
THE

House of Assembly Debates

(UNOFFICIAL REPORT)

PARLIAMENT 2003 – 2008

HOUSE OF ASSEMBLY

Tuesday, December 4, 2007

Pursuant to the adjournment, the House of Assembly met at 10.15 a.m. on Tuesday, December 04, 2007.

PRESENT

His Honour I.A. ROETT, G.C.M., B.A., Dip.Ed. (Speaker)

His Honour J. M. EDGHILL, J.P. (Deputy Speaker)

Rt. Hon. O.S. ARTHUR, M.Sc.(Econ.) (Prime Minister, Minister of Finance)

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

Sir L.R. TULL, K.A., Q.C., M.A. (Oxon.)

Hon. Dame B.A. MILLER, D.A., B.C.H., (Senior Minister and

Minister of Foreign Affairs and Foreign Trade)

Mr. G.W. PAYNE, Q.C.

Hon. R.C. EASTMOND, B.A.(Hons.), Dip. Ed., LL.B.(Hons.)(Lond.), L.E.C., J.P. (Minister of Labour and the Civil Service)

Hon. G. A. CLARKE, B.Sc., Dip.Ed., J.P. (Minister of Public Works and Transport)

Hon. R.D. MARSHALL (Chairman of Committees)

Mr. H. F. LASHLEY

Mr. R. St.C. TOPPIN, LL.B.(Hons.)

Mr. D. St.E. KELLMAN

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

Hon. Miss M.A. MOTTLEY, Q.C., LL.B. (Deputy Prime Minister) (Minister of Economic Affairs and Development) (Leader of the House)

Mr. T.A. PRESCOD, B.A. (Minister of Social Transformation)

Rev. J.J.S. ATHERLEY, B.A., B.Sc., J.P. (Minister of State, Prime Minister's Office)

Hon. N.A. LYNCH, B.Sc., M.B.A. (Minister of Tourism and International Transport)

Hon. A.P. Wood, B.Sc, M.Sc., M.Phil., J.P. (Minister of Education, Youth Affairs and Sports)

Hon. R.R. FARLEY, B.Sc., J.P. (Minister of Housing and Lands)

Hon. Miss C.Y. FORDE, L.C.P., J.P. (Minister of State,

Ministry of Education, Youth Affairs and Sports)

Hon. J.X. WALCOTT, M.B., B.S., FRCS (Edin.), J.P.

(Minister of Health)

Mr. R.D. JONES, B.A.(Hons.), M.A.Ed., J.P.

Dr. D.C. ESTWICK, B.Sc., M.B., B.S.

Mr. C.A. MASCOLL, B.Sc.(Econ.)(Hons.), M.A. (Public

Finance) (Minister of State, Ministry of Finance)

Hon. D.D. MARSHALL, Q.C., LL.B. (Hons.) L.E.C.,

(Attorney-General and Minister of Home Affairs)

Mr. M.A. LASHLEY, LL.B.(Hons.)

Hon. K.D. SYMMONDS, B.A., LL.B. (Minister of State, Ministry of Foreign Affairs and Foreign Trade)

Dr. W.F. DUGUID, B.D.S. (Comm.), F.D.S., FDRCS, J.P.

Mr. R.L. SEALY, B.Sc., M.B.A.

Prayers were led by Rev. Cannon Ivan Harewood.

Mr. SPEAKER: This House is now in session.

MINUTES

Mr. SPEAKER: Minutes of the meetings held on Friday, November 23, 2007 and Tuesday, November 27, 2007.

Hon. Miss M.A. MOTTLEY: Mr. Speaker, I beg to move that the Minutes so cited be confirmed, subject to any omissions, observations and/or corrections.

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

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

PAPERS

Hon. Miss M.A. MOTTLEY: Mr. Speaker, I am commanded to lay the following:

1. Annual Reports of the Caribbean Broadcasting Corporation for the years 2002, 2003 and 2004.
2. Customs Tariff (Amendment) (No. 4) Order, 2007.
3. Value Added Tax Order, 2007.

FIRST READINGS OF BILLS

Hon. Miss M.A. MOTTLEY: I beg to move the first readings of the following Bill:

1. The Public Service Bill, 2007.

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

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

House 155, sequence 02, 10:20:15

Tuesday, December 04, 2007

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Hon. Miss M. A. MOTTLEY: Mr. Speaker, in moving the Orders of the Day and the Suspension of Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44, may I say that I would like to have Order No. 6 withdrawn and replaced with Order No. 9.

Mr. Speaker, you may recall that on the motion for the adjournment last Tuesday, I indicated that the amended Public Service Bill would have been circulated last week. Mr. Speaker, it was not available at the time at which we adjourned, since we adjourned very early in the day, but it has been circulated and has been handed to Honourable Members, I believe, for a week.

Hon. R. C. EASTMOND: I beg to second that.

The question that Order No. 6 be replaced with Order No. 9 was put and resolved in the affirmative without division.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, also in ordering the Business of the Day, it is the intention of Government to start this morning with the Public Service

Bill as indicated last Tuesday. However, the Government stands prepared to suspend the debate on the Public Service Bill immediately after lunch in order to facilitate the Leader of the Opposition, should it be his desire to have the commencement of the No-Confidence Motion against the Minister of State. If he does not avail himself of that offer, then the Government would continue with the Public Service debate all day.

ORDER No. 6

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg that Order No. 6 be formally withdrawn.

Hon. R. C. EASTMOND: I beg to second that.

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

GOVERNMENT BUSINESS

ORDER No. 9

PUBLIC SERVICE BILL, 2007

Hon. R. C. EASTMOND: Mr. Speaker, before I embark on presenting this measure before this Honourable House, I wish to say that what is before the House are two different Bills, but they are related. One is called the Constitution (Amendment) (No. 2) Bill, 2007, which sets out certain statutory provisions that relate directly to the administration of the Civil Service. Sir, with the House's consent, I would wish to debate that Bill along with the Public Service Bill, so that we would just have one debate on two matters which are definitely interrelated.

Hon. R. R. FARLEY: I beg to second that.

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

Mr. Speaker, from the time the present Administration assumed office in 1994, it committed itself to a programme of public sector reform that was aimed at improving the efficiency of this sector. A primary objective was the attainment of a significant improvement in the effectiveness in the delivery of services which the Government provided its citizens.

In time, Mr. Speaker, a very large broad-based committee representing public servants, people from the private sector and even people from CARICAD was assembled to look at the whole question of the administration of the public service. That committee started work on May 31, 1999 and held many meetings, including four public meetings which were held at Bethel Auditorium, the Alma Parris Secondary School, Princess

Margaret Secondary School and the Horatio Cooke Auditorium. The committee decided to focus attention on things like accountability of public officers, the establishment of a code of ethics to guide public officers on standards of behaviour and the functions of the Commission established with the management of the public service among many other things.

What we have here today, Mr. Speaker, is a Bill which is intended to revise and consolidate the law relating to the administration of the public service for the purpose of achieving greater efficiency and effectiveness in the management of that service and for matters related thereto.

Mr. Speaker, we are looking at the Public Service Bill, and I would have to make some observations in relation to what is proposed before this Honourable House. In terms of the structure and anatomy of the Bill, this is a small synopsis of the structure of the Bill. Part I sets out the definitions and interpretation of certain terms. Part II designates the entities in which the public vest overall responsibility for managing the public service and specifies management functions of each entity, including the Service Commissions, the Head of the Public Service, and the Committee of Permanent Secretaries. Part III looks to the whole question of the provision of temporary officers who have been working for three years or more. Part IV retains the existing law laid down in Part II of Chapter 8 of the Constitution. Part V looks at the whole question of training. Part VI ensures that the law in existence immediately before the commencement of this Act would continue and that no public officer would suffer disadvantage. Part VII provides for appeals against decisions of Commissions in respect to discipline to be made by the Public Service Appeal Board, which I would look at very shortly. Part VIII makes provisions for the making of regulations. There are also eight Schedules.

Mr. Speaker, let me begin with the constitutional provision. As it is well-known, the Constitution represents supreme law and where any normal law clashes with the Constitution, the Constitution should prevail. Mr. Speaker, we felt that in terms of not just enlarging the constitutional provisions but also in terms of fairness to a public servant, we should include a new Section 98 (a) in the Constitution thereby amending the Constitution.

Currently, Section 117 (f) of the Constitution sets out particular provisions which have to be modified and changed to give effect to Section 98. Section 98 sets up the Public Service Appeal Board, where in matters other than dismissals, this Board, which is to be held by a judge or an ex-judge, would entertain matters of discipline affecting public servants and would rule in such a way that it would not have any jurisdiction to do with dismissals and would rule in a way that is not prejudicial to the Governor-General existing Privy Council.

What we have is a situation where an aggrieved public officer who is fearful of his or her future and who is not faced with dismissal can appeal to the Public Service Appeal Board which is being set up by Section 98 of our Constitution. This Section 98 as I said is new.

Sir, in terms of other aspects of the Bill, the Bill contains several features. One is the statutory effect given to the General Orders. For a long time, Mr. Speaker, the status and legality of the General Orders have been in question. One opinion is that the General Orders never passed Parliament and therefore never became law. Another opinion is that in a situation where a public officer works under the General Orders for a length of time that the officer has actually made those orders part of his or her contract of service. What we are going to do here today, especially in Clause 32 (2) and (3), is to give statutory effect to the General Orders so that they become law. However, where the General Orders are in conflict with any provisions in this Act or in any existing Act, there shall be invalid and void to the extent of the conflict.

House 155 Sequence 2

10.30 a.m.

Mr. Speaker, another feature of the Bill is the abolition of provisions in the current Training Act, to be replaced by provisions which are more modern. This Act also recognises the concept of sexual harassment in the Public Service and the need for safety at work in the Public Service. The Act also codifies the grievance procedures which have been in practice, informally, for some time. There is a provision for disabled persons to work in the Public Service and where there are vacancies in the Public Service, lasting longer than one year, this statute intends to ensure that such vacancies are filled. There is then the question of the Recruitment Code.

Mr. Speaker, I merely mentioned these as some of the features of the Bill before us and I will start with the recruitment code. Sir, the Recruitment Code exists to make sure that there is fairness and procedural transparency and that all is meritorious in the appointment of public officers. Sir, the recruitment procedures permit a panel to be established to interview persons in relation to their fitness.

Mr. Speaker, when this question of fitness for work comes up, for the first time in the history of Barbados as far as I know, meritocracy will prevail, in that the most competent persons would be able to access those jobs but wherever there are cases where long service and experience matter for a particular job, then such experience and long service would be allowed.

Mr. Speaker, let me now move quickly from the Recruitment Code to perhaps what is the most important

thing before us today. Sir, with your leave, I shall read the sections affected in their entirety, and I should not last more than seven minutes in reading them. Sir, I come to Clause 13 of page 14. Sir, in my judgment, having mentioned recruitment and being appointed to posts, I believe Clause 13 falls in well here.

Mr. Speaker, under Clause 13 (1), the Minister may by Order:

(a) establish offices in the Public Service;

(b) determine the number of persons who may be appointed to those offices;

(c) prescribe the qualifications to be possessed by persons appointed to those office; and

(d) determine emoluments to be attached to those offices. Sir, moving onto to Clause 13(5):

“Subject to subsection (6), all temporary officers in the Public Service that

(a) were created as temporary offices; and

(b) have been in existence for three or more years of the date of the commencement of this Act,

are hereby established as public offices in the Service.

(6) Subsection (5) shall not apply to temporary offices that were created in respect of a specific project; and the determination as to whether a temporary office is a project office shall be made by the Ministry responsible for the Public Service.

(7) Any person who, at the commencement of this Act,

(a) is not appointed to the Public Service;

(b) has been employed

(i) in a temporary office;

(ii) in an established office; or

(iii) in a combination of a temporary and an established office, for not less than three years immediately before the commencement of this Act; and (c) has the qualifications required by the Civil Establishment (Qualifications) Order for appointment to that office or to an office in a similar grade,

shall be entitled to be appointed to that office or an office of similar grade with effect from the date of commencement of this Act; and shall be treated as being so appointed.

Clause 13 (8):

“Where, on the date on the commencement of this Act -

a vacancy exists in an established office and the person who occupies the office has been acting for a period of not less than three years immediately before the commencement of this Act and is qualified by virtue of the Civil Establishment (Qualification) Order to be appointed to the office, and there is no person whose qualifications render that person more suitable for appointment, the person shall be entitled to be appointed to the office.”

Mr. Speaker, generally speaking, the remainder of Clause 13 sets out security of tenure. The question arises as to how many people in Barbados would benefit from that security of tenure.

Mr. Speaker, before I get to that, it would be recalled by all Honourable Members that between 1998/1999, this administration converted 4 000 casual workers into public officers and gave them security of tenure. The effect of Clause 13 is like a corollary to the policy of 1998/1999 and sets in motion procedures by which persons who have been temporary officers for a very long, or have been acting in vacant posts, or have been in the system for three years or more, under certain circumstances, will be automatically entitled to permanent appointment in line with Clause 13. Sir, this is expected to affect between 3 000 to 3 300 persons. This is, indeed, a remarkable thing to do for public servants.

Mr. Speaker, I am in some pain because I had to go to the doctor on two occasions. Do forgive me because my voice is not there and I am not feeling particularly strong today. Perhaps I might have to consult with the Honourable Member for St. Philip West or the Honourable Member for Christ Church South.

Mr. Speaker, the codification of the grievance procedure exists in Schedule IV, and this now codifies a procedure when an officer is aggrieved, that officer can use a procedure to have his/her grievance highlighted. Sir, elsewhere within the Bill is a provision that alternative dispute resolution systems can be used, in place of the codified statutory provision on grievance procedure.

Sir, in addition, there has been much debate on the question of how is this Bill going to affect the whole question of secondment. Sir, at Clause 22 (1):

“Where the holder of an established office is seconded to service in accordance with section 21(1), the period of secondment shall be for a period of not exceeding two years.”

(2) “Notwithstanding subsection (1), where the holder of a public office is being seconded to an office in the service of an international or regional body approved by the Governor-General under section 21(1), the period of secondment may be extended for such period as the Minister determines.”

Sir, it goes on to say what ministerial power governs such secondments.

Mr. Speaker, fortunately, the average number of secondments per year is approximately 65 or 75 but what has transpired is that there have been persons who were on secondment, who wanted both to be on secondment and wanted their rights in their substantive position so preserved that they could have secondment forever, while holding down a job which is clearly vacant, in circumstances where physically having left the job to go elsewhere, there would not be anybody in the job of a permanent nature.

Sir, that would affect morale, therefore, to allow for a vacancy to flourish, to thrive or to take deep root for any length of time would be manifestly unjust. Mr. Speaker, it is proposed in this legislation that a vacancy should not be allowed to persist beyond 365 days. Sir, that is, indeed, a very laudable intention.

Mr. Speaker, the question of discipline occupied the attention of the committees which were looking to this Public Service Bill and so I look now at the question of discipline. Sir, the question of discipline has to be understood against the background of ethics and standards and so with your leave, I will speak briefly to ethics and standards.

10.40 a.m.

The Public Service is supposed to be accountable. It is supposed to be transparent; it is supposed to be a place where people work honestly, fairly and impartially. It is supposed to be a place where people are non-political or apolitical. These are some of the major provisions of the Code, which governs the ethics of the profession but even though they seem to be ethics at first sight, they actually have the force of law by being codified in this particular piece of legislation.

Mr. Speaker, other things about the Code is that it is intended to avoid the misuse of public funds; it is intended to avoid situations where public officers experience conflict of interest where their duty stands in way of their

interest. It exists too, to instill confidence especially among younger members. It exists too, to suppress improper behaviour and is aimed at integrity, impartiality and honesty. These are the ethical standards that are laid down and given the effect of the force of law.

Mr. Speaker, in terms of offences, there are two types of offences known to this particular Act. One type of offence is called a serious offence and the other type is called a minor offence. As regards the serious offences,

“misconduct of a serious nature” means conduct that warrants the dismissal of the offending person and in addition to the misconduct specified paragraph 27 of the Code of Conduct and Ethics include the following: The list is long but I believe we have time enough to go through it carefully:

Absence of duty without leave.

Conviction of a criminal offence punishable by a term of imprisonment. Failure to report or disclose any information that ought reasonably to be reported or disclosed where the consequence of that failure amounts to a grave injustice. Unauthorised disclosure pertaining to Government. Habitual intoxication or possession, use and distribution of illegal drugs while on duty. Reporting for duty or performing duty while under the influence of drink or drug. Failure to observe any laws, orders, rules or regulations governing the Public Service.

Falsification of accounts or records.

Wilful destruction, alteration or mutilation of property including official documents on records whether manual or other.

Sir, other serious offences are:

Threats to fellow officers at work.

Threats to destroy property causing grievous bodily harm. Unauthorised possession of firearms and weapons at work. Negligence in the performance of duty; sexual harassment.

Sir, these are the most serious offences and the commission of any of these serious offences is that the offender is liable to be dismissed.

Sir, I go now to minor offences. These are offences in Schedules 2 to Schedule 5:

Use of obscene, abusive or insulting language while on duty.

Failure to maintain official records as required.

Insubordination.

Unpunctuality without just cause.

Lost of or damage to property of the Crown other than that considered as a misconduct of a serious nature. Misuse of Government's internet and any other information technology network.

Disorderly conduct.

Sir, those are the minor offences but if in a two-year period, Sir, three minor offences are committed by the same officer, then the three minor offences assume the character of a major offence. Mr. Speaker, I want to repeat that under the Code of Discipline, where a person has committed three minor offences within a two-year period, the effect of committing those three offences by the same person warrants a situation by which the three offences combined are to be treated as serious offences.

