition must accept any law on any individual say-so, or that individual's good intent. The

law must stand the test of time. It must be applied even-handedly against good people and bad and that is the point we are making. Under this proposed amendment it would not be necessary to bring those matters to Cabinet anymore. It is a discretion which the Minister would have.

I also want to say to the Attorney General that to bring it on par with the External Loans Act is also not any sound or solid basis for justifying this legislation. The External Loans Act makes it very clear in section 3(1) the Government is authorised to borrow money outside Barbados for such purposes and in such sums as are approved by Resolution of Parliament, the point being that before they even borrow the money, Parliament has to say "Yes" or "No" we agree to your borrowing money.

The Attorney General does not presently have to wait for Parliament to say "Yes" or "No" you can settle a matter. Therefore, he has even more leeway than a Minister of Finance. So this legislation has no bearing on the issue except to say that there are certain items which are charges on the Consolidated Fund right now and one of them is loans borrowed externally. That is the only relevance to this Act.

But this External Loans Act goes further than other pieces of legislation because the Minister before he takes any action must come to Parliament and say, "I am proposing to borrow X amount of money on the capital markets at Y interest rate. I wish parliamentary approval". If he does not get it, he cannot make even the first step. The Attorney General does not have to come and ask for permission to settle any matter. He can go ahead and settle it.

The only scrutiny Parliament has right now is when it comes here by way of supplementary that we can scrutinise the individual request and say whether we are in favour of it, or against. When you remove that requirement either by increasing the allocation - because there is really no need for the Attorney General to bring this legislation, according to what I understood from the second speaker on behalf of the Government - there is a faster solution.

The Government's economic programme is working. There is money in the till, well increase the vote. So if you increase the vote to \$2 million, be it on the potential settlements you have in a given year, then you do not need to bypass Parliament because when you come to Parliament for the Estimates, you can say to Parliament, "Gentlemen, I am proposing to settle the following cases during the course of this fiscal year

and I need \$2 million" and we can scrutinise it, ask questions and receive answers. There is no need to change the tried and tested principles which have governed parliamentary democracy, accountability and the role of Parliament throughout the history of this country. This Parliament has always insisted that it must have direct say in the way in which the Government's financial arrangements and the policy decisions which underpin those financial arrangements are being conducted.

I am saying that the Opposition cannot support any attempt, Mr. Speaker, and I am clear in my mind, having heard the second speaker. I know that we are clear in our minds over here. Whoever may not be, we are clear that based on the present justification for this legislation regrettably we will not be able to support it. We cannot because this will be the first of a series of amendments. I want to remind the Attorney General, Mr. Speaker, we have agreed to a lot of pieces of legislation passing in here on his undertakings. We have accepted your undertakings - the Vagrancy Act, there was something to do, not with us, but the Minority Opposition on the Constitution. There was the Rural Commission Act in which we asked you to look at section 14 and there was a subsequent Act which had a similar ouster clause and you said you were putting all of these before a Law Reform Committee. We have accepted your word so far and I am saying we are quite willing to accept it 12.10 p.m.

. The best thing to do with a piece of legislation like this which has far reaching implications for the conduct of the financial affairs of this country, accountability and has less to do with speedy settlement of legal matters is to have this matter go to a joint select committee. Let us put these respective positions because it has implications.

I am also saying that based on the kind of comments which are made by successive Ministers of Finance and the most recent one is no different to his predecessors, including me. There are practices in the Financial arrangements of the Government which need to be scrutinised carefully and which need to be remedied. It is very important. Apart from the Financial Administration and Audit Act, I am saying that under the existing law there are practices which are not in accordance with the law. We know this. This is not an uncommon thing although Ministers of Finance like to pretend that they are great managers and they have things so well done. The Honourable Member for Christ Church South would tell you sometimes Ministries overspend before they have Parliamentary approval although he would like to pretend that under his dispensation, short-lived as it was, it was a rare occurrence but nothing is wrong with that, we can all rewrite history. I do not know enough about it because it

was never brought to my attention until it came by way of supplementaries and that is the point at which the Minister asks but there is no point asking questions when the money has already been spent.

Now if we already have those imperfections in a system which other people throughout the world herald as being prudent and progressive and truly democratic, let us not whittle down any further the scrutiny of Parliament in the conduct of the affairs of Government. I am saying to the Attorney General that, we regrettably, in its present form, would not be able to support this Bill because we put the alternatives. One alternative is to increase the allocation in this Ministry which will solve all of their problems. When you come to the Estimates you will simply tell us the kind of settlements you anticipate in the ensuing fiscal year and you would not need this legislation.

That is the first suggestion and that based, on our system of Government, is what every other Minister would be required to do. What is different about the Attorney General's Department? What has happened with land acquisitions in which millions of dollars are owed to citizens. This is not going to help them. There are more people in this country who are owed money by Government as result of going in on their property and using it for public purposes than there are people who require settlement in respect of Government's negligence and so on. That is a very important point too and I forgot to mention it

Under the present programme the description of the sub-programme says, settlement of claims for negligent damage on the part of Government departments or employees so I assume that the vote is restricted to that very narrow band.

Now, if that is so we have a further problem and this is where the suggestion comes again. Increase the vote. We will not resist it at the Estimates. Increase the scope of the subprogram. Give the Attorney General the kind of discretion that he needs in settlements and for those who wish to carry a step further as did the Honourable Member for St. Philip South quite wisely: at the end of the year, just as we have with the public enterprise investment funds below the line account, publish a list of the settlements, the awards and the costs associated therewith. That is all we are saying.

Now let me get to the end of it and say again to the Honourable Attorney General because I know sometimes he does not take these things in the spirit in which they are given. Having sat on this side and given us some warm, lashes for four years, I sometimes cannot

understand why the Honourable Attorney General is so sensitive. I know what his goals are. We all share the goals that citizens who are affected by decisions of Government should receive compensation once it is agreed and that compensation should be paid immediately. It should be paid with interest because the State must never have an upper hand over its citizens in relation to their private rights. That is a position which the Democratic Labour Party takes without reservation.

However, the only way we can continue to protect the rights of individual citizens is if the opportunity exists for matters of this sort to come before this Parliament. That is critical and therefore this legislation, in our view, reduces and does not expand the scope of accountability in our system of government and I took very seriously the pledge made by the Labour Party although I cannot find it in writing. I read this document. I cannot actually locate it in writing.

I will have to ask you, Sir, in your spare time if you have any and with your commitment to the English Language you can locate anywhere in this document...

Aside.

Mr. D. J. H. THOMPSON: I did not write this thank goodness. I do not trust it. Now that I have heard you cannot trust it I put it away and I am finish with that. I heard the Honourable Member say you cannot trust it and I put it away. So we cannot trust that.

Mr. Speaker, Sir, we have to trust something else. We have to trust the words of the Honourable Member for St. George South in his speech on the good society, on the rights of citizens against Government, accountability, transparency and all of these issues. We have to trust the commitment of this institution of Parliament regardless of which party is in office to ensure that that level of transparency and accountability is not whittled down in any way.

In fact I always got the impression, certainly from the Honourable Member for the City that there was to be a greater role for Parliament. We were to have Committees meeting all over the place at all hours of day and night discussing the major issues of the moment, of foreign affairs committees, of economic committees, tourism committees and that Parliament would be fully integrated into the affairs of the country and all that we have had. Since September 6, 1994 is legislation providing for the ouster of the jurisdiction of the courts when it comes to enquiring into the acts of public officials. It may be an error but we have had that legislation and we do not support it. We have had legislation which in essence takes

from parliamentary control the expenditure of sums of money largely because criticisms are being made about the way Government departments have been slow in executing projects. So we have less scrutiny now into what would be happening within the tenantry roads and street lights in rural areas and we went along with that until it went somewhere else.

Mr. Speaker, Sir, I am saying that if there is a commitment to accountability then the legislation which comes to this House would seek to expand on the rights of citizens, expand the role of Parliament, provide for greater transparency and that is what we are calling for on this side. That is all.

Now the Honourable Member for St. Philip South raised his concerns and we waited for a response and we got it. The response opens more problems than it solves so I will wait on the Honourable Member for St. George South who has experience in these matters of over 12 years at least or the Honourable Member for Christ Church South who as a Minister of Finance and attorney has practised on both sides of the fence and understands what accountability is about.

I will also accept the word of the Honourable Member for St. Thomas but that word if it is not translated into instant amendments to reflect our concerns will only result in the Opposition not supporting this piece of legislation.

I think we have put our case as pellucidly clear as we can without rancour. We do not mistrust the words of the Attorney General but we have genuine concerns which we would like to see addressed and we put them to this House of Assembly for what it is worth and with those few words, Sir, I have indicated the course of action which the Opposition will be taking in this matter. Thank you.

Mr. L. R. TOLL: Mr. Speaker, Sir, I am supporting the Bill because any measure that would speed up the process of vindication of the rights of the citizens of this country against the Government will have my support. There is a strong current debate in Barbados about the delay in justice. Only this past weekend I listened to a discussion on the radio involving the present Attorney General, a former Attorney General, the President of the Bar Association and another attorney-at-law. They were seeking to come to grips with this continuing problem of delay in people having their rights vindicated in the law courts of this country.

I know from experience, Sir, that this whole question of getting awards from the Government in relation to injuries and damage suffered by private citizens is a serious problem.

I know that from experience. But what I have heard from those who have spoken already seems to suggest that delay takes place between the period of the decision to make the award, whether it is by the Courts or by the Attorney General or the Cabinet or whoever, and the payment of the money. I am saying, Mr. Speaker, that the delay is in another area. It is after the submission of a claim to the Attorney General's Office and the time of agreement on the claim.

I know, Sir, that quite often you write to the Attorney General's Office and I am not talking about the current Attorney General...

Aside.

Mr. L. R. TULL: Well, he was there only a year. But I have known of some cases where claims have gone into the Attorney General's Chambers from attorneys-at-law on behalf of clients, and 2, 3 and 4 years later you cannot get the legal officers in the Attorney General's office to even acknowledge the claim much less to sit down and start negotiating a settlement. That really is the period of delay. The delay is not between agreement on an award and the time of payment, but between the submission of the claim and the time in which the Attorney General's Office finally comes to an agreement on the quantum of the claim.

I, Mr. Speaker, do not want to get into the question of the delay of judgments and the delay in the Law Courts and so on. If there is some legislation or some administrative action that can be taken to speed up that particular process, that too has my support. But at the moment, Sir, as the Honourable Member for St. John has mentioned, I feel strongly about the good society. I do not know exactly what he means when he talks about a good society. But I feel strongly, and that is the philosophical base of my politics, that the good society is a society in which the people can be the beneficiaries of the justice that is inherently theirs not something which they have to scramble around and beg for. They are entitled as citizens of this society to benefit from whatever one considers just and fair in the society. I feel troubled, Sir, about the continuing problem in the legal and judicial fields. We are supposed to be dispensing justice and making the people in the society feel comfortable that they are being looked after and that they do not have to worry about any trampling of their rights. I feel uncomfortable that in our society today this is still one of the major problems confronting our people.

We hear the question of acquisition of land, and people waiting for 10 years and so on to get their money from Government. Many people die before they get their money. We have a situation, Sir, where people are damaged and injured because of negligence on the part of

the Crown through its servants or agents and people have to go for years waiting for compensation. That is not consistent with a good society, Sir. Government has to look after the interests of the people and particularly those people who are disadvantaged, those who do not have the privilege of high priced lawyers and other resources. Those people must feel comfortable that they are being protected by the system. I feel very often that that is more a delusion than a reality.

I accept, Sir, this amendment and I do not share the fears of the Honourable Member for St. John. I do not believe that it is a whittling away of the powers of Parliament. The Attorney General will obviously in his time explain how these matters are dealt with. I can but I will leave that to him. Because there is no requirement as I know it - and I am prepared to be put right - where the Government is required at the moment of coming before Parliament and informing Parliament of any award for damages that have been agreed by the Crown. I do not know that that is the law. I have never heard it and when matters are brought before Parliament in the case mentioned by the Honourable Member for St. Philip South, he is talking about a supplementary vote that came before Parliament to meet a general set of cases, not any particular case. Because the Attorney General may vouchsafe certain information in respect of a particular case, there is no requirement in law that he does so.

I want, Mr. Speaker, to veer off slightly in respect of the question of the availability of money to meet urgent payments. When I first went into Government, Sir, there used to be in the Estimates a contingency vote for each Ministry. I remember when I was in the first Ministry that I occupied there was a vote of \$10 000 for contingencies that was under the control of the Minister. As someone mentioned, the Minister never wrote any cheque. The cheque had to be written by the accountant and it was recorded on file what the money was for. Well, let me give a simple example. If a Minister, who constantly meets members of the public and national and international organisations for meetings in his Ministry and offers his guests coffee and so on, and he discovers that the coffee cups are cracked and chipped, and he wants to buy a new set of a dozen or two dozen of coffee cups and saucers, in the old days you could touch the contingency vote and buy a set of tea cups and saucers. A decision was taken at some point that Ministers are not in a position to spend money, so the contingency vote was taken away. It means now, Mr. Speaker, that that Minister either has to pull his own pocket to buy the coffee cups and saucers or continue to use them until the new financial year.

Now I feel, Mr. Speaker, that it was a bad decision when it was taken. It deprived Ministers of a contingency vote of that nature. If that vote were returned it

would meet a number of the concerns that are being expressed. I will give an example that is directly relevant to the point we have in hand. There are cases when someone is injured on the highway and there is a claim against the Ministry of Transport and Works. Someone is walking and falls into a broken culvert or whatever and a claim is made against the Crown. One of the attorneys in the Attorney General's Office settles the claim with the attorney-at-law representing the person who is injured. Then when you are waiting for the money to be paid, you are told that you have to get in touch with the Ministry of Transport and Works for the payment. When you get in touch with the Ministry of Transport and Works, they tell you that they do not have any funds available to pay the claim. You get back to the Attorney General's Office and you say to them that the Ministry of Transport and Works say they do not have the money to pay this person and they say that you will have to wait until a new financial year. Because your claim is a modest claim of perhaps \$3000 or \$4000, the Attorney General is not minded to come to Parliament for a supplementary just to meet \$3000 or \$4000 and the person injured is driven from pillar to post over a period of time, a person who is desperately in need of his or *her* money and cannot work because of the injury and has no income. Such people are driven from pillar to post because of these defects and deficiencies in the system.

If I have any quarrel with the Bill, Sir, it is that it has not gone far enough but I accept all that is before Parliament in this Bill. I do not buy the argument of the Honourable Members on the Other Side that it results in any derogation or whittling away of the rights of Parliament. Rather, it seeks to give some measure of relief to those citizens of Barbados who sometimes must of necessity feel that they are not part of the good society. 12.30 p.m.

The Honourable Member *for St. John* suggests two things. He suggests that you increase the amount in the vote. I do not know what kind of solution that is, because it is virtually impossible to forecast the amount of claims that will be made, against the Crown during the year, how many settlements would be agreed on and the quantum of funds required to be paid out. So you may put, as the Honourable Member *for St. John* said, \$2 million in the vote for one year and you may only spend one-tenth of the \$2 million, but in the following year you may spend three times the \$2 million, so it is extremely difficult to forecast and I do not think that is a serious suggestion for remedying the problem we are dealing with. He also suggests that perhaps what we could do is increase the scope of the Subprogram so that the Attorney General would be able to deal with matters beyond those of injury and harm arising out of the negligence of the Crown through its agents or employees or whatever, that, in my

submission is like, if I may put it rather crudely, Sir, spitting up in the air and letting it fall back in your face, because the Honourable Member *for St. Philip South* is already suggesting that the Attorney General, whoever he is, should not be given these excessively wide powers because if he has these powers he has an opportunity - I put it no higher than that - to use his position to benefit himself or his friends. I do not buy that at all, Sir, and I think it is showing a level of mistrust in our people and in our system that I do not think the Honourable Member *for St. Philip South* seriously believes. As a matter of fact, I heard him speak on this Bill and there was a total lack of conviction in what he was saying. He is usually more assured when he believes in something and he puts it with great conviction, feeling and eloquence than how he dealt with this today. One gets the feeling that he spoke because he is the shadow spokesman on these matters and he felt that he would make a contribution. On the one hand, he was saying do not give all these powers to a public official, including an Attorney General, and on the other hand now we hear we should increase the scope of the Subprogram and give the Attorney General an even wider area in which to make decisions for settlements.

Now, I want to mention two other things very quickly, Sir. This question of publishing awards. I understand what the Honourable Members are trying to say. I know that the awards in the law courts are public. There is nothing secret about any awards in the courts. Anybody can know about them. But the truth of the matter is that very seldom awards made to persons get into the public domain. People do not leave and go into the Registry and check to see the size of a judgment that somebody has got, so generally speaking except for high profile cases and high profile personalities the quantum of claims given in the law courts is not generally known by the public. That is not a bad thing, Sir. Whenever people get lump sums of money in Barbados they are under enormous pressure from the community, from their relatives, from their new found friends, from their enemies and therefore I am cautioning against the proposal that once a year you publish a long list of persons and say these are the ones who got judgment against the Crown during the year and this is how much money they got.

I remember about two or three years ago the Auditor General published in an Appendix to his Report the names of Members of Parliament and Ministers and others not in Parliament who had borrowed money from the Government as car loans. There is nothing wrong with car loans. The law makes provision for Public Officers and Members of Parliament to get car loans, but they published in the Auditor General's Report what each Member of Parliament who had a loan owed, how much he borrowed and all of that, and I saw the indignation expressed right

here on the Floor of this Parliament. The Honourable Member for St. John was one, and with good reason, Sir.

Mr. D. J. H. THOMPSON: On a point of order, Mr. Speaker, Sir, the Honourable Member for St. George South is very smart in saying that My indignation was at the fact that the article said that I was not paying back my loan and it was being deducted from my salary every month. That is what I was indignant about Anybody can publish anything truthful about me, I do not mind that

Mr. L. R. TOLL: But you understand, Mr. Speaker, how all of us would feel - not only the Honourable Member for St. John, I too - if I had a car loan from the Government, as they tell me I am entitled to, but by the way I do not have any loan from the Government for any car, but I would feel badly if I find the Auditor General had published a list at the end of the year to tell all and sundry: "Look, Tull borrowed this money," and then when I drive down the road people telling me, as I have heard, Sir: "Man, you driving we car." So I want to caution that we do not get into this business of publishing awards.

I do not believe the Opposition believes that the office of the Attorney General has reached a level where there cannot continue to be the basic trust and confidence that it has enjoyed over the years, whoever has been the Government and whoever has been the Attorney General. To argue a case based on the infelicities that obtain in other jurisdictions is to do an injustice to Barbados. It is true, Sir, that as long as you are human you are going to be subject to error and you are subject to all the foibles of human nature, but we have nothing so far in our system to say that we should over-react in areas where the public, politicians, everybody have invested a great deal of trust and confidence. To even begin to criticise these areas is to undermine one of the few things that we have firmly established in this community and is accepted by all.

The final point I want to make, Sir, relates to this question raised by the Honourable Member for St. John about *ex gratia* payments. I may misunderstand this and I am going to ask the Attorney General to explain when he gets up, for my benefit. I was under the impression that this did not relate to *ex gratia* payments.

Aside.

Mr. L. R. TULL: Oh! In which case then I could not understand why the Honourable Member for St. John was putting such a strong case for *ex gratia* payments, because *ex gratia* payments do not require the Crown to accept any liability. The very fact that they are *ex gratia* means that

the Crown has not accepted liability and I think it is a horse of a different hue between....

Aside.

Mr. L. R. TULL: No! Settlements of claims made by the Attorney General do not have to be approved by Parliament. We must not get into these things, Sir. When the Attorney General settles a claim, that is it. You do not have to get the approval of Parliament If that were so, it would be asking the chief legal advisor to the Crown when he forms an opinion to come and get laymen to question... 12.40 p.m.

Aside.

Mr. L. R. TULL: There is a big difference, Mr. Speaker, Sir. I will wind up. I will not let the Honourable Member keep me going longer than I intended. But there is a lot of difference between the question of debating the nature of the settlement and the provision of money for paying that settlement That is a distinction, Sir. The Honourable Member for St. John although I know he knows there is a distinction continues to blur the two.

You come to Parliament to get money to pay *for* settlement. You do not come to Parliament to get Parliament's approval for settlement I have no more to say, Mr. Speaker.

Hon. Sir HAROLD St. JOHN: Mr. Speaker, I am going to try in a calm way to bring this debate back to the provisions of the existing law and what the amendments seek to do.

As I understand it, Sir, the first section in this amending Bill seeks to amend section 22 of the existing Crown Proceedings Act I sent for that The existing section 22 speaks of a situation where civil proceedings have been brought against the Crown and a judgment or order has been made by the Court resulting in the Crown having to pay to another party the fruits of that judgment It sets out a procedure and the procedure is that, having obtained that judgment, you apply to the Registrar for a certificate of the judgment. You then take that certificate to the Accountant General's office and he has to pay out the money.

The first section of this amendment says that instead of having the words:

"The Accountant General shall pay out of moneys voted for the purpose by Parliament to the person entitled or to his solicitor",

that the amount

"shall be a charge on the Consolidated Fund and shall be paid to the person entitled or to his attorney at law."

The accountability is already provided by the fact that before you can use that section you have to go to the Supreme Court and get an award That is the position.

I cannot see that the simplification of the procedure as contained in the amending Bill can offend any question of accountability, because the law itself has provided accountability in this respect to a different institution than the Court. Here the Court is the accountable institution. So that deals with the first section.

Now the second section is a new section and the second section is new in the sense that it makes a provision where there has been an out-of-court settlement or an in-court settlement. When you have an out-of-court settlement, what the second section seeks to do is to equate the machinery for satisfaction of the judgment with a machinery which exists in the law for satisfaction of the judgment where you have a court award. That is all that it is trying to do.

Sir, we must now look at this in relation to the potential danger arising from this change. We have to remember that this Bill only relates to the liability that the Crown had by virtue of the Crown Proceedings Act. It does not relate to anything else where the Crown has to pay out money under other Acts, the Land Acquisition Act, the Town Planning Act, and all of them, it does not relate to them. This is purely relating to the liability of the Crown which has been provided for by the Crown Proceedings Act

Under the existing law, it is possible for the Crown to settle a case without anybody knowing. There has been a settlement. I have been in here long enough to remember a few things, and I remember there was a settlement with the Headmaster of Lodge School that took place and nobody ever heard of that settlement yet. But I know the Crown paid nearly \$300 000. There are hundreds of other cases that have taken place in similar circumstances.

Now there are limitations, Sir. If you have a question of a road accident and the tortious liability, very often the Crown has no control of that litigation at all, because the Crown is insured and it is the Insurance Corporation of Barbados which takes control of those cases, not the Crown. The rule is very clear. Very often at the Port, and the Airport in particular, the Crown carries special insurance. My understanding is that for the schools the Crown carries a special third party liability insurance.

It seems to me that when one looks at the history of this and looks at the limited purpose for which the amendment seeks to provide a remedy, in truth and in fact, the question boils itself down. Can this really not be said?

As the Honourable Member for St. George South has said, it isn't anything other than facilitating machinery so as to speed up the process when a litigant who is a citizen of Barbados has in fact been able either to get a judgment from the Court or has been able to satisfy the people who advise the Crown that there is a genuine case of payment of compensation.

It is quite clear that the Estimates every year under the Financial Administration and Audit Act will have to provide some kind of money for this, because the fact that you have used the words in the law that it is a charge on the Consolidated Fund does not mean that the Estimates is not going to reflect it because judicial salaries, parliamentary salaries all of them, in Barbados under our system of the Financial Administration and Audit Act says that you don't have to vote it by a Resolution in here if there is a pre-existing law that provides the charge. It is still in the Estimates so that the disclosal mechanism that our existing financial provisions make is that we have 2 types of charges upon the public fund - one by a pre-existing statute and one where every year you have an annual vote.

All we are trying to do here seems to me is to say that this is a charge under the Crown Proceedings Act but money has to be in there. I know that the Auditor General is going to do his duty. The Auditor General is going to audit this in the same way that he audits any other department whose vote is comprised of monies which are charged on the Consolidated Fund by virtue of a specific Act

There is one thing I agree and I think we all in here agree on and that is that we need to improve our machinery and improve the Financial Administration and Audit Act. The Honourable Leader of the Opposition knows that that is a bi-partisan matter, that all of us agree on that. I only hope that the Honourable Member will be able to devote some more time in his capacity as Chairman of the Public Accounts Committee so that we can put pressure on those whose duty it is, be it the Minister of Finance, be it the Director of Finance, to get the new amending law.

We are not unique in this respect. I have before me a document here and I will lay it on the Table of the House, Sir. The document is called Better Accounting for Taxpayers' Money. The Government's Proposals, CM2929. In the United Kingdom and in other parts of the Commonwealth this question of better accounting for Government's money is a live issue. We are part of that, Sir.

In New Zealand, as I have constantly been pointing out, they passed a special Act called the Financial Responsibility Act and it charges everybody there to conform with the dictates of the IMF mandate. That's a fact, Sir. That is a position that is popular nowadays. I am going to send the Honourable Member a copy of the Act. Therefore, it is a question that if the Honourable Member wishes to improve the system of accountability, he is in a unique position now where he can dictate the pace on how fast it is done. I can assure him that I am willing to help him. Therefore, I do not think that we should attempt anything in this case which really seeks in the first section only to amend the existing Section 22. All this does is to equate an out-of-court settlement with a sum. 12.50 p.m.

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

Asides.

Mr. SPEAKER: Please let us continue orderly.

Mr. B. M. TAITT: Mr. Speaker, I have listened very carefully to the debate so far and one of the very interesting things to me is that the contributions by the Honourable Member for St. George South and now the Honourable Member for Christ Church South suggest to me that the Attorney General does not need this amendment. It suggests to me that, in fact, if the Attorney General will examine the debate up to now, he might give very serious consideration to forgetting this amendment because it appears to me that the only area where there is any question is whether he wishes the funds to be voted under one section of the Estimates or another section of the Estimates.

It seems to me that when the Honourable Member for St. George South indicated that he would support anything that would move forward the speed with which, especially ordinary people, get their compensation justly from the Government, that if he examines this issue and agrees that *ex gratia* payments do not fall under the amendments, that it is in precisely the area of *ex gratia* payments that the smaller members of the community have their difficulties because those have to be decided where the Government after long discussion has refused acceptability and that is the policy decision, those will still come from the other expenditure vote controlled by the Attorney General.

Now, if what the Honourable Member for Christ Church South has said is correct, and it is only that small number of persons who will be receiving payment as a result of either (a) a judgment in the court, or (b) a settlement as per the second aspect of this amendment, then

again, there will still be a large number of persons who will fall outside the ambit of these amendments which are being proposed. They will still then fall under the accepted and present method of payment; so that one is not clear how many of these persons we are now whittling down to a relatively small number will be captured by this amendment.

I have another concern that the Attorney General should look at. What we are doing is moving this very small number of persons from a category of "other expenditure" into a ratified category of persons, that is to say, the Governor-General, Judges and certain persons appointed by the Public Service Commission. Those are the only categories of persons who receive their payment from the Consolidated Fund under what is called Statutory Expenditure.

Contrary to what the Honourable Member for Christ Church South suggests, it does not derive from the Financial Administration and Audit Act at all but from the Constitution itself. The Constitution itself states categorically that each person, and I think it is at section 109, these are the persons - between sections 107 and 109. The persons are identified in section 112 who shall be eligible to receive statutory payments but the key is in sections 109 and 110.

What happens is that we are shifting the burden from the Attorney General now to the Minister of Finance because the Minister of Finance will still have to give a warrant for the payment of statutory expenditure under section 110 of the Constitution. The Minister of Finance therefore, in a situation where there is no money in the Treasury, will not give a warrant for payment; and changing the words which are proposed in this amendment from those which currently exist under the law will not increase the likelihood of payments if the country through the Accountant General, does not feel it is in a position to pay. The impression which has been given by the earlier speaker is that the mischief which is to be corrected...

Hon. D. A. C. SIMMONS: On a point of order, Sir. I have resisted the temptation to interrupt Honourable Members because I think they are serious about the points they are making. But I just wish to point out to the Honourable Member who is on his feet, since he is referring to the Constitution, he should look at section 109(6)(b) which states:

" * statutory expenditure' means expenditure charged on the Consolidated Fund or on the general revenues and assets of Barbados by any provision of this Constitution or of any other law for the time being in force in Barbados."

While the Honourable Member is there he should look at Cap. 5, the Financial Administration and Audit Act, Section 5(3):

"The estimates of expenditure shall show separately the sums required to meet statutory expenditure and the sums required to meet other expenditure proposed to be paid out of the Consolidated Fund/"

That does not necessarily limit statutory expenditure to salaries and wages for the Governor-General or whoever.

Mr. B. M. TAUT: Mr. Speaker, I am grateful to the Honourable Member, fully seised of the information he gives, but I think he will be aware that the requirement for the estimates to be submitted in a particular way is determined in the Constitution itself and under the Financial Administration and Audit Act.

The Constitution itself requires that the estimates should be presented in Parliament in the way they are currently presented, that is for statutory expenditure which falls under the categories he has identified and I have identified, and other expenditure. The decision on other expenditure is made by the Minister to a large extent in that the Minister of the particular Ministry weighs the amount which is anticipated to be used in that particular category of expenditure during the coming year. The statutory expenditure still has to be estimated in this case and this is the point.

I have heard Honourable Members saying that we want to get away from estimating but there is no way that putting it under "statutory expenditure" will determine how much will be spent or can be spent and as the Honourable Member for Christ Church South so rightly said, if it is not in the vote it still has to be put into the vote because whether it is statutory expenditure or otherwise, it has to be voted for in Parliament 1.00 p.m.

I am not satisfied that the amendment is going to move us any farther than we are at the moment and I am saying this in all seriousness. I do not believe that the thought that it might move us forward is useful in that when public officers see that something is statutory expenditure they tend to regard it slightly differently from when it is other expenditure, because they know that statutory expenditure cannot be interfered with subsequently once it has been agreed upon; but that only applies to salaries. If there is no money in the vote for the statutory expenditure concerned there can be no payment of the statutory expenditure by anybody.

Now, on the question of accountability in that regard, Sir, I do not think that I wish to add to what has been said because the point has been fairly well ventilated.

It seems to me that the second part of this amendment which is dealing with out-of-court settlements, it seems to me that the delays which occur and I know there will be some who will be fast to jump and say the delays which occur so far, Sir, occur not so much because of the vote from which the amount would be paid but it occurs primarily because of the attitude of those persons who are dealing with the cases concerned. And sometimes it occurs because as I have said before and I will say again, there are persons called upon to make decisions, in the public sector, which are beyond them and rather than seek the assistance of someone higher up they tend to put the file away.

Mr. Speaker, Sir, I listened to the Honourable Member and his colleagues on a programme on Sunday in which they were talking about practices and delays in the public sector with regard to the law in Barbados. I thought it was an enlightening programme in that all four of the participants answered the questions frankly and honestly and I believe that it would go some way towards providing a basis for discussion of the issues concerned in Barbados.

It is interesting to me, Sir, that whenever we are discussing what is causing delays it does not seem that we can deal with the issues directly. It has to do with the need to reform the old system that we have which requires people to make twenty-first century decisions using nineteenth century capacity and technique and that is basically what is happening in relation to these amendments which^o have come before us. It is being suggested and it is constantly suggested that if we change the existing law or change the existing clause or change the existing phrases that somehow people are going to be galvanised into action.

Mr. Speaker, when I became a politician one of the older politicians once said to me, "if you hold a pint pot under a pipe for an hour, at the end of the day you can only still have a pint in the pint pot". For those who are not familiar with how much is a pint, it is 4 gills. I was going to give the metric equivalent but I got some assistance here and I just thought I should confuse Members on the Other Side some more by saying 4 gills. So, Sir, if you ask a person who has no experience in settling matters of a certain kind to make these decisions, according to the structure in the Attorney General's Chambers and this is the point I am coming to, you have persons who go from law faculty to law school to Attorney General's Chambers and within a relatively short time they are required in many instances to make some serious decisions. It is proper that they should be thrown in at the deep end as early as possible because otherwise it would not make sense. Even so it is required, in my view, that there be for purposes of settling these kinds of issues, a sufficiency of persons at the levels who can make

these decisions. That is the change that will occur. This amendment is going to take us no further than we are if it is going to be merely a change of the language. There has to be provision for those persons who, by virtue of their experience, will be able to make decisions that are likely to be accepted and acceptable by the policy makers at the highest possible level.

Now, Sir, I am not satisfied that anything is going to happen different from what happens now, except that people out there have been led and will be led to believe that now this has become statutory expenditure that from the time you get knocked down by some negligent person who is an agent of the Government and you go and see the lawyer in Coleridge Street or wherever, that it is only a matter of a short time before you get what is due to you. I put it to the Attorney General, through you, Sir, that five years from now if we have a discussion we will still find that there have been persons who, through no fault of their own - they might not have chosen wisely in seeking advice or there may be another reason - but there will still be persons who in spite of our having statutory expenditure, will not have been paid in a timely manner in the circumstances which this purports to be changing.

I expect, Sir, that this will make no real difference but I will wait to hear the Attorney General in his explanation. I want to repeat. It does not cover the *ex gratia* payment to a number of people. It does not cover a wide section of persons who will be entitled to payment under the present circumstances according to what the Honourable Member for Christ Church said. It will only cover those persons who have received a judgment in the court and in the case of the Government and citizens of Barbados the chances are that there would be very few that actually go to court. It will cover those persons who fall into the second category of settlements and those settlements will still depend on how much money is available and that money available will still be either in "other charges" or "statutory expenditure". The statutory expenditure vote will now appear in the Attorney General's Head in pretty much the same way as if it was a judicial head to have the judges, the Governor-General *etcetera*. So the same amount will have to be voted.

I am contending that the Attorney General would be in no better position to estimate how much money he is going to be using to head his other statutory expenditure than if he puts it under Other Expenditure where it now occurs. I would wait to hear the Attorney General say how the change from the one will make it easier for the citizen according to what we have been hearing so far today, Sir.

SUSPENSION

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that this sitting be now suspended to 2.15 p.m.

The question was put and resolved in the affirmative without division and Mr. SPEAKER suspended the sitting. 1.10 p.m.

RESUMPTION

Mr. SPEAKER: The sitting is now resumed. The Honourable Member for St Joseph.

Dr. R. L. CHELTENHAM: Mr. Speaker, the amendments of Chapter 197 of the Crown Proceedings Act under discussion today are very much to be welcomed. There really are two principal amendments. The first has already been addressed by several speakers and only seeks to change the method by which one qualifies to secure the fruits of a judgment against the Attorney General and the second one which is the one to which I address most of my remarks has to do with out-of-court settlements against the Crown. The view has been expressed that what is being proposed here names the principles of accountability insofar as each and every settlement the payment out of it would not have to be done pursuant to a Resolution of this Parliament.

I think that some of the discussion is proceeding on a false premise and that is that the class of persons which we are seeking to help by speeding up the process is small and a large number of cases are filed against the Government every day resulting from damage to property and damage to individuals by almost all Ministries and Departments of Government. Every day there are accidents in the schools involving the Ministry of Education or the School Meals Service. Every day too there are accidents on the highway involving the Ministry of Public Works of some malfeasance on the part of servants or agents of the Crown. Every day there are matters happening at the hospital which result in actions being filed against the Attorney General.

So that the class of persons which we are seeking here to help by speeding up the process is really a large number. It is a mistake to be proceeding on the premise that we are talking about a few cases and a few people.

The second situation is that there are so many cases that Government finds it difficult if not impossible to estimate with certainty or at all the amount of money that will be called for in any year so as to put that in the yearly Estimates. Whether you put a million or two million dollars, the figure will prove inadequate. There are some cases now that are attracting settlements of a half million dollars and more, so that a figure of a million dollars may appear, for example, two claims will consume that and wipe it out. So that what the learned Attorney General is saying as I understand it in this matter is that an out-of-court settlement, whether it is \$500 or \$500 000,

constitutes a debt when once the Crown has accepted liability and has agreed on the quantum whether it is his property or his person should receive. Rather than come here on each and every occasion - and I do not know of any Parliament in the world and certainly the ones from which we take our lead, the Canadian Parliament and the U.K. House of Commons and so on, for the settlement to be the subject of a Resolution as happened only a few months ago involving the luckless Megan Smith, a matter to which I will return - his view is for us to have a line in the Estimates giving the authority for the monies to be paid out. We will still be accountable to Parliament in the sense that the Accountant General will be able to make a report and the Public Accounts Committee would have the opportunity if necessary to probe this area from time to time and the principle of accountability will not be laid.

The first point that I wish to make is this, Mr. Speaker. I am not persuaded that this measure by itself will cause the speeding up of the process of the settlement and the payment of the claims. I feel very strongly that specialist staff have got to be recruited in this whole area of personal injury in the Solicitor General's Department. It is a matter which ought to be drawn to the attention of Parliament and the public that in the case of Megan Smith which happened in 1989 involving a nurse at the hospital and was submitted two years or so after to the Solicitor General's Department, the matter was not settled until a few months ago and for years no one heard from the Solicitor General's Department. When they were contacted, they were honest enough to say: "Look, we do not have specialists in here on personal injury matters. Two to four people have been dealing with this matter and no one has the specialist knowledge to see it through to the end." In the end, I think it is fair to say that the learned Attorney General had to bring his experience and knowledge to bear on the matter and we were able to get a satisfactory settlement.

The point that I make, Mr. Speaker, is that the cases are so many and personal injury constitutes such a load on the Solicitor General's Office that I really think that the learned Attorney General ought to make it a priority consideration to ensure that there are at least two specialists in the Department who will be concerning themselves exclusively or almost exclusively with personal injury matters.

Aside.

Dr. R. L. CHELTENHAM: Yes, the point that is being made *sotto voce* is not without merit, that if he is to recruit people of that standing there may have to be some flexibility of the remuneration so that the jobs can really be made attractive to the members of the present Bar who have some expertise in this matter.

The second point that I wish to make has to do with the fact that the executive state of Barbados continues to have enormous privileges in relation to the ordinary litigant. There was a time for example all around the world, Mr. Speaker, when the state was so privileged that you could not even get an injunction against the executive to begin with and in some jurisdiction you had to file an action against the state within a matter of six months. Here in Barbados for many years there has been the one year rule whereby for example if you were knocked down on the road through no fault of your own but through the negligence of an officer of the Ministry of Public Works in the course of duty, if you did not bring that action within a year of the date of the accident the Crown can always claim that you are statute barred and as a result your claim fails. That continues to be the law in Barbados even though dating back from the days of the Honourable Member of Christ Church West, Parliament has been assured that amending legislation would shortly be before the House. In fact, when the learned Attorney General first held that position of Attorney General way back in 1985, he too had indicated that he had seen some work in a Limitation Bill on his desk and that he was confident that within the course of the year, and at that time he was speaking within 1985 and 1986, he would have been able to bring it to Parliament. 2.25 p.m.

It is now almost ten years since and we are still at the position where if a luckless victim of negligence on the highway on the part of a Government servant has been misadvised, or not advised at all, and fails to bring an action within a year, that action will be statute barred, and in some of these accidents the injuries resulting therefrom are severe and disabling indeed. That really puts the citizen at an enormous disadvantage and what I am saying to the Government, and particularly to the Honourable Attorney General, is that the Government should really move with dispatch to ensure that that short limitation period of one year which the ordinary citizen has, acting as litigant, to bring a case against the Government resulting from the negligence of the Government servant should be removed and that the Government should be placed on the same footing as any other litigant. In fact, this should be so in every respect, because part of the revolution in human rights in the last 20 years around the world has been that the State's position has been equated to that of the citizen almost everywhere, and the State is at no particular advantage in many other progressive and civilised jurisdictions.

We cannot really discuss this matter, Mr. Speaker, unless we recognise that, the amendments notwithstanding, the ordinary litigant is still placed at an enormous disadvantage in dealing with the Crown. The Crown has to be prepared to cede, to give up its long standing and

historic privileges and create a level playing field as far as itself and the ordinary citizen and litigant is concerned. This is one of the areas in which the Government needs to move with despatch and give priority to the introduction of a new limitation Bill which will make sure that the Crown, the State, is at no particular advantage, no special advantage in relation to litigation *vis-a-vis* members of the community.

Mr. Speaker, they are the two main points I wish to make in relation to this matter, but I think there are lessons arising from the Megan Smith case which the office of the Attorney General and Solicitor General ought to bear in mind. There is really no reason why the A.G's office or the Solicitor General's office should take three or four years to respond to a claim that has been set out with great particularity. That led to all sorts of rumours and suspicions, that the attorneys had been paid out and that they had not reported to the clients. It added to the distress and the anxiety of the luckless victim of the accident, that occurred through no fault of her own, and on the whole there can scarcely be any justification or any excuse for a department of Government to take three or four years to respond to a legitimate claim made by a victim of an accident in circumstances in which the accident occurred through no fault of the victim but as a direct result of negligence on the part of a Government agency.

I would really hope that those in the A.G's office and the Solicitor General's office would show more sensitivity, show a greater sense of urgency and respond to these matters with the despatch that they deserve.

There is another area that causes delay and it has to do with the fact, Mr. Speaker, that many public servants are reluctant to report accidents that happen at their work places. We have a situation where, just to give an illustration, a lady sits down in a chair at a school, she is a School Meals Worker, the chair collapses under her and her back is damaged to the extent that she cannot work again. After six months the accident has not been reported to the Ministry of Education, although the Headmaster was on the spot within minutes of the collapse, and to that extent the Solicitor General's Office cannot get back to say: "We have had a report of the accident and from the circumstances we accept liability. Please submit your claim as soon as you are able so to do." So that public servants on the whole must appreciate that they have a responsibility when an accident takes place in their Department to report it to the Ministry involved with the understanding that the Ministry will with despatch pass on that report to the Attorney General or the Solicitor General, as the case may be.

The point I am making, and on which I wish to conclude, is that these amendments by themselves will not

ensure that justice is any more swift as far as these luckless victims of accidents resulting from the negligence of the Government or its servants are concerned. Much more needs to be done. Civil Servants need to be much more alert, much more responsible and report accidents with despatch, and honestly too. The Minister needs to ensure that personal injury specialists are recruited in his Department, in the Solicitor General's Department, and on the whole this whole area involving hundreds of people per year needs to be treated with far more urgency on the part of Government and its officers.

Mr. D. St E. KELLMAN: Mr. Speaker, I rise to speak on this Crown Proceedings (Amendment) Bill. I want to say that when the Honourable Member for St. George South was speaking I took a note of what he said. He said that some time ago published in the newspapers of this country was a list of parliamentarians owing the Government of this country sums of money, and the impression at the time was that those politicians used their power to get money and they abused that power. When I reflect on what was said previously, Sir, I said to myself if we have a situation where we allow the Attorney General, whoever it might be, to have out-of-court settlements, all one has to do is to start passing a rumour that somebody is related to someone and then the impression would go through this country that we as M.P's get in our offices and make settlements on behalf of our friends. Sir, the intentions of the Attorney General might be good, but one must guard one's self against situations like this.

As you are aware, Sir, some time ago there was a levy called the Transport Levy and we heard all sorts of things about it. When I think about this Bill it reminds me of the Transport Levy and the type of rumours you can hear. We as politicians have many demands and as you would have seen a couple of months ago, there was an article published in one of these newspapers which gave the impression - it might have stated the facts - but there is a belief that we as politicians do all sorts of things and that we are rich people, and that article put a lie to a lot of things that have been said about politicians. 2.40 p.m.

I also want to say that in the same way that we have to bring information about the Public Enterprise Fund to the House of Assembly that we should be doing the same thing on the Crown Proceedings Bill. We want to see the information so that the public would not believe that we are hiding behind any Bill or any clause to protect ourselves. We must be very careful. Rumours are strange things and sometimes you try to do your best, but then something is said and the wrong impression goes through the country.

I will say to the Attorney General that even though his intentions might be good, I am not convinced that bringing this amendment would speed up the process of anyone getting their compensation within a reasonable time. I share the views of the others that if we have a problem we should correct the problem at the base and not at this stage. The problem is not in Parliament. The problem is within the confines of the Court and also within the confines of the Attorney General's Office and the officers etc.

I am saying to you, Sir, that if we want to do something maybe what we should do is try the other process and if we cannot achieve there then there is no way we can achieve in speeding up the process here. The one-year limitation, Sir, I also have a problem with that, because sometimes, as you are aware, Sir, you might be sitting in a chair and you might get a fall and you might not feel the full effect of that until a year or two after. What will happen is that you will have no right to claim. I think that we will have to put something in here to protect people from situations like that. Thank you very much.

Hon. O. S. ARTHUR: Mr. Speaker, I wish to make a brief contribution to this very interesting debate. This debate, if anything, underscores the very deep divisions within the Democratic Labour Party even on a relatively simple matter like this. On the one hand, we have the point of view put very strongly by the Member for St. Michael West that the amendment will take us no further than we are, that it will make no difference; and we have the point of view put by the Leader of the Opposition that the amendment will make a major difference, that it will undermine accountability and hence reduce the integrity of our system of public finances.

That basic confusion, Mr. Speaker, is something that we are becoming accustomed to in the various representations made by the several factions of the Democratic Labour Party on matters of this nature.

Mr. Speaker, Sir, this is a matter that in our view rests on a principle and also is buttressed by considerations of practicality. The principle is simple, Sir. Our Constitution and the Financial Administration and Audit Act allow for a category of expenditure called statutory expenditure which arises from existing legislation and for which this House is presented with Estimates of Expenditure, but the statutory expenditures, those arising out

I Debt, Mr. Speaker, Charges of Debt is statutory expenditure. This House never debates nor does it ever vote on {Charges of Debt. The amounts for debt that are presented in the Estimates are paid without there ever being

a supplementary being brought back to this House in the event that the amount included in the Estimates is less than the amount that is required to meet these debts. What we are basically saying is that where the Crown accepts liability for any injury it is creating a debt, where also there is a settlement or an Order of the Court the Government has acquired a debt, and our simple position is that, in point of principle, we will treat these debts arising as a result of an Order of the Court or arising out of a settlement agreed to between the Crown and the people to whom it is liable in the same way as we would treat all of the other debts of the Crown.

Now, Sir, unless you want to say that there are some debts that are too precious to be covered by statutory expenditure, then the whole argument that has issued from the side of the Opposition is nonsensical. Unless you want to say that we should cover the repayment of foreigners by statutory expenditure and make it under the Standing Orders of this House that that part of the Estimates of Expenditure laid before the House which shows statutory expenditure shall not be voted on in this House and such expenditure shall without further authority of Parliament be paid out of the Consolidated Fund. That is the vote for statutory expenditure and the rules of this House set it out as clearly as possible. Standing Order 68 shows that that part of the Estimates of Expenditure laid before the House of Assembly where it shows statutory expenditure shall not be voted on. When you bring it to this House, Sir, you don't vote on it and such expenditure shall without further authority of Parliament be paid out of the Consolidated Fund.

What we are saying, Mr. Speaker, is that we have respect for the Courts. We have respect for the integrity of the process by which an Attorney General of this country can reach a settlement with people to whom the Crown is liable and that we should treat those liabilities binding on the Crown in the same way that we would treat repayment of a Japanese loan so that all debt now becomes statutory expenditure to the extent that we can provide for that by way of the Crown Proceedings Act.

Mr. B. M. TATTT: If the Honourable Member will give way. Sir, we are not questioning anything. What I am saying is that the small category of persons who have been identified are being elevated to a position that puts them in a category different from persons who, having the same injury, but for whom the Crown does not accept liability, do not now fall into this. Then there are those who have property that is taken by the Government in the same manner as Christopher Columbus planted a flag. You can have a section 5 or section 3 and then use the people's property for the next 10 years and don't pay. You are elevating this debt and this is the only point I make - to a higher category than the debt of persons who have property.

Hon. O. S. ARTHUR: I can understand the very valiant effort by the Member for St. Michael West to try to rescue a bad position put by his Leader. My heart goes out to him because I know how he stands as a Member of the Old Guard in this new dispensation. I know how he would want now to prove that he still has a contribution to make, despite the fact that there is a ruling view that persons of his worth are deadweight in the Democratic Labour Party and have no contribution to make. I understand what he is trying to say. I understand the delicacy of the argument that he really wants to put as much distance between himself and his Leader because he is now telling this House that all that his Leader said about how this was going to corrupt the system and destroy accountability and integrity is foolishness, and we agree with him, Sir, and that we can therefore focus as we should.

Mr. B. M TAITT: On a point of order. I don't mind the Prime Minister getting himself back into shape but don't go so far. I am saying no such things.

Hon. O. S. ARTHUR: We can admit therefore an argument as to whether an *ex gratia* payment - and I am coming to that point - should be subject to this same kind of treatment but the essential point is that that is precisely where there is the greatest exercise in discretion by the Cabinet. We are not speaking now in terms of something that is an order of the court, that is really a liability defined by the court, or a settlement agreed to. An *ex gratia* payment is in the nature of a discretionary act and therefore that is precisely the payment that should be subject to the greatest scrutiny. The Crown does not accept liability in that case so the Cabinet acts. So that is precisely why an *ex gratia* payment should still remain as "other expenditure" and become... 2.50 p.m.

Aside.

Hon. O. S. ARTHUR: You are not convinced but I know at least you are hearing me. The essential point in all of this, Mr. Speaker, is that we are of the view that once it is an order of the court the Government accepts that it has a debt, that our debts are statutory expenditure, and let us therefore classify that as a statutory expenditure, and the same thing in relation to settlements. Now, that is all that there is to this particular precept Treat debts as debts.

Now, Mr. Speaker, this matter has arisen, not because we like to change laws for the sake of changing laws, but because we have too many cases of this kind of situation where the amounts put in the estimates are insufficient afterwards, and in one case, precisely because it is almost impossible to properly estimate in advance the amount that was required to make these kinds of settlements. You have that situation therefore where you could be faced with the prospect of having to bring to the House not just one

supplementary but a series of supplementaries in the course of a single year to settle these matters case by case.

In this year, for example, Mr. Speaker, there has been one settlement that completely wiped out the entire vote that has been provided for this particular matter. The beauty of making it "statutory expenditure" is that you make a provision in the estimates for the particular item, but if there is an amount above that which is put in the estimates of expenditure that is verified arising out of the judgment of the court that you pay, it is then reflected in the Accountant General's Report to this Parliament and the Auditor General's Report.

Mr. Speaker, members on the other side expressed surprise that you pay without coming to Parliament. Statutory expenditures include, as I said, Charges of Debt. In almost every year, because of variations in exchange rates there is a difference between the amount of "Charges of Debt" that is shown in the estimates and the amount that we actually pay. This House never votes on "Charges of Debt". We never bring a "Charges of Debt" supplementary to Parliament. We would just pay it because our Standing Orders say that it is an expenditure authorised by an Act of this Parliament itself. What makes the expenditure proper is that Parliament itself has said this is something that the Government of Barbados should lawfully accept as an expenditure properly to be paid.