Mr. Speaker, elsewhere in this Bill is the whole question of the oaths to be taken by particular officers. The oaths to be taken by officers who are in a particular position. Sir, elsewhere in this particular Bill too, there is provision for what is called Officers of Related Grades for the purposes of this Act. Sir, right now, everyone knows who is a Permanent Secretary and the powers of a Permanent Secretary but for purposes of the statutory group of Permanent Secretaries, there is need to be clear as to which officers are officers of related grades. The Eighth Schedule on page 65 suggests that the Chief Agricultural Officer, the Chief Education Officer, the Chief Medical Officer of Health, the Chief Technical Officer, Ministry of Public Works and the Commissioner of Police are officers of equivalent grades, who would then be able to be entitled to sit with Permanent Secretaries when the Permanent Secretaries constitute their particular grouping, as allowed in Section 2.

Mr. Speaker, as I have said earlier, I have been having a difficult day where I do not feel particularly well at all and it was only a sense of duty that got me here this morning. Sir, much as I would want to give more definitive and more comprehensive proposals, I shall now conclude at this stage by reviewing the main features of the legislation. Sir, you should bear in mind that Section 13 is perhaps the most important Section in the whole scheme of things. Bear in mind too, Sir, that this Bill does not operate to the disadvantage of public officers; bear in mind too that this Bill, where there has been an agreement between a union and Government, does not abrogate such an agreement; bear in mind that the General Orders are now given full statutory effect but must be consistent both with this Act and the Constitution and existing law; bear in mind too that we are going to have a new regime of training, where the Minister responsible for training is going to be given power

to make grants and to extend loans; bear in mind too that this particular legislation treats to the whole issue of sexual harassment in the workplace and stresses the question of safety at work.

Mr. Speaker, each Permanent Secretary is responsible for ensuring that health and proper safety conditions prevail in the workforce. Initially, a few Permanent Secretaries wondered whether they were personally liable but under the principle of vicarious liability, a Permanent Secretary functioning within the remit of his duties will have nothing to fear and will be able to carry out his or her functions with no fear.

Sir, a total reading of the Bill would show that there is provision for disabled people to be given an opportunity to serve with the Public Service. I have also said that any vacancy that lingers for one year has to be filled, in other words, the whole question of vacancies being not filled for a long time is being addressed.

Mr. Speaker, for the benefit of the Honourable Member for St. John, sexual harassment is dealt with from page 48 to page 49. Sir, page 48 to page 49 makes for interesting reading but serious consideration for this Honourable House to look at this question, in circumstances where there have been serious allegations that if there is one institution where sexual harassment takes place the most, it is the Public Service.

Mr. Speaker, before moving that this new Public Service Bill be read a second time just let me recap that this Bill has a counterpart. The counterpart is the Constitution (Amendment) No. 2 Bill, 2007, that sets up the Public Service Appeal Board, that will have the power and discretion in all matters except dismissal. Sir, bear these things in mind and Honourable Members are invited to bear them equally in mind.

Sir, otherwise, in concluding, this Bill represents part of Government's adherence to the concept of Public Service Reform.

H155/10:50

Sequence 5

Mr. Speaker, this Bill is about Public Service Reform. This Bill is about modernising the Public Service. This Bill is about bringing meritocracy to the whole public service. This Bill is about modernising systems. It is about giving effect to Permanent Secretaries as special advisors to Government. It is about ensuring proper health and safety. This Bill also ensures that where an existing public officer is in a given position, his position will not be altered to his prejudice. Otherwise, all I can do is commend this Bill to this Honourable House. I hope that by the time I

attempt to wrap up, I would be feeling much better, and therefore able to do better justice to this particular piece of legislation. In all the premises and circumstances, I humbly beg that this Bill be read a second time.

I thank you.

Mr. SPEAKER: Honourable Member, I know that you are not feeling very well, but the House had given you permission to do both Bills, Orders Nos. 5 and 9 together, and nothing has been said. Am I to understand that you only want to look at one Bill then?

Hon. R.C. EASTMOND: Sir, I just mentioned, as I was closing, that a new Section 98(4) is to come into effect, based on an amendment to Section 117. The purpose of Section 98(4) is to set up a Public Service Appeal Board. I mentioned that. It is to be headed by a judge or an ex judge. It can entertain any matter, except a matter for dismissal. Sir, if an officer has a problem that does not involve dismissal, then that officer could take that matter before the Public Service Appeal Board. It is a new instrument but it does not reduce the powers of the Governor-General's Privy Council, nor does it take the powers of the court. I am assured that there is no ouster of the jurisdiction of the court.

Sir, basically, that is what I proposed to say on it. Mr. Speaker, I shall be able to, based on recovery, come with more energy and perhaps more clarity and do better, as I wrap up the debate later today or Friday.

I thank you.

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

Mr. D.J.H. THOMPSON: Mr. Speaker, we are most understanding on this side, and I want to say, except to the extent that if the Honourable Member in his wrap up raises new issues relative to the Bill or the amendment to the Constitution, I am assuming that you would protect the right of minorities in this House by permitting us then, if necessary, to speak on whichever Bill is moved second.

I am only making this request because if in his wrap up he is going to raise new issues, it would not be, strictly speaking, fair to the minority or even to the majority of Honourable Members.

Hon. R.C. EASTMOND: Sir, I do not propose in my wrap up to introduce new matters but to clarify matters, as I said earlier. I hope you understand my condition.

Mr. D.J.H. THOMPSON: I am not saying that you should not. I am saying that if you feel better and there are new matters you forgot to raise that you want to raise, I

have no problem with that, except that it would mean that we have to reopen the debate on whichever matter is being done second, in the event that the Opposition or Honourable Members of the backbench, wish to raise issues relative to those new matters. That is the only point I am making and I hope that you would oblige us in that regard.

Sir, I believe that everybody in Barbados, based on the political history and traditions of this country, is aware of the manner in which the Public Service in Barbados is established. There have been a long series of anecdotal statements both by leaders and others in our political history about the public service, about its role and about its composition, as well as its attributes.

Sir, the Public Service in Barbados established by Constitution, which is a 1966 document was brought into being by the very wise Democratic Labour Party administration that brought Barbados to Independence. At that time, we followed longstanding traditions, which had been established relative to the way in which the public service should be insulated from whimsical, arbitrary political involvement, either in the establishment of its posts, or in relation to the appointment of public officers.

Sir, Section 90 of the Barbados Constitution refers to the establishment of a Public Service Commission for Barbados, which shall consist of a Chairman and not less than three or no more than five other members, who shall be appointed by the Governor-General, acting on the recommendation of the Prime Minister, after consultation with the Leader of the Opposition by instrument under public seal.

Sir, I think Barbadians need to understand that there is a constitutional process which involves consultation, even with the Opposition, so as, presumably, to dissolve or temper any allegations of bias or inappropriateness, in the appointment of persons to sit on the Public Service Commission.

Sir, there is a reason why Public Service Commissions were established. I know that if my learned colleague, the Minister of Labour, were in finer mettle today, he would have referred to the case of *Thomas v Attorney-General*, in which Lord Diplock in a seminar about the role of Public Service Commissions, particularly in that case, the Police Service Commission of Trinidad and Tobago said the following:

"The whole purpose of Chapter 8 of the Constitution..."

that is, the Trinidad and Tobago Constitution...

“which bears the rubric, The Public Service, is to insulate members of the civil service, the teaching service and the police service in Trinidad and Tobago, from political influence exercised directly upon them by the Government of the day. The means adopted for doing this was to vest in autonomous commissions, to the exclusion to any other person or authority the power to make appointments to the relevant service, promotions and transfers within the service and power to remove and exercise disciplinary control over members of the service.”

Sir, that was the basis on which the Public Service Commissions were established.

Sir, there have been some amendments over time to the Constitution of Barbados. We have a Police Service Commission, as well as a Judicial and Legal Service Commission. We do not have a Teachers Service Commission, as in Trinidad and Tobago, but the principle for establishing all of these entities is the same. Therefore, the very basis on which appointments of judicial officers, public officers and persons holding positions that are related to the Service Commissions that have been established, can be found in the Constitution of Barbados.

Mr. Speaker, Section 94 says that subject to the provisions of this Constitution, and I am reading the Barbados Constitution - the power to make appointments to public offices and to remove and to exercise disciplinary control over persons holding or acting in such offices, is hereby vested in the Governor-General, acting in accordance with the advice of the Public Service Commission.

Sir, it goes on, in subclause 2, before the Public Service Commission advises the appointment of any public office, of any persons holding or acting in any office, power to making appointment to which is vested by this Constitution by the Governor-General, acting in accordance with the advice of whichever Commission, as the case may be.

Sequence 6 11.00 a.m.

Sir, it sets out the officers who are not subject to the provisions of the section, such as Members of the Governor-General's personal staff, any office to which Section 93 applies, the office of the Director of Public Prosecutions (DPP) and the office of the Auditor-General.

Sir, it is very clear that the Constitution of Barbados has established an independent Public Service Commission for all times, to administer the affairs of the public officers of this country, on the principle that public officers are to act fairly, without prejudice, without political or other bias and are to maintain high standards in giving advice to ministers of Government, in the execution of their duties.

Sir, there is already provision in the Constitution for the establishment of a Privy Council in Barbados that deals with disciplinary matters. Therefore, section 98(1) of the Constitution states:

“Before the Governor-General acts in accordance with the advice any Commission established by this Chapter that any public officer shall be removed from office or that any penalty should be imposed on him by way of disciplinary control, he shall inform the officer of that advice and if the officer applies for the case to be referred to the Privy Council, the Governor-General shall not act in accordance with that advice but shall refer the case to the Privy Council provided that the Governor-General, acting in accordance with the advice of the Commission, may nevertheless, suspend that officer from performing the functions of his office, pending the determination of the reference to the Privy Council.”

Sir, there are provisions for the appointment of Permanent Secretaries, the Director of Public Prosecutions and so on.

Sir, I understand by the amendment to the Constitution that the Government is seeking to establish a Public Service Appeal Board, to deal with appeals from matters relating to the constitutional rights of public servants, broadly. Sir, that is one part of it.

Sir, I do not want to reflect on what is not before the House, but what was previously proposed by way of amendment of the legislation, had some clarity, even though it was undesirable, because one was clear what the Government was seeking to amend, in relation to the Constitution of Barbados and how the rights of citizens would be affected by that amendment.

Sir, the Government handled that very badly because contrary to what impression the Government would want to give, circulating an amendment or a new Bill to Honourable Members of the House one week before it was to be debated, or alternatively, circulating a Bill to the Social Partners, and then bringing a different Bill to the House of Assembly, is something that, to my mind, militates against the principle of consultation.

We have a Constitution in Barbados that successive Governments when they want to carry out major amendments, set up a Constitutional Commission to look at the impact of those amendments. Sir, Government's retreated from its original position and the legal meandering...

Hon. R.R. FARLEY: Mr. Speaker, on a point of order. The Honourable Member would wish to be aware that the Bill, which is before the House today was circulated to the Social Partners. Therefore, it is not correct

to say that one Bill was circulated to the Social Partners, and a different Bill brought to the House.

Indeed, it is true to say that as with earlier and various drafts, a Draft Bill was circulated for consideration and based on submissions and recommendations of the Social Partners, amendments were made, and the amended Bill was circulated to the social partners prior to coming to Parliament.

Mr. D.J.H. THOMPSON: Mr. Speaker, I do not know what is the relevance of that comment, other than for the Honourable Member to establish that he is alive and kicking, because it has no relevance. The Honourable Member is not the Attorney-General. It is true that he is the Chairman of a smaller committee of the social partnership. Sir, I was not referring to this Bill. I never said this Bill. I was not giving any impression. I was saying exactly what I meant, but the Honourable Member wants in the pre-lunch session for the Press to acknowledge his role, whatever it may or may not have been, as the Head of the Committee, who was fired and then reappointed a few months ago, of the Social Partnership Subcommittee.

Sir, we acknowledge that he has now been restored to his former glory and that he is alive and kicking. Therefore, I hope that there would be no further interruptions.

Mr. Speaker, it was very badly handled. The fact that the members of our major public service union had to complain about what was brought before the House, and the fact that the Government publicly gave the impression, through statements on the radio, that the Bill before the House was in fact the Bill that had been discussed with the unions, only to find out from the unions, that was not the case, is a very serious matter.

Sir, we would have had, coming before the House, and we do today, a constitutional amendment, and even the current Public Service Bill has references in it, to a new section of the Constitution that is not yet part of the Constitution. Sir, to facilitate the Minister, we took these two Bills together but technically we are not going to be able to achieve that particular objective because for the Public Service Bill to be relevant, we will have to have a vote on the constitutional amendment, so that section 98 becomes a new section of Constitution.

Sir, I do not know and I cannot anticipate the House. There may be some Honourable Members on that side who know more than I. I would have to hear the whole debate to know whether the Opposition has the full trust in the statements of the Government, to know if we are going to support the Constitutional amendment. There might be Honourable Members on that side who would oppose such a constitutional amendment.

Sir, I would give you an example of why I say that, because I know you were sitting in the Chair as the Speaker, in previous sessions of this Chamber, under different compositions. Sir, the then Government, led by the same Prime Minister but with a different Attorney-General, gave an undertaking to this Chamber that the Constitution of Barbados would not be amended in a piecemeal fashion, and that the next time a constitutional amendment came to this Chamber, it would have been as a result of the recommendations - well they never got through the Cox Commission, that caught dust - of the Forde Commission, which is also now catching dust. Sir, some people want to pretend that they are holding a set of meetings on it, and we are going to vote about it in the next election.

Sir, in the United Kingdom, if a Minister had said that there would have been a referendum at the same time as a general election and it turned out not to be so, the Minister would have to resign from office for misleading the nation.

Asides.

House 155, sequence 07, 11:10:14

It is a matter of public trust.

We are having a situation in Barbados where the Constitution of this country and major decisions which affect the future nature of Government in this country are being trifled with as if they are the personal preserve of certain persons. One week you hear that there is going to be a referendum on matters relating to the Constitution whenever a general election is called - and that would be shortly, Sir - then all of a sudden, you hear that is no longer being done. That is a very serious matter. This Government has trifled with the emotions of the people of this country and with the Constitution.

Asides.

Mr. D. J. H. THOMPSON: I have not affected any person's rights to liberty under the constitution. I am speaking to the Honourable Member for St. Thomas. Do not heckle me. I have never restrained anybody or affected their rights to liberty and freedom of movement acting as a public officer, so do not tell me anything about my role in relation to the Constitution. I never kidnapped anybody either.

This is a serious matter, Sir, because we are dealing with the supreme law of Barbados. Some people may not understand what it is. Sir, I do not parade my knowledge, limited though it may be. Whatever limit it is, I do not parade it but I know that however small it may be, it is more than some other people's knowledge in this Chamber.

Asides.

Mr. D. J. H. THOMPSON: That is not my fault, I was not born with it and nobody in here was born with it. They would sit and keep their mouths shut and listen when the teacher was teaching. They would sit down and keep their mouths shut when they did not understand things and listen and inwardly digest. What were the words, “read, learn and inwardly digest.” There are some people who are impervious to that technique. They just outwardly spout, they do not inwardly digest.

Sir, we are dealing with the Constitution of Barbados.

Asides.

Mr. D. J. H. THOMPSON: Sir, we had a lot of trifling with the Constitution. At one point, an amendment was brought to this Chamber to re-institute the death penalty. Other non-textual amendments to the Constitution were brought here: DNA evidence, Cricket World Cup and other piecemeal amendments.

Sir, I said nearly ten years ago, when the then Attorney-General made that pledge to this Chamber that the Democratic Labour Party was not going to support any further piecemeal amendments to the Constitution.

Asides.

Mr. D. J. H. THOMPSON: If you have a new constitution to bring, bring it, do not be afraid. Have the courage to bring it before the people.

Sir, we are now back to a situation where a very small part of the nature of constitutional Government in Barbados is being extracted from the Constitution in a very politically expedient way, so that the Government has found a way to get around the provisions of the Constitution to do some things that otherwise would be required as a constitutional Act.

What the Government has said is that if in doing the foolishness that we are doing, we affect the right of anybody that the Governor-General may remedy that right. Is that subclause 10 in Section 13? Sir, let me read it because the provisions are not very clear. According to the old people, when you start wrong you are going to end wrong. If you want to amend the Constitution, have the courage to come to the Chamber with the amendments and let us look at them and see whether they are relevant to the future development of our country and to the protection of public officers in Barbados and so on.

What the Government is saying is, we are going to appoint people to positions, we are going to appoint people

in established posts and if in doing so, we affect persons who are already appointed in those established posts, that we would remedy the prejudice.

Sir, let me read the section because it is almost laughable in the context of modern constitutional law. The drafters should not be forced to go through the kinds of contortions to produce drafting like this. I consider it inelegant, inappropriate, dangerous, deceptive and unnecessary.

Listen to what it is, Sir. I am dealing with Clause 13, Section 14, which states:

“Where an officer to whom this section refers is prejudiced by the operation of this section in respect of an appointment to a post by virtue of the provisions of this section, the Governor-General may appoint the officer to a post the appointment of which results in the remedying of the prejudice.”

By the way, Sir, it is discretionary. He may appoint. It does not say shall, it says may appoint.

I am saying also to you, Sir, that there are circumstances in Barbados in which the mere appointment of an officer to the post which was affected may not sufficiently remedy the prejudice, so that you have an up-in-the-air clause where in trying to get around the Constitution of Barbados, the Government has drafted this inelegant, dangerous, inappropriate and unnecessary clause in the new Public Service Bill.

The Honourable Member for St. James North glossed over it and I understand why. Sir, there are six members of the legal profession in that Cabinet and a few pretenders to the throne. In the entire parliamentary group including Senators and Backbenchers, there must be about ten of them including Queen’s Counsels and we have had the Senate send back legislation down here more than once. We have had situations where legislation had been passed and then Government has had second thoughts about it and cannot proclaim it.

Sir, we have now a situation where instead of the people of Barbados being clearly alerted to how the Constitution would specifically be amended to affect the rights of public officers, we have this circumlocution and circumvention and circumcission of the Constitution of Barbados.

Sequence 8

Mr. Speaker, I want the Honourable Member for St. James North to put on his legal cap because despite the fact that they would not elevate him to the position he deserves, he is a good lawyer. Sir, we started in Spry Street together.

He has a good reputation. Mr. Speaker, where is the enacting clause? There is one in the Tenancies Freehold Purchase Act. Sir, you need to go back to the legislation again because you are going to end up having problems with this legislation.

Asides.

Mr. D. J. H. THOMPSON: Mr. Speaker, it is not the fault of the Opposition. The fact is that we said that we were not going to debate it because we do not believe in debating any foolishness and the first Bill was, to our mind, rushed and badly drafted. Do you mean we got a second Bill that was worse drafted than the first? Do you mean that this Bill was rushed again? Sir, you hold a meeting this week and do not give the drafters enough time to think about what they were doing. Sir, that is a very dangerous thing. The late Sir Harold St. John always said in here: "I will not draft on my feet, it is my job to point out the errors, let it go to the drafting section and let them think about it."

Mr. Speaker, I have drafted laws for Caribbean Commonwealth countries. I am currently doing a project for the Government of St. Kitts. Sir, I have always cautioned and will continue to caution them, do not pick up the telephone today and expect me either to give a verbal response or a drafted response by tomorrow because amendments such as these can have a very serious effect on the status quo.

Sir, there are some persons who might say that there is something wrong with the status quo and therefore, to get around the status quo, it would have to be amended. Sir, let us think about the results of section 13. Mr. Speaker, I have always found Establishments and Civil Service issues to be very arcane, for instance, the calculations of pensions. Down through the years, as an attorney-at-law, many civil servants have come to me for advice in this area. People come to me about calculations of pension. There are people who know how to do that, I am not one of them. Sir, it is a very involved and difficult process.

Sir, when I first became a minister, there was a new ministry and we had to wait until these positions were established and therefore everybody who was working in the ministry were substantively from another ministry. I never fully understood it, I had to sit down and try to work out how this process works.

Sir, as a result of this amendment, you are going to essentially create two parallel establishments in Barbados - the establishment that will be pre this legislation and an establishment that is created to remedy any prejudice that this legislation creates in respect of public officers, who were appointed or in some way under the rubric of the old legislation. Sir, therefore, you are just adding a tier of

confusion on top of a scenario in which the Ministry of the Civil Service has been spending years trying to resolve all of the anomalies, in relation to temporary offices, established positions, et cetera, in the Public Service.

Mr. Speaker, I am disappointed in the Honourable Member for St. James North, I am disappointed that the Honourable Member would not have seen the several legal issues that would arise in this debate, such as constitutional and structural issues in the Public Service. Sir, I am disappointed in the Honourable Member for St. James North that he would conspire with others - and I do not mean criminal conspiracy, I mean mental conspiracy - to permit them to design the introduction of a Public Service Act, the sole purpose of which is to circumvent the provisions of the Constitution of Barbados.

Mr. Speaker, let me give an example of the parallel position that is going to be created. If by this legislation somebody ends up being appointed to an established position in which there is already an appointed person serving in that position but who is seconded or otherwise working in some other department, this legislation has essentially said that you create another position in the Public Service that would be comparable with the position which that substantive office holder may hold, at the point at which another person becomes and is appointed to the position that they hold. Mr. Speaker, this is madness. This is ignorance on stilts, as I have heard from the political platforms and from the former Prime Minister of Barbados, Sir Lloyd Erskine Sandiford.

Mr. Speaker, did the Honourable Member say how many people were going to be affected by this legislation?

Asides.

Hon. R. C. EASTMOND: Mr. Speaker, on a point of elucidation. I did mention between 3 000 and 3 300 persons are expected to be affected.

Mr. D. J. H. THOMPSON: Well, there is nothing wrong with that, that is a margin of error of 10 per cent. That is a dangerous margin, electorally, even if you are driving on the road.

Asides.

Mr. D. J. H. THOMPSON: Well, you spoke the whole morning, if you wanted to talk about that, nobody was stopping you.

Asides.

Mr. D. J. H. THOMPSON: I am trying to get your blood flowing again.

That is a very dangerous scenario, Sir, and the Minister should know. Sir, I could see widespread support for this piece of legislation, if there were a Schedule that outlined the specific office holders who would be affected by it. Sir, I believe the vast majority of those office holders are competent persons but I am not going to give my word or recommendation, nor am I going to put my hand on a Bible for some of them. Sir, there are some persons who are going to benefit from this legislation, who if Barbadians knew who they really were, would probably be filling the Public Gallery even more so than for the activity this afternoon.

Mr. Speaker, I am not going through that list right now, but there are some people who are going to benefit from this. Sir, I hope that public officers in Barbados would have the courage, over time, to stand up and to point out who some of the beneficiaries of this legislation would be. I hope that public officers would stand up and point out whether these persons are fit or entitled to hold these positions in a modern Civil Service that is supposed to be impartial and objective.

Mr. Speaker, I remember, some years ago, I designated an Act under the name of a certain individual because you could have seen that even though the Act affected a large number of people, that it was really being passed to protect a certain individual. Sir, off the top of my head, I can think of about 12 persons who would benefit from this legislation, who should not benefit from it anywhere in the world.

11.30 a.m.

I can think about 12 persons, who would benefit from this legislation who should not benefit from it anywhere in the world. They are not fit to be appointed to the Public Service and they should not be appointed to the Public Service by some backdoor entry by a Government that is seeking to circumvent and circumscribe by circumlocution the Constitution of Barbados and the current Civil Establishment Legislation in this country.

Mr. Speaker, we have concerns and you can only resolve those concerns by telling us who are the people that will benefit, not the vast majority of them because we do not want to stand in the way of any civil servant getting an appointment where they deserve it and being able to go the bank, get a credit card; get a loan and all the other things that they should be entitled to do, to improve the quality of their lives. Sir, there are some people in reasonably high positions who will find themselves sneaking in through the backdoor. I probably do not need to say that they are supporters of the Barbados Labour Party but the 12 I am speaking of are. I do not think that you know any of them, Sir, but you would be shocked if you did know them. Sir, you would be saying that the benefits that you would get

even from serving as Speaker in the House of Assembly... I do not want to bring you into this debate, Sir...

Mr. SPEAKER: No, do not do that.

Mr. D.J.H. THOMPSON: ...but those benefits would be very small compared to what those persons who are coming through the backdoor by way of this legislation would be getting. Sir, there are Backbenchers over there who will vote for this, they do not have any tenure, they might washed out in the next election...

Mr. SPEAKER: Such is the life of a parliamentarian.

Mr. D.J.H. THOMPSON: Sir, I might too, fortunately, you are going of your own free will and volition, I assume or I have to assume. Sir, they do not have that protection but people that they may have recommended because they had no choice, who find themselves in the Public Service, and inappropriately so, are going to benefit from this amendment to the legislation, if it is passed in this Chamber today. I want to ask the Backbenchers to think about what is going on in Barbados. You have people who have been benefitting from supercession, those who have been suffering because they have been superceded even though there are good, honest, hardworking public officers in this country but their other credentials, apparently do not qualify them to be heard when they are being superceded by some of the misfits and miscreants, who would benefit from the provisions of this legislation.

Mr. Speaker, I ask the Minister that the integrity of the Public Service be preserved and the Constitution of Barbados, the rights that the citizens of this country, through their leader the Right Excellent Errol Walton Barrow and those who went to London to negotiate the constitutional arrangements for this country, established in 1966 for all future times. If we are going to meddle with those, have the courtesy, Sir, and the political decency to bring a Schedule to Parliament. Let us know who is going to benefit from the provisions of this legislation in a systematic way. Sir, the rights of people to be appointed are up in the air and the Minister is not sure. It could be 3 000 or 3 300 but if you talk to some senior civil servants, they say it could be a lot more, the National Union of Public Workers itself is not sure but there is a figure hovering around there.

Mr. Speaker, Sir, you would not believe that this Government came to office on a pledge of public sector reform. We are into year 14 and on the eve of a general election with the hope that hardworking civil servants would be so numbed by an appointment or the right to an appointment under this legislation that, as the Honourable Member for the City once said of them, like drone bees they will go to the polls. Sir, she said lazy drone bees but I do not want to characterise them in that way, Sir.

Hon. Dame BILLIE MILLER: Mr. Speaker, on a point of order. Sir, I do not indulge in such tautology. I would not have said lazy drone bees. You might remember the army of occupation.

Mr. D.J.H. THOMPSON: Sir, I was in the public gallery when the Honourable Member for the City referred to the public servants of this country as lazy drone bees. She may have learnt the English language or improved on it later on, she was a young lady then, but I heard it with my own ear.

Mr. SPEAKER: Please move on.

Mr. D.J.H. THOMPSON: Sir, I am saying to you that there is this perception that the public servants are going to be intoxicated by these appointments and the fact that they have to contend with the high cost of living; that they cannot access land and housing in this country; that they face a future piece of legislation like this... Sir, this sets a precedent for all time and a very bad one at that, a very, very bad precedent that future Governments in Barbados, if they were to follow, before the five-year cycle is up, another Government will come with another piece of legislation like this to secure the appointments of all those persons, who were acting in positions, prior to they demitting office. It is a very dangerous development and it goes against every principle, tenet and precept that would have informed the establishment of the Public Service Commission in this country. It goes against every principle, tenet, precept and idea that was referred to by Lord Diplock in the case of *Thomas v. the Attorney General* in 1981. Sir, this goes totally against that.

Mr. Speaker, I cannot imagine that when those persons who sat down to write the Constitution for Barbados put it together would have expected that a future Government would find a way to circumvent the Public Service Commission; to circumvent the Governor-General of Barbados; to circumvent the Constitution to find a way to appoint officers and the only solace that is given in the legislation is that if it affects somebody's rights that the Governor-General may appoint that person to a commensurate position in the Public Service.

Mr. Speaker, as I have said, this is a serious matter and I chide the Minister for not bringing a schedule but I

know he cannot bring it. I challenge the Minister in his wrapup today to give the people of Barbados an undertaking that he would produce a Schedule to this Bill, showing the persons who are going to be beneficiaries of this legislation and the basis on which these particular positions would qualify those persons for such an appointment but, Sir, that is not going to come forward. The Government has the numbers, they can amend the Constitution with impunity except that, fortunate for the people of Barbados, you have an Opposition that would stand up to any of those corrosive attempts, eating away like salt at the structure of our country.

Sequence 10

Those corrosive acts which denude and breakdown the strengths of our constitutional arrangements, that people can sit down, so as to conceal their hand, so that the public would not know what they are doing and could find ways and means of circumventing the Constitution of this country, so as to give the impression that all is well, to say that if there is any prejudice, the prejudice can be remedied. Sir, you do not have to put that in any law in Barbados. The Constitution of this country already protects established public officers and if you do anything that impacts on those rights that they have, then you have to remedy it, usually by monetary compensation, but in this particular case, the public officers are being guaranteed less than monetary compensation.

Sir, that of the public officers who are affected by this Act are being told is that you may have a right to ask the Governor-General to appoint you to a commensurate position in the public service. The remedy is limited. The very remedy that the public officer now has, is more limited than the remedy under the Constitution.

I would advise the public officers that if they do anything to affect the, to go straight to the constitutional provisions in Barbados. Ignore this legislative circumcision and go straight to the Constitution of this country, where your rights are vested and clearly set out and claim whatever rights and all the rights that you are entitled to under the Constitution of this country. Do not let anything about you may have a right to have your situation remedied, fool you. Go for the jugular of any Government, whether it is a Democratic Labour Party Government or a Barbados Labour Party, that seeks in anyway to reduce and infringe on the rights of public officers in this country. I advise you to do that. I am advising the public officers to do that. Do not accept any piecemeal amendments. Go back to the unions and tell the unions that this provision is not acceptable, because this is less than what you were entitled to before. The things that the Government of Barbados has done, has created problems for the status of public officers, the former Chief Electrical Engineer and

others, and they went to the courts and sought compensation.

Sir, if this legislation were in place that public officer might have been confused into believing that all he was entitled to, was for the Governor-General to find an alternative position for him but he is entitled to much more than that. Do not settle for less. Any public officer in Barbados, who is affected by the provisions of this legislation, I can say here now that they can depend on the Honourable Member for St. Philip North and me, legal teams from the Democratic Labour Party to advise them and we are going to go all out to ensure they get their constitutional rights in this country.

Mr. Speaker, this is political expediency. This Government has circumvented the powers of the Governor-General, in relation to the appointment of public officers. They have circumvented the powers of the Public Service Commission, in relation to the appointment of public officers in this country.

Asides.

Mr. D.J.H. THOMPSON: Sir, I have never seen so much legislation come to this Chamber. I see you have a Cabinet with six Attorneys-at-Law, headed by the Honourable Member for St. Joseph, he is younger than I am. He came to the Bar after me and I thought that he would be an illustrious Attorney-General. Sir, much to my amazement, he has only been illustrious in the number of errors, amendments and adjustments that have had to be brought to his attention. Sir, do not talk about withdrawing Bills. I have sat in a Chamber in which not a single Bill was ever withdrawn. We had the Antiquities Bill withdrawn. We had this Public Service Bill withdrawn. We had about twelve drafts of other Bills coming in here. Sir, the Road Traffic Bill had to go to a Select Committee, because it was full of loopholes and nonsensical drafting.

Sir, the Honourable Member for St. Joseph may want to talk me but not about law. Maybe about Combermere Old Scholars or things that he is better suited to talk to me about. I am not a sneering person. I do not sneer at people's intelligence. I said that I am disappointed because I think the Honourable Member has more. If he would spend less time practising private law, he would focus on the public law issues that come before him in this Chamber. Sir, that is the problem.

Asides.

Mr. SPEAKER: Please.

Mr. D.J.H. THOMPSON: Sir, at your request I will give the Honourable Member a chance today.

Sir, when you are amending the Constitution, it is a serious exercise. That is why you put legal brains together to look at the existing Constitution and the provisions to see how they interrelate. People have to be imbued with a sense of what you want for the future of the country. You do not amend a Constitution for political expediency and you do not try to circumvent the Constitution for political expediency.

Asides.

Mr. D.J.H. THOMPSON: There are principles of the law to which we are accustomed, and this breaches some of them.

Sir, I am instinctively uncomfortable about the manner in which this was done. I sense that there is a lot of discomfort on that side as well because as many as you appoint, you are also going to disappoint a large number of public officers in this country, as a result of these amendments. I am saying to them to go for the Government.

Sir, if they had the temerity and indiscretion to circumvent the Constitution, fight for your full constitutional rights and you have the Democratic Labour Party on your side in that regard.

Sir, if a simple Act could be brought to the Parliament to appoint 3 300 public officers, according to the Minister, not a constitutional amendment, an Act which circumvents the Constitution, an Act which goes around the powers of the Governor-General to appoint, an Act which totally removes the role of the Public Service Commission in relation to public officers...

Sir, I came up doing constitutional law under Professor Dr. Francis Alexis, and I did not believe, and I still am not sure if I believe that there is any group of people in Barbados, that could have put their mind to finding a way...

Sequence 11 11.50 a.m.

Sir, I have to credit this Government for their ingenuity, that they could sit and put their minds to finding a way to get around the powers of the Governor-General, which were enshrined since 1966; that they could get around the Public Service Commission, which civil servants, constitutional scholars, lawyers in Barbados and outside of Barbados and students of law, all of whom would have believed was impossible that this Government could find a way to get around all of that. Sir, this tells you that the people of Barbados need to look at the Constitution again.

Sir, the timing of this legislation, right before a general election has to raise concerns, even internationally, about the adherence to the rule of law in Barbados, and the role of the Barbados Constitution. I am not saying that you cannot amend the Constitution. Sir, should you amend it to affect the kinds of purposes that are set out in this particular piece of legislation. Sir, we on this side say, no, that there is a way to do this.

Sir, there has been a way in the past to amend the Constitution, and it has served the public officers of this country well. It has stood up to the best traditions of Governmental practice, accountability and transparency. Sir, this piece of legislation does not conform to any of those principles and I am referring to the Public Service Act, in and of itself.

Sir, at first the Government sought to suspend the Constitution's operation for a period of time, and now it has achieved the goal of circumventing the Constitution of Barbados. I have not heard any comments from the National Union of Public Workers on this recently but I hope that they are watching very carefully what has been happening. I have not heard the comments of any of the other social partners in Barbados recently. I am saying that this precedent is one which raises grave concerns in relation to the people of Barbados and what they thought would have been their previous rights under the Constitution of our country. Sir, I believe that we have an obligation to raise those concerns.

Sir, even though I supported the intent of the Tenancies Freehold Purchase Act, I never supported the way in which the Government went about the idea of non-textual amendment to the Constitution. It has become more common but it is a bad thing. Sir, where you have written Constitutions and people have specific rights and you are going to reduce those rights, you should specifically state how those rights are going to be reduced.

Sir, under these non-textual amendments, what you find is that the Government often brings provisions saying that a particular section of the Constitution is amended to such an extent necessary, as would best ensure the attainment of the purposes of the Act, or a provision of the Act. Therefore, in this particular Bill, there is no such non-textual amendment to the Constitution, other than the Constitutional Amendment that sets up the Public Service Review Board. When you in future read the provisions of the Constitution that deal with the public service, you are going to have to read them along with the provisions of the new Public Service Act.

Sir, in essence, the rights of public officers previously established under the Constitution, have been circumvented by the provisions of this Bill. The Government is running itself and is going to run itself into

serious problems in relation to the implementation of this legislation as it is currently drafted. We are warning the Government about this. Sir, I do not doubt this is going to fall on infertile ground or unheeded ears but I believe that we are going down the wrong road in that regard.