The same thing, Sir, if there was a civil service increase. Temporary posts are not covered by statute and you would have to bring a supplementary for them. But for established posts governed by the Civil Establishment Act any increase arising out of a wage settlement is paid to persons holding established posts without Parliament ever having to vote a supplementary. I am saying that in this particular instance, wherever we are at the start of the financial year, we are going to be either above or below, and in most instances you might well find yourself above. We can make this statutory expenditure on valid grounds that it is debt like any other debt and it would save many Barbadians the trauma of knowing that they have had a judgment issued in their favour, the Government owes them money and that money cannot be paid.

Mr. Speaker, this is particularly rough in instances where Parliament has to go on recess and people have had judgments drawn in their favour but cannot draw because this Parliament is on recess. That kind of problem is prevented by this because once there is the Order and this expenditure is statutory, we can simply pay. I want to say to this Parliament that this is an arrangement that I think deepens justice in the country. It makes sense from a practical point of view and I want to support strongly the Attorney General in bring this legislation to Parliament. I can only give the assurance on behalf of the Ministry

of Finance that, as we have done in all other cases of statutory expenditure, we will honour our obligations. This country has honoured its obligations even when the amounts have not been voted by Parliament.

I just want finally to touch on the question of the Financial Administration and Audit Act and to report that, independently of the Public Accounts Committee, a committee of officials in the Ministry of Finance have been meeting, have drawn up a policy paper on the Financial Administration and Audit Act and that, arising out of that policy paper, we are looking forward to having major revisions to the Financial Administration and Audit Act within, I would think, the next 6 months. I say the next 6 months because the Attorney General's office has over 37 pieces of legislation that it is working on and it will therefore find itself in the queue. But a policy paper to amend the Financial Administration and Audit Act has already been prepared and that paper is a paper that is independent of any inputs whatsoever from the Public Accounts Committee. It does not mean, of course, that members of the Public Accounts Committee could not themselves make suggestions as to what a new Financial Administration and Audit Act should address. But it will be before this Parliament in sufficiently good time that the next cycle of budgeting in Barbados will be governed entirely by a new set of Financial Administration and Audit Rules.

I am obliged to you, Mr. Speaker.

Hon. D. A. C. SIMMONS: If nobody else is speaking, Mr. Speaker, I will wind up this debate.

Mr. Speaker, I made one mistake when I opened this debate. I assumed that Honourable Members of this House had an understanding and a knowledge of the way Government works, the way payments are made out of the Consolidated Fund, the effect in the phrase "shall be a charge on the Consolidated Fund", and that Members were conversant not only with the Constitution, but the Financial Administration and Audit Act, and by way of example, the External Loan Act

I must confess, I did not remember the Standing Orders. I am glad for the Prime Minister to have drawn those to my attention. But what amazed me was to hear the level of ignorance that was paraded. I do not use that pejoratively. I mean through a lack of knowledge. The Honourable Member for St Lucy, a prime example...

Mr. SPEAKER: Of what?

Hon. D. A. C. SIMMONS: Colossal ignorance - innocence, Sir. I wrote it down just now. He said you should not allow the Attorney General to have out of court

settlements. It could lead to rumours. And he is still parading! Get up again.

Mr. D. St. E. KELLMAN: On a point of order. Already, Sir, I have heard it in the public domain and that is why I said it, that this is related to Highway 2. 3.00 p.m.

Aside.

Hon. D. A. C. SIMMONS: How do you mean stop attacking the little boy? He is a big man inside here.

There are several every year as a result of negotiations between the officers of the Attorney General's Department and private lawyers, cases are settled. They go to Cabinet. Cabinet makes a decision. If they have money, the money is paid.

Asides.

Mr. SPEAKER: Please. Please.

Hon. D. A. C. SIMMONS: Sir, I do not ask for any quarter in here. Next year is 20 years. There are Honourable Members on the other side who have been equally as long in here.

Sir, several matters are settled every day. Cabinet makes a decision based on a recommendation from the Attorney General's Chambers. People are paid. We do not know about them. We do not know about the settlement. If the vote is burst and you need additional funds you will come and you might explain the purpose for which you need additional funds but seldom have I heard in here the names of the litigants or the clients involved. We brought Megan Smith in here and we talked about Megan Smith. I have been in here for years and you just come and ask for another \$500 000 because the vote is extinguished to settle other cases. We do not know who they are and nobody has ever in my 19 years in this Parliament ever insinuated that any Attorney General, on any side, was in a position to compromise his integrity because he was entering into a settlement.

Aside.

Hon. D. A. C. SIMMONS: No. I am finished with you. I explained. You do not know that cases are settled all the time for all the years by Attorneys General.

Aside.

Hon. D. A. C. SIMMONS: You want to start rumours? You can start rumours.

Asides.

Mr. SPEAKER: Please let us continue orderly.

Hon. D. A. C. SIMMONS: The Honourable Member for SL Joseph, apart from the Honourable Prime Minister, with due respect to everybody else, connected with some of the key things about this and I want to deal with some of the points that he raised to give Honourable Members an idea of what we are trying to do by way of some reform in this area.

The Honourable Member mentioned that personal injuries staff are needed. The Honourable Member for St. John spoke about the problems of delay in getting settlement. I will take the two together, Sir, because they are making similar points.

One of the problems of the last Government was that the staff in the Ministry were not given a free hand to go ahead and negotiate settlements. Every matter, \$5 000, \$50 000, had to come before the Attorney General himself to deal with. Now, that may have been a result of IMF dictation. It may have been his style. I do not know, but those are the facts. I have adopted a different attitude. I have had meetings with all of the staff who have to deal with these matters and the first thing I told them, you are qualified lawyers. If you were in private practice and a client had come to you, you would have to make a decision there and then on your own and give advice, go and look up the law and say, I think you can get \$20 000 for this or whatever. But you will only be able to develop if you are given responsibility. I have therefore said that I do not wish to see any settlement under \$20 000. I gave the officers the opportunity to feel some measure of independence.

Now, the system is this and you have to understand it. If it is a Crown Counsel/Senior Crown Counsel he will negotiate with the lawyer in private practice and make a recommendation thoroughly written up and researched. That then goes to the Deputy Solicitor General, then to the Solicitor General. Prior to last year it would then go the next step, to the Attorney General. I have said, under \$20 000 the Solicitor General can sign off on that. If it is acceptable to him and he is satisfied with it, he does not have to trouble me with it. That is a means of helping the young lawyers in the department gain some confidence in the handling of cases.

Now, another thing I have been doing. I found for example that, I think the Honourable Member for St. Joseph complained, you write them. It happened to me when I was in private practice. You write them and you allege that the Crown is liable. You get a reply saying the Crown is not liable. Then the matter proceeds, a claim is filed and often there are years between receiving a claim from the lawyer in private practice and recommending an

award. Sometimes it has been that a lot of paper has passed and nobody has made any decision on it.

I know that in private practice, very often, we would get together. I would go, if I was junior to the person, like Mr. Dear, I would go to Mr. Dear's Chambers, sit down with him with the file, we would go through the various items, cases and so on, or also if the other side was the Honourable Member for Christ Church South, my senior, and we would discuss the matter, negotiate the settlement and then the paper would follow. I would then write back and say, "Further to our conference it has been decided that we would settle this matter as follows: General damages "X", Special damages and you can do it more quickly. I am told the officers in the Department, get together with the private Bar, set up a meeting, let them come with their claim, and the authorities and so on and you all go through it item by item and then follow up your decisions by a letter. Put something on the file so I can see and that would help to speed up things. I think that is how the Megan Smith matter was done. We got around a table, went through the cases and that is how it was settled otherwise it might still be here pending. That case was filed in 1989 I believe. I am determined to give the staff responsibility. I am determined to assist their development as lawyers by gaining the necessary technical skills and so on.

Now, as to the limitation period, this one has worked great hardship in Barbados generally not only on the side of the Crown but in private practice where for one reason or another somebody has been late in filing a claim, some insurance companies have taken the point and knocked out cases based on limitation considerations. I have a different attitude, Sir. Even though the law says that everybody is presumed to know the law we know that is not so. 3.10 p.m.

There are I would say 90 per cent of Barbadians out there in the community who do not know that as the law now stands if any of them gets injured on Government property or by Government property or the property of a statutory board that they have one year from the date of the injury within which to file their case otherwise it is dead. That is a fact. You know that. One year. It is something that is not well known in Barbados but it works to the disadvantage of especially poor people and let me tell you why I say especially poor people. There are several people who get injured on buses in this country and some of them do not know that they must file a case within a year and they claim against an insurance company 18 months after with whiplash, back problems or whatever and their case is knocked out. You do not get a cent. Sometimes they come to the lawyer after the year. They do not know. But that really is the thing and insurance companies take the point against you and lick you up.

Now I feel that the Crown as an entity must behave in a certain way and do not take those technical points. I am not telling you that if you come six or seven years down the road I could take you on. Really, nobody will expect that the Crown should accept a claim that is very, very stale. So that I have given policy instructions to the officers in the Department. I told the Leader of the Opposition this that if somebody is a little late probably a year or something we are going to do it I have told the officers do not take that point, but go ahead and negotiate or accept the claim and forget the little technical point of the law. But that is a matter of policy for the reason that we have to change the law.

I have sent to the Opposition Parties and to the other relevant interests a copy of the draft of the new Limitations Bill. The Honourable Member for St. Joseph spoke about the need for limitations. The Limitations Bill is at last ready and drafted after 10 years or 9 years. It is out in circulation. The Honourable Deputy Leader of the Opposition has seen it and he indicated so today, so I suppose you will share it. What we are going to try to do in that is standardize the limitation period as between the individual and the Crown. If it is 3 years for tort or whatever it is, we are going to standardize the periods of limitation. It will be the same for the Crown as for the ordinary individual and hopefully one of the things that I would like to do is to have G.I.S. put it in on their programme at 8:30 at night. We should have a little Giggurd and Boo on this that reminds the public that if you get into an accident on or by Government property it will inform them of their rights.

Aside.

Hon. D. A. C. SIMMONS: So I will give some publicity to the purpose and intent of that legislation at the appropriate time.

Mr. Speaker, the Honourable Member for St. Michael West raised the point about *ex gratia* awards. *Ex gratia* awards will continue to be covered under Cabinet Office contingencies. Discussing this with senior public officers and so on, for example, I had one recently who is a fire officer who came into the Ministry who got his shirt torn by the door handle. When he pushed the handle, the handle of the door tore his shirt. That cost \$39.00 and that will be dealt with by contingencies and we do not have to come here with that.

Mr. B. M. TATTT: Sir, I take his point about the person who got her dress torn on the desk and that sort of thing. But the point that I was making is that the Honourable Member for St. George South was discussing the plight of those persons in the lower brackets and what tends to happen is that in the decision making with regards

to settlement where the Crown does not accept liability in a situation sometimes for the same reasons the persons have not filed in time but the evidence and the Act is so clear, I am saying and the point I was making is that they fall into the same category so clearly identified in this and should be included. That group should be included. Once the Cabinet has decided on an *ex gratia* payment, there is no reason to exclude them from the same category that we are now passing legislation for.

Hon. D. A. C. SIMMONS: Sir, I understand the point being made. I really must confess that that was not present to my mind when we were thinking about this and discussing it in the Ministry. We were thinking of out of Court situations to speed them along and Court Order awards. But I give Honourable Members the assurance that we will think about it.

The Honourable Leader of the Opposition raised the point about sections of Bills which deal with protection from liability of members, exemption clauses and sub-clauses. I wish to give Honourable Members the assurance that it is the policy of the Government not to include that in future legislation and there is a Bill coming later on today that attests to that. There was a provision there in the draft, the same protection of liability exemption. I took it out on Thursday and I told the parliamentary staff this morning that we are not coming with them. What I would like to do is perhaps bring a little Miscellaneous Amendments Bill.

Aside.

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

Hon. D. A. C. SIMMONS: Because they really are of no effect if we want to give validity to the Administrative Justice Act and expand the scope of judicial review and so on. So that is being worked on and you will not see that again in statutory board legislation. We have been following a system and they said to me that they thought that it came in at the time when there was some kind of unincorporated body.

Aside.

Hon. D. A. C. SIMMONS: Well, all of them that have come since then are in. Yes, we have got to get rid of those. We will catch them in due course. We are trying to speed up the processes by these amendments. Let me repeat, Sir, particularly for certain people, nothing that exists presently in Section 22 in its substance is really changed. Let me read it carefully again so that those who are writing will get it right. All we did in Section 22 was to substitute these words: "shall be a charge on the Consolidated Fund and shall be paid to the person

entitled or to his attorney-at-law", but all of the procedure that requires certification passing through the Accountant General, for example, Section 22 (3),(4), (5), all of them are still intact. In regard to out of court settlements, all we have done is to have provided for them and to repeat that they should be a charge on the Consolidated Fund and paid either to the affected person or his attorney-at-law. That is all. The purport and the intent of this is that once they are accepted as debts they will be treated like any other debt, but I will speak to Honourable Members about a procedure they may wish later on to see what is going on on a regular basis. 3.20 p.m.

Aside.

Hon. D. A. C. SIMMONS: I do not mind giving a report ever so often, but I wish Honourable Members to be aware - and I am reminded of a comment made by the Honourable Member for St. Michael West when we came to the Megan Smith matter, he said with a lot of anguish: "When are we going to do something about these sorts of things?" We are attempting to do something about them.

I am obliged to you, Mr. Speaker. I beg to move that this Bill be now read a second time.

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

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

Clauses 1 and 2 were called and passed.

Clause 3 was called.

Hon. D. A. C. SIMMONS: Mr. Chairman, I beg to move that Clause 3 stand part.

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

Mr. B. M. TAITT: Mr. Chairman, in the environment in which we are discussing this Bill, I think it is incumbent on the Attorney General to bring the troops in his department and the Solicitor General's Department to understand that settlements do not mean that you have to go through the same process each time. There are a number of little people who cannot get a settlement. Everybody says that I do not practise law and therefore I should not speak about it, but I practise the representation of people, and there are a number of ordinary people in constituencies who suffer as a result of lawyers, whether they are in the private practice but more particularly those who are in public practice, who seem to feel that if you settle a matter

too soon people might think you do not know what you are doing. There seems to be some ethic that in order to settle a matter there must be an appropriate period of time that must pass. That is a bundle of foolishness, Mr. Chairman, it is absolute rubbish. There are some matters that can be settled within days. The Attorney General in private could not advocate that, because to advocate that might be difficult for the people who practise out there, but as Attorney General now, as Leader of the Bar, I believe that the troops should be told that wherever possible you should expedite justice, because settlement is part of justice.

When a woman gets an injury to her shoulder, first of all she has to go through - and I am using "woman" here because these are the experiences I have had in recent times - getting a medical report is almost impossible. I have discussed that during the Estimates, that it is necessary for us to have a certain kind of equipment in the hospital and the various places, so people can do reports because they need assistance in doing reports. A doctor who is functioning well has difficulty if he is - take, for example, the doctor who is dealing with joints, *et cetera*. Doing reports can be a problem because there are only one or two of them, and if you have to take time out to write reports it can be a problem, but you can use equipment like the ordinary equipment that children have where you can speak into something and you can hear it again. It is a simple piece of equipment which everybody can get at a five and ten store. The Government Departments should be equipped with them and they should not be regarded as sophisticated equipment anymore because they are ordinary. The doctors' reports form part of the Government Departments. Then when you manage finally to pull one of those out of a Government Department, to wit, the Ministry concerned and the doctors concerned, then you go to the Attorney General's Chambers and the young lawyers seem to feel that you have to put it down, otherwise people would think you do not know what you are doing, or you have not studied it enough. There is only one way you can study it, Mr. Chairman. That is part of the problem, you know. The Simpson jury did not take long enough* as I am being reminded. If the Simpson jury had taken two weeks and come to the same conclusion, the white people would be upset but they would not be so upset, but they are upset because they took only four hours.

If you see a woman and you want to marry that woman, you should know within a short time.

Aside.

Mr. B. M. TAITT: I can only speak of the experiences I have, Mr. Chairman, in these matters. Let me turn to the Leader of the Opposition. It did not take the Leader of the Opposition long to discover that he was going to get married, he decided in almost two days he was going to get married.

Aside.

Mr. B. M. TAITT: I am willing to give way on a point of order here, because the Member for St. James North and the Leader of the Opposition have been in areas that I have not been, so I am willing to give way. Quite seriously, I really think that the Leader of the Bar - and I hope that what I am saying will not be misunderstood by young lawyers in the Department as some criticism. I recall from time to time where occasionally you will see something come up to the Ministry which is not in keeping with what you understand and you raise a question about it and they would get upset 3.30 p.m.

One is not criticising them, one is simply saying that the Attorney General should let it be known that a person who makes a quick decision, if it is a right decision, will not be regarded as someone who is specious or who does not give enough thought to what is going on or whatever; because very often lawyers, both in private practice and in the public service, feel that if they make a decision too quickly it will be misjudged by their peers and, more particularly, by their superiors.

I really think the time has come for us to recognise that, especially in some of the matters that are important to ordinary people. A settlement of \$2 000 in the minds of most people is not a big settlement, but for the person who is getting the settlement of \$2 000, more often than not that amounts to a massive decision. If you get a settlement of \$2 000 that you receive the money 4 years later, it is just like if you didn't get any settlement. That is the issue which people don't understand.

You need to get a settlement early. If you sprain your ankle walking on a sidewalk in Bridgetown and there is agreement that you sprained your ankle or something dropped on your head or whatever, if there is agreement between the two sides that the Government is liable or that the Government is not accepting liability but there is a good case for extraction - that is how it is put - once that agreement has been reached, I think that the two sides should take less time than they take.

As a Cabinet Minister over the period 1971-1994, I have seen many of these cases coming to Cabinet. Some of them are specious, but, generally speaking, the length of time for a very small settlement is unreasonable and I believe it can be helped by a word to the wise. That is the only point I want to make.

Hon. D. A. C. SIMMONS: Mr. Chairman, Sir, I am grateful to the Honourable Member for the point which he

made. He would have heard me on the programme that he listened to on Sunday speaking about the need to change the culture of the profession away from a strictly adversarial type of response and an adversarial system to one that is more readily prepared to accept mediation and negotiation and conciliation that will allow for out-of-court settlements.

Indeed, in April at a conference at Dover, I said that settlement is a healthy process. I stand by that and all that I am reading in Canada, the United States, and now Lord Woolf in England, they are all saying the same thing. Here, recently, the Chief Justice and the Chief Justice of Trinidad and Tobago are saying the same thing.

We therefore have to sensitise lawyers. I understand the tactic that when somebody writes and alleges negligence on the part of the Crown the first letter that goes back is "we are not liable". That is a holding measure because at that point the particular officer in the Attorney General's office does not know the true factual background or, to put it straight, he does not know the factual background from the Crown's point of view so he cannot rush off and say "You say we are liable. We are liable." He now has to write. What that officer may do, for example, in accident cases where people break a foot in a manhole or something, is to write to MTW. MTW now has to track down who was responsible for the highway at the particular point. Did they have a warning lamp up to illuminate the area or what? Then they have to get reports from the various officers to send back to the lawyer in the Attorney General's Chambers. That must take time because it is an investigatory procedure that has to be gone through.

It will take time, so they send a letter back saying, "we don't accept liability." But having got in all of those statements from the department affected you should be in a position to make up your mind, on the basis of what you have at that point, whether liability is accepted. Once you get in all the statements from the Ministry you represent, you should be in a position to say to yourself, "I think we are liable for this reason or that"

At that point, and that is where I say I am encouraging them to get together, if you accept liability, write to the Solicitor General and say that you have examined this matter and are satisfied that the Crown is liable. If the Solicitor General says to proceed to negotiate, then get the other side to come around the table an afternoon at 2 o'clock, go through the matter and look at the cases and settle the claim, shake hands and say, "Right, these are the terms of the settlement" We would not then have the delay.

Things languish on files for years and there is no action. When I went up there I found 183 outstanding cases against the Government, last year September, of all kinds of antiquity. We are trying to increase the staff. There were some ads.

Aside.

Hon. D. A. C. SIMMONS: I am glad the Honourable Member raised the point there is a question of sensitising people to a new culture that looks at settlement more as a means of doing substantial justice between the parties rather than what really is deep down...

Mr. B. M. TAITT: I would like to recommend to Government and this is at no expense to the Government. One of the things which you... He has given way.

I think the Government should give some serious consideration to having a series of ombudsmen in areas. The Ombudsman we have is not... For example, if we are going to get into the area of settlements there is an Ombudsman who is a parliamentary commissioner and then there are the Ombudsmen who do exactly what we are both talking about. We are not talking about finding something for retired people to do or finding something for party hacks to do. We are talking about getting someone who has the expertise, the experience and the willingness and the energy to help remove this list of 183 people, because the list is going to increase. As the country becomes aware of its rights, there will be more and more litigation and you cannot settle it by public officers who are answerable and who are looking for promotion. You have to have ombudsmen.

If I say ombudsmen, immediately ybu will start thinking that you cannot create 4 more ombudsmen but it is not what I am saying. I think the Attorney General is familiar with it where there are a series of ombudsmen in departments, and certainly in the Attorney General's and Solicitor General's departments, where they will do nothing else but in fact settle matters of this kind. I think it might go some way towards assisting the country in moving forward in this whole area of court settlements.

Hon. D. A. C. SIMMONS: I am not going to reply to that, because I want to think about it I hear the plea for someone, call it ombudsman or mediator, conciliator or whatever. We are going to develop in the next few years the skills on the public sector side of alternative dispute resolution. That is an area in which many lawyers in Barbados have no real skills. We have to do it. It is being done all over the world. Jamaica has a centre. Trinidad is going to have one. I am not saying that Barbados should

have one. What I am saying is that the profession in Barbados should become conversant with the various techniques of ADR. It would help a lot in that area and generally in the legal profession to resolve disputes at far less cost than presently obtains. 3.40 p.m.

I beg to move, Sir, that clause 3 stand part. Hon. R.

C. EASTMOND: I beg to second that.

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

On the motion of Hon. D. A. C. SIMMONS, seconded by Hon. R. C. EASTMOND, Mr. CHAIRMAN reported to His Honour the SPEAKER the passing of one Bill in Committee. Mr. SPEAKER resumed the Chair and reported to the House accordingly.

On the separate motions of Hon. D. A. C. SIMMONS, each seconded by Hon. R. C. EASTMOND, the Bill was read a third time and passed.

ORDER NO. 3 - RESOLUTION TO APPROVE THE CIVIL ESTABLISHMENT (GENERAL) ORDER, 1995

Hon. D. A. C. SIMMONS: Mr. Speaker, before Honourable Members is the Civil Establishment (General) Order, 1995. The Civil Establishment (General) Order has not been amended since May 1990. This 1995 Order now makes provision for the establishment of certain temporary posts, changes resulting from the variations of ministerial responsibility and portfolios, transfer, redesignation, regrading and in one case, the abolition of certain posts since 1990.

Let me start first, Mr. Speaker, with the establishment of temporary posts. Quite outside of this, the Government announced last week that 400 and odd temporary posts had been established and this is an ongoing exercise. We are trying to do it department by department and really give permanence to a large, large class of public officer who has been temporary for years and has no security either in job or mind.

But besides that, as a matter of policy, from time to time Government does a review of the temporary posts in existence and a determination is made of which posts are required on a continuing basis. Those posts which are determined are then established on a permanent basis like the 400 and odd that I spoke about.

On this occasion, Mr. Speaker, and for the sake of Honourable Members particularly members on the other side, the Honourable Member for St. Lucy and St. Michael South East, I want to help them go through this. This General Order deals with 39 temporary posts which are being established. I say this is completely different from what was done last week. These posts are set out in the Order. They affect the Queen Elizabeth Hospital. They are like 4 Telephone Operators, 1 Clerical Officer, 3 Maids, 2 Cardiac Technicians, 1 Hospital Infection Control Officer, a Financial Controller.

Then in the Ministry of Public Works there are Technical II/Technical Assistant. In the Ministry of the Environment, Housing and Lands, as it was called at the time - we have to establish them in accordance with their previous designations - 2 Research Officers and 1 Clerical Typist. A major change is the establishment of what is now being called the Coastal Zone Management Unit. Let me just explain. By this Order, all of the posts which used to be the Coastal Conservation Project Unit are being established and put on a permanent basis in what is now called the Coastal Zone Management Unit under the management of the Director at the level of Deputy Permanent Secretary.

As a result of an agreement between Barbados and the Inter-American Development Bank, the Coastal Conservation Project was set up in 1982 to enable the Ministry of Housing to carry out the maintenance and management of the coastline and beaches of Barbados more effectively so that the Coastal Zone Management Unit, which is now, as I said, being provided for, is involved in the preparation of surveys, recommendations and proposals for works relating to coastal erosion problems, advising the Town Planning Department on siting and modification to structures in the coastal zone, and interfacing and liaising with Ministries especially in regard to wave observation programmes. Now, the functions of the Unit have expanded significantly in the last 13 years and Government now considers that this Unit is an integral part of Government, hence the decision to establish the Unit.

Mr. Speaker, I mentioned that there were changes in ministerial portfolios which have established a need for us to make certain changes in this General Order. There were changes in ministerial portfolios on January 28, 1991, November 6, 1992, September 1, 1993, January 27, 1994, February 28, 1994 and September 10, 1994. Several posts have been transferred so that provision is being made in this Order to regularize these adjustments.

There are also 2 posts which are being regraded and redesignated. There is a post which is -1 have to say, Mr. Speaker, I must declare an interest here. The post of Registrar of the Supreme Court is being regraded from

S3:S2 to SI. Those of Chief Immigration Officer is upgraded from S5 to S4 and the post of Manager, Coastal Conservation Unit is upgraded from S5 to S4. I am declaring an interest because of connection with the Registrar. 3.50 p.m.