Sir, I found it very interesting that this Bill has designated misconduct...and perhaps this is going to be relevant later on today.

"Definition 2. In this Code:

"Misconduct of a serious nature" means conduct that warrants the dismissal of the offending person and in addition to the misconduct specified in paragraph 27 of the Code of Conduct and Ethics, includes the following..."

Sir, then it goes down to (r), to include sexual harassment. Sir, it has been defined that sexual harassment in the workplace is a basis for dismissal of the offending person.

It goes on, on page 55 of this Bill:

"3. Notwithstanding the fact that an Officer is under investigation in respect of the commission of an offence leading to criminal charges or has been charged with an offence, disciplinary proceedings or action may be instituted or continued under this Code, in relation to a breach of this Code or the Code of Conduct and Ethics."

Sir, you understand that apart from them being charged, these disciplinary proceedings could proceed against them but sexual misconduct has in and of itself been defined as conduct warranting dismissal.

Sir, I am surprised to read this in here because I know of examples.

Asides.

Mr. SPEAKER: Leave it there.

Mr. D.J.H. THOMPSON: Sir, I am not going into the example yet. I will get to that later today. I ask people to hold this in their heads. This is the new Code of Conduct for the public service and I assume for Statutory Corporations and Companies owned by the Government.

Asides.

Mr. D.J.H. THOMPSON: Sir, It should be because you could not expect public officers to be held to higher standards in relation to sexual misconduct, if they are charged with rape or sexual assault and are on bail, they cannot go to work, they would suffer disciplinary proceedings and yet you have situations where persons in

Statutory Corporations and in private companies, owned by Government...

Asides.

Mr. D.J.H. THOMPSON: I am not going to retreat and nobody is going to make me retreat in relation to issues like this. I singled out sexual harassment but rape and sexual assault are even higher than sexual harassment. Sir, those do not warrant an investigation, but under the new Public Servants Act, public servants are being told that sexual harassment, which may not constitute an offence sufficient for the police to charge anybody for rape or even sexual assault, is a basis for dismissal.

House 155, sequence 12, 11:59:39

Tuesday, December 04, 2007

Mr. D. J. H. THOMPSON: There are other areas of misconduct, such as falsification of accounts or records, when people falsify records to assist people to qualify for car loans in the public service. I have come across a case like that. I worked for a client - I think the Honourable Members on that side know about it already, so I do not want to go into that - where the records were altered so as to give the impression that a motor vehicle that somebody was seen driving around in the 1999 general elections was really a 2001 motor vehicle, so that they would qualify under the Public Officers Loan Allowances.

Mr. Speaker, you cannot hold public servants to higher standards than their masters. If somebody higher than a public officer holding a post like ministerial office or otherwise is guilty of that, how then could you hold public officers to those standards? It is going to be tough but I will say this, I have more faith in the vast majority of public officers.

Sir, no public officer appointed to the public service today would be two weeks later scrambling about trying to get somebody to buy their motor vehicle and get somebody to alter records to show that the vehicle was younger than it really was. That tells us that there was a plan in motion a long time before.

I do not blame you for that, Sir, because you would have opposed that person's appointment to anything, and you did. I would have to blame myself for that. I do not blame the Honourable Member for Christ Church East because he too would have opposed that person's appointment to anything, and he did. It is the same for the Honourable Member for Christ Church West. He should be in that person's position.

Asides.

Mr. D. J. H. THOMPSON: Mr. Speaker, I do not believe in making allegations in here under the rubric of parliamentary privilege. I spoke at Fitts Village at a meeting three weeks ago in which I set out chapter and verse, so I am not asking you to protect me, Sir. I am saying I do not want the protection of this go on YouTube.

Asides.

Mr. D. J. H. THOMPSON: Sir, when you see these things happening and there is no leadership from the top of the system establishing the mores, the standards, the morality and the integrity that is required in the public service, how could you have in Barbados a new code of conduct for public officers and do not have one for ministers of Government or Honourable Members of Parliament? We are hearing that is going to take a long time because you have to look at how that intercepts and who is going to be affected by it.

We do not have integrity legislation in Barbados. We do not have a code of conduct for ministers in this country. We do not have freedom of information legislation in Barbados. We do not have legislation governing sexual harassment in Barbados. We do not have new employment rights legislation in this country. The Government says that is going to take a little longer. Ministers are not required to declare their assets in Barbados yet, it will come though under a Democratic Labour Party Government. There is no code for ministers. I am dealing with the Third Schedule. I am saying that the employees have been given a code of conduct but not the masters. I am saying that the example should be set from above.

Sir, let me give you an example, since you want me to bring it on 'all-fours'. In the Second Schedule, Clause 8 states that officers shall not misuse their official position or information acquired in the course of their official duties to further their private interests or those of others. There is no rule like that that applies to ministers of Government.

Mr. SPEAKER: We are not discussing ministers of Government right now.

Mr. D. J. H. THOMPSON: But I am saying to you that we should also be putting in place...

Mr. SPEAKER: The time would come for that. We will have to discuss the Bill that is before the House.

Mr. D. J. H. THOMPSON: I am saying that the Bill has to be discussed in a context. What is the context in which this Bill is being discussed? Public officers are being required by this legislation to follow a code of conduct and integrity that does not apply to the ministers whom they advise. Let me put it another way to make it easier for you. This law does not apply to ministers. There is no law in

Barbados that applies to ministers but there should be a law in Barbados that applies to ministers of Government in relation to a code of conduct, integrity and conflicts of interest. There should be legislation to assist the role of public officers that guarantees the rights of the citizens of this country Barbados, access to information that affects them. Sir, it is those concerns that I have.

The same Clause 8 says that officers shall not receive benefits in any kind from a third party that might reasonably be seen to compromise their personal judgment or integrity. This should apply to Honourable Members of Parliament too and to ministers of Government. We are told that the Honourable Member for St. George South went away, at taxpayers expense, to some big conference, signed on to something that says that Barbados would introduce...

Asides.

Mr. D. J. H. THOMPSON: I did not say it, the Honourable Member for St. Peter said it. I do not know why he was attacking you like that. I myself was alarmed because I felt that if a senior parliamentarian like the Honourable Member for St. George South went and signed on to something like that, the Government would implement it. I know the Honourable Member for St. George South feels the same way too. Sir, you cannot anoint a man in the way the Honourable Member for St. George South has been anointed and pick such a distinguished Barbadian - it is true he is at the end of his political career or so he said - and send him overseas to a conference to sign on to obligations that the Government of Barbados should implement in relation to integrity and accountability and declaration of assets and so on, then you ignore that and shunt that one-side, but passed a whole Act that circumvents the existing provisions of the Constitution and sets out a code of ethics for public officers who are required to work under ministers who are not guided by those specific principles.

Sir, I want to move off of that point since I could sense your impatience with it.

Sequence 13

Mr. SPEAKER: My impatience? I follow the Rules, Sir. I am not impatient.

Mr. D. J. H. THOMPSON: Well, your impatience with my breaching the Rules.

MR. SPEAKER: That is correct.

Mr. D. J. H. THOMPSON: If you feel so.

Mr. Speaker, I am calling in Barbados, as I have done in a Private Member's Resolution, for the passage of integrity legislation, a code of conduct for ministers, a freedom of information Bill, the declaration of assets legislation and for other related legislation, to enhance the quality of representation in Barbados. Sir, I am very glad that you have approved that Resolution, which is now on the Order Paper and would be debated in due course.

Mr. Speaker, I do not think I need go through the other provisions of this legislation because hidden in the glorified language about the Public Service and its role and some very broad generalisations, is this Clause 13, which, as we have said, is a very dangerous provision, which has been introduced by a Government that went to the trouble of setting up a commission into the Constitution of Barbados, in which the persons who reported...

Mr. Speaker, starting at page 68, this is even a bigger document, page size, than the Constitution. It goes up to page 80. Sir, they said in this report that they wanted to strengthen the independence and impartiality of the Public Service, having particular regard to the need for efficient and responsive administration of Government business; to strengthen the relevant Government machinery, in order to ensure maximum transparency and strict accountability in the management of public funds, including appropriate sanctions for corruption.

Mr. Speaker, the report also stated at page 68. 12(3): "Notwithstanding this, representations were made to the Commission on the need to eliminate political influence and interference in the Public Service, relating to matters pertaining to appointments, removal and discipline of public officers."

Mr. Speaker, you could go through those provisions. Sir, what were some of the concerns that Barbadians raised about the Commission?

"Existing provision make arrangement for the appointment of members of Service Commission to be made on the recommendation of the Prime Minister, after consultation with the Leader of the Opposition." "The Commission examined the need to reduce the level of direct political input, the appointment of members of the Service Commission and certain other appointments in the Public Service. In this process, opportunity was taken to enhance the role and function of the Head of State."

Mr. Speaker, the Forde Commission then endorsed the Cox Commission in saying that the Forde Commission supports the view of the Cox Commission that a separate judicial and legal Service Commission is in character with the desired independence of Barbados."

It went on in relation to the Police Force, the establishment of a teaching service commission, that there be a protective services commission, and it went through all of the recommendations that each service commission should have a separate office and administrative facility.

Sir, none of these things seems to bother the Government, all this Government wants to do is to get around the provisions of the current Constitution; to get around the role of the Governor-General in appointing public officers; to get around the role of the Public Service Commission and to circumvent the existing constitutional provisions.

In addition, the Commission took note of the wide powers of the Prime Minister, vested by Section 100A(1) of the Constitution, which is:

“The power to make appointment on transfer to offices to which this section applies, shall vest in the Prime Minister. (2) The offices to which this section applies are: (a) offices other than those to which section 100 applies the holders of which are required to reside outside Barbados for the proper discharge of their functions; and (b) such offices in the Ministry responsible for the External Affairs of Barbados as may be designated by the Prime Minister.” Mr. Speaker, the Commissioners were concerned about

quasi-consular posts, such as those held by representative of the Barbados Tourism Authority and the Barbados Investment and Development Corporation, as well as persons who have been appointed to positions in relation to External Affairs. The Commissioners said that the role of the Public Service Commission is thus completely ousted, leaving open the possibility of politicisation of this fundamentally important segment of the Public Service in this country.

Mr. Speaker, the Commissioners went through... It is true that Government has introduced the Public Service Appeal Board but these were very important recommendations which a more sensitive and alert Government would have taken on board, in the creation of this new Public Service Act and in relation to the constitutional amendment, which are before this Honourable House today.

Mr. Speaker, it is against the background of our grave concerns about this legislation and about the manner in which it has been brought before this Honourable Chamber, and the lead-up to this particular debate, the Second Reading of this Bill, and the constitutional amendment, that I have set out very clearly the position of the Democratic Labour Party, in relation to this matter.

Mr. Speaker, we do not want to stand, and will not stand in the way of the appointment of public officers, who

are both qualified by their service and by their ability to be appointed. Therefore, for the vast majority of public officers, who may benefit positively from such an appointment, we have no quarrel but it could be done under the existing provisions of the Constitution of Barbados and under the current Civil Establishment legislation.

Mr. Speaker, there was no need to bring a new Bill to circumvent the provisions of the Constitution, the powers of the Governor-General and the Public Service Commission, to affect the appointment of those 3 000 public officers, to which the Honourable Member for St. James North referred. It is against that background that the Democratic Labour Party expresses its concerns and reservations about this piece of legislation and about the amendment to the Constitution.

Mr. Speaker, I thank you.

SUSPENSION OF SITTING

Hon. R. C. EASTMOND: Mr. Speaker, I beg to move that this Honourable House be now suspended until 1.30 p.m.

Hon. R. R. FARLEY: I beg to second that, Sir.

The question that the Sitting be suspended until 1.30 p.m. was put and resolved in the affirmative, without division and Mr. SPEAKER suspended the Sitting accordingly.

12.19 p.m.

RESUMPTION

Mr. SPEAKER: This Sitting is resumed. The Honourable Member for St. Joseph.

Hon. D.D. MARSHALL: Mr. Speaker, I want to take my opportunity to speak on this Bill in this debate by stating quite clearly that not only do I wholeheartedly support this Bill and the constitutional amendment that goes with it but I can very safely say that it has my support overwhelmingly, in fact, it has the total support of members on the side of the Government. Mr. Speaker, I believe that this piece of legislation demonstrates quite clearly the gulf or the divide that exists between the Government and the Opposition, between the Barbados Labour Party and the Democratic Labour Party.

Mr. Speaker, I believe that this legislation points out clearly to the people of this nation that this Government, the Barbados Labour Party, stands for empowerment while, on the other hand, the Democratic Labour Party stands for the very opposite. I want to say that this Government stands for providing security of tenure to public servants,

while the Democratic Labour Party, by its conduct, shows that its principal interest when in Government was the denuding of the Public Service and retrenching of thousands of workers. I want to say that while this Government set about appointing 4 000 casual workers to the Public Service, thereby improving their lot in life and giving them security of tenure, the Democratic Labour Party not long before had sent home thousands of individuals when the economy was under pressure. I want to say that while this Government is empowering Barbadian workers and empowering public servants, the Democratic Labour Party, not so long ago, was taking away part of their pay cheques in the now infamous 8 per cent cut. Sir, as I have said, this is not just about talking; this is not just about us being in Parliament and saying who can speak the prettiest, I believe that the people of Barbados, when they stand up and weight both sides of this Honourable House, it is the Democratic Labour Party that would be weighed in the balance and found wanting.

Mr. Speaker, it has been very easy for the Leader of the Opposition to use words, I believe he said trifling but if he did not say trifling with the Constitution, he may have said tinkering with the Constitution. Sir, I want to deal with that at the outset. The only amendment to the Constitution that is before this Chamber today is the amendment to be found in the Constitution Amendment Bill, which inserts into the Constitution a new Section 98(a). What does this Section 98(a) says? This Section 98(a) follows the recommendation that came out of the Constitution Review Commission that there should be a Public Service Appeal Board.

Sir, from my recollection that work by the Constitution Review Commission was the genesis of the idea that there should be an appellate authority within the framework dealing with public servants that would hear matters relating to public servants after they have been dealt with by the Public Service Commission and, Sir, that is what we have done. We have added a Public Service Appeal Board to the Constitution.

Mr. Speaker, if an individual considers making such a significant arrangement for the welfare and well-being of the Public Service to be trifling, well then, that gives us the idea of how he see things. I want to say that no criticism could be made of a Government that seeks to put an additional layer in place for the protection of workers. Sir, that is not something to be scoffed at; it is not something to be denigrated; it is more than a laudable achievement. It is very easy for the Opposition to glibly say that you are tinkering with the Constitution; you are trifling with it and try to create in the minds of Barbadians out there who may not have the Constitutional (Amendment) Bill in their hands, that the Government is engaged in some nefarious sleight of hand in relation to the Constitution.

Sir, I believe that the Honourable Member for St. John may have mentioned en passant that a Public Service Appeal Board was coming in but I want to say to all of Barbados that the sole amendment to our Constitution is to add a Public Service Board, not to take away anything. Sir, no where in these arrangements; no where in this Bill, has the Government sought to take away, denude, abridged; remove or in any way diminish any of the rights that accrue or inure to the public servants in this country. Again, I say that where the line is drawn in the sand and the people of Barbados will be in an excellent position to judge what the Opposition stands for from what the Government stands for and to weigh us on what we have done and not weigh us on what we have said.

What is this Public Service Appeal Board? Mr. Speaker, what we have had over the many years have been a situation where the Public Service Commission will deal with matters of discipline in relation to the Public Service and they then would have a right of appeal to the Governor-General. Unfortunately, Sir, the fact is that appeals to the Governor-General - because the Governor-General acts through and in his Privy Council - is a very long process and is a process where the individuals themselves do not have the right of attendance so that their case can be heard.

Mr. Speaker, I have the great honour to sit as a member of the Governor-General's Privy Council and while I cannot disclose the details of any particular case, I can say that when matters come before the Privy Council, both the Public Service Commission makes a written representation to the Privy Council and the aggrieved public servant also makes a written submission to the Privy Council.

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Mr. Speaker, while that system has worked for many years, I believe and I want to make it clear that system is not being done away with but in the interest of transparency and in the interest of better governance, it was recommended that there should be a tribunal, such that the parties could appear before the tribunal in person and make their representations. Sir, that is what we have done. That is what we are doing by amending the Constitution today. Mr. Speaker, we are adding, we are not subtracting.

I do not consider this, and I do not believe Honourable Members in their right minds would consider such a significant alteration to the status quo, in any way to be trifling. It is an important piece and it receives, I believe, the overwhelming support of not just people who followed the workings of the Constitution Review Commission, but I can say that it has also received the overwhelming support

of the Trade Union Movement in this country and the Social Partnership. Sir, on this one, I believe that it is fair to say that the Democratic Labour Party is standing way out there all alone. It received the support of CTUSAB, National Union of Public Workers and the entire Social Partnership.

Mr. Speaker, the Leader of the Opposition has said that we have not included the enacting words in this Bill. Sir, whatever views he may have about my own legal acumen, they do not trouble me any. We were both burnished in the crucible that is the University of the West Indies, and I believe that I can stand up for myself in that matter. Sir, he said that I have not included any enacting words in the Public Service Bill. Sir, I want to remind the Honourable Member for St. John that under the Constitution, enacting words... Sir, by enacting words I believe he was referring to that paragraph which, on the other hand is in the Constitution Amendment Bill, which simply says:

“Enacted by the Parliament of Barbados in accordance with the provision of Section 49 of the Constitution.”

Sir, I would like to remind the Honourable Member for St. John that under the Constitution and the Interpretation Act, that formulation is only required when you are, in fact, amending the Constitution. I would challenge the Honourable Member for St. John, to show me any part of this Public Service Bill tabled today that effects an amendment to the Constitution. You only use enacting words when you are amending the Constitution.

Sir, for the Honourable Member for St. John to get up and say, that we have not included any enacting words, is a red herring drawn across the path of what we would hope would have been an intellectual and enlightened debate. Sir, no doubt, some members of the public will swallow it. Some members of the public will probably feel that we have committed some grievous error, when in truth and in fact, the Public Service Bill, as it is, does not seek to, nor does it in anyway amend the provisions of the Constitution. Therefore, it would be a nonsense to include enacting words at the opening of this legislation. It suits the Honourable Member of the Opposition, like I said, to draw those kinds of red herrings across the path of this debate. He has alleged that we are reducing the rights of public servants. Again, I challenged him to tell me where in this Bill the rights of any public servant are in any way reduced, abridged or abrogated and there are probably another dozen words that we can use. Mr. Speaker, I would ask him also to show us where in this Bill the rights of any public servant are in any way circumvented.

I believe, it is fair to say that Honourable Member for St. John used as his example subclause 14 of Clause 13 of the Bill. That clause was read by him. It says:

“Where an officer to whom this section refers, is prejudice by the operation of this section, in respect to an appointment to a post by virtue of the provision of this section, the Governor-General may appoint the officer to a post, the appointment of which results in the remedying of the prejudice.”

Sir, he called it laughable. I believe that he was suggesting that we were somehow using this clause, as a method of circumventing the rights of a public servant. Sir, not only is that not the case, the concept of the Governor-General using his inherent powers to act in such a way to remedy any prejudice that may befall a public servant as a result of any steps taken by the Public Service Commission is not new.

Mr. Speaker, I would invite the Honourable Member for St. John to go to the Civil Establishments Act and look at the amendment that was made in 1954, by Instrument No. 56, 1954. I do not know if Errol Barrow was in the Honourable House at that time. I do not know if he wants to lay claim to this amendment. He might not. Sir, this amendment provides that in any case where it appears to the Governor-General, that special circumstances relating to the amount of salary or the increments of a person, already appointed to an office, which operates unfairly or to the prejudice of such a person, the Governor-General may make such adjustments as he deems appropriate in the circumstances.

Sir, I do not know if he was not aware of this provision. It was clearly contemplated in the 1956 amendment, now 51 years ago, that circumstances may arise where in the ordinary course of things an individual may have been prejudice. I give way to the Honourable Member for St. John.

Mr. D.J.H. THOMPSON: On a point of order. The Honourable Member is misleading the House. Barbados became an independent nation in 1966.

Asides.

Mr. D.J.H. THOMPSON: It does not matter where Erroll Barrow was. The rights that we have arise out of the Barbados Constitutional Order, which is a 1966 Order. The 1954 amendment to the Civil Establishment Act would not be relevant because the fundamental rights that we now have in our Constitution did not exist then. The nature of the Public Service Commission did not exist then. So the Honourable Member does not know that Barbados became independent in 1966, I am reminding him so that he would not go down that road of foolishness.

Hon. D.D. MARSHALL: Sir, I want to remind the Honourable Member for St. John, that there is some thing which was inserted as a part of our 1966 Constitution called a Savings Clause. Sir, if that is the Honourable Member for St. John's position, let him keep it. He is welcomed to it. He is welcomed to have a position that, not me of course, but I would not be surprised that someone would consider it to be a little odd.

Sir, this amendment made in 1954 was saved as part of the laws of this land through the Savings Clause in 1966. Even if the Honourable Member for St. John does not want me to go back to 1954, I can go back to last week and remind him that Section 3 of the Civil Establishment Act, last week, last month, last year or 1967, has a concept embodied in it that the Governor-General has, at all times the discretion to remedy any prejudice or injustice that might be caused to a public servant.

Sir, perhaps, I should look closely at the provisions of Section 13, so that we get it in context. Section 13 of this Bill seeks to do two basic things. The background to it is that for many years, going back over many administrations, there has been a proliferation of temporary posts, that by now defy any rationalisation in terms of the use of that name. Sir, put another way, they have been around for so long, that it is a little absurd even to consider them still to be temporary.

Sequence 16 13.50 p.m.

Sir, many of the individuals have been in these temporary posts for many years as well but cannot be appointed because the posts are not established.

Sir, what we in effect had was a great divide among members of the public service. An individual who may have had the good fortune of going into an established post, had the opportunity to be appointed to it but an individual who may have been in a temporary post, either at a senior level, the same level, a lower level, earning more pay, less pay, the same pay but by virtue of the fact that the seat in which he is sitting is temporary only, he could not be appointed.

Sir, what this Bill seeks to do is first to establish all of those temporary posts, other than project post. Sir, once those temporary posts have been established and the individuals are suitably qualified and they meet the criteria, that is, if they are not otherwise appointed in the public service, it then seeks to effect an appointment of the individual to that post. Sir, what we are trying to do in this legislation is to bring those individuals who were acting in temporary posts, into a situation where they will have security of tenure, by virtue of being able to be appointed to a post, now established.

The second thing that we are seeking to do, relates to those individuals who have been acting for many years in established posts. We are saying that since you have been acting in an established post for three or more years, then one could hardly argue that you were not fit to hold the post or fit to do the job. You have been in it for three years, so you must have been coming to work on a daily basis and doing the Government's work. In those circumstances, Sir, we are of the view, the other side may differ, that the clear justice of the case merits the appointment of that individual to the public service. Sir, that is the broad context.

Mr. Speaker, Clause 14 of this Bill comes in, because of the fact that we are going to be dealing in the region of 3 000 or more public servants and we are likely to be dealing with some people, who from time to time may have acted in sometimes temporary, then established, then temporary post again. Sir, with the best will in the world, there is a distinct possibility that some individuals, even if it is only one individual, may find themselves in a position of prejudice.

Sir, I want to say to you that I do not believe the Minister had the opportunity to make this point that as part of the clear preparation for this exercise, the Office of the Chief Personnel Officer of Government, was mandated to go through all of their records and identify for the Government all of the posts that are established in which people have been acting for a long time, to identify those people who have been so acting and to identify if they are suitable for appointment. They have also been asked to identify all of the temporary posts in Government that are not project post, all of the people who are acting because by definition you could only act in a temporary post, so all the individuals who were in those temporary posts and for how long and whether or not they meet the qualifications to be appointed.

Sir, the Ministry of the Civil Service and the CPO's office have been working at this for quite some time. We expect to know, Mr. Speaker, the individuals who are likely to be prejudiced. In fact, Sir, as part of our intense consultations with the Social Partnership, CTUSAB and the NUPW, we have agreed that some kind of a help desk would be established, so that public servants are able, if the legislation is passed, to be given information as to their posts, whether or not they fall within this Bill, they will know what the criteria are, so that they could render their own view, as to whether or not they fit within the four corners of the legislation and whether they too should be appointed.

Mr. Speaker, at a very early stage in this process, we expect, if we have not already identified the individuals who might fall through the cracks, to know who they are and we have given a firm commitment to the Social Partnership. I want on behalf of the Chairman of the Social

Partnership, on behalf of the Ministry of the Civil Service, to reiterate and to reaffirm that commitment in this Honourable Chamber, that where individuals have been prejudiced by the operation of this enactment, however small that prejudice may be, that through the CPO, this Government will be moving to take all steps to ensure that the prejudice is righted. I want to reaffirm that to all of the members of CTUSAB, NUPW and whoever has an interest in this matter. Sir, any prejudice will be righted.

The Honourable Member for St. John has offered the high-powered legal team that the Democratic Labour Party has on that side, the best that money could buy, all two of them. Sir, he said that they will fight us in the trenches, maybe not his exact words, but he said that he is going to go all out to protect the rights of these workers. The impression is conveyed, Mr. Speaker, that hoards of people are going to be prejudiced. Tell us who they are, Mr. Speaker, I could assure the Honourable Member for St. John that while he is putting together his high-powered legal team to do this, we on this side will be systemically remedying any prejudice that might arise. And so, by the time this high-powered legal team is ready to challenge us before the court, Sir, I would venture that the only clients they might have, might be themselves.

Asides.

Hon. D.D. MARSHALL: Mr. Speaker, another important aspect of this that I believe is worthy of pointing out is that the Government is committed to reducing the proliferation of temporary posts. As I said, going back over many administrations, we now have a large number of temporary posts in the Government service, and some of them are project posts.

Mr. Speaker, it is a brave Government that is prepared to tie its own hands in relation to the creation of employment for people. Any Government could even be forgiven if it says that we do not want to constrain our ability to employ Barbadians, we want to be able to create temporary posts as we like, when we like, how we feel like and as many as we want. The reality is that with some political intervention, those could be considered as opportunities to get jobs for the boys and girls.

Mr. Speaker, this Government has decided to take a principle stand on the matter. It is a principle stand that I believe we could have expected the support from the Opposition. Maybe they support it but we are prepared to tie our hands as a Government, by saying that we will no longer allow the creation of temporary posts, on a willy nilly basis. Sir, I am not suggesting that this Government has ever created any temporary posts on that basis. Certainly, no inference is to be drawn, in relation to any such conduct on the other side.

Sir, what we are committing to in statute is that no more could you create temporary posts without a horizon. Mr. Speaker, we are limiting the creation of temporary posts for the period of three years. If at the end of three years, a justification could be made for the continuation of that temporary post and the Minister is convinced that justification has been made, then that temporary would be allowed to say for another three years, but no more. In music, Sir, I think we used to put a double line at the end of the bar to signal here ends the music. Sir, that is exactly what is going to be happening at the end of the six-year period.

Sir, this forces the administrators, not just at the public servant level but at the ministerial level to confront the issues and to make a determination on whether or not this post is required. Sir, if no justification could be made for the post, then its life comes to an end at the end of three years.

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If the justification could be made, it could go on for up to another three years but at the end of that six-year period, there is a full stop, maybe even an exclamation mark. That post either comes to an end or it must be converted to an established post.

Sir, I believe that represents a significant tying of Government's hands. Moreover, it represents the courage that is within the bosom of the Barbados Labour Party, we do not fear our own shadows and that therefore we are comfortable enough in how we manage the public's affairs and how we are perceived by not just our supporters but by our opponents, that we are prepared to take this principle position.

Mr. Speaker, I would also like, in the brief time allowed to me, to mention a few other matters. As our law currently stands, a person who is convicted of a criminal offence is not allowed to be appointed to the public service. Mr. Speaker, Honourable Members of this side in this Honourable House have from time to time said quite properly, that Government is seen by many as the employer of last resort. While we may not like to think it, Sir, there are a lot of individuals who may have had a brush with the law and who seek employment in various ministries, the Ministry of Public Works and Transport, the Barbados Water Authority and the Barbados Transport Board. They all come to the Government and say we have paid our debt to society and we want to be allowed an opportunity to earn a decent living. Under our current position, Mr. Speaker, that is not allowed.

For the first time, Sir, this Government is taking a bold step to say in our legislation that a criminal conviction would not operate as a bar to appointment to the Civil

Service. In fact, it states, in one of the Schedules, that the Public Service Commission may, notwithstanding that the person has a criminal conviction, if the Commission considers that the individual is suitably qualified and is otherwise suitable for appointment to the post, the Public Service Commission can make a recommendation that he be appointed.

Mr. Speaker, we have a clear idea on our side on how a position like that would positively influence not just the self-esteem but the well-being of thousands of Barbadian families. I am aware from where I sit that about 1 000 Barbadians rotate out of our prison system every year.

Mr. SPEAKER: The Honourable Member has one minute.

Hon. D. D. MARSHALL: I could accept, Mr. Speaker, that some of those might be incidence of recidivism but the fact is that for the first time a Government in a modern era is prepared to say that we too have a social obligation to those individuals who may have fallen from grace by having infringed the law but we are prepared in appropriate circumstances to give them an opportunity to earn a decent living.

Sir, it may not be public knowledge and perhaps it should not even be but there are scores, if not hundreds, of Barbadians who have convictions who are somehow in one form or fashion employed by the public service and, in our view, in appropriate cases they are entitled to be.

Mr. Speaker, I regret that my time is expiring. I believe that there are many other elements of this Bill that should be drawn to the attention of the Barbadian public and I sincerely hope that members on this side would take the opportunity to point out to the public all of the salutary provisions.

Mr. Speaker, there have been consultation and agreement. I am happy to say that having been involved in that process of consultation, and I want to repeat it... Perhaps, there would never be absolute agreement but by and large, the provisions of this Bill received the support of all the members of the Congress of Trade Unions and Staff Associations of Barbados, the Social Partnership and the National Union of Public Workers, the largest trade union representing public servants in this country.

With their support, Sir, I am delighted to be able to commend this legislation to this Honourable Chamber and remind Barbadians that no where in the Public Service Bill is the Constitution amended and that the only amendment to the Constitution is not to derogate from anybody's rights but to add. That represents the hallmark of this Administration, a Government that cares sufficiently to

stand and to give individuals rights and not to send them home, not to cut their pay, and to deprive any authority of the Governor-General. That is where we stand. Sir, I look forward to hearing from the other side where they stand.

On the motion of the Hon. Miss M. A. MOTTLEY: seconded by Hon. R. R. FARLEY, further consideration of the Bill was postponed.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that we now revert to the Order Paper and that Private Members' Business be called as indicated at the start of business this morning.

Mr. SPEAKER: Before I call Order No. 3 on Private Members' Business, I would like to inform this Honourable House that the Leader of the House and the Leader of the Opposition have requested that this No-Confidence Motion be televised. I have given permission and it would be carried live on CBC Television.

May I say to all Honourable Members that in this Resolution before the House, I would like you to observe the Rules of this House, especially Rule 28. I do not want a situation to arise where we have unsubstantiated allegations. I believe that all allegations should be substantiated and where possible with documented evidence, please. I will be enforcing Rule 28 in its entirety in this debate. I speak to all Honourable Members of the House. Order No. 3, the Honourable Member for St. John.

PRIVATE MEMBERS' BUSINESS

ORDER No. 3

RESOLUTION THAT THE HOUSE HAS NO CONFIDENCE IN THE MINISTER OF STATE IN THE MINISTRY OF FINANCE AND THAT HE BE RELIEVED OF HIS PORTFOLIO

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, the basis for a No-Confidence Motion is well-established in our parliamentary history. I have been a member of this House for 20 years and in my time in this Chamber I have witnessed and participated in several debates on No-Confidence Motions. I recall No-Confidence Motions being brought by the other side against the Democratic Labour Party for seemingly frivolous and vexatious reasons, yet the right and decisions of the then Opposition to table such motions was respected and facilitated.

Indeed, Sir, this very Government was swept into office on the basis of a No-Confidence Motion and the downwind of that Motion. There have been even motions against Speakers of the House of Assembly, which I have witnessed from the public gallery. Motions of no-confidence are moved against ministers in the main who

have exercised poor judgements, acted against the tenets of good ministerial practices, for corrupt practices or for acts of moral turpitudes and otherwise. This therefore is an important parliamentary tool to bring to the attention of the public, acts of ministers for which ministers should be censured. That is what my Resolution seeks to do today.

Sir, Hardwood Housing Factory Inc. was incorporated on the second day of November 2006. At the time of its establishment, it was heralded as the answer to low income housing in Barbados. The website setting out the track record of the company stated that Hardwood Housing Factory Inc. was established in 2006, specialising in affordable housing. It stated:

“Our founder has over 20 years of experience in project management and construction throughout the Caribbean and the United States of America. Selected project experience includes but is not limited to New Orleans Housing project; Urban Development Commission; carrying out the promised operation mobilisation, poverty eradication and Hurricane Ivan relief in Grenada.”

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Already in recent weeks, Mr. Speaker, the admission has come from the lips of the Honourable Member for St. Michael North West, that perhaps the boast that the founder of Hardwood Housing having experience in building up to 500 houses, was false and misleading. Sir, that is neither here nor there.

Indeed, Mr. Speaker, my investigations of the matters have proven that to be the case. Sir, no person in the housing sector of Grenada knows of the founder of Hardwood Housing or of even one of the so-called 500 houses that he singlehandedly, purportedly supervised the building of, yet the Minister's unconditional support for and promotion of this venture was predicated on the basis of this valuable experience gained in Grenada by the founder of Hardwood Housing.

Mr. Speaker, the bona fides of the founder were from the outset, questionable and suspect, yet this gentleman has purported with this business idea, with the support, the embrace and the hailing of the Minister of State in the Ministry of Finance, as God's answer to the challenges of housing in the nation of Barbados.

Sir, speaking at the opening ceremony, the Minister of Housing, the Honourable Member for Christ Church East, welcomed the establishment of the company and said that he looked forward to a long and mutually beneficial relationship between the Ministry of Housing and Lands and the Hardwood Housing Factory Inc.

Sir, it was on the strength of that Government's assistance, support and the preparation of a business plan, that the Enterprise Growth Fund Limited made a significant investment in the company, to the tune of \$2 million.

Mr. Speaker, I have the two indicative term sheets. I want to follow your ruling and therefore if anybody wants me to make them a document of this Honourable House, the two indicative term sheets from the Enterprise Growth Fund Limited, for each of the \$1 million given to this company, are here and available.

Mr. Speaker, the Enterprise Growth Fund Limited is a limited liability company, incorporated on 2nd January, 1998, to provide venture capital, equity-based financing and technical assistance to emerging small companies, with strong profit-making potentials. Its primary function is to make investments in small, medium-sized Barbadian-owned businesses. These investments have to have the potential to contribute significant value-added to the Barbadian economy, by increasing foreign exchange earnings and/or employment. These investments also should have the potential to provide the Enterprise Growth Fund Limited with significant capital appreciation. Sir, those are at the opening statement of the documents on the website for the establishment of the Enterprise Growth Fund Limited.