Mr. Speaker, I mentioned that the General Orders also provide for the abolition of one post. In 1974, Mr. Speaker, the Ministry of Education established a buildings unit within the Ministry. They thought at the time that it was a cost saving device to provide preventive and on-going maintenance for primary schools but it was discovered that with very few exceptions schools continue to remain in a state of grave disrepair and with several complaints about the apparent neglect of schools by Government.

Mr. Speaker, this situation generated very strong feelings against the Ministry of Education and the Government and we are familiar with strikes, demonstrations and so on by PTAs and students about the conditions at primary schools and all this time since 1974 you had a buildings unit that should really have been doing the preventive maintenance.

Over time I think successive Ministers of Education became aware that there was overwhelming evidence that in many cases the problems at the schools could have been properly addressed and remedied at little cost. Of course the neglect over time mushroomed and the problem became one of considerable magnitude. It was then decided that the buildings unit was unable to cope with the extent of the problems that had developed or festered over the years. So Government or the Ministry of Education, I think as a policy, determined that repairs should be done by other Government agencies or by private contract.

A recommendation was therefore made to disband the buildings unit at the Ministry of Education and put the officers who were attached to that unit in other areas throughout the service. The officers in the building unit were, a Buildings Officer, a Senior Draftsman, three Maintenance Supervisors, a Draftsman, Clerical Officer, four artisans, a plumber, a mason and 2 carpenters.

Now I have said, Mr. Speaker, an attempt was made to redeploy some of these functionaries throughout the service and some of them have been assigned to the Education Project Implementation Unit. The Senior Draftsman, the Draftsman, two of the three Maintenance Supervisors and the four artisans, the plumber, mason and 2 carpenters have been retained in the Ministry of Education and are utilized by the Ministry and the Project Office for carrying out minor repairs at primary schools.

It has proven impossible to find a suitable position to which the former Buildings Officer could be transferred and having regard to his age a decision was taken to abolish the post and ensure that he got all of the benefits under the Pensions Act and this has been done. This Order provides for that. Honourable Members will see the terms set out from pages 1 to 7 of the Order and there are various schedules, schedules which deal with the grading of posts and then schedules which deal with the actual emoluments attaching to the posts. Mr. Speaker, I therefore beg to move that this Resolution do now pass.

Dr. R. L. CHELTENHAM: Mr. Speaker, I beg to second that

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

Dr. R. L. CHELTENHAM: Mr. Speaker, Sir, there can be no doubt that Government in the management of its personnel responsibilities does not set a good example. There are too many people in the public service who are acting for far too long. Too many people who are overlooked on any considerations of merit and fair play. On the whole, Sir, the Government cannot claim that its personnel responsibilities are fairly, efficiently or effectively managed. To that extent, Sir, we welcome the introduction of these Civil Establishment Orders from time to time establishing certain posts in which officers have been acting for as many as ten years or more.

I was particularly happy to hear of the establishment of the post at the Coastal Conservation Unit. That Unit is doing a first class job in Barbados and several of the officers were not only acting far too long but many of them have been under-classified and underpaid. I was shocked to learn that the Chief, Dr. Nurse, was classified somewhere in the middle of the public service when a man of his skills and his international reputation could easily do far better outside of Barbados.

I want to make a plea, Sir, for a forgotten class of person in Barbados, the maids at the Grantley Adams Airport. Many of them have been acting ever since the Grantley Adams was built and opened and to this date they have not been appointed. You can imagine the distress and the anxiety that they experience because they have had a situation when a few years ago a Minister, under pressure to find some jobs for his constituents, managed to get a few of them sent home who were then working for 11 years and some of his own people brought on. So they live the day-to-day anxiety and fear. Every time I go to the airport they run up to me and ask me, when can something be done for us? Talk to the Prime Minister. Talk to whoever needs to be spoken to. They are an important class of people. They are the first point of contact between

visitors to Barbados and Barbados. You meet the staff at the airport. They cannot slack. They have to be courteous and hardworking because they cannot keep the public sections of the airport in a dirty state so they have to be cleaning all the time and they have got to be on their best manners. It is not fair that many of them who have been working for 15 years should not be offered a permanent appointment. Some of them are approaching retirement and they have no hope that they will be appointed before retirement and it is not fair. It is an ugly reflection on the Personnel Administration of the Government that this thing has been going on for so long and that no one has done anything to correct it

Only a few days ago I went to the Oistins Fish Market and I was reminded by a lot of the workers there too that ever since the new fish market was built at Oistins they have been working and acting and no one has seen to it that they be appointed. There are two or three cases of ladies who are approaching their sixtieth year about to retire and there is no prospect, no hope of their being appointed before retirement 4.00 p.m.

These are matters that the public servants themselves should raise and pass them on to the Minister of Establishments. These are anomalies in the system that we have detected and we need these situations corrected. I have no doubt that Honourable Members could supplement the list that I have mentioned. There are literally hundreds of people scattered across Barbados who find themselves in this luckless situation and the politicians can do so much. We can mention these things and we can draw it to the attention of Government from time to time. But there is no reason why day-to-day public servants who are working in the Personnel Administration should not be sending up papers to the Minister of Establishments saying: "Look, this is a situation that cries out for remedy and justice." You know the public servants put too much pressure on the politicians, because there is no reason why the people in the Personnel Administration should not be able to tell the Minister of Establishments at the shortest notice there are "X" thousand of people who are in this category. We can have a paper prepared for you tomorrow showing who these people are and what have to be done for them. The Minister should not have to ask them. It is part of their job and they should be sending forward recommendations saying that these are areas that cry out for justice, 32 people are involved here, 15 or 10 over there and so on.

Mr. Speaker, I hope that the learned Attorney General will not only be satisfied with introducing this Establishment Order today but he will take back to the Minister of Establishments and to all his colleagues who

are not present in this Chamber that there are areas that cry out for justice such as at the airport, fish markets and many others.

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, I will be very brief because in essence though it may not have been intended, the Honourable Member for St Joseph may have in speaking about bad debts that have not yet been paid as well as his present disposition as representative of St. Joseph at the end, raised the substance of the concerns which anybody observing the Public Service would have and that is that some of the evils which are visited upon public servants are visited upon them by themselves, by their seniors and by their colleagues.

Now I know that when Governments change, for example, there are attempts sometimes to trouble and confuse people and even victimize them. But it upsets me to think that there are sometimes persons at levels pretty senior in the Service who suddenly seem to think that it is their job to assist in that process. I, as a Minister, never got involved in those matters. There were some cases that cried out for intervention and wherever possible I whispered my view in people's ears but I felt often that since the attitude is hands off, do not criticize us and the unions whenever you said anything about public officers jumped in your skin, that my approach would be that I would work and seek to inspire whoever I had working with me regardless of whether they liked me or whether I liked them. So that was not relevant. But I think the point that the Honourable Member for St. Joseph made bears consideration.

However, I remember that one of the sticking points when we negotiated the first Incomes Protocol in 1992 was the matter of appointments and promotions in the Public Service. Mr. Speaker, Sir, at that time the Government gave a commitment. First of all, we set out what we had achieved up to that time and we set out the appointments and promotions which had been undertaken up to the time of that Incomes Protocol and then we gave a further commitment which was in the Incomes Protocol to carry out a thoroughgoing review of the Public Service and to seek to regularize the status of public officers. So that when we left office, Mr. Speaker, we left with a commitment based on that Protocol to undertake that thoroughgoing review.

Mr. Speaker, Sir, very regrettably, although as I said earlier today, the House of Assembly was supposed to be at the centre of national issues, I do not know if there is anybody on this side who either officially or via back of the truck route has yet received a copy of the Incomes Protocol which the newspapers indicated was signed sometime some weeks ago. So, Mr. Speaker, Sir, I cannot speak to that issue and therefore I can only ask questions.

It is unfortunate that I am in this position because one cannot contribute effectively and fully to national debate if in the public domain a pretense is being given that Parliament is being given all of this documentation with which to work when in reality, Mr. Speaker, critical decisions and commitments by Government whether Government to Government in the Eastern Caribbean or whether between Government and social partners or even commitments which eventually will have to become law and this Parliament does not know about them until years after they have taken place.

Now, Sir, when the first Incomes Protocol was signed, that document was made available to Parliament. Privatization - that document was made available to Parliament. The Value Added Tax Reports - those documents were freely made available to Parliament and to the relevant shadow Ministers. Mr. Speaker, Sir, I want to tell you that apart from a document relative to casino gambling and to the White Paper on Education which all Honourable Members have been given, there is no other document which has been made available unofficially and very seldom officially to Members of the Opposition as Members of Parliament.

I used to sit in my seat as a Member of Government sometimes and cringe at the fact that there had been delays in getting documents made available to the then shadow Minister of Finance and I always undertook and sought to make that documentation available within the shortest possible time. When we brought the Tax Reform in July 1992, I remember being criticized because we made the information available out of that spirit even before the legislation came before the then Minister of Finance who read the proposals. So you had the then Minister of Finance, the Right Honourable Member for St. Michael South announcing proposals to the House which in fact were in the public domain the night before and it was regrettable. But we were seeking in the face of difficult circumstances to make this information available. I assume that any Incomes and Prices Protocol which has been negotiated in this country must have in it some comments, clauses or features which relate to the role of the Public Service and the stance which the social partners will take whether the trade union movement and Government in relation to Barbados* economic scenario over the next few years. One cannot effectively debate national issues and issues relating to the public sector, Mr. Speaker, unless that kind of documentation is made available. So that the Government itself can react to the position...

Hon. D. A. C. SIMMONS: On a point of order, Sir. Perhaps I had better do this now than later on, Mr. Speaker. It was only last Thursday that the Protocol came to Cabinet and the decision of Cabinet was that it would be laid in Parliament. I firmly expect that the Cabinet

Office will do the necessary to ensure that it is here by the next day. I did not know this would have come up today, but the point is, it is coming. 4.10 p.m.

Mr. D. J. H. THOMPSON: Mr. Speaker, in my time the Cabinet approved things before they were signed, so before I signed the Incomes Protocol I was required to take it to the Cabinet as a draft document, because the Cabinet did not agree with what I had in it and we had a thorough discussion on the issue and then it was signed by the Right Honourable Prime Minister the following day.

Hon. D. A. C. SIMMONS: On a point of order, Mr. Speaker. The Honourable Member must have been on holiday when the Honourable Prime Minister and the relevant social partners signed the document.

Mr. D. J. H. THOMPSON: And they would have signed it before you saw it.

Hon. D. A. C. SIMMONS: No, no. We saw the draft, the Prime Minister signed the relevant Protocol, it has just come back to Cabinet for us to approve the laying of it in Parliament. What is so difficult about that?

Mr. D. J. H. THOMPSON: Mr. Speaker, in case people do not understand what I am saying, unless what the Prime Minister signed was not what the Cabinet had approved, from the time the Prime Minister signed it, it should be a public document. We approved a draft, the then Prime Minister signed it. From the time it was signed, Sir, it was disseminated all over Barbados.

Hon. O. S. ARTHUR: Mr. Speaker, on a point of order. All documents that are laid in this House are approved by Cabinet for laying in this House. That is a standard convention, no matter how simple the matter is. The Incomes Policy was submitted to Cabinet for approval. It is just like an Order, approved by Cabinet, and Cabinet has now been formally invited to approve the laying of the document in the House. There are two separate matters. I am as anxious as Members on the other side to have it laid in Parliament. Cabinet has formally approved both the Government agreeing to the Incomes Policy and has separately approved the laying of the document in Parliament.

Mr. D. J. H. THOMPSON: Now, Mr. Speaker, I accept the Prime Minister's explanation, but I am saying to you, Sir, and I do not wish to get bogged down in technicalities, that as a matter of courtesy Members of the House, back benchers of Parliament included, should at

least... I do not have to wait on a document to be laid, and I never waited before. The then shadow Minister of Finance had several documents in his possession that were not even laid on many occasions. As a matter of courtesy they were put in an envelope, I put his first name on them and I hand-delivered them to him in this Chamber so that when he contributed to debates we would function on a high standard. What is going on in this country, Mr. Speaker? The essence of the point, I will get back to it.

Mr. SPEAKER: The Honourable Member, please restrain a bit. If you say that you accept the Prime Minister's explanation,...

Mr. D. J. H. THOMPSON: And I went on to explain what happened before. Because I accept it does not mean I think it is the best method. I think that at the outset if any of these Members of the parliamentary back bench of Government is to get up and contribute like me in a fulsome way to what is happening in the Public Service, what are the parameters of Government's relationship with the Public Service over the medium term? I do not know how long the Protocol is for, then that document, because it is going to be critical to issues of morale in the Public Service, as I understand it, ... You see, there was a statement made by a Minister from another place that the absence of certain decisions by the Democratic Labour Party had to be rectified by the Honourable Prime Minister and that there was a complete mess in the Civil Service which had to be cleaned up by a series of appointments, promotions, *et cetera*, I do not wish to speak to that issue because the Protocol was signed and we did what was required of us.

We are now going to a next phase. That Minister, who is the Minister responsible for the Civil Service, also said that morale in the Public Service is undermined by failure to undertake appointments and promotions and the necessary restructuring, I can only guess at this stage what the prospects of the Public Service are over the medium term, because I do not have access to any documentation, which even the leader of the private sector has, before an elected representative of people in this country. So that those Honourable Members - and I assume there must be some who do not have it yet - are in a worse position in this debate than a Trade Union leader, the head of the Fire Service Association, the head of the Police Association, the head of the NUPW. We are in a worse position than all of those business moguls who have at their disposal critical information in which they can plan and engineer this economy, and the people who are supposed to be directing the affairs of this country from this Parliament are starved of critical information, and in the public the impression is being given that all kinds of documents are being laid and made available to Parliament which contradict, prove, assert, deny, negative and do all kinds of other things. I

am saving that I have to speak on this issue in this way because I am not used to this kind of arrangement, and therefore when documentation which affects the lives of citizens is being signed by Ministers of Government, the common courtesy to which representatives in this new Parliament, which the Honourable Member for the City says she is creating with all of these Committees and all of this fussy business going on all day and all night, all of these things will be happening on behalf of the people and Parliament will be actively involved in that process.

Mr. Speaker, regrettably we cannot contribute fully to this matter, but I would like to know whether any commitments have been made by the Government in that Incomes Protocol regarding any matter which may be significant to a debate of this sort relative to the Civil Service. In other words, Sir, what are the commitments given relative to promotions and appointments in the Public Service? What are the commitments given to productivity measurement in the Public Service? What are the commitments given to the rewards for productivity increases in the Public Service? What are the commitments given, if any, relative to wages? What can the Public Officers expect in relation to the economic environment such that they can survive on whatever wages or increased payments arising out of productivity will be made available to them? I cannot represent their interest effectively, I do not think there is anybody on this side who has the information to answer those questions and I am saying it is a dereliction of duty on the part of the Government to bring to Parliament the kind of information which would make a difference to this debate. Without that information, Sir, I can say very reluctantly that we are not going to stand in the way of the Government passing this Bill, because this relates to Cabinet reshuffles and allocations during the time that the Democratic Labour Party was in office, but if we are to have a useful debate on the Public Service, it would mean that we would have to have access to information which would make that debate intelligent and which would contribute to the national well-being.

With those few words, Sir, as I say, we are not standing in anybody's way, we will simply watch, wait, hope, listen and seek to learn.

Hon. O. S. ARTHUR: Mr. Speaker, I am all for the full disclosure of information before this Parliament, particularly when it has to do with matters that are governed and bounded by the Incomes Protocol. The Member for St. John, who just spoke, and waxed warmly in the face of a commitment by Government that Cabinet has already approved the laying of the next Incomes Protocol in this House and will support a debate on it, Sir, is in a position to speak strongly in support of relevant information about the behaviour of Governments under a Protocol being laid in this Parliament. 4.20 pm.

The previous Democratic Labour Party Administration entered into an Incomes Protocol that was to be effective up until the end of March 1995. Under that Protocol there was a wage freeze in Barbados and that wage freeze was supposed to apply in relation to wages or contracts.

The week before the election campaign, in a company under the responsibility of the then Minister of Finance, the Barbados Agricultural Management Company, one of the greatest rapes of the country of Barbados was perpetrated in the drawing of a new contract for the executive chairman of that company that sees him now being paid twice as much as any public servant, in breach of the Incomes Protocol, on the eve of the election. And he has the nerve to come to this Parliament and tell people about the disclosure of information, Sir.

I say, Sir, that the Democratic Labour Party's behaviour under that Incomes Protocol and in those critical months between the calling of the elections and the voting by the people of this country was like the Iraqi army leaving Kuwait. We have had a stream of breaches in which known supporters of the Democratic Labour Party were given handsome increases by contract while the rest of Barbados was asked to hold strain and endure a freeze.

He comes to this House and hears a Government say that we have already as a Cabinet decided that we are going to lay the Incomes Protocol in this Parliament and he is talking about a lack of information when he should have been telling the people of Barbados about the contracts that were being secretly drawn up on behalf of DLP supporters in breach of the Incomes Protocol.

Mr. Speaker, Sir, the time is coming very shortly within two weeks I will lay all out for the people of Barbados to hear, every fraudulent wicked contract drawn at the last minute. You want information I will give you the information. The Ministry of Finance and the Minister of Finance were the worst defaulters in this particular matter. So you will get all the information you want.

Mr. D. J. H. THOMPSON: The Barbados Agricultural Management Company is a company formed under the Companies Act of Barbados. It was not a company in which the Minister of Finance had any power to make any decision other than as shareholder at the beginning to appoint the directors and any decisions that were made were decisions of the Board of Directors. I never approved any contract for the payment of any salary to any public officer in Barbados or any other individual in excess of what was contained in the Prices and Incomes Protocol and I stand by that position, Mr. Speaker, Sir.

Hon. O. S. ARTHUR: Mr. Speaker, Sir, It was not only during the last weeks of the campaign. Throughout 1994 a large number of new contracts were drawn with persons at statutory boards, with the knowledge of Cabinet, that granted those persons what was tantamount to increases at a time when the rest of Barbados was told that there could be no wage increases in this country. And he wants information? That information will be at his disposal.

Mr. Speaker, I want now to speak to a particular matter, the matter of the management of the civil establishment of Barbados which is a very complex and difficult issue. We have had years upon years of expediency being made in the Ministry of Finance. Two days ago, we had a discussion about the status of everybody in the Revenue Section. Everybody is acting and the persons for whom they are acting are also acting and you have that complete, confused situation that represents years and years of cutting and contriving, expedient after expedient. You want to help this person so you help him by putting him in an acting position and you want to help that other person and what now has emerged is a bureaucratic - I don't want to say cess pool - but a labyrinth that now has to be sorted through very carefully.

It is virtually 3 decades, Mr. Speaker, of manipulation of the civil establishment of this country without a grand design. Therefore, Sir, we have established a unit to deal with the reform of the public service. For the first time a consultant has been undertaken on a full time basis to help sort out this mess.

The gentleman who will be the General Manager of the Barbados Agricultural Development and Management Corporation under the Democratic Labour Party is trained in personnel administration. We have brought him back from that post at the BADMC and we have him now working as a deputy permanent secretary to deal only with public sector reform because, as everybody in this House knows, it is a complex and difficult matter that represents 30 years of cutting and contriving.

Almost everybody is acting. There are some people who have been allowed to carry their posts with them. When I was in the public service in Barbados I was acting in a position that was held by a man who was a consultant for many years and who did not want to relinquish his service in the public service of this country.

It is a matter of great concern. But it is one of the most complex issues facing the administration of public affairs in this country and we are approaching it, Sir, in a very systematic fashion. I want to hear some on the other side who know what they did even on the day before the

election campaign to add to the problem where you have some people who have come on after others getting appointments before those who have been there a long time. I want to hear people get up in this House and start to speak about it, because all have sinned and come short of the coming glory. All have sinned and it now falls for us to adopt a serious approach to it

I speak, Sir, in terms of 30 years because that is the extent of the problem. When I say all have sinned, Sir, I mean all have sinned. I am therefore not pointing a finger in any sanctimonious manner. It is one of the most serious problems in this country. There are a large number of people who have been made to act in positions for too long and to take them out of that acting position is going to create problems in relation to finding posts for them from posts that are also held by people who themselves are acting. It has to be dealt with however.

We have tried our best. It is a time consuming matter but we are trying our best to bring order to the situation. It does not befit any Member of this House this evening to get up and try to grandstand on this particular issue. Many know of the sending of people to get a temporary post here and a temporary post there that has helped to complicate the issue because that is part and parcel of the difficulty, trying to make special accommodation for people whom you want to give a little help to. We have to face it that this is a matter that has to be addressed with a recognition of the complexities involved.

Sir, I am afraid to understate the significance of the task that lies ahead. Almost everybody in a 20-thousand strong public service is either acting or not properly picked or things of this character. In addition to that, Mr. Speaker, we have to find ways of increasing productivity in the public sector, even in the Ministry of Finance.

The Ministry of Finance's structure has stayed in the same fashion for a number of years. The Ministry of Finance, for example, has not had a strong capacity to do fiscal planning. We do not have people in the Ministry of Finance who have had extensive training in taxation. We don't have people who understand fiscal financial programming. People have been brought on to do administrative things when they should be doing analysis to be able to give people technical advice about high quality fiscal issues.

I suspect, Sir, that the same kind of problem that faces us in having an efficient Ministry of Finance obtains in Tourism where, for example, you do not have a research department. It is a serious matter. I do not understand how on earth you could be interested in developing an economy but do not have a serious research department for the most important sector of that entire economy. 4.30 p.m.

So it is not a question of people being put in acting positions and wanting to get out of that; that is very important and must be dealt with. But there is a question of our utilising the human capital in the public service of Barbados to the best advantage of the country, and for our developing a level of professionalism in the civil service of this country that merits the society at its present level of development

We have also, Mr. Speaker, to deal with the question of the computerisation of the public service in this country in a way that would not lead to massive retrenchment, and that would allow people to be redeployed within the context of staff orders that require that if you have been redeployed conditions of service are to be affected and therefore detailed deliberations have to be undertaken in relation to those particular matters.

Now, Sir, merely to respond to the challenge of computerising the public service of this country is going to raise fundamental issues regarding the terms and conditions of the employment of the public servants of Barbados and it is not a matter that can be entered into lightly. This is not a debate that allows for facile arguments and grandstanding.

Public sector reform is one of the key matters that will determine whether Barbados will make it or will not make it because the public sector of this country affects just under 20% of the labour force and by its functioning can have a tremendous bearing on the running of the economy and our capacity to deal with the socio-economic needs of the people of this country. We have to approach it, Sir, in a serious way. I have outlined in the few moments that I have spoken the seriousness with which we are approaching it.

On October 26 we will be having a seminar for the Permanent Secretaries in which we will be involving them in serious discussion on how the role of the Permanent Secretary has to change within the context of a new bureaucracy in Barbados. All of that is being brought together. The Member speaks in terms that this Parliament was supposed to be put in a condition where it would have knowledge of this.

We virtually started out from scratch, Sir. We were able to get a White Paper on Education out in good order. We are going to get a White Paper on Energy for this House. We are going to get a White Paper on Public Sector Reform for this House, but we are doing it properly. It will take time because we have had virtually to start from scratch. If we had started with people employed to deal with public sector reform as the specialised function that it

is, we would have been able to make far more progress in this particular matter.

The former Minister of Finance, the Honourable Member for St. John, sat in his office under directions *from* the International Monetary Fund. His notion of public sector reform was to station an IMF representative in the Ministry of Finance to tell him how much rent should be charged through our National Housing Corporation. That was public sector reform, to have an IMF man operating as superintendent in charge of the Minister of Finance. That was his notion of public sector reform, but things are changing.

I have said enough, Mr. Speaker, to say that we have to approach this matter with seriousness. The civil establishment in Barbados is a large establishment. They are people with rights. Their employment is governed by terms and conditions. To change them involves a lot of discussion, a lot of planning and it is not to be entered into lightly. But there is a 30-year mess to be sorted out and there is no point in people coming to this Parliament now, knowing what has been the history, to grandstand in the foolish way that we have now come accustomed to from the Honourable Member for St John.

As regards the Incomes Protocol, as I said earlier, Cabinet has said that it is going to be debated in Parliament by a resolution and it will be done. I give the House the assurance that this Barbados Labour Party has no intention to hide. We did not prepare a White *Paper* on Education and then hide it. But the House will be provided as it becomes available with all of the relevant information setting out Government's policies and programmes including programmes with the IMF so that nobody thereafter will have to be sending around these scandal sheets from Thompson's "spot on", this kind of foolishness that is being sent around with unnumbered faxes, speculating about what is contained in the IMF document. This is how they are providing it with this Thompson's "spot on", this scandal sheet that is now circulating around Barbados from a fax that has no number. I want to say that it is agreeing that the IMF did not write our documents. I will make it a document of the House. It is called "Barbados Political Watch, Vol. 1, Issue 1", a scandal sheet. It will not carry a fax number but we know where it is located to the south west

Mr. D. J. H. THOMPSON: The Honourable Member sought to read from a document...

Mr. SPEAKER: On what do you rise?

Mr. D. J. H. THOMPSON: On a *point* of order, Sir. The rules of the House would require him to make that a document of the House. I should like him to make it so that we can peruse that document.

Hon. O. S. ARTHUR: Mr. Speaker, I will advise the Clerk that when he gets it he should hold it very carefully because his fingerprints may still be on it, Sir. It is like the scandal sheet that was put out by the Leader of the Democratic Labour Party and when the Attorney General brought it to the House's attention it just suddenly stopped. But this is what is now being put out, saying that we are planning to cut severance, and that we agreed to cut severance, that we have agreed to cut down on the size of the public sector and to cut the capital programme and that I have entered now on a secret deal with the IADB this time, that I had a secret deal with the IMF to devalue but I now have a secret deal with the IADB to cut severance and to cut the public service. Boy, he loves to cut!