Mr. Speaker, Government is a shareholder, if not the only shareholder. In its documentation, the Enterprise Growth Fund Limited also said that there are two types of funding provided:

(a) Venture Capital, ranging from \$100 000 to \$1.5 million; and

(b) loan financing ranging from \$100 000 and \$1.5 million, at an interest rate of 6 per cent.

Mr. Speaker, what is the criteria for loans? Small and medium-sized enterprises wishing to access equity funding from the Enterprise Growth Fund Limited, should meet the following requirements:

(a) A realistic business plan, which fully describes the

business and its growth potential, in terms of revenues, earnings, assets and cash flow and demonstrates a reasonable anticipation of profit, based on a history of performance or other characteristics.

(b) principals - not principal - with a financial stake in their own enterprise wanting to raise capital for expansion and growth of the business by permitting equity ownership by the Enterprise Growth Fund Limited and other institutional equity providers.

Sir, it goes right down to (f):

(f) the ability to provide the Enterprise Growth Fund Limited with an attractive return, which is 10 to 15

per cent, with a clearly defined exit strategy.

Mr. Speaker, indications are that none of the foregoings was applied to Hardwood Housing Factory Inc. Sir, persons close to the Board intimated that the formal request was preceded by a series of verbal interventions and endorsements, by none other than the Minister of State. The Minister of State stated publicly, before the company was even incorporated under the Companies Act, that financing agreement was in place for the operations of Hardwood Housing Factory Inc. That was before the company even existed. In other words, the Board of the Enterprise Growth Fund Limited was expected, from the outset, to be a mere rubber stamp to the authorisation of more than \$1 million, in the first instance, to a project that was then dubious and is now still of dubious anticipation.

Mr. Speaker, clearly, up to the point of releasing the first \$1 million, no due diligent could have been carried out, because the company was not in existence; none of the stated criteria could have been met; financial statements in relation to the company, which is supposed to be Government-owned, requested by me, as the Leader of the Opposition, have not been forthcoming but based on information received, the financial stake of the principals of the company could not have been significant because at the end of the day, his shareholding is now only 5 per cent, the other 95 per cent belongs to the Government of Barbados, in less than a year.

Sir, as I said, it was established against this backdrop of false and misleading representation, with respect to the bona fides of the principals. Sir, following the release of the first tranche of \$1 million, the company, with the full support and knowledge of the Minister, then returned to the Enterprise Growth Fund Limited for another \$1 million, with no sign of accountability for how the first million dollars was spent.

Sir, nowhere in the record that I have perused - and I believe the Government would know that I have perused them all and the Minister himself would know that I have perused them all - is there any indication of financials being submitted to the Enterprise Growth Fund Limited a second time around for how the first set of monies was spent or managed, yet the second draw down of the additional million had the full support and weight of the Minister behind it.

Mr. Speaker, the Members of the Board of the Enterprise Growth Fund Limited are not entirely blameless in this regard because not only did the Board permitted

itself to be intimidated and dictated to by the Minister, but those who sat on the Board of Hardwood Housing Factory Inc. as Directors, also had a fiduciary responsibility. Sir, all of us know that under Section 95 of the Companies Act, every director and officer of a company, in exercising his powers and discharging his duties must:

(a) Act honestly and in good faith, with a view to the best interest of the company; and

(b) exercise the care, diligence and skills that a reasonably prudent person would exercise in comparable circumstances.

Sir, at section 2:

2. In determining what are the best interests of a company, a director must have regard to the interests of the company's employees in general, as well as to the interest of the shareholders.

Mr. Speaker, we should deal with the stewardship of the Board at another time. I believe it is useful to read into the records of this Honourable House, the contents of the letter I wrote to the Prime Minister on 4th October, 2007, concerning Hardwood Housing Factory Inc. Mr. Speaker, the letter read as follows:

"I am writing to draw your attention, should you not be aware, to a matter of great concern to the public and to right-thinking Barbadians, relative to a company registered in Barbados, as Hardwood Housing Factory Inc. As a result of numerous requests and my analysis of the documentary information given to me, I am requesting your intervention to respond to the following matters..."

Mr. Speaker, I am going to list them. I am going to quote and then comment, just to demonstrate that not a single one of my allegations has been denied.

Seq(19)2.20 p.m.

1. "Within one year of the company's operation an investment has been made by the Government through Enterprise Growth Fund Limited by way of \$2 million cash initially made up in working capital. Out of this sum and financing made available by a local banking institution, equipment, including vehicles and construction equipment, has been purchased in the name of an individual associated with the organisation and is being leased back by way of a substantial monthly payment to him by the company.

Mr. Speaker, let me tell you what is happening in relation to this company, and the Minister of State said this was his idea to save money. Equipment is being purchased in the name of the other shareholder and then leased to

Hardwood. Hardwood pays the drivers, it pays to maintain the equipment, it also pays the leasing companies on behalf of the owner out of the Enterprise Growth Fund cash injection. Sir, I have copies of all the quotations, receipts, lease agreements and so on, in relation to the majority of the vehicles, bobcats and those kinds of things. I can also produce for the public, the record of SOL (Barbados) Limited detail fleet car report showing that the vehicles go to the gas stations of Sol and that Hardwood pays to put gas in them even though the vehicles are owned by another individual. I also have a list of all the arrears in respect to the vehicles which had to be paid by Hardwood on behalf of the owner and a list of the services provided by Hardwood in respect to vehicles to the sum of \$52 000 of taxpayers money. Sir, that is some ludicrous arrangement by any standard but it is taxpayers' money at the end of the day.

Mr. Speaker, I want to go on. I said in my letter:

2. "that there is an additional overdraft facility granted to the company by a banking institution. Despite this financing facilitated by the Government, the company's current cash flow position is critical. Sir, up to the end of August, the company had issued nearly 20 bounced cheques, including a cheque to the Comptroller of Customs, (more taxpayers' money) for the sum of \$4 262 60."

There are all kinds of companies in Barbados but bounce cheques have been issued by a Government-owned company. We are told that it is a Government-owned company.

Asides.

Mr. Speaker, on Friday gone, despite the cash injection of \$2 million, the workers were sent home without pay. The company now has no money once again. Sir, this is a Government-owned company.

Mr. Speaker, until the end of August 2007, there were \$30 000 in returned and unsatisfied cheques to 19 suppliers and a department of Government and I said to the Prime Minister:

3. "That the inability of the company to meet payment to its creditors would be, one assumes, in breach in terms of the investment by Enterprise Growth Fund Limited and certainly a blow to the integrity of the institution. How could you have an institution."

Enterprise Growth Fund Limited investing 95 per cent of its investment in a company that is issuing bounced cheques to small black business people in this country? Can you believe that, Sir?

Let me say on No. 3 that the official response from the Government was yes, the unsatisfied cheques had been issued, so I was not misleading the public. I wrote to the Prime Minister:

4. "Despite this cash investment by the Government of Barbados through Enterprise Growth Fund Limited, the company had only completed seven houses under a contract awarded by the Urban Development Corporation. The site preparation and foundation for these properties led to cost overruns. The said site preparation for these seven low-income houses was \$248 000 and there are other examples of inflated invoicing to Urban Development Commission."

Mr. Speaker, you know what the Government's response was, the cost overrun was \$129 000 but, Sir, that is all that Urban Development Commission paid but Hardwood claimed \$248 000 in cost overruns, almost twice the amount that Urban Development Commission paid. What could account for that discrepancy that a Government-owned company could bill Urban Development Commission \$248 000, Urban Development Commission could carry out an investigation and find out that it was really only \$129 000 that it owed the company. Sir, that is the kind of thing that has been going on in there with taxpayers' money in this country.

Mr. Speaker, I said in paragraph 5:

5. "The company is currently undertaking private projects and its equipment, material and labour are being used for the construction of a commercial building and other private residences out of the funds provided for it by the Government for the development of low-income housing. Its involvement in commercial property is questionable but of even greater significance is the fact that the cash flow position of the company has meant that mobilisation fees have been paid by prospective homeowners but the company has no resources to complete these houses."

In other words, people have made deposits on houses to Hardwood and they now have no money to complete the houses. If the Government wants, it can investigate that one of the people to whom it made a payment had to take Hardwood Housing Factory before the Fair Trading Commission two weeks ago as a result of making that deposit and not getting its matter dealt with.

Mr. Speaker, I never made any allegation about a property at Perry Gap. I spoke at a meeting and the following day, the Minister of State was on television with his wife and the owner of Hardwood admitting that some people from Hardwood were working on the property and

admitting that cheques were written to the principal but that he endorsed them over to Hardwood. A mass of confusion, Sir.

Mr. Speaker, I want Honourable Members in this House to remember what the debate in relation to the St. Joseph Hospital in Barbados was all about and, Sir, that was not a Government-owned company undertaking work at the home of a Minister or any property in which the Minister had any financial interest, it was a private company but what you have here is a totally different situation that is deserving of the highest possible censure.

I wrote to the Prime Minister:

6. "The company has in its employ several non Barbadians who are not in possession of immigration status, which would permit the company to employ them under our laws. There is also a differential being paid by the company to and in favour of these non-nationals over Barbadians it employs in the same class of employment."

The company was employing more illegal workers than it was even employing Barbadians and those workers were being paid more than the Barbadian workers in some cases. Sir, that has not been denied, in fact, it was admitted that is the case but it is the fault of the Operations Manager.

Mr. Speaker, you have a Government-owned company in Barbados in which the taxpayers have put \$2 million of their moneys into it, employing illegal immigrants and paying them more than they are paying Barbadians, that does not warrant an investigation, Sir?

Sir, I go on. I wrote this to the Prime Minister.

- (7) "The company has been given access, with direct ministerial assistance, to considerable areas of land throughout Barbados, owned by the Government and privately but facilitated by the Government to undertake housing development against the background of no previous experience or track record in housing construction, without tendering procedures being observed and in a very cavalier manner."

I have set out for the public all of other areas from Four Hill in St. Peter to Kendall Hill in Christ Church, where land was earmarked for Hardwood and every facilitation was being made to get Town & Country Planning permission, not only in respect of the low-income properties but there were some examples, where the owners of the land were saying, if you approve my application to build villas and high-end properties, then I will agree to sell you some of the land for low income Barbadians. Sir, there you have a situation of the cart going before the horse in

this country, and there are many examples of that in this particular scenario.

Sequence 20

Sir, people are being held hostage. Sir, then 4hry said the company did not have any land, when everything was being done to give the company land. The company has no money. It has no houses and it also has no land. This is a project heralded up to us by the Government as the answer to low income housing in this country.

Sir, number (8) I wrote to the Prime Minister:

"This company had been likely or is likely to be awarded contracts by the National Sports Council to build five wooden pavilions for the sum of \$90 000."

In fact, it was four pavilions at various locations throughout Barbados. Again, with no previous track record in this area and without any proper tendering procedures being followed. The Government responded and said that there is a tendering procedure that was in place. Sir, there was no tendering procedure. The company was invited to send in a quotation and it was awarded the contract on the basis of that quotation. I challenge the Minister who was involved in that process, to produce the information that he said led to a tender scenario being considered, with respect to the pavilions.

Sir, I go on:

- (9) "The company has breached several labour standards, including the provisions of the Factories Act, in respect of its operations at Six Roads, and the usual labour practices which the workers' representatives, under the able guidance of the Barbados Workers Union have identified."

Sir Roy Trotman... Mr. Speaker, you have not given me permission to call his name so let me put it this way. I am going to make available in the records of the House, a letter written by the General Secretary of the Barbados Workers Union, to the Chairman of the company, raising serious issues about things that were happening at the factory, in relation to Barbadian workers, including sexual assaults on Barbadian workers taking place at that very factory, owned by the Government of Barbados. I will make those documents available. The letter is dated September 21st, and it sets out that a worker was even dismissed from the company because of her decision to inform the Board of the sexual harassment and assault on the workers in the company. Sir, she got fired for that. That is in the letter along with all of the other issues that had been raised by the Barbados Workers Union in relation to this matter.

Mr. SPEAKER: Is this matter sub judice?

Mr. D.J.H. THOMPSON: Sir, not this. This is a trade union matter.

Mr. SPEAKER: Okay.

Mr. D.J.H. THOMPSON: Tinally, although sub judice, these are my words to the Prime Minister. I am quoting what I said to the Prime Minister: (10)

“You ought to be aware that it is already public knowledge, that a senior operative in the company has been charged with serious criminal offences, in relation to female staff and former members of staff.”

Sir, we spent the whole morning in here debating sexual harassment of workers, which may not even rise to the level of sexual assault and you have a government-owned company with \$2 million of Government money in it, a Managing Director charged before the courts for two scenarios of sexual assault and nothing happens to him. He remains in place. The only reason why he was moved is because I had to raise this, in a public forum, to have something done about it.

Sir, I said to the Prime Minister:

(11) “I read and heard the comments over time, of the role that Hardwood Housing Inc. would be playing in Government’s housing policy and in that regard many of the matters that I have itemised above, are within the knowledge of the Minister of State in the Ministry of Finance, and my information reveals his active, and in my view inappropriate participation, in many of the decisions made to facilitate the work of this company and its day to day operations.”

Sir, I said:

(12) I am sure you will agree with me, that many of our citizens are justifiable concerned about the matters raised above, in relation to the operations of this company, which has been overly favoured by Government and had lavish Government largess and support, and they are curious to know, whether this conforms to your Government’s policy or whether you are inclined to respond to the matters raised above.”

Sir, I asked for a full-scale independent investigation of the company. Why? I heard the Honourable Member for St. Peter talk about the Public Accounts Committee. The Public Accounts Committee, as you would know, has not been established to deal with issues of sexual assault by managers against workers. The Public Accounts Committee is not involved in the investigation of companies that breach the Immigration Act. What does that have to do with a Public Accounts Committee? What does the scenario of corruption, which cannot be disclosed on

the financial records has to do with a Public Accounts Committee? What law would give the Public Accounts Committee the power to investigate labour practices, how workers are being treated? What law would give the Public Accounts Committee, the power to look at how Town and Country Planning decisions are being manipulated to give effect to the decisions of the Board of this company, relative to its operation.

Sir, that was the letter I wrote to the Prime Minister and to date he has not responded. Fortunately, the contents of the letter were made public. Sir, none of the issues that I raised in that letter has been challenged, not one. Sir, no action has been commenced against me for deformation of character. I went on, six weeks had past...

Asides.

Mr. SPEAKER: Honourable Member, just proceed.

Mr. D.J.H. THOMPSON: No action has been taken, but there is more. Can you imagine that the keys to the building that this factory occupied, went straight from the Ministry of Home Affairs, into the hands of the owner of the property and never back through the Barbados Investment and Development Corporation? He went to a Board meeting, and said that the Ministry of Home Affairs told him that he can occupy the building rent free, so now the lawyer from Barbados Investment and Development Corporation is butting about in St. Philip, trying to find the owner of Hardwood Factory to serve a notice for rent due and a notice to leave the premises because of unlawful occupation of a Barbados Investment and Development Corporation premises. Can you imagine that, Sir, a Government-owned property?

Sir, do you know of any other company that has been afforded such a facility. I am not going to deal with the attempt by the Barbados Defence Force to remove the fencing from around the factory in St. Philip. I am not going to tell this House yet - because I have a right of reply, who the Minister was that stopped the Barbados Defence Force from removing the fencing from around Hardwood Factory, in St. Philip, and why he did it. I know that it was not the Honourable Member for St. Michael North East, who sent them there in the first place, and it is not any minister to whom I have not made reference. The Barbados Defence Force, our defence force, was stopped by that Minister, from removing the fencing around Hardwood Housing Factory. Sir, there is no other factory in St. Philip that has fencing around it, none.

Sir, I wrote that letter, not in any response to any individual’s concern, because I would never use the parliamentary process nor my Party’s banner for that. I was approached individually and collectively by the workers and former workers of the Hardwood Housing Factory, and

every time they came to me and complained, I felt more and more powerless to help them, until I decided to take the action I took.

I am not interested in a witch-hunt or the destruction of any small black business in Barbados, or any black businessman but where any black business or white businessman or technicolour business can use his relationship with a minister, to visit a reign of terror on young women and through the breach of immigration laws, to the detriment of small ordinary Barbadian workers, to intimidate staff, some of whom were ordinary Barbadians on their first ever job, on the strength that he has the backing of the minister and even encourage staff members to engage in fraudulent practices at the workplace.

Sequence 21 14.40 p.m.

Already as a result of our intervention, fundamental change has taken place in respect of Hardwood Housing Factory. Could the aim of that company be achieved in the current environment? I say no, Sir. At the end, the ultimate judges of the outcome of this are not the numerical strength of the Government and the numerical weakness of the Opposition, but the voters of Barbados who have to look at this situation and make a determination very shortly.

Thank you.

Hon. C. A. MASCOLL: Mr. Speaker, to say that I am feeling a sense of hurt is to underestimate how I feel. Within less than two years, I have had two No-Confidence Motions against me. They were both for over-performing on the job. I lost the first one of course because according to the Honourable Member for St. John, the Party which I had the honour to lead at the time lost an election by 750 votes. I was fired for over-performing on the job. Sir, I am now being accused of over-performing as a Minister of State in the Ministry of Finance. Mr. Speaker, what hurts about this is that almost every week I have the honour to meet with big businessmen, Barbadian and foreign investors, to discuss projects and to see what Government policy could do to facilitate their investments in Barbados. Mr. Speaker, this one hurts because this is an ordinary Barbadian boy who went to St. Leonard's School and did not get one certificate but has the ability to build houses and is an outstanding joiner. It hurts because I do not know what could be wrong with trying to facilitate an average black boy from St. George, who is a lightweight in every sense of the word, he weighs about 120 pounds. What hurts me more is to suggest that he does not have the ability to do the job, and even to go as far as to say that he never built houses in Grenada.

Sir, the Honourable Member for St. John, in a public place, said that he went to Grenada for three weeks. Sir, I have his personal travel history here. Mr. Anthony Murrell

left Barbados on the 11th of October, 2004 and returned on the 15th of December 2004. That was his first trip. That is two months.

Mr. Speaker, so hurt was the man who managed the project, a Mr. David Blackman, who works at the Child Care Board wrote me and said that not only did Anthony built between 280 to 300 houses but he actually replaced the roofs of several houses and then he trained individuals how to build temporary structures in Grenada.

Mr. Speaker, I met this young man doing a project called "Operation Mobilisation" which was run by the former Minister of Social Transformation, now Poverty Advisor to the Government. I met this young man in Ashdeane Village building a home for Mr. and Mrs. Best. The Honourable Deputy Prime Minister had the honour of visiting that House and saw the wonderful work that was done at the time. Mr. Speaker, to say that he never visited Grenada when in actual fact I have several pictures of him here amongst some very white people, they do not look like Barbadians, in Grenada.

Mr. Speaker, not only that, there are websites, www.samartianspurse.org and www.crossroads.ca which in actual fact show the work done by this young man. Mr. Speaker, I met him and he said to me: "You know Clyde, when I first met you I did not like you." Mr. Speaker, I enquired as to why, he said it was just a way about me that he was not comfortable with at first.

Mr. Speaker, the Poverty Advisor would well recall that quite a number of young people came off a boat called Logos last year and this same young man, I witnessed it with my eyes, taught these individuals how to build a house in less than a week at his humble place of abode in Market Hill, St. George. Mr. Speaker, it fascinated me because persons who have never seen purple heart or green heart actually built houses for Barbadians across the length and breadth of Barbados for the couple of weeks they were in Barbados.

Mr. Speaker, that is why I always say, and I would continue to argue that you do not have to be an academic to be bright. I have seen it among several persons in my area. I have seen it exemplified in my mother, who for me was arguably one of the brightest individuals I have ever met. She never had a certificate but she was extremely bright.

Mr. Speaker, he said to me: "Clyde, it is possible to build low-income houses for Barbadians cheaper than we are doing but we would have to manufacture the house rather than build the house in the traditional sense." As a trained economist, my eyes lit up because he was really discussing a very advanced stage of economics in a very simplified way: How do you reduce cost by using

technology to reduce the cost of a house and deliver it most cost-effectively for Barbadians.

Mr. Speaker, to say that I was excited is to deny that I was far more than excited by the prospect of delivering a house for an average Barbadian. Four years ago, we well recall “Honey Bee”, “Bumble Bee” and “Ladybird” houses being advertised. Mr. Speaker, he said that he could reduce the cost of a house by 20 per cent as a result of the technology. Mr. Speaker, I got so excited that I called the Deputy Prime Minister and discussed at length with her what he was putting forward to me.

Mr. Speaker, contrary to what the Honourable Member for St. John said, the Barbados Investment and Development Corporation actually wrote a business plan for this young man and it was submitted to the Enterprise Growth Fund Limited. Honourable Members would well recall that long before that, it was advertised that there would be something called Harwood Housing Factory. Sir, to say that I sourced material for this company is blatantly an untruth.

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Mr. Speaker, what happened is that when it was advertised in the daily newspapers, two companies from Guyana called and requested a visit at the Ministry of Finance and a Barbadian, whom we learnt subsequently is not worthy of the paper that the letter to which the Honourable Member for St. John has referred to...

By the way, Mr. Speaker, the Honourable Member for St. John does not have to make anything a document of this Honourable House, I have copies. If there is one thing I always do, is to prepare myself well. I am a scout by nature and therefore be prepared is the motto.

Mr. Speaker, this man, I hope I could call his name, since there is an allegation that I sourced material, has the most elaborate signature that you would want. He is as flamboyant as you can get but he is as honest as some I know. His name is Philippe Taitt. Sir, I have the letter which was referred to in my possession. He is called Philippe Taitt. He is arguably one of the lowest...

MR. SPEAKER: Honourable Member, you are not allowed to do that, and you have not asked my permission to refer to his name. I clearly said at the beginning that we are observing the Rules, especially Rule 28.

Hon. C. A. MASCOLL: Mr. Speaker, I can withdraw that but what I can say, which is clearly documented here, is that on 10th October, at 10.00 a.m. a meeting was convened between Mr. Anthony Murrell, Mr. Mascoll the Minister, as stated here, and that individual, to

discuss the question of the sourcing of lumber out of Guyana.

Sir, the public of Barbados can look straight into my eyes. I have no desire to be a rich person. I have every desire to be as happy as I am now and to live as long as I can. Therefore, when we sought to assist this young man, it was with one intention, that is to ensure that a small, black businessman gets an opportunity.

Mr. Speaker, contrary to what the Honourable Member for St. John might have said, the Honourable Member would have spent his time in the Ministry, giving 13 properties of CLICO, a few day before election, an exemption from the Property Transfer Tax.

Mr. Speaker, in doing my research for this very debate, I have discovered even more, I have discovered how that relationship started. I have discovered it to such an extent that there is a former member of this Parliament, who was a student with me on campus and who happened to serve in the same Ministry in which I am now, who is the source of it. I will not now reveal the information but I can tell you that individual has passed on and he would have, in fact, given to that same company a major concession.

Asides.

Hon. C. A. MASCOLL: Mr. Speaker, given the circumstances that occurred after, with respect to a no-confidence motion and having to leave the Party, he never quite got what he expected but others ascended to a position within the Ministry of Finance. Sir, therein lies the relationship that started way back in that early period. When I get the time, I will speak to it in full details.

Mr. Speaker, this whole discussion started on whether or not a company existed. It was said it was a privately-owned foreign company. It is now being said that it is a Government company that has been financed by an entity that falls within the remit of the Ministry of Finance, which is the Enterprise Growth Fund Limited, which is a venture capitalist. Sir, I do not need to speak to that.

Mr. Speaker, to say there are no signs of accountability in the company is to fail to understand how the Enterprise Growth Fund Limited works. Mr. Speaker, you cannot get a cent from the Enterprise Growth Fund Limited unless you provide invoices to them. The Enterprise Growth Fund Limited then signs every cheque. In fact, since the Honourable Member for St. John does not know how the first million dollars would have been spent, when the time is ripe the Honourable Member could get every... I am not going to quote it because he should not be even privy to it at this point in time but he could get every cheque, by number, by amount and to whom it was written

because I have it here available, but he honestly does not deserve it. He is not a nice man.

Asides.

MR. SPEAKER: Honourable Member, come on, you cannot say that.

Asides.

Hon. C. A. MASCOLL: Mr. Speaker, to go on to speak about how the Enterprise Growth Fund Limited works and that somebody would have received money, by way of sourcing materials...

Sir, I have an honesty in me that is exemplary, especially as it relates to money. I have had the opportunity to lead that Party, which he now leads and I would have been in possession of funds for that very Party. Sir, no one could ever question my honesty and integrity.

Mr. Speaker, when I had the honour of leading, I actually transformed the financial status of that Party. Sir, not only did I transform it, there were persons working for the institution, who, for many years, their National Insurance contributions were never paid. One of those persons, who is now in the Upper Chamber and who would have been a major part, the administration of which I happened to be a part of, actually went on and ensured that the National Insurance contributions were made for every worker of the institution, to the extent that not too long after, when one person was forced to be retired because of blindness, that individual had access to National Insurance contributions being made and by extension, was able to get an honourable pension.

Mr. Speaker, this debate really hurts because to sit and hear that this young man did not build houses in Grenada, when all the evidence is here, Mr. Speaker, and I can show it to the Press, if they want; when evidence is available on web sites; when individuals have sought to give information to justify what the contributions of this individual was to this project. Sir, he is a wonderful character because he said: "Minister, I am not interested in profit, I am interested in building low-income houses for the average, poor Barbadian."

Mr. Speaker, after this debate, there are some things that I would say because the whole concept was one of building for low-income Barbadians and giving them the opportunity to have access to housing, as they rightfully deserve.

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Mr. Speaker, this all started because having not had the academic exposure and I would say not having that

competence, he put that responsibility into the hands of an individual that worked with him for a number of years, not only in Grenada but also worked with him on Operation Mobilisation, which the advisor for property would know about. She never felt that he should be her boss in this instance. I know nothing about a 10 penny nail; I know nothing about how to mortise and tenon, so how could I conceive of a project called Hardwood Housing. Mr. Speaker, I do not know a thing about sawing or hammering. I do not have a clue. I could give you the mathematics. I can use Pythagoras' theorem and tell you how to get a right angle at the side of a house. Pythagoras' theorem, as you know, allows you to have a six/eight/ten, that is, if you square six and square eight, you get 36 and 64, which gives you 100, and you can then find the hypotenuse.

Asides.

Mr. C.A. MASCOLL: Mr. Speaker, a carpenter, who has never seen Pythagoras can do that. I am saying that the carpenter does not require that but the individual has that competence and ability. This lady after she paid herself, I have all the documents and the evidence, after she requested that her salary should go to \$11 000 from \$4 000 and was told to rescind, she then turned her back and provided all the evidence you heard here today. Let me say that there should be an inquiry but someone should be sent to find out how a file has been missing and absent from Hardwood Housing Factory. In fact, there is need for a police investigation to find out, warrant should be served on the individual to find out how could that individual now have a file belonging to Hardwood Housing Factory.

I have resisted putting any evidence in public because it is very unfortunate that you have a situation in which the business of a small company could be in the public domain. This company that is supposed to have received \$2 million to date in venture capital has, in less than 10 months, brought in excess of \$1.5 million in revenue. There is no company that I know of that could speak of bringing in, in 10 months \$5 million in revenue on the basis of an investment of only \$2 million. Sir, even in the absence of having sufficient land and other things, the performance has been outstanding.

Mr. Speaker, you know what hurts even more. I have been in politics for the last 13 years and I have heard the Honourable Member for St. John condemned how Foursquare Factory was acquired. I heard as I sat on platforms, as I listened, that the individual who acquired Foursquare Factory never paid one red cent. Sir, you know that it never dawned on the Honourable Member for St. John to investigate how come Foursquare Factory was acquired without the passing of one penny, according to him but a small company by a man, who by definition is small, and in actuality is small... but this becomes the

centre of attention for an Opposition Party that is now looking for anything to make an issue. An Opposition Party that rather than look to issues like the ABC Highway, where millions have been spent and other large projects, could find it fit to come after a company where less than \$2 million would have been transferred to this individual in venture capital. Do you not think that this debate should truly determine the fate of the Opposition?

In fact, let me say this, that if in the face of the amount of investment that has been made in Barbados that an Opposition Party can find Hardwood Housing an attraction proposition where you cannot prove anything wrong, where there are systems of accountability that are unmatched and the only reason why you do not truly have audited accounts as yet is because the company has not been in existence for even one year and if Enterprise Growth Fund Limited is a Government-owned entity, and the Opposition Leader is in charge of the Public Accounts Committee, then the Opposition leader can easily request the Public Accounts Committee to bring Enterprise Growth Fund Limited before it and by extension, inquire into the affairs of Hardwood Housing.

Asides.

Mr. C.A. MASCOLL: Of course, he can do it, do not forget I was in charge of the Public Accounts Committee. I might not be a lawyer but I was in charge of the Public Accounts Committee and it can be done easily, given the reforms that have occurred; given the legislation that has been brought recently to Parliament; that was, in fact, designed to permit it to happen because there was concern as to whether or not the Public Accounts Committee could investigate into companies, which are predominately Government-owned.

Mr. Speaker, I do not know how much more time I have left but it is really unfortunate that I only have half of an hour to speak in such an important debate because this debate defines the credibility of not the Honourable Member for St. Michael North West, it defines the ongoing credibility issue with respect to the Honourable Member for St. John. He is, in fact, on trial, not me, he is on trial.

Mr. Speaker, I started off by telling you that I have done nothing wrong. All I have attempted to do is to assist a small black man convert an idea - as Minister of State in the Ministry of Finance, with the legitimacy that I have - given he had no money or no capital, into a project. I am not an owner of Hardwood Housing, though some may feel that I do.

Asides.

Hon. C.A. MASCOLL: Maybe intermittently but I am not an owner of Hardwood Housing. I am not a part

owner. The indicative term sheet, which I have, shows that, in fact, initially, Mr. Anthony Murrell had 100 000 common shares and that, in fact, he is the other part owner of Hardwood Housing Factor.

Mr. Speaker, let me explain that prior to the incorporation of this company, on November 2, 1006, I tried my best, and I cannot deny it, to assist Mr. Anthony Murrell in establishing that company. Once the Enterprise Growth Fund Limited got involved, the CEO said to me, I have known him for years: "Clyde, simply back off this now and let the Enterprise Growth Fund Limited handle it." I said, "Timothy, I have to take your advice."

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Once the Enterprise Growth Fund got involved, I no longer had that sort of interest in it anyhow. Why should I? I had done my job in assisting a small man in getting access to venture capital. Sir, you would note that the so-called sourcing of material, predates the establishment of Hardwood Housing Inc. At that time the Barbados National Bank had expressed an interest in providing the finance to allow for the establishment of the company but then it would have been debt and it was too expensive. Sir, the Barbados Investment and Development Corporation offered and delivered a business plan that was taken to the Enterprise Growth Fund and was accepted.

Sir, I am not going to get involved in the salacious talk because I do not know how I could be working so hard in the Ministry of Finance, and would have time to know who is being hired and fired in a company in which I do not have any interest. I do not know if someone went too close to an individual and there was a little friction. That is not my interest. I do not care about it. Why should I be interested in it? Why should that behaviour involve me at all? Mr. Speaker, that is the salacious nonsense that you are hearing from the other side but that seeks to impute the character of the individual. That is all it does. Therefore, I ignore it completely.

Sir, there is another dimension to this, to which I have to appeal. Forgive me for now being personally involved. There is one thing to be involved in politics and to encounter the toing and froing of debacles. I have had it. I have been tested. Sir, over the last five years, in fact, I have helped the Nation and the Advocate to sell papers. I think that we all in here will agree. I have been controversial.

Sir, do you know what hurts in this? You have an Obstetrician/Gynecologist who is one of the most successful practioners in his field, who happens to be close to me and he happens to be even closer to my wife and they made a decision as black business people to eventually come together and get involved in fleshing out a company.

Sir, we have a situation where, as admitted, company that initially got \$1 million and by February 22nd it was accounted for in investment and equipment, training people and doing everything else and between February 22nd and September 10th, did not receive any funding from Enterprise Growth Fund Limited, and therefore resorted to an overdraft facility at BNB. The evidence shows that the second tranche of money was used to pay the Barbados National Bank overdraft facility, anyhow.

Sir, the whole question about bouncing cheques, they are very few small businessmen or companies in Barbados, that do not have cashflow/problems. The thing about it, is that it was recognised. These cheques were not cashed because if they were cashed, how would this individual have access to those cheques. It does not make sense either. Sir, if cheques were bounced, how now could you be in possession of those cheques? The cheques were recalled because it was recognised that they had exceeded the limit, but then they were rescued and within five days those people were honoured.

Sir, to come now to give the impression that a poor black man was walking about bouncing cheques, is to put him in disrepute. This is what is intended because he is not a big boy. He is not one that you can go now and get financial support from, for an upcoming election.

Asides.

Hon. C.A. MASCOLL: Of course, he apologised. Before he went public on this matter, he called the Chairman.

Aside

Hon. C.A. MASCOLL: The Honourable Member for St. John called the Chairman of Hardwood Housing Inc. and told him: "I am not trying to get at you. It is Mascoll I want."

Asides.

Hon. C.A. MASCOLL: I am not trying to get at you. It is Mascoll that I am at. That is what he did. It does not surprise me. I know him well. I know what he is capable of and I know what he is not capable of, and what he is not capable of, is being a Prime Minister of this country.

Asides.

Hon. C.A. MASCOLL: He does not deserve even to have a peep at it. First of all it requires an intellect that really he does not possess. I am not talking about any ability to speak properly or to speak the Queen's language or to articulate. I am talking about understanding issues. This world is now too complex to allow such an individual

to even get a little peep at leadership. He does not deserve it.

Mr. Speaker, I am saying that anytime you could have a situation where he can be so insensitive as to not respect that this was an ordinary Barbadian boy, who was simply trying to realise a dream, then to bring it public on the basis of something being said by a lady, who was disgruntled, is to demonstrate a lack of judgement on his part.

Aside

Hon. C.A. MASCOLL: Sir, to speak about that individual is to create hurt. I have to go through it because I know how close they were, so I am not going to go there. I know how close they were. Sir, it is hurtful, that you could be so anxious to get power that you are capable of doing anything to small people, then to expect that people who are successful as a lawyer and as a doctor, would wish to get free lumber - there is no lumber involved in the commercial project - a man who does not have the financial resources to provide it. Why would a successful lawyer and a successful doctor, even seek to get free lumber from a man who is now trying to establish a company or business?

Asides.

Hon. C.A. MASCOLL: Sir, it is ridiculous that you could have this kind of character parading in the political affairs of Barbados as I speak. It is something that we need to look at because politics does not require you to be anything less than honest. It does not require you to be anything less than having integrity. It does not require you to be bloodletting, to make a contribution to this country.

Sir, I would like to see the day when people do not feel that because you do not have a rough appearance or because you do not speak loudly, that you are not a politician. I would like to see the day when you do not have to get aggressive with people and go down into the gutter with people and you have to use invective and innuendo. Sir, you take people to a political meeting and all you do is show all kinds of things:

"Oh, not that one. Do you see the name there? Then you get pejorative about how somebody looks.

Sir, let me tell you something. I am extremely proud of my parents. I am a combination of the X and Y. I cannot determine how I look but I know something. I have never denied my parents in public.

Aside

Hon. C.A. MASCOLL: Not only that I do not know who they are but they are around me at every meeting.