It is a shameful thing, Sir, that the level of our public debate could be so debased that this foolishness, unnumbered foolishness, could now be made to circulate among the people of this country on behalf of somebody called Thompson who is supposed to be spot on. It surely is not in the interest of the Barbados Labour Party, but this is what this country is coming to and the Leader of the Opposition is calling for information.

Mr. Speaker, I am obliged to you.

Hon. Sir HAROLD St. JOHN: Mr. Speaker, I look forward to the day when we will have this White Paper on Public Sector Reform because all of us who have had experience as Members of Parliament are very well aware that it is in the civil service that one sees man's inhumanity to man more perfectly exemplified.

I have seen, Sir, situations and recall a couple of them because they are symptomatic of an attitude. When I first became a Minister I received a call and the caller informed me that she would advise me not to drink tea from the maid. I said "Why?" She said, "That maid was appointed by the previous Minister and you never know what would happen." I told her that I had already drunk the tea from the maid and I intended to continue to do so. I would say that I was in there I believe for almost 10 years and the same maid gave me tea all the time and I am still alive. That only illustrates the kind of mentality you have to deal with. This actually and, in fact, happens. I have known of many other cases which also illustrate this fact.

There are people in the civil service who have been acting under the eyes of people whose duty it is to make recommendations and for some reason or the other they refuse to make the recommendations for the posts to be made permanent, or for particular people to be shifted to another department where they could be appointed. On the

other hand, we all know that if really and truly they are interested in placing a candidate that they are postmasters at the art of finding the opening for the person.

It is quite obvious, Sir, and I agree with the Honourable Minister of Finance, that we have now had this civil service, and we have been operating as an independent country since 1966. From the very beginning at the Constitutional Conference problems were foreseen that there would be difficulties with the public service where you had a ministerial system and a Cabinet system of Government which was responsible but had no power in relation to certain important aspects of the personnel, in particular, the discipline of the personnel in the public service and conflicts have inevitably arisen because of the fact that there is this duality that exists over the overall management of the public service. It is unique, Sir. The situation that we operate under is unique. There are no corporations that I know in which the chief executive, the vice president and executives are not totally empowered in relation to all aspects of the people whom they employ in the corporation. The public service is different. 4.40 p.m.

We also had a problem at that time of the question of whether we were going to have a Public Service Commission which was a full time commission or not I am one of those who argued strongly that it would never work if you had a part time commission. Thirty years have shown, in my opinion, that the present arrangement with the Public Service Commission is the worst thing that has happened in this country. You cannot have a public service of 20 000 people and have part time people being in charge of it. It is a serious thing.

I know, Sir, of a case, and I have drawn it to your attention, of someone who has been suspended on alleged disciplinary charges in the public service. I am not dealing with the police because the police said 8 years. I know this one is four years, suspended on half pay. It took a tremendous amount of effort to try and get a resolution of that matter. That is wrong. I am very hopeful, and I have always said it, that when we come to the reform of the civil service we do not only depend upon civil servants advising about reform in the civil service. I think it is a fundamental mistake to think that you could find people in Barbados alone who have the competence, the breadth of experience to be able to advise on a meaningful reform of the civil service. I feel that we should try and draw from the experiences of people from outside.

The public service reform in the Commonwealth is a topic, an important topic. You should also be able to draw from the reform that has just taken place in the private sector. After all people who follow these matters will

know that corporations like Shell, Texaco and big corporations all over the world, multi-national corporations, have undertaken recently tremendous reforms in their corporate structure because of the need to bring the corporate structure up to date. That is what needs to happen in Barbados. The General Orders need dealing with.

We have departments of Government like the Airport. I recall when the Airport was started we had a great argument as to whether, in view of the fact there would always be an airport, whether there was not a need to create a staff structure which would reflect the fact that the airport would be a permanent establishment. To this day the decision makers in Establishments have not yet made up their minds as to how many staff is needed to run the operation there. The airport was opened in 1979. It is 15 years.

The only consolation we have is that the distinction between a permanent appointment and a non-permanent appointment in the civil service is not as great as it used to be because my understanding of the situation is that the National Insurance benefits are not dissimilar from the benefits that you would get under the Pensions Act since 1973 or 1974. In Barbados it is the security of tenure. People know that if they are appointed they could do almost anything and the difficulty because of the public service regulations of getting rid of you. It should be dealt with.

It is the same thing with the market. Everybody knows that in 1981 a market was created and you will have to have some method of cleaning the market. Decisions in that area should not have taken as long as now - 14 years again.

Sir, I think that as a Parliament we should now seriously look forward to a major exercise in trying to see how we are going to chart the reforms that are necessary in the public service. I want to congratulate the Government for facing it because this Government made it a part of its platform that it was going to have to have to deal with the question of civil service reform. Some of the things will be popular, some will be unpopular. I believe that the time has come when we have to review the structure of a Ministry and decide in our minds whether in some Ministries, particularly single subject Ministries that in today's world whether you must have a chief technical officer fully qualified and a permanent secretary too. We know the conflicts that arise in those departments.

I do not know of any building company that has a chief executive who is not an engineer, probably with a MBA and there is no reason why you cannot have a person who is in charge of public works who will have both qualifications in administration and in the technical aspect.

These are issues that have to be dealt with. You have to deal with these issues. It is not going to be popular. The most conservative people in relation to this matter are going to be the unionists. That is a fact of life. People must recognise that You have to recognise that people have a vested interest in the retention of posts. So that this is not a fit and proper subject for a piecemeal debate.

I am very glad to see that some 400 new posts have been established. I believe that at one stage in 1986 we had established over 300. During the course of the last 9 years, I believe there must have been a large number established also. What we need to do now is to have a comprehensive review of Government and the likely role of the Government in the future. Everybody knows that modern concepts of the area of operation of Government have changed.

We in Barbados, as a small country, I would hope would not accept wholesale the recommendations of some bodies that the Honourable Member for St John is very familiar with. We do not have to accept the recommendations of those bodies all the time because some of the recommendations are just not applicable to small countries like ours because we do not have the private enterprise regime, the ride takers and the entrepreneurs that other countries may have. We may have other objectives to achieve too.

The real point is, Sir, that we need to look at this and we need to regard it as a matter of urgency and I want to congratulate the Government for identifying the problem and for their willingness to do something about the problem.

I also want to caution them that this is a radical exercise that is necessary. I also want to caution them, do not be too narrow in the base of your reformers, try and see if you can get some expertise from other parts of the Commonwealth as well as some expertise from the private sector because what is necessary now is a very radical reform and from the very institutional framework, the establishment, the disciplinary and other aspects of the public service, the Services Commissions, all of that has to be reformed and it is a matter that has to be dealt with on a broad base. A bipartisan approach would be the most desirable method of dealing with it 4.50 p.m.

Hon. Miss B. A. MILLER: Mr. Speaker, I wish to make a contribution to this. We are in the year 1995 moving up to the end of a century and in our case a millennium. It is really quite incredible considering that Barbados became independent in 1966 that the Civil Service of today is essentially in its format and in its

workings not at all unlike the Civil Service of 100 years ago, 50 years ago or 30 years ago. The Government is the largest employer in Barbados, Mr. Speaker, but the Government is the most backward in terms of human resource development.

Aside.

Hon. Miss B. A. MILLER: In many respects, it is not. The Honourable Member for St. Michael South can make a speech to that effect. He would know about it. He helped send home 6000 in the last 2 or 3 years. You speak for yourself. I am speaking for myself. Now, Mr. Speaker, Sir, I say whoever disagrees with me must get up and say what they want to say. But I say that this Government, not unlike many other Governments in the Caribbean, is backward in terms of human resource development. We need new skills in the Civil Service. We need more *modus operandi* in the Civil Service*. We give lip service year after year, term after term, Government after Government, to the concept of more collaborative venturing between the public and the private sectors. Ministers of Establishments for as long as I have been in here have constantly made this point and they are correct. Those who made it in the past and the Minister of Establishments today who makes the point again, they are correct. In an economy like ours, people should be able to move from the Public Service into the private service and back again.

Now I am responsible among other things for the Ministry of Tourism. Mr. Speaker, I was really quite appalled when I went in there to discover that I had a staff of 10 people. This is the major foreign exchange earner in Barbados. This is supposed to be the hub of the economy. This is the Ministry that we expect to be a great revenue earner and a great job generator. I had a meeting with the Chief Personnel Officer and I sat down with him and the Permanent Secretary in that Ministry and I told him that there were certain skills that I absolutely had to have in the Ministry of Tourism and that, if I could not find them or he could not find them and identify them for me and make them available to me from the Public Service, he would have to find ways and means so that I hire in those skills from the private sector. He saw the point that I was making and said there was nothing wrong with that. We have to get away from old ideas and all of this paper shuffling that goes on and people acting indefinitely in jobs. People go through their entire working lives acting in a post. This is shocking.

We have to have a situation, Sir, where if you do not have skills and you need skills particularly on a short-time basis that you should be able to hire them in from wherever. This old time foolishness about intra-Ministry and inter-Ministry cooperation is only a phrase, Sir. It does not exist in practice. There are people working in the

Public Service in Barbados, Mr. Speaker, Sir, who draw their salaries on a weekly basis and some on a monthly basis. They never go to work and nobody knows that they are public servants. That is what happens, Sir. One came to me in my constituency last week to tell me that she is having difficulty in her work place. It is a genuine thing. She has a string of doctor certificates because of the environment in which she is working and she has said "transfer me anywhere - this is damaging my health". She is away from her job 140 something days a year out of 365 because of the environment in which she works and she cannot get a transfer to a place where she can be more productive. It does not pay her Head of Department, Mr. Speaker, to keep her in that situation because they are not getting optimum productivity out of her. It should be in their interest to put her in a situation within the same Ministry where she could work the required number of days in the year. Because they have now to pay somebody to act or substitute for her when she is off on sick leave.

But these things we know, Mr. Speaker. It is a scandalous thing and that is why I welcomed so much in January this year the retreat which was the beginning of the reform process in this new administration. This reform, Sir, I hope will take into account particularly the new skills that are needed in the Public Service. But the Public Service is <*** a very uneven operation, Sir, because despite this amorphous, humongous organization that we call the Barbados Public Service there are some people who have developed fine skills. There are some people who are viewed both at home and abroad as experts in their areas and are in high demand despite the system and not because of it. These people if we hope to keep them within our system we have to design a system that is flexible enough so that they can grow. Career mobility has to be designed into the system so that somebody who starts at the bottom will hope to get to the top not by virtue of longevity but by ** virtue of skills and merit. It does not exist in the Service.

I requested to have a particular officer in the Ministry of Tourism to help me in what I have to do. This man has the skills that I need. Do you know what is the answer coming back to me, Sir? He would have to supersede 3 people. I said but that says something about the 3 people not the man. That says something about the 3 people. So it is a minus now that he would have to supersede three people to get to be in the post where his skills are most ~ needed in the Ministry of Tourism. Something has got to be wrong when the bureaucracy is so divorced from the policy of the Government, from the direction that the Government wishes to take, from the priorities that the Government wishes to establish. Something has to be very wrong. So, Mr. Speaker, we have absolutely to deal with this and deal with it rapidly. If not, it is going to retard the development programme that this Government has for Barbados,

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5,00 pjn.

Let me go back to the Ministry of Tourism again, Sir. The Ministry of Tourism is a Ministry in an industry that, as I keep saying, is very much private sector driven. In my submission, Mr. Speaker, a modern Ministry of Tourism in Barbados cannot operate like the Ministry of Public Works or the Ministry of Agriculture, and I am not saying that to put down those Ministries or to be negative, but it cannot work with the old time bureaucracy. If a modern Ministry of Tourism in Barbados today is to interface with the private sector, where its business is, and it does not only apply to the Ministry of Tourism, it must be true too of the Ministry of International Trade and Business, it must be true too of the Ministry of Commerce, Industry and Small Business Development. These Ministries have to interface in a very intimate way with their private sector counterparts, and you cannot do it

Aside.

Hon. Miss B. A. MILLER: The Honourable Member for St. Michael South is saying Finance too. I do not see any halo over his head, he has now discovered that. When the Honourable Member was the Minister of Finance he did not know that, and allowed the system to stifle any initiatives he was going to take. That is why he is out there now.

Aside.

Hon. Miss B.A. MILLER: I understand that you are agreeing with me, but, Mr. Speaker, this is a point I want to make that is important to me and I think important to the process. These Ministries I have highlighted - and I agree that the Honourable Member for St. Michael South is right - the Ministry of Finance and Economic Affairs - particularly those Ministries where the interface with the private sector has of necessity, by definition, to be a close one, cannot continue in the old mode. I have to tell you, Mr. Speaker, I cannot wait for the process. If tourism has to move in this country I have to move now, and I make no apology for the fact that the Barbados Tourism Authority has moved off in a new mode and has sought to bring a new management concept to the way in which a statutory corporation runs. I have recommended it to all of my colleagues in the Cabinet, I have recommended it to every single one of them for every statutory corporation in Barbados.

What has happened with the statutory corporations in Barbados is, and that is another point I want to make, that they were partly designed in the first instance when they first came into being so that they could be apart from this same bureaucratic process, so that they could be freed up to move in the private sector, and what did they do? They allowed themselves to be sucked into the old bureaucracy and every single one of them, encouraged by successive

administrations, have just created kingdoms of their own, dynasties of their own, bulging bureaucracies of their own. There are some statutory corporations that are larger than Ministries, and I can testify to that. There are statutory corporations that are larger than the Ministry of Tourism. Have you ever heard such a joke, Sir? And at the end of the day, what are they producing? You cannot see the productivity. They are burdened down now by their own bureaucracies and we have to bite the bullet, take the courage of our convictions in our hands - whatever expression you want, Sir - and deal with it now, because I say this, Sir, coming recently from the private sector, and not only the formal private sector, the NGO private sector as well, the civil society, that if we do not bring a new *modus operandi* and bring new ideas about human resource development, training and personnel matters ... It is not just a matter of writing down for a substitute, the Ministry of Establishments is a very important Ministry in the hierarchy of the Government, it is not just about moving bodies and transferring bodies, who has gone on vacation and so on, it is much, much more than that. It has to be ahead of the market-place and out there putting people in the pipeline, it has to go up at the cave in the hill and other such universities and look for the young students, the bright young people.

Aside.

Hon. Miss B. A. MILLER: Yes, but I am saying you go up there and look for the skills that you want and you begin to recruit them, put them in the pipeline early. You have people going home from the Civil Service, and a lot of them are going home next year, and carrying with them important skills that they have learned over the years and when you look we are very, very thin in middle management, and the same is true of the private sector as well. In middle management we are very, very thin on the ground, and that has to do with an attitude within the Civil Service as well, an attitude of secrecy. Men have things locked up in drawers, pieces of paper and files locked away, because it gives them a sense of importance. Men who are so tiny in intellect that it gives them a feeling of importance that they have a file locked up in a drawer and they are walking about with the key. You had better believe that, Sir. The most shocking revelation to me when I first came into the Public Service in 1976 was this aura about this ugly thing of secrecy. You cannot let this officer know this and you cannot let this officer know that. Rubbish! I have a staff meeting every month and everybody comes. Everybody must sit in on that staff meeting, from me back down.

We have to get away from this Victorian mode. You know, when we became independent in 1966 the most that could be said in fairness is that at that time we merely tampered with the actual structure of Government. We

changed a few things here and there. That was an opportunity to do a clean sweep but we did not, because other people were not doing it and for other reasons as well. A lot of people, meaning the bureaucracy of that day, were interested in the *status quo* remaining. They wanted long leave and six weeks' holiday and all this foolishness. Why? We were not colonisers, we were the colonised. The colonisers needed long leave to go back to the mother country, but here belonged to us, we did not need that. But we kept all of that because it suited the bureaucracy and I hope that in this process of Civil Service reform, of which this is a part, that we are prepared to stand up and deal with the *status quo*, if there is one at this time, which wants to keep that old, creaking Victorian model. It is outdated even where it was invented, in the United Kingdom, because they have had wholesale reform. Elsewhere in the Commonwealth there has been wholesale reform. Even here in the Commonwealth Caribbean there has been moderate reform in some countries, and Barbados wants to be the most backward in that respect? Not under this administration. The Prime Minister has made that perfectly clear. 5.10 p.m

I am particularly supportive of it because I would find it very difficult in a 1995 Barbados to do what has to be done, particularly in the Ministries for which I have responsibility at this time, without a new way of doing things.

The Prime Minister said a very interesting thing when he opened that Retreat in January. Among the things, and I quote it all. the time both at home and abroad - I hardly make a speech without quoting it, because it is relevant to almost any and every issue that you could be discussing - "we have to find new ways of doing old things and new ways of doing new things".

This brings me to my last point, Mr. Speaker, Sir, that we have to tailor something to our needs. This is not the time now where we can be lifting something wholesale from somewhere else and trying to make it fit into our model. This is the opportunity for us to tailor to our needs. Of course, there is much to be said for a comparative analysis that should be done with like administrations, with organisations with similar goals to ours or at a similar stage of development as we are at. But in the end we really have to tailor for our needs.

The civil service is there to service us, Barbados, not the other way around.

You know, Mr. Speaker, Sir, when the remuneration package for the new executive of the Barbados Tourism Authority was put in front of me I smiled. One of the

points that was made was in the private sector, in the real business world, 6 weeks vacation is out of the question. We have to be prepared to give other perks and privileges which you do not now find in the public sector or the private sector as well and stop telling people what they cannot do, be more disposed to try to be positive to show people what they can do and what can be done.

I am proposing in the Ministry of Tourism to undertake a staff audit, something that I know is alien to the civil service; but it has to be done. If I have to be able to identify the skills that I need, I don't know any other way that I can do it and where people don't have skills they have to be trained so that they can acquire the skills. The Government's development programme cannot wait for all of this to happen. So the process is starting. As the Honourable Prime Minister has said, this is literally cleaning out old stables that is going on here.

It is a very poor reflection that we like to claim that we have a high literacy rate, we have social development and services in Barbados which are second to none in this hemisphere because what we have in Barbados you won't find in North America or South America. There are places in North America where there are far less developed than we are. There are places too where they are more developed but generally speaking, the human development index is there. The UNDP has spoken out on it already this year where we are at

If that momentum that we have and if despite all the things that I have been saying that are wrong about the system, that are decrepit and that are out of date and out of step with the system, if those things are allowed to overtake the system and slow it down and retard it, then that momentum in the development process would be lost. When other countries are surging ahead, we will be behind and wringing our hands. The Prime Minister has made the point, I think in a recent speech, I don't remember where - we are all making the point on the Front Bench as Ministers - that the days of preferential markets are gone forever, the days of special trading arrangements are gone forever. We have to get out there and carve out our little niche in the market-place.

Our really highly special resource in Barbados and we like to make this point all the time is our human resource and we have to do something about it. We have a situation in Barbados today which is a serious thing. Every Wednesday afternoon I go to my constituency office and I am saying the same thing over and over again to people, Wednesday after Wednesday. I say to people all the time, nobody calls me up and says, "Miss Miller, do you know somebody who wants a job?" Nobody calls me up and says that. People call me and ask me, "Do you know a carpenter? I want a mason. Do you know a woman who can do x or y or z?"

People call and identify a skill that they want and I keep saying to people it is not enough to come and tell me that you want a job and help you get a job, give me something to work with, a skill. It got to the point where I started putting together skills training programmes at the constituency office to at least whet the appetite of people because people are hungry to learn something, especially if they think it can give them upward mobility.

This is what a modern civil service has to be looking at. The days of pen pushing are over. The new technology cannot be ignored. It is revolutionising everything. I told the Attorney General only last week that I went to the United Nations as a Foreign Minister does every year and somebody from another part of the United States when I got back to Barbados called and said, "I see that you were in New York." And I said, "How did you know?" She said, "Oh, it was on the Internet." For the first time, I understood the enormity. I had a good grasp and understanding of it but when it becomes that personalised you understand the enormity of it.

So we are looking at a civil service that I hope will start to operate by conference calls. We are looking at a civil service that I hope will be *on line* well before the year 2 000. We are looking at a civil service, Sir, where this entire process would be overtaken by reform measures so that by the year 2 000 we would have a well trained, enthusiastic, forward thinking body of people. I hope at that time we would not call it a bureaucracy anymore, that we would have invented a word which would more properly describe the kind of workforce that would be needed to take this country into a new millennium. I thank you, Sir.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I will be brief in this debate. I would just like to clear up a few of the cobwebs that may have been drawn into the debate. The learned Attorney General in introducing this measure set out, I think, quite clearly the reasons for it. He went through some of the different changes that have been made and he identified some of the Ministries that were affected and the kinds of positions that would be involved. 5.20 p.m.

The Honourable Member for St. Joseph got up and made a plea that there have been some persons acting, particularly in the category of maids and similar positions for a long time, and that some special consideration should be given to these persons who have been acting for a long time.

The Honourable Member for Christ Church South added to the debate and pointed out that successive Governments have tried to deal with these matters but there

is need to look forward. Thereafter, the debate seemed to generate more heat than light. Some kind of spin was sought to be put on this measure that is before us, as though it has something to do with a major public service reform and such matters. This is just one in a series of Civil Establishment (General) Orders that are made from time to time. They are made periodically in order to take into account the dynamic situation in the public service. Changes take place. In this instance it stems from certain ministerial changes and also it stems from the fact that sometimes Ministries ask for certain skills.

I heard the Minister of Tourism say that she wants certain skills, and that means that posts have to be provided and then people have to be found for the posts. But in the first instance they may be temporary because the need for a permanent position may not yet have been fully and clearly established. The idea is that after a period of time the situation is assessed and if there is a need for an ongoing position, then that is done through a Civil Establishment (General) Order.

Now, according to this very Order that we are dealing with, Sir, there was one amendment Order in 1990, the Civil Establishment (General) Order. I believe there were many in 1990, certainly more than one. Then there was also one in 1987. It happens periodically; and I assume the Member for Christ Church South when he was Prime Minister would have introduced some Civil Establishment (General) (Amendment) Order as well. This happens periodically, and it is merely to take into account the request from the various Ministries to make temporary posts permanent, or to create new posts all together in the Service.

This is bread and butter stuff. Do not now let us try to re-create this as if it is public sector reform. When we are debating public sector or public service reform that is a matter of a different colour. Let us not think that this is the first time in history that we are making temporary posts permanent. I do not even know if this is the largest number of temporary posts that have been made permanent. I will have to go back to the record. I do not like to speak off the record. I will be going back to the records. Maybe the Prime Minister will tell me.

Aside.

Rt. Hon. L. E. SANDIFORD: I am not dealing with whether it is more or less. I am saying that some persons seem to misunderstand the whole drift of this thing, and any Minister responsible for Civil Establishment has to set the record out straight, and take this as part of a series of actions that are taken in order to keep the civil service or the public service abreast of the need for new posts, so that the demands that are placed upon Government can reasonably be met. This is all that this is about.

I really do not know why the Prime Minister got carried down a certain line. Something must have irked him. But he will have to learn how to deal with that because he did a lot of it on the Opposition benches. He must not forget his positions, stances and tactics while on the Opposition benches. He must understand, therefore, that these things will be necessary, and that they will be done. If people are using modern technology - and I am glad I did not know of it, whatever it is or wherever it came from either - if people are using modern technology in order to convey information and to ferret out information, so be it.

The Prime Minister himself, it is reported, has gone on a course - how many classes have you attended?

Aside.

Rt. Hon. L. E. SANDIFORD: I do not know, Sir. I left a computer for him. I do not know if he was able to use it or if he got a new one. I do not know if he introduced any viruses into it. I really do not know. But let us understand that this is really what this matter is about and has nothing to do with any public service reform. It is a simple step that is being taken by the Minister responsible for Civil Establishments in bringing matters to the House of Assembly for regularization and for making the necessary adjustments. This is all that this is about

The issue relates to incomes policy because the cost of the civil service is an important consideration, and when you are making temporary posts permanent there is a financial implication, so a case can be made out, and has been made out for this particular matter. If it were not so you would not have permitted the debate to go down that road, so it is all very relevant I think so long as we understand that this particular matter can be put in perspective. I think there are major issues relating to public service reform, and that is a debate, as I said, of a different colour, there are a lot of very important issues that will have to be discussed.

I believe it was Max Weber who analysed the concept of bureaucracy. I would not use the German language because our debates are supposed to be conducted in English and you may stop me, Sir. But he dealt with the concept of bureaucracy, and bureaucracy is something that, contrary to what the Deputy Prime Minister may think it is, is a concept that will remain with us, and it is neither good nor bad, as I see it. It depends on how you use it. Bureaucracy is like power, neither good nor bad. That is as I see it. It depends on how the power is used and to what ends the power may be directed. So we will always have a bureaucracy in Barbados, and we do not have to invent the wheel every time and on every occasion.

If the Prime Minister wishes certain types of skills in the Ministry of Finance, he is also the Minister responsible for Establishments, and so long as when he is wearing his other hat as Minister of Finance he can find the funds to pay for these skills, then you could do it. But you do not have to come here and make out this big case! If you need the skill you do not come and complain. You go ahead and do the job. 5.30 p.m.

So, Sir, I think the task facing us in this country is to try and get on with the job. Let us forget all of the pyrotechnics, and all of the side shows and things like that. Let us get on with it, and let the Government get on with their job and do what it is that has to be done within the laws of Barbados and within the framework of good governance. That is my advice, Mr. Chairman.

Hon. D. A. C. SIMMONS: This has been a very interesting debate, Mr. Speaker. The Opposition has no quarrel with it and I beg to move that this Resolution do now pass.

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

ORDER NO. 4 - CIVIL ESTABLISHMENTS (TEACHERS) ORDER, 1995

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, the Civil Establishments Order for teachers usually accompanies the Civil Establishments (General) Orders and this is no different. They go in tandem and just as the last Civil Establishments (General) Order was made in 1990 so the Order applying to teachers was made in 1990. This one that is before us is very simple indeed in its intent. Mr. Speaker, it seeks to provide for the redesignation of the post of Headteacher to that of principal to conform with a similar designation in the Education (Amendment) Act 1990-21.

It also provides for the change of Deputy Headteacher to Deputy Principal and the third purpose of the Order, Mr. Speaker, results from the closure and amalgamation of certain primary schools and a number of posts of principal of Nursery, Primary, Secondary and Composite schools and includes also the school for the deaf. All of those schools have had their numbers reduced as a result of amalgamation from 142 to 117 and the Resolution and the Order only seek to reflect those, more than cosmetic, but those changes particularly in nomenclature rather than anything in substance. I therefore beg to move that the Civil Establishments (Teachers) Order, 1995 do now pass.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I would just like to make a few comments pertaining to the Resolution. As the Honourable Attorney General said this really seeks to regularise the situation as it occurred some years ago given the laws of Barbados. I believe, Sir, that Members of this Parliament are aware that the terms and conditions of teachers and principals are governed by that Civil Establishment Order and that they are administered by the Public Service Commission.

For many years there has been talk in Barbados about the establishment of a Teaching Service Commission because of the peculiar nature of the terms and conditions of employment of teachers and principals in particular. Indeed there has been a commitment, I believe, on the part of both parties in this Honourable Chamber towards that establishment. However, for various reasons even though work started prior to my entering the Ministry it was never able to be completed because this is not exactly an easy matter because it hits at the core of the fundamentals of employment between teachers and the Crown and principals and the Crown.

One of the major matters, Sir, that we addressed in the White Paper was the question of this terms and conditions of teachers and principals. I would venture to say, Mr. Speaker, that this is probably going to be the most fundamental area facing this Ministry of Education during the course of the next five years, and a Committee was established in order to make recommendations to the Ministry as to the direction we need to go in. This Committee is reflective of all of the interests in the education sector and indeed, Sir, has as its Chairman, the Permanent Secretary in the Ministry of Education because of the peculiar day-to-day knowledge that she would be aware of in that position and has as its Deputy Chairman, in his own right, Mr. Patrick Frost of the Barbados Secondary Teachers* Union.

In spite of our placing Mr. Frost as Deputy Chairman, we have in fact also still invited the BUT and BSTU to have representatives on that Committee. The Committee, Sir, is due to report by the end of January next year and we would hope therefore to start fundamental discussions on this far reaching area.

As the Honourable Member for Christ Church South pointed out, in matters such as this, of public sector reform, we have ensured too the views of the private sector are available to the Committee and they are presently found there.

One of the other major facts pertaining to this question is the issue of teacher appraisal which has been in the press as recent as today. The Ministry of Education has been meeting with the various stake-holders on the issue of

teacher appraisal and while there has been a Committee which produced a draft document it was found that that draft document was not appropriate and therefore not acceptable by some of the stake-holders on education. As a result, Sir, we summoned a meeting among all of the stake-holders, the BUT, the BSTU, the Conference of Primary School Heads and the BAPPS (Barbados Association of Principals of Public Secondary Schools) last Friday not to deal with the substance of the issues but to deal with the process and to get everybody back on stream to reach an agreed document which would govern teacher appraisal so that we can start training for it next year and indeed institute it from next academic year.

We do not wish to impose on persons at this stage the substance of what that document or instrument should be but we believe that it is fundamental that they be given the opportunity to reach agreement with each other, with the Ministry coordinating those representatives, to ensure that agreement. As a result, Sir, you would have heard an announcement this morning with the BUT calling a meeting tomorrow morning for members of the union. I just wanted to take this opportunity to let this Parliament know that that meeting was called with the blessings of the Ministry in terms of giving them the time off from school in order to receive their mandate from their members to be able to deal effectively on the joint committee to reach an agreed document. As I understand it, schools will not be closed tomorrow but those teachers who are members of the Barbados Union of Teachers who wish to go to the meeting will go straight there but they will go to school after the meeting because the BUT is estimating the meeting will only last for one hour. In the meantime, those other teachers who are non-unionized as well as the prefects and the principal will hold things until they reach there. So it is being done, Sir, in consultation with the Ministry and with the blessings of the Ministry because we believe that we must create room to ensure that there is every possibility of reaching consensus on this fundamental issue of teacher appraisal so that we can implement it by next academic year. 5.40 p.m.

With those few words, Sir, I would wish to support the Resolution.

Mr. W. C. C. CALLENDER: Mr. Speaker, Sir, I will not be very long but I think the matter of teaching, teachers and principals is a very important matter. It really stands at the root of the whole educational system in Barbados. Therefore, I thought that I needed to make some comments utilizing my experience in being involved in that area myself. On the face of it, this is just a cosmetic change where you are changing from calling the person a Head Teacher to being a Principal or from being a *Deputy*

Headteacher to being a Deputy Principal. I believe the intention is that the person does not only teach but the person is supposed to be first among equals and not only suppose to look after teaching but to look after the administration of the school

This therefore brings me to the point that one needs to look carefully at the selection of principals and deputy principals and it also ties in with the concept of teacher appraisal. Because we have a system now based on reports where people if they get a good report over a period of time this qualifies them apparently to be considered for a position of principal or deputy principal. If we do not have a scientific appraisal system, therefore it is not going to put us in a good position to be able to adequately select the principal. So that a teacher appraisal system is very important but it has to be done in such a way that it is scientifically done as best as it could be, because there is still a measure of subjectivity in the person who is doing the appraisal. But as scientifically as possible you can write a report on a teacher so that you can use as a basis for promotion to a senior teacher, head of department, deputy principal or principal so that it does not vary depending on who is the principal or who is going to do the report at that point in time maybe. Because we have a lot of instances, Sir, in these institutions where if a particular teacher is liked he would get a good report. That is my understanding, If he is a trouble tree, he will sure to get a bad report. But if you have a scientific analysis on which you base it, you have to put in the relevant points and the range must be broad so that you can judge him or her on the relevant areas. For example, the Education Officer might be able to easily detect that there is a great degree of bias. So it will make it complex for the principal so it will not just be a narrow area that you can just speak well of a teacher who is very agreeable and not so well on one that is at times disagreeable. Because a teacher who might be disagreeable in one or two instances in the sense of not agreeing with what the principal wants is not necessarily an inadequate teacher for the school

We know of instances where some of the disagreeable teachers in the school according to the headmasters or principals might be one that can bring order to the school, one whom the pupils like and one who is a role model for the pupils. There are instances in schools where teachers set a high standard in the school but for some reason the relationship between themselves and the principal may not be the kind of relationship that would cause the principal to want to easily give him an excellent report and therefore might decide to give him something that is marginal or something that would not qualify him for consideration for promotion. I am not saying that this is a general rule, Sir. I am saying that there are instances where this happens and those who are in the paternity will know all about it.

So I do welcome the teacher appraisal and I believe that it is going to deal with such areas as community involvement and so on. I think that I saw a proposal somewhere. But my view is that you need to look at the involvements of the teacher not only directly in teaching the subject, but what role does the teacher play in trying to discipline the student, what role does the teacher play in making a contact between the school and the home, what role does the teacher play in the community, and what role does the teacher play for example in the national development. There are teachers out there who are doing a good job all around in writing books and they are involved in all types of activities. These teachers end up at the bottom of the ladder. One is left to ask the question, Sir: How do you judge these things of a person who is committed to all areas as sports, involved with associations, involved in writing books, working with the children after school, connecting with the home and are just not playing a major role within the school system and are just marginalized? One has to look at that very carefully because I believe that if anyone who is playing a fundamental role within the school system should be in a position to gradually be promoted to a premier status not waiting until the person is getting old and laid back and not to have to wait until you get at least 50 years then to perform a key role. But if a person is performing a fundamental service to the school, I see no problem in promoting that person to deputy principal, principal or whatever the person merits and not just say he can wait

We need to utilize our best resources and I am hoping that teacher appraisal will be done in such a way that it can identify those people within the school system who are making significant contributions and there are a number of them. I am not in Parliament going to identify their names but I can think of them off the top of my head who are making key contributions. I see them there as ordinary teachers for years upon years. They are getting good results and they are involved in all kinds of activities. I see them as wholesome people and they just stagnate and usually it has to do with whether it is their age, whether they are having a good relationship with the principal or with the Ministry or some kind of situation when they are well qualified.

Sir, I also have to recommend that the PTAs be considered on any committee that is going to look at this teacher appraisal I noticed in the committee that is picked to look at this teacher appraisal I see absence of the National Council of Parent Teachers' Association. I am saying that I do not believe that the National Council of PTA should put themselves in the role where they believe that they cannot comment on teacher appraisal. Because after all, I believe a parent/teacher body should have at least some people on it who would be able to give an informed opinion as to what they

would expect of a teacher. Therefore, this informed position can have the input into what the teacher appraisal should be like. I do not know if they have deferred or what. But if they have deferred from being on a committee to look after a teacher appraisal, I think it is rather unfortunate that the body which has in it people who are at the heart of the matter, who have to see that their children get the kind of education that they deserve are not represented on a body such as that. I do not know what the reason is, but whatever the reason is I believe that one needs to look at having an input and an active involvement from the PTAs in that regard. 5.50 p.m.

If one is just hearing from the teachers, one only gets that perspective, but one needs to get the perspective of the parent. Perhaps I am being a little biased. We should also even get the perspective of the child as well. There might therefore be a case for a student body having representation on such a committee which is seeking to address the serious matter of teacher appraisal, because the pupils can tell you what they expect from a teacher and there should be some mechanism at least to fairly give us the views of the student as well. I have not forgotten the input of the student, because if we are going to address these things fundamentally, we need to have the inputs of all the relevant sectors and not allow the teachers to feel that they are the beginning and the end of all these matters. They have a key input in it, but if we are going to be open and participative in this regard, I believe that all the key players in this exercise have to be considered and that their contributions have to be valued.

Sir, I also want to make the point of teachers and their input also to the wider community. We have thousands of teachers in Barbados, we have thousands of civil servants, and I think we need to seriously address the involvement of teachers in other national activities, and by extension political involvement. The system as it is prevents teachers who are not privy to any confidential information, any secrets - I can understand in certain areas of the Civil Service where if you are privy to secrets and all these things you have to be impartial, that it might be asking a bit much to seek approval for their involvement in active politics, but I do not see what threats teachers pose to the political system, and therefore I think we might need to consider whether teachers who have found themselves in politics should not be able to regain entry into the Teaching Service. People like His Honour and other Members I see here who were once teachers, even the Member for St. Michael South, whether we should look at it open-mindedly. What is there to stop these gentlemen and ladies from being admitted back into the Teaching Service? They are no threat to any Government, they do not have any secrets, so this is an old-fashioned way of saying a teacher cannot get involved

in politics and then be readmitted. They should be readmitted.

Aside.

Mr. W. C. C. CALLENDER: Yes, Mr. Speaker as well. Even if a Member of Parliament were a teacher, I see no problem with that. If a man can be a pharmacist and go back to his pharmacy, why should a teacher not be in Parliament? Since we are speaking about the children being involved in Parliament and knowing about Parliament, why then do you say you cannot be in teaching and in Parliament too? The children will then say Parliament is nothing to be in, so we have to start on the right track to let them see this is nothing that is so remote, so pharsaical, so devilish, that we are not pariahs. We have to show them that and we have to make it clear. I believe there is a feeling that a politician is some person like a devil to be avoided, and if we are going to get the children involved in decision making which relates to their own development, a lot of those rules have to be reviewed and I am saying they need to be changed.

I can understand the reason why in certain sectors they are saying you cannot be involved in politics, but where it is not critical I am saying it has to be reviewed and let the children understand they can be professional politicians, if they want to be, like some Members are saying they are. There is nothing wrong with that. Doing work in the community is good service and there is nothing wrong with being out there helping the people in the community at a point in time when leadership is required.

When we look at this Civil Establishment (Teachers) Order, 1995, we need to look at the whole Order and its relevance to modern day Barbados. If we are going through structural adjustment in terms of the economic factors, we have also to look at the social and political factors as well, and so a review of these Orders is critical at this point in time so that we can utilise our best resources in the respective areas. I hope that these comments are taken in the spirit which was intended and I am hoping that the PTA's, as I earlier said, will be given a prime role in some of these matters which will be addressed. I do not know if they are seeking that, but if they are not, I think it is about time they get back on the right track, back to the original moorings of the NCPTA.

Thank you, Sir.

Rt Hon. L. E. SANDIFORD: Mr. Speaker, my comments, as on the previous Item we dealt with, will be very brief.

First of all, I do not think there are any objections to a change in the particular or relevant piece of legislation, or to a change in the designation of the head of a school from being referred to as Headteacher to Principal, and from Deputy Headteacher to Deputy Principal. That is certainly in accordance with other pieces of legislation, and in accordance with the continuing education reform programme whereby we were seeking to give leadership in our schools a common designation as far as possible. If the number of schools is being reduced from 142 to 117, obviously there will have to be changes in the legislation.

What I would just refer to, however, is this question of appraisal and the question of ensuring that there is fairness in the appraisal system, and that idiosyncracies and special peculiarities in the assessing officer or officers are not brought to bear unduly in that appraisal mode to the detriment of persons who are serving conscientiously in the teaching profession. I believe that would be one of the considerations and that every assurance should be given in that regard. 6.00 p.m.

Sir, I do not know enough about the measures to speak anymore on that. What I want to refer to is the management of these schools. I am not sure if it is the principal or the Board of Management who is responsible. But I was shocked with respect to an organisation with which I am associated called the St Michael South Community Development Council. We are providing training, free courses, and we have been doing this for years to give people an ability not only to improve themselves, and to help themselves in their personal development, but also in their economic life as well. For the first time, this year the Ministry of Education has charged my organisation for using the Garrison Secondary School! I was shocked, Sir!

Hon. Miss M. A. MOTTLE Y: The former Honourable Prime Minister is too learned to make a statement that the Ministry charged him such a fee. He knows from his long tenure in the Ministry of Education that it is the Board of Management who will review these matters and not the Ministry. Therefore these matters at times can be reviewed and be not known to the Ministry until the minutes are submitted, having been confirmed one month later by the Board of Management.

Rt. Hon. L. E. SANDIFORD: I will certainly thank the Minister for her assurance that the matter will be reviewed. I am grateful for that, and will say no more on it.

Sir, I believe some of my colleagues have been having some problems in getting permission to use the

schools. I dwell no more on that but simply to make the point and pass on. I don't think on this side that we are opposing this particular measure. I think that is all I would wish to say on that.

Hon. D. A. C. SIMMONS: I give the Honourable former Prime Minister the assurance that the matter which he has just drawn to the attention of the House will be attended to and dealt with and I am fairly sure favourably and soon.

With those words, Mr. Speaker, I beg to move that this Resolution do now pass.

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

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

ORDER NO. 5 - BILL TO AMEND THE CUSTOMS ACT

Hon. O. S. ARTHUR: Mr. Speaker, Sir, this relatively simple piece of legislation is intended to give effect to one of the minor budgetary measures that was introduced this year. During the course of my presentation of the Financial Statement and Budgetary Proposals I proposed to increase warehouse licensing fees which had not been increased since the mid 1980s with a view to having greater capacity to offset the cost of administering the system of policing warehouses. The intention was, as I said then and as was reflected in the legislation, that in circumstances where the duty liability coverage does not exceed \$200 000 *per year* the fee will be raised from \$2 400 to \$3 000 and this is just to adjust the fees in the light of the fact that they have not been changed for a decade.

Sir, there has been in Barbados the unfortunate practice of removing goods unlawfully from warehouses. At present, although the fine is \$25, we have been collecting \$300 000 from this practice, which would suggest that there is a very flagrant breach of the law and I thought it was necessary to stiffen the penalties and increase the fees for removing goods from warehouses from \$25 per container to \$500 per container. The legislation before Parliament is intended to give effect to these 2 budgetary proposals.

I just want to make one point only pertaining to the administration of Customs which is itself under review. Customs is one of those government departments that comes into contact with the civil society and I say civil

society rather than the private sector. A lot of small people have to deal with the Customs and the administration of the Customs is a matter that affects how people feel about their place in society and it is absolutely necessary that we have to get the Customs functioning at its fullest efficiency but with sensitivity.

Concerns have been raised regarding the operation of the Customs and the time it takes to clear things. Government is sensitive to the matter and we are looking to have a complete overhaul of the procedures between the operations of the Customs. I am not making any threat. I am not even pointing a finger at anybody. There is still a lot of scope for the improvement of the operations of Her Majesty's Customs and I give the House the assurance that this is a matter that is engaging the attention of Government because it is a matter on which we cannot rest.

Sir, there is one final point that I should like to make and it is the question of the application of the policy on returning nationals, because their first contact with Barbados is at the Customs. Government is going to be setting up a facilitation unit in the Ministry of Foreign Affairs to function as the unit that will allow nationals who want to return to settle in Barbados to have the hiatus surrounding their movement from one country to another resolved.

I hope that, when we have the unit in place, a lot of the problems that are faced now with Customs and whatever else can be sorted out. There has been, for some considerable time, an issue pertaining to the charging of duties on vehicles and it is a fact, Mr. Speaker, that arising out of the Budget under which we abolished the stamp duty and the surcharge which were previously the two charges placed on the cars imported by returning nationals, the Budget abolished the stamp duty and the surcharge on vehicles below a 1600 ccs. Those were the 2 charges that were placed on the cars of returning nationals and for a time the Ministry of Finance was imposing the 50% waiver on the import duty and consumption tax on those cars as a substitute for the stamp duty and the surcharge. We found that that was higher than the rate that was applicable before. 6.10 p.m.

I want to inform the House, Sir, that we have subsequently taken the decision that the rate of duties charged on cars for returning nationals will be 40% made up of 20% import duty and 20% consumption tax.

I just want to say to the House that I am hopeful, Sir, that the day will come very shortly when we will no longer have the need to impose any tax or duties on motor vehicles brought into Barbados by Barbadians who have

lived abroad and want to come back to this country to live and settle. I want to stress that point, that the imposition of the tax and duty in the past has been because there are people who have breached the system from time to time by bringing in and selling. We feel that if there is a facilitation unit in place, and people register with the High Commissions and the Embassies abroad and are *bona fides* returnees, a man's car be treated like other personal effect. Once we have that unit in place that can monitor the situation, there would be no need for us to impose taxes and duties as a way of trying to ensure that there is no fraud in the system.

The revenue is not supported massively by the imposition of a tax and duty on the motor vehicles of returning nationals. The loss to the revenue of removing this is something that is under active consideration. But it will go hand in hand with the establishment of a facilitation unit in the Ministry of Foreign Affairs that would enable us to have a constructive and structured way of dealing with persons who want to come back to Barbados and settle.

I just want to say to the House, Sir, that it was a fact, arising out of the Budget and immediately after the Budget, that there might have been some persons who may have been charged duty and taxes that would have been higher than what was charged before. It was brought to our attention, and we have corrected it. This is how this Government is going to function. If a legitimate concern is brought to our attention we are going to deal with it. It was brought to our attention. In good faith we have dealt with it. It is now back at the same rate it was before.

I am sure that the whole House would agree that the charge they have had for three years we can do without, if a man has lived abroad. The reason why, as we all know, it has been kept in place is that there are people who beat the system and abuse it purporting to be coming back as settlers, they bring cars, sell them, go back, come back and bring back cars and sell. That is why there has been this system in place to try to capture those who beat the system, but we can regulate the system by having a facilitation unit in place that can deal with this at source.

People who want to come back to Barbados will register with the High Commissions and we will have a relationship between the High Commissions and the Facilitation Unit to make their coming back to Barbados easy. When a man brings back his capital to this country, we do not want to have a system in place where he is stripped of his capital at the Port. He is coming back for the benefit of the country. He wants to live in peace and I am hopeful that, when all of these arrangements are put in place by the next financial year, we will be able to

remove this irritant, because it really is an irritant, that has been kept in place.

I am not giving the House any false assurance, Sir. This is something that has to be done. It is an irritant As I said, immediately after the Budget, our rates did go up. It was brought to our attention and they have been brought down. As soon as feasible it will be removed.

Mr. Speaker, this Budgetary proposal was to take effect from July 1.1 think we are within the limits of the Provisional Collection of Taxes Act. I therefore would like to move that this Bill be read a second time.

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

Mr. D. J. H. THOMPSON: Mr. Speaker, the Opposition is not opposing this Bill since we would have expressed a view on the substance of it during the course of the Budget I asked a Parliamentary Question about the duties exigible on motor vehicles for returning nationals. I asked that question because during the course of a debate in here erroneous information was put before the House. Now, I do not blame the Minister of Finance. It was, in fact, one of his underlings who gave that information to the Honourable Member for St Thomas and the Honourable Member for St. Thomas read it into a debate. But the real point is this.

The Democratic Labour Party up to when elections were held, as I recall it, had made only one fundamental change and that was that we no longer required that the car be 3* years old. I think we had already removed most of the duties by then.

Aside.

Mr. D. J. H. THOMPSON: The Honourable Minister just said 3 years old. I think that may have been inadvertent \S(e removed the 3-year requirement But I want you to understand the psychology of it because it is a very significant point. The reason why we removed it was because there are a lot of Barbadians who have been in England for 40 years. They bring back Volvos. If you ask a Barbadian who is living in England to bring back a 3-year old Volvo it upsets him. When he comes back to Barbados after 40 years outside of this country, he wants to bring back a new car.

Now, it is not a lot of people, so we really have to understand that the reason why the Cabinet took that decision then was because there were a lot of elderly Barbadians, and we have a wave of Barbadians coming back, those who left in the 1950s and 1960s who had been in England for 40 years, came back and got very irritated,

not at the duties, even though that is an irritant because if you keep chopping and changing it upsets them, but to bring back a 3-year old vehicle for a man who went away - I know of one, a man in Lemon Arbor. When he heard he had to bring back a 3-year old vehicle he said " You expect me - nobody has seen me for 40 years in this village - to come back to Lemon Arbor with a 3-year old Volvo? People would think, what he went away for?"

It reminds me of a story told by the former Honourable Member for St Philip North that when he was returning to Barbados from England after studying, a man from Padmore Village, St Philip, was on the boat with him and the shipping agents could not get his trunk on the same boat with him so he cursed the shipping agents from Preston docks to Bridgetown Port Then when he arrived in Barbados he asked the former Member for St Philip North to come back for him at night He refused to leave the boat in broad daylight. He asked him to come back for him at 9:00 p.m. to drop him in Padmore. On his way home the then Member aSked him "Why you asked me to drop you at this hour?" He said, "You expect that I left Barbados 10 years ago and coming to Padmore Village with one suitcase this size? You must be mad. People would think that something got to be wrong with me. Either I was in Prison when I was in England or I was in the madhouse but I cannot be going back to Padmore Village with a one handle suitcase." So we have to be sensitive. I am glad the Government has set up the Facilitation Unit I myself have been trying to work with the private sector to set up some kind of Fund into which you can funnel this investment money.

I remember in 1993 the then Attorney General and Minister of Foreign Affairs and I went to London and we helped generate a lot of deposits on a housing project. The project collapsed and people lost their deposits, and this has happened time and time again. We need to have a proper institution that can receive the deposits of nationals and can properly register them and use them to start whatever projects they are involved in. The Central Bank already requires them to make a 25% deposit before they can get a domestic mortgage. So I have no problem with the Unit

I will collaborate in any way necessary to encourage investment

We view ourselves on this side as helping. I will be in Toronto on Thursday to hear your address, and to help promote Barbados at my cost The Government is not paying for it 6.20 p.m.

We believe that on this point, Barbadians overseas should not be polarised when they are out there and they need to be encouraged and helped. They are very

sensitive about how we feel about them. The people from England think that we think they are mad and I know from my own experience my father lived in England for 40 years and came back three years ago. He whispered everything in England and when he came back here he was still whispering because he always felt that he was never welcome in that environment. They come back here, they walk a bit faster than others. The Honourable Member for Christ Church East Central knows the facts. We do not integrate them in the way we should. We need to help them back. A lot of them own good properties in Barbados, in Gibbs, in Ventnor Gardens there are a whole series of them that bought big properties and they work very hard and were not as well educated as some of us and generations right after them. We really need to help them and I want to appeal to the Government that however, without compromising the tax system, without overdoing it, we really need to focus on how best we can assist Barbadian nationals particularly those in England who have worked hard.

The second point I want to make is about the VAT. It has been drawn to my attention that the Minister of Finance has said that he is not going to introduce a value added tax in Barbados until all of the issues are resolved.

Aside.

Mr. D. J. H. THOMPSON: Oh, to your satisfaction. Thank you. Well that caveat solves my problem. I want to say this. We started the VAT and the Honourable Member for St. Peter knows why we made no headway. He knows the level of response by the private sector and therefore I am saying this, focus on the small man. The Democratic Labour Party is going to hold 4 seminars to help you in that process. We will put our high-powered economists and our technology, whatever technology is available to us, and I do not mean unnumbered fax machines because I know nothing about that. I own whatever I publish. We want to go out there because Government has its job to do. I know it is very difficult. The pressure is on Government. We want to focus on the average man and put the pros and the cons. We are in support of a VAT. There is no doubt about that. Let us make the position clear. We are not retreating from our position and we are not going to make any statements which doubt or throw doubt on the efficacy of the introduction of a VAT in the context of a modern Barbados, a tax system that is riddled with problems and so on. So you can say without doubt that the Democratic Labour Party is in support of the concept of a VAT.

We are divided in our own thinking about how to treat the hotel sector. I want to tell you that. Within the parliamentary group there are divisions because this is an issue that strikes at the very heart of our economic system and the hotel sector in Barbados has benefitted a lot from

all kinds of tax concessions and the mere fact that they cannot tell you today or cannot account to you as to how they have benefitted from those tax concessions does not suggest to me that there is any need for Government to bend over backwards to delay its implementation of a VAT only on the basis of the hotel sector. If that is the problem I am saying to the Prime Minister forge ahead. But that is not the only problem.

I am saying that Barbadians are very funny people and the day before the VAT is implemented everybody is going to be walking around like a headless chicken wondering how it will impact on them. Focus the education on the average man. Let him know that he is going to pay VAT on a haircut, on legal fees, focus on those things. Explain why the VAT is going to be exigible on those things because it has as much to do with lawyers not paying income tax as it has to do with a broad-based tax system. But let us focus on them because I do not think that Barbadians yet sufficiently understand how the tax will impact on them.

I am not saying forget the hotel sector, but there is a point at which the Minister of Finance needs to say, "enough, the decision is mine" and forge ahead. I am not saying we will agree with everything that is done but there is a point at which you must cut off. There is no Minister of Finance in the world who can wait on every interest group to respond to a concern like that.

The tax system as it stands now is an impediment. The faster you reform it the faster the economy will grow and contrary to what the Minister of Finance may think, we want this economy to grow. We want it to develop and we want this country to succeed. So the faster that reform is put in place, the better this country will progress. So do not feel that any criticisms from the Opposition are coming in relation to the VAT. We want to help in that regard. Our criticism will be on other things.

Let us be very clear. I hope the Opposition's position is understood because the hoteliers cannot pray us in aid on this subject we are experienced on dealing with the manufacturers and the hoteliers when it comes to taxation issues. I am not an economist so I am not going to write a book on that. If you are writing a book I will contribute some notes to that book.

If I can assist the Minister of Finance by saying to him that if he says 'this date is the cut off point' from there let us look forward, we will assist. We are not taking up anybody's crusade where they cannot justify their contribution to the economy in relation to the concessions they receive. If they can do that fine. But I am saying there are many sectors that cannot do it.

There are many sectors that complain about taxes and when you go and check the Customs Department they owe arrears for decades. You would think from the way they complain that they are paying taxes every month. Perhaps I have said enough on the subject except that I wish to repeat that the high-powered delegation will be ...

Aside.

Mr. D. J. H. THOMPSON: I have not received the VAT Bill yet. I am really upset about that. I have never seen it. It is really upsetting because young accountants are asking me, have you seen it. I am embarrassed because foreign investors, strangely enough asked me, do you have a copy of it?

Hon. O. S. ARTHUR: Mr. Speaker, in all seriousness. It is not the intention of the Government to withhold the VAT from the Opposition, Sir? If it has not been circulated to the Opposition, Sir, it truly was not the intention of the Government. I understand better now. But, Sir, there was a remit by Cabinet that the VAT Bill should have been circulated to all and sundry. They may just ask. As I say, young accountants ask. People really want to know about the VAT. So we need to have it. We want to look at it. Our job is not to get into technicalities. Our job is to sell the concept of a value added tax and to help people understand how it will impact on their lives. I understand the dilemma that is faced by the Minister of Finance regarding inventory as well which exists at the time when the VAT is implemented. Again, the former Cabinet took decisions on these matters, not that you must hide behind them. But we took bold decisions. I do not know why the Prime Minister has difficulty with that. Every other decision we took he blames us for taking. Here he has a difficult decision and we have already decided that 6.30 p.m.

We decided that there would be no special arrangements for existing inventory. That can produce abuse and can compromise the entire introduction. We were also in favour of a single rate. I do not know what the legislation says, but if Barbados introduces a single rate it will be the first country in the world in modern times as far as I know that has introduced a single rate. Do not let the hotel sector shift you away from those kinds of goals. Other countries have started with 3 and 4 rates and eventually got to one rate and all other kinds of confusion. We do not need that. We have the experience of other countries to base our decisions on and we need to be frank, come to the people and say that this is what is best for Barbados. The persons who have the knowledge and the ability to understand have analyzed it and as a country we can forge ahead with it. I know that Governments are always terrified in introducing it because there has never been a Government yet which has introduced a VAT and

won the next general election. So introduce it. Never a Government in the world that introduced a value added tax and has won the next election, so introduce it. But that is not why we are supporting it. Let us be frank. I am only saying that as an aside. We support it because we think that is the best way to go. We are not retreating from our position.

So I say to the Prime Minister if there is anyway that we can help we will assist. We are going to put the contrary views in the sense that the realities of the introduction have to be faced. I think Government needs to do more of that. It needs to say what is the reality of it. Do not get tied up in the cost of refrigerators and so on because a person buys a refrigerator once every 8 or 10 years. But get to the way in which it will effect spending power and explain why this method has to be introduced. There are going to be contrary views, initially, it will have its impact in a negative way but overtime it will become a self-policing and more effective way of collecting taxes in Barbados and it will remove the cascading impact of all of the present tax methods.

Perhaps the Prime Minister can tell me because this is not an issue that was resolved by us. What will be the relationship between the Value Added Tax Implementation Unit and the Customs Department? Is it going to be separate and therefore what will be the functions of the Customs Department that will require the existing work force after the introduction of the VAT? That was a question asked of me and I could not answer because as was not an issue we had resolved because we had not at that stage resolved how we would structure the administration of the VAT.

Aside.

Mr. D. J. H. THOMPSON: Well, you seem to know a lot of things. Mr. Speaker, as I said, we are not opposing this piece of legislation. In a constructive mode, we are awaiting to give assistance where we agree that the policies are desirable for the advancement of the country.

Hon. Sir HAROLD St. JOHN: Mr. Speaker, there are just a few points I wish to raise in relation to this Bill and in particular, Sir, I welcome the introduction of the Returning Residents Facilitation Unit. My constituency does have a large number of people who have returned from the United Kingdom situated some in Maxwell, Fairholme Gardens and I know that in The Abbey and the next door constituency of Haling Park and Chancery Lane there are an even larger number. There are quite a few too in Atlantic Shores. I am well aware of the problems they have in relation to bringing back things which they acquired while they were in the United Kingdom. I

agree that there is no use telling them that some of the furniture in particular is not suitable to the Barbadian climate. They feel very strongly that the furniture as bulky and as heavy as it is a symbol of their success abroad. The issue of the motor cars has to be solved and I hope that the Government is bold enough to say that a returning resident should pay on the motor cars a small tax and let that be the end of it. If they are able, they will be able to waive the tax in respect of vehicles where there is evidence that they have used them for a year or something like that, because it is possible in the United Kingdom to buy good quality year old vehicles because of the movement of the people between the United Kingdom, diplomats and people, leaving to go to other parts of the European Economic Community and who have only had their vehicles for a short period of time. But in addition to this any plan for the resettlement of nationals will have to take into account one or two other problems, one of which is the problem of pensions. We do have some problems where under our existing laws people who are eligible for a pension abroad however small it is, and some of the pensions are very small, are unable to get what is called a topping up after a number of years residence in Barbados to bring them to the minimum old age pension in Barbados. Believe it or not, there are a few who have had to return from the United Kingdom because of illness, particularly diabetes and a disease known as a swinging head, and a few other things that I have come across and I hope as part of the policy will not be restricted to matters that we have discussed today but that will be a generalized policy which would have a holistic approach on how we can help people to resettle in Barbados.

Now the amendments to the Customs Act, Sir, I welcome. I would also like to say that there are a few other immediate amendments which should take place in order to bring a level of equity in the administration of customs. The amendment that I would particularly like to see, Sir, is the ability for citizens to challenge the valuation assessments of customs officers. There should be some very simple mechanism to ensure that where there is a difference of opinion between a customs officer and a citizen about the value of an article which is subject to Customs that the person should be able to appeal to a tribunal very quickly and have the matter disposed of. 6.40 p.m.

There is nothing, as far as I know, that causes greater dissatisfaction and a greater feeling of injustice than the fact that there is a motor car or other article, something which a man genuinely bought in another country at a particular price, the invoice is not false or anything, and a Customs Officer here says: "I give it a different value, I do not care what you paid for it." There is no recourse to that other than leaving the article there and trying to appeal to the Ministry of Finance for help, and sometimes a long

period of time passes. We must have some mechanism to resolve that, because many of them are not criminals. I could go to the United Kingdom, where I have been recently, and see the vehicles there that you can buy at a specific price, which here would have a completely different value. So we need to have something in relation to that, Sir.

Again, Sir, in relation to some of the powers of the Customs which could be strengthened in relation to other activities they have to perform, only the other day in a Commonwealth Law Bulletin I have noticed that a number of countries have been reforming their Customs Act, which here after all, was passed in 1962 and this is 1995, so there should be some scope of the review of that.

As far as Value Added Tax is concerned, as I have said previously during the last administration, it is a modern internationally utilised tax and I do not see how anybody in Barbados today, who is living in the last half of this century, could regard the Value Added Tax as being a tax which is not fit for introduction into Barbados as against a background where we have a multiplicity of indirect taxes, some of which are double, some of which amount to taxation upon taxation. I know there has been a lot of controversy in the hotel industry, but my understanding of the position is that, at the present moment, except for those articles that the hotels have been able to get a waiver of consumption tax on in truth and in fact, under our existing taxation system they pay the consumption tax and then on top of that they pay the hotel tax on the articles and the stamp duty. I believe that what has happened now, with the open discussion that has stated, is a good thing and that a large amount of the so-called difficulties will be removed in due course. I believe that some of the advisers themselves will in the fulness of time recognise that they do not have a perfect understanding of the procedure.

The last thing I will say, Sir, only yesterday we had a discussion in which we recognised the need for political parties to have machinery to ensure that the small traders in Barbados become aware of the VAT, so I agree with the Honourable Leader of the Opposition and I want to let him know that he will be looking after his people and we will be looking after our people in that direction. We will see that they too understand what it is about, because I do not know of any Small Shopkeepers Association in Barbados, I know of the Chamber of Commerce who would have access to their advisers, I know of a Hotel Association who will have access to theirs, I know of a Manufacturers Association, but we have to recognise, as I understand it, that there are some 3 000 shopkeepers in Barbados.

Aside.

Hon. Sir HAROLD St. JOHN: Yes, it is around that. If you look at the number of liquor licences ... Now I know that some of them will be exempt, because the level will no doubt be removed and we can have appropriate discussion to a higher level of 60,000 - there is no doubt about that -, but the point is there will be some important shopkeepers who have a reasonable turnover, who will have to have an understanding of the VAT.

I would hope that on the VAT we will be able to do some summaries, in simple language, on the effect of the law and its potential changes and be able to sensitise the people in the area. You do not need to have an elaborate document, but the point is you must excite their interest so that if it applies to them they will then bestir themselves. It is appropriate that we should have some seminars, and not only in Bridgetown. All of those things are going to take place. I know there is a reservoir of talent which is available and I am very happy to see one or two people who have worked in Canada at the provincial level, who deal with information technology and computers and machines that will help you to calculate all of this. Therefore, Sir, I believe that if there is a combined effort we will be able to get this done.

I understand that some aspects of the legal services will be subject to VAT and I am fairly sure that advocacy is not going to be the subject of that I believe that the concept of VAT in relation to lawyers is that they pay VAT on their conveyancing and things like that, but it will always be impossible to subject VAT to the gentleman who holds himself out as giving advice on criminal law and how to get out of a police station or how to address a jury. I do not know of any country in the world where you use VAT like that, that is a very special relationship between the client and the legal adviser. The Honourable Leader of the Opposition is not in here. No doubt his area of expertise is in the area of the documentation, but the Honourable Member for St. George South need have no fear in this respect.

I do welcome the spirit in which the speeches have been made, Sir, that VAT is something that we all have a duty to try and explain to our respective constituents, and a duty also to make a study of so as to make sure that any anomalies in the existing law are straightened out. It is going to be a difficult exercise, but I believe it is a reform that is necessary if Barbados is to have a tax system which conforms with internationally recognised tax systems. Throughout the European Economic Community, every country administers VAT. Many people here do not appreciate that in countries like the United Kingdom you pay your VAT even on your hotel room, and you do not get it backj or on dry goods in the so-called duty free shops and you show the goods at the counter at the airport when you are about to leave and you can get back your VAT

there. If you do not have your goods with you, you have them in your valise, you have to go abroad and then send back in your claim by post and then they send your VAT back. 6.50 p.m.

The Honourable Member knows that is the position. Barbados is not introducing any system that is not internationally recognised and practised. That is what we have to get across. We cannot be in this world and not be of this world. That is our position. It is true that we don't like change, but Barbados is a country that when it is determined in its mind to have a change, it will have a change, and the Honourable Member for St. Michael South will well understand that

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I want to speak very briefly in support of this matter. Reference has been made to the Facilitation Unit for returning nationals in the Ministry of Foreign Affairs. This is something, Sir, to which I attached very high priority when I came into the Ministry.

As has been said by the Honourable Leader of the Opposition, in the mid 1990s we have arrived at a place where a number of Barbadians who emigrated in the 50s are now at retirement and many of them are coming home. They are bringing skills with them. They are bringing capital with them. They are bringing personal effects with them.

This Facilitation Unit of the Ministry of Foreign Affairs is ready. Just a few weeks ago, last month in September or early this month, I can't remember, but very recently, I invited these returnees, as we call them, to a town-type meeting at the Dover Convention Centre and quite a few hundred of them turned up. It went on for several hours. We sat down there and we listened. We discussed. The Comptroller of Customs, I give him credit, had the courage to appear. They went for him, but he stood his ground. He got up and defended himself and even offered to stay behind after the meeting to field other queries and so on.

I have to tell you, Mr. Speaker, Sir, it was not a nice experience to see one particular gentleman who got up, a very tall and distinguished looking gentleman, who said he was 73 years old and he has been abroad for almost 40 years. He had bought - I think the Leader of the Opposition knows the story because he referred to a Volvo - a second-hand Volvo for £5 000 in the United Kingdom, came back here and they put a valuation on it of \$45 000. He had to look for \$20 000. He broke down and wept. We were all reduced to silence and other people broke down when they saw his utter distress. There were many

stories of that sort. They are not well treated. They are not made to feel that they are welcome back in Barbados.

They have been away for a long time and things have changed here. Things have changed there where they were and the purpose of the Facilitation Unit is literally as it says to try to facilitate their return to Barbados and resettlement in Barbados. It is proposed that in every Mission abroad and in every country where we have a mission and particularly in the United Kingdom where numbers are returning now there will be an officer designated to deal with these problems. There will be a hot line to call.

The first thing we have done is to prepare a brochure. A lot of this founders on the fact that people have no basic information, lack of communication and we are going to put in that brochure everything that we think that people need to know: schools, clinics, hospital, shopping, information about the VAT, everything that we can think of will go into this.

What happened as a result of that meeting is that a number of them volunteered at the end. We served refreshments afterwards and it was nice. People stayed, including myself, and we talked and so on. It was very refreshing to see many young officers from the Ministry of Foreign Affairs working beyond the call of duty, not having to be there but finding themselves there, staying to the bitter end like the Permanent Secretary and myself did. We talked with these people.

What we have done is to pull together a small group of them, of their choosing, who would be a kind of steering committee and we discussed how we would try to institute a buddy system so that people who have returned and been through the grinder, so to speak, would then attach themselves to new returnees. There are people who would be on-call for people with specific problems. Some of them come back because they are in ill-health and so on and so forth.

There are various support groups. All of this was discussed and I think that the Facilitation Unit is going to work and be a success. This measure, and I congratulate the Honourable Prime Minister on bringing this, is going to bring tremendous relief to those who are coming in. Representations were made at that meeting and I said to the people I would have to make recommendations to the Minister of Finance in turn. It is not a matter over which I have direct control and the speed with which this is coming after the meeting I think will please people greatly.

Those who have come before at the meeting made the point that they know that they cannot now expect anything to be retroactive, but it is important for those who are

coming behind. This flow is going to be a fairly continuous flow because, as I said, now you are into a second and third generation and you have people who are retirees coming back. They were not hesitating at the meeting to make the point that they bring back considerable sums of money. These are people who in the days when remittances were a line item commanded several figures. It is not so large now because parents have died off, grandparents have died off and so on. These people have made a not insignificant contribution to our economy and to our well-being and social development here in Barbados.

You see even they are bringing the second and third generation. You see it in almost every sphere of business now in Barbados. You hear the Bajan Brits as they call themselves with English accents. I had a legal secretary who lived in the United Kingdom for 23 years. She spoke with an English accent. We hear them on television. We hear them on radio and these people want to integrate back into Barbados.

There is a very interesting distinction to be drawn here between those who went to the United Kingdom and those who went to the United States and to Canada. They tend not to come back in as large numbers. The people who were there at that meeting were almost exclusively out of the United Kingdom. People who go to the United States of America and Canada tend not to come back in such large numbers. They come more often. It is a shorter trip and it is a different environment in which they operate altogether.

I very much want to lend my support to this. In respect of the VAT, and as I said, in the brochure we will include some information about the VAT. They are not unfamiliar with the VAT but I would like to take this opportunity to praise Mr. Moore and his team and Miss Christian and the CIS team who are seeking to inform the public of Barbados about the VAT, what it is, how it is intended to work and how you are expected to relate to it. They are available on call. I am inviting them to come and address my constituency branch. I have invited them in the Ministry of Tourism the other morning to speak to the sector. Their presentation is well refined, people understood that what we are doing here is consolidating a number of existing taxes and that in the end some people will pay less tax than they are paying now. They explained it very well indeed and they said anybody can call them. Barbadians need to know that. Any small group - it doesn't have to be an organised group - can invite these people to come and do a presentation. They do an excellent job and I have nothing but praise for them. I thank you, Sir.

Hon. R. N. GREENIDGE: Mr. Speaker, a group of persons have mandated me to speak on their behalf and I would be failing in my duty if I did not take this opportunity to say a few words.

Sometimes the application of customs duties can appear to be very harsh and very unreasonable. I am happy that the Prime Minister has made the point that Customs will now be more humane in its application of duties where returning Barbadians are concerned and, indeed, that he looks forward to the day when we will not have to impose customs duties at all on those people who return with their personal effects. 7.00 p.m.

I want to say, Sir, that there are other groups besides the ones who come from England with their cars, or the ones who come from the United States with their cars. One such group - and like the Honourable Member for St. George South, I speak for the small man - is the group of farm labourers, those farm labourers who go to Canada to pick the tobacco and to reap fruit. Those are the ones that I am speaking about.

I believe, Sir, that in this day of rampant unemployment, we have to give some encouragement to people who go abroad to work. I believe that it is wrong to penalise those people for going away. Worst of all, it is ludicrous for us to penalise them for acquiring their 2 pants. Sir, if they come with 3 jean pants and 2 saucepans, as they come through Customs they are told: "You are going to sell it" Therefore, they impose duties on those fellows. Three jean pants - they bring 2 for themselves and 1 for their son. They bring 2 saucepans for their wives or their girlfriends, and they are charged duty on them.

The point is, Sir, that the items they have in their hands very often have already attracted a tax overseas. Very often in Canada they have paid their PST, which is a provincial sales tax on it, and they also have paid their GST, which is the Federal sales tax, so you will have hit those people with taxes on about 4 or 5 separate occasions. When I met with them and I asked "Do you all have any problems out here?" They said: "No. We can put up with it out here. Our only problem is when we go home. Whenever we get home they charge us duty for the 2 jean pants we have and for the saucepans and so on and we want you to speak to the people at Customs about it. It is not fair to us." Sir, I sympathise with them and this is why I take the opportunity to bring this matter to Parliament.

I know, Mr. Speaker, that we would like every cent of ours to be spent perhaps in Barbados and we would not even mind if it is spent in the CARICOM region, but if you look at the farm labourers you would see that the money they actually spend is not money that they have taken from Barbados overseas and spent. This is money they have earned over there. It is not that it is a drain on our economy. They have earned this money over there. They have bought a few items over there and they are coming back home.

There is also a system of compulsory savings where the money comes back into Barbados. I think it is really unfair to them. We generally know the people who come into Barbados to sell, the ones who go out to buy and then come back in. We know them and as long as there is a legitimate reason why you are putting the taxes on these people, no problem. But you also know that 99.9% of those farm workers who come back are not coming back to sell anything. This is something they have bought and they are bringing back and I think it is really unfair to them. That is why I have to make the point.

Mr. Speaker, that is the real point I wanted to make, that you look at the ones who go to England for their 40 years and come back with a lot of money, but remember that we have the small fellows who go overseas for a few months, 6 months, and then they come back and we put customs duties on them. That is the only point I want to make.

Hon. O. S. ARTHUR: Mr. Speaker, I rise to wind up this debate. There are times in the life of Parliament when it really is a joy to be in the House to hear the tone and the temper of debates on important matters that can add to the enrichment of national life and this has been one such occasion. I will not obviously have the occasion often to thank the Leader of the Opposition, but I really would be failing were I not to say that the tone and temper of his contribution to this debate has been constructive, helpful and allows me to say that there is one Government of Barbados. There is a Government that recognises that there are going to be things that from time to time are important for the purposes of continuity, things that are fundamental, and that although Governments in the sense of political parties may change, our commitment to the continuity of policy cannot waiver.

In Opposition, Sir, we supported the fact I support it in Government and I will be shortly making in the course of my winding up, a few remarks as to the pace at which the action will be accelerated. I just want to say on the matter of returning nationals that there are two things that upset me greatly as Minister of Finance. One is to have to impose property transfer tax on persons involved in divorce proceedings who might have accumulated property and have to transfer 50% of their value in a small little property to each other. I have told the Ministry of Finance officials that they have my full authority not to collect any property transfer taxes in such circumstances in keeping with our Manifesto pledge because it is an irksome thing to have people having to pay property transfer tax just to transfer their beneficial interest in the property that they worked hard to accumulate. It is not worth it and the impact on the Treasury is negligible. Whenever you have these irritants...

Aside.

Hon. O. S. ARTHUR: No, I am not going to regret it. It is foolishness for a Minister of Finance to have to spend his time determining whether two people with two small houses who are getting divorced and want to transfer the 50% interest they have to each other should have to pay transfer tax. It is foolishness and I told them it is wasting my time. My policy is that I am not collecting the tax...

Aside.

Hon. O. S. ARTHUR: The next issue that is heart rending generally is when persons arrive from England to say they want to come back to Barbados, they want to be sure that, when they come back to Barbados, their life savings are not swept away from them in the form of punitive taxes when they have reached the Port. A Facilitation Unit is going to go into effect by the start of the next financial year. Once you are a person who comes back through the Facilitation Unit, you have been processed, and we know who you are, there will be no difficulty in treating a car as personal effects.

Sir, in relation to the VAT, I believe strongly that the VAT is an effective tax but what I will not allow to happen is for persons who have not made a contribution hitherto in the structuring of the VAT to pour scorn on the VAT by saying that they have not been properly consulted. There are a large number of Barbadians whose criticism may not be fundamental but who can get a lot of hearing on the grounds that they have not been consulted.

Now, I have set aside a date, Sir, November 4 for all the private sector groups and all of the interest groups who have a reaction to the draft legislation as it has been circulated, to come and meet with us in a workshop to put all of their concerns before the Government so that we can have the concerns resolved once and for all. But I am as committed as ever, Mr. Speaker, to see a VAT introduced in Barbados. I want to thank the Government Information Service which has adopted the VAT and the education programme for the VAT as a special project and a special assignment. They have taken on a number of talented young people to put before the people of this country a perspective as to what the VAT is going to entail and how it would affect them. 7.10 p.m.

I would like to urge all parties in Barbados to take advantage of the expertise that is now being developed through the Government Information Service, embrace that expertise as their own and use it for the purposes of enlightening your members. My Parliamentary group yesterday evening, Mr. Speaker, saw the need for us to have for ourselves public education meetings to explain to

all supporters and the public through our supporters, the purposes that are to be served by a VAT.

I believe that the Opposition parties, Sir, are also seeing this matter in the same light and I know that the Government Information Service which, as I said, has assembled a team to put this matter properly before the public, would be anxious to lend their expertise to having the VAT understood by the small people of the country.

The Government Information Service, Sir, has sent their people to Jamaica and to Trinidad to observe how the VAT was propagated in those particular societies. I am pleased with the task that is being discharged by the institution to date, Sir, but it is a lot of hard work that confronts the institution in the future.

Now, Sir, I have also taken note of the comments that have been raised about the functioning of the Customs Department by respective Members of the House. I understand clearly that changes will have to be made in the operations at the Customs of Barbados. To subject the citizens of a country to random and whimsical valuation of imports for which they have no recourse, to subject citizens to situations that preempt them from having access to goods that they bring into the country at the pain of their having to go through the most cumbersome form of procedures to get those goods assessed, it is things like these, Mr. Speaker, that cause people to lose confidence in the administration of public affairs. The resolve I will give the House is that it will not happen in a day, but that we are aware that the Customs Department is in the area in which improvement must be made in the simplification of procedures, that there must be a business friendly approach by the Customs Department in dealing, not only with business, but with the ordinary man and that message has been sent very clearly to Customs and we will be ensuring that, as the grievances are raised, the grievances will be resolved.

I want to thank this House for the very constructive way in which this matter has been raised and dealt with and in that spirit I now wish to move that this Bill be read a second time.

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

On the motion of Hon. O. S. ARTHUR seconded by Hon. Miss B. A. MILLER, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. W. C. CALLENDER in the Chair.

COMMITTEE

Mr. CHAIRMAN: This Honourable House is in Committee.

Clauses 1 to 4 inclusive were called and passed.

On the motion of Hon. O. S. ARTHUR seconded by Hon. Miss B. A. MILLER, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. O. S. ARTHUR seconded by Hon. Miss B. A. MILLER the Bill was read and third time and passed and cited as the Customs (Amendment) Act, 1995.

ORDER NO. 9 - THE PLANT PEST AND DISEASE
(IMPORT CONTROL) BILL, 1995

Hon. R. C. EASTMOND: In moving that the Plant Pest and Disease (Import Control) Bill, 1995 be read a second time by this Honourable House I must inform this House, Mr. Speaker, that on or about the 25th day of November 1985 the Plant Pest and Disease Eradication Act No. 1983-86 was passed and at that time through an act of inadvertence the Plant Pest and Disease Importation Act Cap. 266 was repealed in the process. 7.20 p.m

Mr. Speaker, it has become necessary now to bring this Bill which is before this Honourable House for the reason that tonight and indeed for sometime before tonight Barbados would have had no quarantine legislation and this Bill therefore fills a vacuum. Because in the interest of ensuring proper vital sanitary measures in the interest of protecting plant life in Barbados, it has always been necessary to ensure that plant material entering Barbados is safe for use in Barbados.

This Act makes provision for the Chief Agricultural Officer in Clause 6 to have power to ensure that the major provisions of this Act are carried out and also provides for plant quarantine inspectors working under authority of this Act and under supervision of the Chief Agricultural Officer to make sure that the provisions of this Act are observed. It is a notorious fact, Mr. Speaker, that in a world of fast steamship travel and in a world of rapidly increasing aircraft flights from one place to another that there can be ready movement not only of people from one place to another but there is also inevitably also movement of cargo and movement of many other things. Indeed, on the question of the extent to which the current pest that is wreaking havoc, particularly in Grenada has been able to move around the world, I must indicate that the mealy bug

pest which is of great concern to the people of Grenada is a pest which is native to Asia especially India and China. But because of the rapidity with which travel goes on in this world, it has found its way into Africa where it is now a source of concern and it found its way to Grenada sometime recently and nobody is particularly clear as to how it got there. There are two theories: one theory is that some person who is a high flyer in Grenada refused to subject herself to quarantine when told that she had to show her plants to the quarantine inspectors. It is believed that she cursed the quarantine people and told them that she was too high and mighty to be subjected to anything like that. That is one theory. The other theory is that some traveller could have easily entered Grenada with the mealy bug in the person's clothes or in the aircraft and ended up in Grenada. There are two different theories but nobody is exactly sure.

Mr. Speaker, I am going to get back to the mealy bug shortly. But apart from the mealy bug, the way nature is and operates in this world, tropical agriculturalists have indicated that in the tropics especially in the area of Central America, South America and the Caribbean there could be as many as 255 000 plant pests available to the tropics of which the behaviour of only 10 per cent is known. We have a situation therefore in this side of the world, Mr. Speaker, where as I indicated the frequency of travel can very well see countries that have never known particular pests suddenly being affected by these pests through travel. Even before the mealy bug, we have had problems in Barbados with the moth borer. There is a particular tick called the bontick which was sighted sometime ago in St. Lucy and the whole scenario has become one, Mr. Speaker, where if local farmers and local agriculturalists who on their own do not have the funds and the capital to be able to fight plant pests without the assistance of Government, and these farmers are subjected to the threats caused by the presence and infestation of plant pests, then it means that these plant farmers apart from the normal risks and uncertainties facing them as farmers will be burdened by a greater and far more serious plight to their farming activities with consequential loss of income, loss of morale and then of course the country suffers in the process.

One of the functions of any Ministry of Agriculture anywhere in the world is to make sure that at one level there is adequate Ministerial machinery to control pests and at the same time there is adequate Ministerial machinery to undertake research relevant to the control of pests. In recent times, most Ministries of Agriculture worldwide have been embarking on policies of biological control of pests where you can take a pest predator and let it go to deal with a subject that it does not particularly like but would take pleasure in destroying.

Mr. Speaker, in fact in Barbados in recent years both administrations which have had the opportunity to

serve have very much encouraged the biological control of pests. The biological control of pests sometimes makes the use of chemicals unnecessary. Now in a situation, Mr. Speaker, where we are both committed to embarking on and encouraging a policy of the biological control of pests, at the same time we still have to ensure that preventive measures are put in place before it becomes really necessary to have to find predators to control pests that are destructive creatures in the farming environment

Mr. Speaker, this Act is necessary because what this Act effectively does is to put in place a system of legal controls to make sure that undeskable insect creatures do not find their way into Barbados. Now as I say so, Mr. Speaker, I would like to go back to this mealy bug threat and explain to Honourable Members in Parliament and to the country how this thing called the mealy bug really is a threat. About the month of July, Trinidad reported that some sweet potatoes entering Trinidad from Grenada seem affected with something that the Trinidadians at the time did not seem to know very much about and then the Grenadians through some technical expert assistance from CARDI and other institutions involved in agriculture were able to identify as the particular pest, the pink mealy bug. It was not known in Grenada *nor* the Caribbean for years. Trinidad picked it up and the reason why they picked it up is because there is a frequent trade between Grenadians who call themselves traffickers or hawkers who go to Trinidad to sell. We in Barbados had at first heard that there could have been mealy bugs in Barbados, but the mealy bugs that were discovered are not pink mealy bugs. The pink mealy bug is also known as the hibiscus mealy bug.

As indicated earlier, Mr. Speaker, it had its origin in Asia, China and India in particular. But what makes the threat of the mealy bug at this point real is that when a female mealy bug, Mr. Speaker, and at this point I am asking you to make Honourable Members listen and sit themselves up in such a way that they can understand the reproductive behaviour of the pink mealy bug. Okay. When a male...

Aside.

Hon. R. C. EASTMOND: It is not the creature that I recommend to the Honourable Member for St. John for reproductive purposes.

Aside.

Hon. R. C. EASTMOND: The behaviour of the pink mealy bug is such that, where a male mealy bug has an encounter with a female mealy bug for purposes of mating some weeks after a litter of mealy bugs is born. Then lo and behold without further mating for 18 months to 2 years that female litter bug is able to demonstrate such

remarkable reproductive capacity as to go on and on and on producing more creatures without further sexual intervention by a male. This is the situation. Imagine, Mr. Speaker, two entities of opposite sexuality getting together once and the end result is production of 1000 or 1500 after one encounter coming at periodical intervals without the need for any further frequency of engagement by way of intercourse.

Mr. SPEAKER: So that only relates to the mealy bug then?

Hon. R. C. EASTMOND: Mr. Speaker, Sir, I rather imagine that I would have to allow that you are permitted to engage this Honourable House in some manifestation of humour. Suffice it to say that it may very well be Honourable Members who will be very grateful if they had had at least one foreign encounter only in their short lives.

Mr. Speaker, the Grenadians authority...

Mr. D. St. E. KELLMAN: On a point of order, Sir.

Mr. SPEAKER: On what do you rise, Sir, on the one encounter or what?

Mr. D. St E. KELLMAN: The Honourable Member said none of these Members on this side but he did not go that way, Sir.

Hon. R. C. EASTMOND: Mr. Speaker, ask the Honourable Member to manifest appropriate respect for the Chair. He certainly does not know the ways of the Chair, Mr. Speaker.

The Grenadians have suffered extensively as a result of this. In fact, the trade between Grenada and Trinidad of the small persons selling agricultural products has almost collapsed. But what the Grenadians say is, even more frightening is that there have been hardly any plants like the sea grapes which would normally be resistant to almost anything which when the mealy bug sucks, and the mealy bug operates by sucking. It does not bite holes. It sucks. It draws like a vampire and then after sucking, Mr. Speaker, a process of withering and decay takes place. It does not bite holes, Mr. Speaker, in the foliage. The leaves do not show apertures and gaps and holes, the leaves show a blight and a withering, but then the productive capacity of the plant is lost and no fruit or root crops can come as a result. Any time a Barbadian sees a plant that suddenly droops and withers and shrinks and approaches a state of peculiar dryness unexplained, that Barbadian should report it for the reason that there will be a possibility then that this termite pest, this sucking creature will have had some particular exposure. 7.30 p.m.

Aside.

Hon. R. C. EASTMOND: The Honourable Leader of the Opposition is glorying in this debate. I believe that his every act so far not only suggests support and interest in these matters, but I believe that he is more interested in the concept of reproductive capacity, a particular capacity that this Barbados does not know of him.

Mr. Speaker, the situation in Grenada has been reported as having reached crisis proportions and the Inter-American Institute for Co-operation in Agriculture has mobilised almost all of its emergency funds to divert to Grenada and other Caribbean countries that might want help. In other words, they have made provision that should we want help we can get help, but most will go to Grenada because Grenada has been targetted.

In terms of dealing with this pest, the quarantine legislation is intended to allow quarantine inspectors to examine plant material and plants under a microscope, more or less, and check to make sure that this wretched creature does not find its way to our beloved shores. At the same time, Mr. Speaker, what we are doing is ensuring that a natural predator, a vrom, also native to China, has been put in quarantine in these parts with the prospect of introducing that worm, in case we need it, for biological control. There is some speculation that the ant, that ant in Barbados that sends off the white around it, may be a predator but more and more tests are being done on it

The mealy bug is versatile, it is almost ostentatious in its reproductive ways. At the same time it tends to resist chemical sprays, and so this is serious. Quite separate and apart from the problem with the mealy bug, this legislation is comprehensive enough to deal with other creatures, because as indicated earlier, experts feel that in the tropics there could be as many as 255 000 pests of which only 10% have been assessed for behaviour and for their effect on agriculture.

Honourable Members will have been given this Bill. The clauses Honourable Members should digest carefully are Clauses 6 and 11. It is a Bill that is binding on the Crown but it is also a Bill where anybody who feels aggrieved as a result of the behaviour of quarantine inspectors would have a short limitation period to bring the action, because the limitation period under this Bill is a period of six months. We are ensuring that the Bill empowers our officers to do the following things as outlined in Clause 6(4):

"Where after inspection of any restricted article under subsection (1),

an inspector considers that the entry of a restricted article is likely to introduce a plant pest, he may direct or cause the article to be

- (a) destroyed;
- (b) removed from Barbados;
- (c) treated;
- (d) grown in detention; or
- (e) grown under the supervision of the Ministry of Agriculture.

Mr. Speaker, these are the principal provisions of the legislation. As indicated earlier, it will put us in a position where we will have modern legislation able to deal with the problem of the inadvertent and other importation of plants which might be affected in this country, and so, Mr. Speaker, I humbly ask that this Bill be now read a second time.

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

Mr. D. St. E. KELLMAN: Mr. Speaker, as you are aware, previously we had the problem with the white fly. It was strongly believed that the white fly was brought to this country by the importation of vegetables from Guyana. I am saying to this House that the same way we had problems previously with the white fly and bunch top disease, we must be very careful that the mealy bug is not allowed to enter this country.

When you consider and think about the ways that this problem could be brought to Barbados, it is not the small man that normally creates these problems. There are people in this country who feel they have a right to bring things like snakes, alligators, crocodiles, scorpions, who might be carrying the same mealy bug on their bodies, so this is why we will support this Bill, because we need to protect our people from people like those who are prepared, just because of their likings, to bring things that are foreign to this country. We must also be sure that we do not allow the same people to import vegetables and certain fruits into this country when they can be grown in this country. Sometimes we must ask ourselves if when we import vegetables if these bugs are not allowed to slip into the country with these vegetables and fruits. We must protect our small farmers.

Can you imagine, Mr. Speaker, if the mealy bug is allowed to come into this country what would happen to the small farmers on the Springhall Land Lease Project? We must do everything to make sure that the personnel at CARDI and the Entymology Unit at the BMC are given the necessary resources to make sure that the mealy bug does not enter this country. Even though we might have a quarantine we are not sure that they might not slip

through, because there are some people in this country who feel that they have a right to look after their interest and not the interest of the country, and we as a Parliament must do everything in our power to make sure that we stop those people from doing things that we ourselves would not do in this country.

That is why we must investigate the true reason why we had the smut disease. We also must investigate why we had the onion blast disease and why we have spent so much money to correct problems like those, after allowing people, just because they have certain likings in certain countries to bring those likings to this country. We were never accustomed to these things and we do not expect people to bring their habits into this country when we cannot do the same thing in theirs. We were never accustomed to snakes, alligators, crocodiles, *et cetera*, 7.40 p.m.

We cannot allow people to come into this country and do foolishness. Mr. Speaker. Whenever we pick up the newspaper now, it is dengue. I am not sure whether this disease is coming into this country through fruits or vegetables or whether it is the mosquitoes. I am not sure, Mr. Speaker. Mr. Speaker, the mosquito might be hiding under the vegetables, and as the Honourable Minister of Agriculture said, with the days of fast movement carriers, we do not know where they are hidden, or if they are hiding under vegetables and they land in this country and the next thing you know is that all the babies in this country are suffering from dengue.

Mr. Speaker, the important thing is that there is a high incidence of deaths among babies and we must find out why. We must find out whether it is the mealy bug or whether it is the mosquitoes. So I am saying, Sir, that this time we will support this Bill, but we also have another problem and in a strange area today we discussed the limitations. It was one year and now it is six months.

Mr. Speaker, it cannot be a different matter. We are not talking about... No. 13, Sir:

"No proceedings may be brought against any person performing any of the functions conferred upon him by this Act unless the proceedings are commenced within 6 months of the date when the act complained of was committed."

We are not talking about people who committed the act. We are talking about people who are carrying out their functions who while they are carrying out their functions might do something wrong to a citizen and we are saying that citizen has only 6 months to address that problem. I have a problem with that.

It is unfair. He is doing his job and if he does something wrong, the citizen of Barbados has a right to take the necessary action to make sure that he is compensated and I think that 6 months is wrong especially as the officer might be using an insecticide, and I will not call names tonight, which might endanger the citizens of Barbados. He might inhale it and you know it will take more than 6 months for him to find out what is really wrong. I thank you very much, Mr. Speaker.

Mr. D. J. H. THOMPSON: Mr. Speaker, I have 2 minor points to make. The first is on the limitation period. I address my remarks to the Attorney General. In all fairness, I am glad he struck the ouster clause out of this Bill, but frankly I do not think that it makes sense to have different bills with different kinds of limitation periods. If you are bringing a generic, if you wish to call it, Limitation and Prescription Act, then I am not sure what is so peculiar about the action of an administrator under this Bill as distinct from one under the Health Services Act or under any other environmentally related legislation.

I am not sure. I heard what the Minister said, but what will end up happening is that everybody will feel...

Aside.

Mr. D. J. H. THOMPSON: Whatever you are proposing. I have no problem with that. That is the first point.

The second point is that I am not so much worried about the mealy bug yet. I hope that the Minister's efforts to bring this legislation speedily will solve that problem, but I can tell you, as the Honourable Member for St. James North knows, I am a small farmer. They have just hooked up irrigation to my premises and I am working assiduously on getting that irrigation and the other aspects of my farming activity underway on an acre of land and I have eradicated the centipede. I had 2 bites last year.

Aside.

Mr. D. J. H. THOMPSON: Not that kind. But I heard him say centipede and he knows that I suffered at the hands of centipedes.

I have more of a problem, and I am certain that the residents of St. Philip would acknowledge it, with rats, than with the mealy bugs. I am not criticising the Minister of Health but they have not collected garbage in St. Philip where I live for 3 weeks. I am still on this Bill, Mr. Speaker, I am not straying. That poses a greater hazard because I have 2 oil drums full and now am in the process of putting it on the ground which is wrong.

I am talking about pests generally. I am trying to relate and I am saying that I accept that the mealy bug is a priority, but I am also saying that if I, as a person living in a rural area as a small farmer were to rank a priority - I am glad to see what I read in the newspaper today and I don't doubt that efforts are being made but that is more of a problem.

There was a rat eradication campaign in which the Government had made money available to them last year. Rats are still a major problem and that is something we need to look at. With the build up of garbage and it is not just because of the way people dispose of garbage in Barbados. It is becoming worse. If you drive through town after 8 o'clock any night, as the Honourable Member for the City will tell you...

Aside.

Mr. D. J. H. THOMPSON: ... I used to say as big as puppies but if they are grown to dogs now...

In St Philip and in other parts of St John and so on it is a major problem. People complain about it. We are working on the mealy bug. I accept the priority, but there are some basics that we still need to pay attention to and it is a major problem and I am not just alerting people because of an effort to sensationalise the garbage problem. It has been a problem in St. Philip. People have acknowledged that and they say they are doing something about it, but apart from that, it is also a problem in relation to food crops and could affect the sugar industry if one is not careful.

You have a good crop coming and you may find that other things affect it. You have good rainfall this year and you don't want something else to affect it. So I am appealing to the Minister of Agriculture if it is possible to pay attention again to this problem.

The last point I want to make is that I am not sure that householders or citizens of Barbados are sufficiently aware of the effects of the use of various pesticides. I have a gardener who likes "Round up" and "Gramoxone" and so on. I have never myself analysed it and it is only in recent times by hearing other people talk about its effect on the water supply, on children and this kind of thing, that I have tried to reduce the use of it. Is the Ministry of Agriculture and the Ministry of Health considering some programme to warn people about it?

I pass through St Philip on my way to work and I see people spraying weed killers or pesticides, walking behind the trucks and some of them have on a normal pair of shoes, normal clothing. I heard a man talking on the

radio about it the other night about people going out into the fields to spray and then coming home in the same clothes,, picking up their children; and I am wondering if we are being serious enough about it I am not saying we should panic because of what the Americans are saying or whatever but it is something that concerns me, the availability of these items and the profligacy of them as well as the manner in which they are being used by persons who handle them. 7(X) p.m.

It concerns me greatly so that apart from bringing in the pests you do not want people to go wild immediately and start to deluge the country with their favourite sprays like sevin, the sprays for slugs and all of these things. Everybody is spraying something nowadays and we need to be careful because of the concerns relative to water supply and other kinds of environmental concerns.

Hon. Miss H. E. THOMPSON: Mr. Speaker, I would like to touch briefly on a few points raised in this debate so far I will pick up at the point at which the Honourable Member for St John left off, that is, to deal with is caution with the use of insecticides, pesticides and so on.

The Ministry of Health is currently working on developing a protocol for the safe use of pesticides, other chemicals and veterinary drugs in particular because many of these have been available routinely on the shelf. One of the consequences of very strong antibiotics being available routinely being administered to animals without any attention to dosage, quantities, time periods and for application and so on, has been that it is entirely possible that high residues of antibiotics are being found in animal feed.

I want to speak specifically with reference to spraying for the mealy bug. The public should not go on a spraying campaign in any attempt to deal with the mealy bug, the reason being that the mealy bug is resistant to chemical sprays. The adult mealy bug covers itself with a white wax which is impervious to chemical sprays and the junior or minor mealy bug and the larvae can be killed by chemical sprays but high dosages are required, and such high dosages that would cause discomfort to human particularly in small concentrated areas such as aircraft because one suggestion has been that Barbados, which is one of the 10 remaining countries which sprays aircraft, should step up the spraying of aircraft but that the sprays used in aircraft are for viral infections and could not affect the mealy bug, and even so, would have to be used in such high concentrations that they would cause extreme discomfort to passengers.

I should say too, Mr. Speaker, that the extent to which the mealy bug is destructive really has been felt

by the people of Grenada where it has even reached the stage where not only crops have been destroyed but plants for decoration have been significantly destroyed and many hotels are now finding themselves having to cut down all their plants and foliage as a result of trying to get rid of the mealy bug.

In my view too, we have to be very careful in relation to the use of biological organisms in the control of the mealy bug. The mongoose was introduced to control rats and that in itself became a pest. Therefore, introducing something like the wasps or the worms used to control mealy bugs could, in fact, endanger our very ecosystem and we should be very careful about introducing these.

SUSPENSION OF SITTING

Hon. Miss B. A. MILLER: Mr. Speaker, I would wish to suspend this sitting until 8.45 p.m.

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

The question that the sitting be suspended until 8.45 p.m. was put and resolved in the affirmative without division. Mr. SPEAKER suspended the sitting accordingly. 8.00 p.m.

RESUMPTION Mr.

SPEAKER: This sitting is resumed.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I will not be long too long on this Bill. I have a question for the Minister of Agriculture and I hope when he is replying he will take my question into account. It was the English Novelist, E. M. Forster, who wrote a book, "Howards End", and he kept repeating the phrase "only connect". I would like the Minister of Agriculture to make a connection here for me. Now he theorised that the mealy bug was introduced into Grenada by one of two means. One was that it came in the folds or integuments of some person coming into Grenada, and that is a serious speculation as to how it got into Grenada. What I would like to know is what instructions the Minister of Agriculture would give to the Chief Agricultural Officer to give to the inspector so as to prevent the mealy bug from coming into Barbados by such means. How does this Bill deal with that particular problem? What would be the technique, methods and modes of the inspector to deal with this issue.-I raise this question, Sir, because I cannot call myself a small farmer anymore since the Leader of the Opposition now claims he is a small farmer. I will call myself a micro farmer and I am very much interested in this because I really believe that agriculture must play a

significant role in the economic development of Barbados. Whatever may threaten the viability of that particular sector we must take seriously into account

Mr. W. C. C. CALLENDER: Mr. Speaker, Sir, I will be very brief on this matter and I want to point out that since agriculture is so important, especially to a number of small people in Barbados, it is important that we put in place any mechanism to protect the agricultural industry because you can well imagine the impact of this bug which has been so aptly described by the Minister of Agriculture on the agricultural industry in Barbados.

There are a lot of people in Christ Church East who are involved in agriculture. When you pass through Gibbons Boggs, Pegwell Boggs and that area you will remember the work done by the former Minister of Agriculture, the Honourable Member for St. Joseph, in the area of rural development for the agriculturist in that area. I can well imagine the devastation that could result if pests of any sort were to do great damage to crops in that area. I also have family connections involved in agriculture and I would hate to see damage being done in that regard.

Not only is the Act itself important but I think the implementation is perhaps even more important. The Act is just, I would say, words-on paper but the people who have to carry out the Act are perhaps more important in this exercise. They have to be very vigilant to ensure, as alluded to earlier, it does not matter whom it is who is attempting to breach the regulations, in the interest of the survival of people in agriculture, no one should escape the purview of the people who are supposed to be responsible for ensuring that this Act is enforced. I want us to place even greater emphasis on enforcement of the law. Our lives and our economy depend on the preservation of agriculture in this country and I do hope that all our efforts will not be in vain.

Hon. R. C. EASTMOND: Mr. Speaker, I beg to move that this Bill be read a second time.

Hon. Miss H. E. THOMPSON: Mr. Speaker, I beg to second that

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

On the motion of Hon. R. C. EASTMOND, seconded by Hon. Miss H. E. THOMPSON, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. W. C. C. CALLENDER in the Chair.

COMMITTEE

Mr. CHAIRMAN: This House is now in Committee.

Clauses 1 to 12 inclusive were called and passed.

Clause 13 was called.

Hon. D. A. C. SIMMONS: Mr. Chairman, Sir, I beg to move that the numeral 6 appearing in line 3 of clause 13 be deleted and that the numeral 12 be substituted therefor.

Hon. R. C. EASTMOND: Mr. Chairman, I beg to second that

The question that clause 13 as amended now do stand part was put and resolved in the affirmative without division.

Clause 14 was called.

Rt. Hon. L. E. SANDIFORD: Mr. Chairman, Sir, this Bill would make provision for the inspection of a restricted article or item at the premises of an importer, and this particular clause is indicating that all expenses would be borne by sums voted by Parliament. If there is a large quantity of items being imported and there is provision for inspecting these items at the premises of the owner, an arrangement can be worked out whereby the cost is borne by the importer either in full or in part. Would that be an acceptable arrangement under this Act, just as in cases where certain items are imported under the Customs Act? These items are inspected at the premises of the importer and the cost for getting Customs Officers there may be borne by the importer in full or in part. I am just wondering if that is applicable in this case or not. 9.00 p.m.

Hon. R. C. EASTMOND: Mr. Chairman, I would like to refer the distinguished Member for St. Michael South to Clause 6(6): "Any expenses incurred by an inspector for the purposes of this section,

- (a) shall be paid by the importer;
- (b) may be recovered by the debt due to the Crown in civil proceedings, etc."

I think that section is wide enough to cover that situation that the Honourable Member has asked about Mr. Chairman, in any event, if this Bill is passed it will give the Government power.

Hon. D. A. C. SIMMONS: Mr. Chairman, Sir, these are the problems of drafting in a hurry, it is typographical. It should read in Clause 14 line 1, Section 6 (6). I beg to delete the "5" in the bracket after "6" and substitute 6 in the bracket. So it will now be subject to Section 6(6).

Aside.

Hon. D. A. C. SIMMONS: No, Section 6(5) for example deals with planting material grown under conditions specified and found to be infected, the inspector may direct the importer to take any necessary remedial measures.

Aside.

Hon. D. A. C. SIMMONS: All of Clause 6.1 think if the Bill is right as it is, I will withdraw my proposed amendment, if it is right as it is, Sir, 6(5) because the inspector can ask the importer to do certain things by way of remedy. I will double check it and if necessary in the Other Place they can deal with it I think it is right now but I will look at it again. Thank you.

The question that Clause 14 do now stand part was put and resolved in the affirmative without division.

Clause 15 was called and passed.

On the motion of Hon. R. C. EASTMOND, seconded by Hon. Miss H. E. THOMPSON, Mr. CHAIRMAN reported the passing of the Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. R. C. EASTMOND, seconded by Hon. Miss H. E. THOMPSON, the Bill was read a third time and passed.

ADJOURNMENT

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that this House do now adjourn until October 24, 1995 at 11.00 a.m. in the morning.

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

The question that the House do now adjourn until October 24, 1995 at 11.00 a.m. was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly. 9.08 p.m.

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