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Sir, my greatest regret in life is that the lady who expended so much energy, time and effort, could not be around, Mr. Speaker, to put on a broad rim hat and at least go to Illaro Court to see what it looks like. She would have enjoyed it, Sir.

Mr. Speaker, you know what it means for an ordinary Barbadian woman to be invited to Illaro Court to an Independence event and to come on parade in some attire and dress appropriately to do so. Sir, it elevates that individual, beyond what you may think.

Sir, if there is one regret that I have, is that when my mother retired from the Mental Hospital - she used to wash the clothes for the patients - Alzheimer's disease immediately set in and she was denied an opportunity to enjoy her retirement life. I am still happy that she is not around to witness this kind of thing.

Asides.

Mr. C.A. MASCOLL: Mr. Speaker, I will do what I did again, since I have done nothing wrong, to assist Mr. Anthony Murrell or any other black, white, ordinary or not so ordinary man, in establishing a company to built houses for average poor Barbadians.

Asides.

Mr. C.A. MASCOLL: Mr. Speaker, if I am in politics and that is not my remit and that is not what I am supposed to do, then I have chosen the wrong profession or vocation. I will continue, once I am within the boundaries of law, to uplift the poor.

Mr. Speaker, let me end by saying that the last couple of weeks of my life, have been rewarding to assist this Government in finding solutions for cost of living problems, to assist this Government in finding solutions for electricity bills and the pressure that they are receiving, as result of rising oil prices and to assist this Government in finding a solution for housing and building low-income housing.

Perhaps, Mr. Speaker, I can say now that I have enjoyed and I hope, I would continue to enjoy this stint of my political life. Thanks for being given the opportunity to serve the people of Barbados and I look forward to serving them for many years to come.

Thank you, Sir.

Asides.

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

Hon. Miss M.A. MOTTLEY: I just want to serve the House notice that we will be reverting to Government Business at the end of this speech, and we will continue this debate next Tuesday.

Mr. SPEAKER: he Honourable Member for St. James South.

Hon. Ms. H.E. THOMPSON: Mr. Speaker, judgement, corruption, and moral turpitude. Sir, turpitude means, depravity, wickedness and disgracefulness. These are the bases on which the Honourable Member for St. John sought to lay a case against the Honourable Member for St. Michael North West, and in each count, Sir, he has failed miserably.

Sir, from the 14th October, this country, every man, every woman, whether he or she was interested in politics or not, has waited to hear what this occasion will disclose. Sir, people at the level of Leader of the Opposition wrote to the Prime Minister of a country and said that there was wrong doing, which he was under an obligation to investigate and if he were to fail to do so, within 30 days he would see something or else. Sir, the or else that we have seen now, is down to nursery rhymes: "Show me your motion, fa la la. There is a little brown girl in the ring. Boy, show me your motion, fa la la la."

Asides.

Hon. Ms. H.E. THOMPSON: Sir, this country, which was poised for eight weeks to hear a charge of wrong doing, has come to the point, where the Honourable Member for St. John has disclosed a plethora of nothingness, and I will go though it, Sir.

Sir, if the Honourable Member said today, and he did by implication, that the Board of the Institution needs to show greater vigilance, to look at the company more closely, and to show greater oversight over the operation of the company, I would agree. Sir, it would so appear, if you listened to what the Honourable Member for St. John said.

Sir, the Honourable Member for St. Michael North West is not on the Board nor is he part of the management of the oversight institution, nor is he part of the management team, nor is he owner of the company that is under discussion today, therefore, that allegation really has nothing to do with him.

Sir, EGFL has to do greater diligence, let them do it because this Government is not going to stop them. It is this Prime Minister who has ordered audits, whenever there has been any indication that all has not been well, so again,

this Government will not hold back an investigation if in fact EGFL needs to do its work better.

The Honourable Member for St. John spoke about the Board being intimidated. These are free men, independent persons, and some of wealth, in this country. If they were intimidated, nobody has their mouths glued, so they would have resided and talked. Nobody has said that they are under any intimidation or there is anything wrong. They are all going to the Board meetings and continuing to deal with the company's business. What does that have to do with wrongdoing on the part of the Honourable Member for St. Michael North West? I do not see anything wrong connected to him in that. Sir, letters were produced that were written to the Honourable Member for St. Michael North West. Sir, I thought that was a little mischievous and I will tell you why.

Sir, as a minister, whenever you give an opportunity to people, if they default in payment, if a constituent keeps too much noise at night, anything at all, people would write to you as Minister and ask you personally to give an explanation or to intervene. Sir, that a letter went directly to the Honourable Member for St. Michael North West, as Minister. Mr. Speaker, because he created the opportunity, it does not mean that he was personally connected to the company. It means that he gave an opportunity and the bank or whoever wrote the letters, knew of that connection and were saying to him to use his office as Minister, to help them get the money or to help bring the company back in order, and there is nothing wrong with that. Sir, this in itself does not disclose moral turpitude, depravity or vileness. Sir, it does not disclose corruption, which is the core of a no-confidence motion.

There was much to-do made about equipment which was purchased by Mr. Murrell and then leased to the company, Hardwood. Sir, for persons who have never been involved in business, they would say, what, and they put gas in it too. Sir, there is nothing in this because when you own and company and you are doing business, it is not unusual for the lead owner to own equipment or property in his personal name and lease it back to the company. Sir, that is standard.

Sir, very often, you would find that the company is renting property or equipment from the owner, a house, a building, a bobcat, or heavy duty equipment as it was in the case of Hardwood.

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In fact, it is prudent to do it because if you are a poor person and the company runs into trouble you are able to still secure something and carry on making a dollar rather than have the whole business collapse. Sir, either the company Hardwood had to rent from Murrell or they had to

go to David Seale, C.O. Williams or Kiffin Simpson. I do not know if the Honourable Member for St. John was complaining that Murrell was getting a cent for renting his own equipment rather than the company getting it from one of the big white businesses. I do not know if that is the complaint of the Honourable Member for St. John.

Sir, that does not show that the Honourable Member for St. Michael North West did anything wrong. When you lease a vehicle, the owner of the vehicle does not put gas in it for you or come and wash it when the mornings come for you, you have to put gas in it yourself. Sir, then when he dropped down the thing... \$52 000 of taxpayers money in gas, nothing to it. That is not an allegation of wrongdoing. When vehicles are leased, they have to be fuelled and they are fuelled by the people who are operating them, not by the owner. The owner could be Kiffin Simpson, it could be C.O. Williams, it could be any of the big companies, it could even be Leroy Parris. Perhaps, that is the complaint that the Honourable Member for St. John has, that it was not.

Sir, we then got to a bounced cheque. The Honourable Member for St. John did not say that the Honourable Member for St. Michael North West bounced any cheques or that his wife or brother-in-law bounced any cheques. We did not hear that. We heard that a small business had cheques that bounced.

Mr. Speaker, I say today, let those who are without sin cast the first stone. This is a society in which many of us emerge from poverty, some are still emerging, at various rates and at various times. From time to time people have a bad month, they have difficulties. There are many small businesses that are having cash flow difficulties, that are not honouring all their bills when the month comes. Occasionally, they have a bounce cheque but that does not mean that they are criminals.

In fact, I believe that the Honourable Member for St. John really has sympathy for people who bounce cheques because on his team are several people with that particular characteristic. One even wrote a cheque for \$27 for chicken that bounce. Sir, at that point, you are in trouble. There is another one, I cannot refer to the newspapers, who must now walk with cash, he cannot carry cheques at business places at all, one with a deep sweet voice and he is a small black businessman too. The Honourable Member also has another one who has certain links with pornography and another one who has very unfortunate relationships with banks. All of this.

Sir, if we are going to talk about corruption, let us talk about the corruption on his side. Let us talk about the one who parades as a doctor who has never had a PhD from the institution that he says he got it from. Let us talk about

that because that is vile and those things are wicked. Let the Honourable Member for St. John talk about them.

Mr. Speaker, I have not seen today any indictment which warrants this House to censure the Honourable Member for St. Michael North West. Sir, he ran against me in St. James South in 1994. He is married to a woman who is my friend and if he were to do something wrong, I would be the first in the line to say flog him, you are bringing shame to my friend and to this Party, but I have heard nothing wrong today, and I have heard nothing wrong over the course of the last eight weeks. Mr. Speaker, I have to say I find no fault in this man not on the basis of what I heard today.

Mr. Speaker, you cannot destroy a Government minister by rumour and innuendo. You do not seek to bring down a Government on rumour and innuendo. You do not hang a country's expectations on rumour and innuendo when in fact there has been no wrongdoing.

Sir, I have heard that the small businessman made errors and he did not pay their National Insurance contributions. I know when people who were working at George Street at the Democratic Labour Party were begging members of this side for jobs because the Democratic Labour Party was not paying their National Insurance contributions, that is a fact. Should we then have accused the Honourable Member for St. John of corruption based on that? He was the leader at the time.

The Honourable Member then went on to the fact that the owner of this business is charged before the courts for sexual assault. That is a matter for the courts. If the Honourable Member for St. John had said that the basis of the assault charge was that the owner of the business used the Honourable Member for St. Michael North West hands or private part to assault the woman, you could see that there would be a connection but there is no connection disclosed there. That the man is charged with sexual assault is a matter which the courts will address. If the evidence discloses him to be guilty, the courts would deal with that. Sir, he did not do the assault under the instructions of the Honourable Member for St. Michael North West.

Indeed, many of the Honourable Member for St. John's advisors have been charged with sexual assaults. One in particular, I would not say, but if you like Oh Henry you would be able to work it out, has been charged all through the Caribbean. These are now really serious matters because as we come to an election you cannot be making allegations of this sort in the hope of winning a Government on the basis of untruths, inaccuracies and innuendoes.

Sir, I say today that the waffling we have seen in the last eight weeks reminds us of the International Monetary

Fund secret deal ruse that we had some years ago. If there was something of substance, the Honourable Member for St. John would have brought it before.

Sir, we saw today why he was retreating from his own No-Confidence Motion. Clearly, he did not have any confidence in it. Sir, given what we know his members were saying last week, they have no confidence in him. When he sat down we were all shocked. We were still waiting for something to happen; still waiting for the big disclosure; still waiting for the evidence of corruption; still waiting to be told what the vile act was; still waiting to be told was the wicked act was and still waiting to be told where was the moral turpitude.

Mr. Speaker, what we saw today, instead of blows with dard wood was really some taps with some soft wood. We have not felt the hard wood yet, we are still waiting for it. We know the difference between hard wood and soft.

Asides.

Mr. SPEAKER: Yes, without a doubt.

Asides.

Hon. Miss. H. E. THOMPSON: Mr. Speaker, this matter should have gone before the Public Accounts Committee. The majority of the members of the Public Accounts Committee are drawn from the Opposition. It was an appropriate matter for the Public Accounts Committee...

Asides.

Hon. Miss. H. E. THOMPSON: Not anymore. I apologise. I am told that the membership has changed but it was still a matter for the Public Accounts Committee. The Honourable Member has sought to explain why it was not. Sir, I say today it was, because on the basis of the information supplied by the Honourable Member for St. John himself, Government has significant investment in the company and insofar as the taxpayers moneys are involved in the company, then that is enough for the legislation in relation to the Public Accounts Committee to bite on to and investigate.

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Mr. Speaker, the one true thing I believe the Honourable Member for St. John has said today was that a businessman should not use his relationship with a minister, to carry out a reign of terror. Sir, I agree with that statement but that has nothing to do with the Honourable Member for St. Michael North West.

Mr. Speaker, let us say, for example, that I am friendly with a fictitious person named Leroy and behind my back, Leroy goes around saying to people: "Well, you know the next Prime Minister of Barbados is going to be my very close friend, if you don't finalise this deal with me, you are going to be in trouble." Sir, that would be wrong. If that is how Leroy behaves, he is doing things that are very wrong but that, in fact, has nothing to do with the Honourable Member for St. Michael North West, and I hope it has nothing to do with the Honourable Member for St. John.

Asides.

Hon. Miss H. E. THOMPSON: Mr. Speaker, people often abuse relationships of blood or of friendship, sometimes perfectly unknown to the holder of the high office. Therefore, nothing the Honourable Member for St. John has said today was able to connect any wrongdoing on the part of Mr. Murrell, if, in fact, the allegations being made by the Honourable Member for St. John are accurate, because that is still to be tested. If, in fact, they are accurate, he was still not be able to show us the nexus between Mr. Murrell and his actions and the Honourable Member for St. Michael North West.

Mr. Speaker, the Honourable Member for St. John also said that this person, Mr. Murrell, represented himself as having the skills, qualifications and experience, which he did not have. Sir, all that tells us is that he has lied, if, in fact, he did lie about his experience and qualification, but that too is an experience known to the Democratic Labour Party.

Sir, on the last occasion the Democratic Labour Party were in office, I well remember somebody very close to a minister and very close to some high-leveled Dems, parading himself or herself as a person with a PhD and getting an appointment at a certain State institution. When it was investigated, that person was found to have had no PhD at all. Therefore, persons could represent themselves as all kinds of things and someone could make commitments and promotions of them, on the basis of this misrepresentation, without knowing that they are misrepresenting themselves.

Sir, the Honourable Member for St. Michael North West has today supplied email addresses and information where the public of Barbados could go - and 80 per cent of Barbadians have access to computers and to the internet - to check the address for themselves to see whether or not the man, Mr. Murrell, did or did not work in Grenada. Sir, that is key.

Mr. Speaker, if Mr. Murrell did work in Grenada, as is being alleged by the Honourable Member for St. Michael North West, then all of the charges and accusations made

on the part of the Honourable Member for St. John would have to fall flat because that is the basis of his argument. The basis of his argument is that here is a person without any experience in construction, who has done nothing in Grenada, who was able to get this amount of money and these amounts of contracts. Therefore, if the Honourable Member for St. Michael North West gave these email addresses where one could get the information as to how much work was done by Mr. Murrell, in Grenada and in other places, then it shows that this really is a no-confidence motion, without substance, without foundation and without any anchor in truth. Sir, I urge people to go to the email address and see it.

Mr. Speaker, what did I see today? I told you what I did not see. I did not see any connection to the Honourable Member for St. Michael North West. What I saw was a man coming to the Barbados Labour Party, having been stung and wounded by the Party that he has served all his life.

Mr. Speaker, the first time I saw the Honourable Member for St. Michael North West was when "Tom" Adams was Prime Minister. It was in the Students Union of the Cave Hill Campus. I heard somebody cursing "Tom" Adams and the Barbados Labour Party and I looked around to see who it was and I saw a little bony boy, whose face I would never forget. Sir, I expressed it in those terms because that is the first time I saw this person, who is now my colleague in the Party.

Mr. Speaker, he a Dems all his life but who was forced out. If we were in another place, I could talk about the treachery of his colleagues and about the anxiety of his leader, who, like Macbeth, anxious for the leader's position and willing, therefore, to put him to the political death, in order to rise to his position. Sir, this man has found succor within the bosom of a Party that gave him the opportunity to use his economic talents and his intellect to serve the people of St. Michael North West and the country, at a time when we are facing significant challenges on the international market.

Mr. Speaker, I saw a man who came to the Barbados Labour Party anxious to make his mark. I saw a man who knew that there was a housing programme where, in fact, we had developed all of the policy framework but given the nature of the applications for the housing, we needed to have a building system that allowed us to do a rapid-build system, rather than using a traditional method of building. Sir, the Honourable Member for St. Michael North West, seeing an opportunity to emerge and to shine at the national level and anxious to make his mark, met, at the same time, a man who had a building system, who could help to satisfy national demand for housing. Therefore, the Honourable Member for St. Michael North West sought to

link that man to the Barbados Labour Party's desire to create housing and to an opportunity for financing.

Mr. Speaker, ministers who are well-intentioned, create opportunities and facilitate small men, every day, every week. Some of these persons disappoint us, some of them make us proud. Sir, in this situation, there appeared to have been errors in the way the business was managed but that does not mean that the Honourable Member for St. Michael North West erred in giving the man an opportunity. Sir, you must give people an opportunity, that is what being in Government is about. It is about seeing a small black man, who has an idea, who has the ability, who feels that he cannot connect with the formal system, who feels that he would be overwhelmed by the bureaucracy, who does not know how to create a business plan. We are saying that we are going to help that man to get this done. We are going to help to put that man on his feet. We are going to help to make him a man. We are going to help to transform his family circumstances. Sir, what is so wrong with that.

Sir, a poor black man, who would have made errors in the management of his business, now has his name on the flagstaff, where everybody in Barbados knows his name, to the extent where he cannot walk in peace, where his family and anybody who is connected to him now has to be explaining, all because the Honourable Member for St. Michael North West has given him the opportunity, even though he would have made some business errors which can be corrected.

Sir, there are many businesses that in their early years go through some difficult times before they come to success. Sir, we have to give that man an opportunity to build his business, but the fact that the Honourable Member for St. Michael North West has created an opportunity for him is not corruption, vile nor wicked. It does not meet the standard of wrongdoing that you are supposed to meet in a no-confidence motion. What it shows me is a caring person, who is anxious to make his mark in a new political environment, one who is keen to see that Government's policy is carried out.

4.00 p.m.

I saw too the continued deracination of the Democratic Labour Party under the Honourable Member for St. John. We have seen people who have been long-standing Dems flee the Democratic Labour Party and not go back under the Honourable Member for St. John. We have seen the rise of the politics of the fatted calf. We have seen the abandonment of friends and persons of good will. We have seen now the attack on the "Peanuts" legacy in Christ Church with the attack on his children, two people, born in poverty in Barbados, sought to improve their circumstances and have become professionals, who are at

the top of their profession and who nobody ever points a finger at with anything other than the highest respect and regard, as the children of black people, who struggled and succeeded now trying to own a property and the Honourable Member for St. John attacks them. Sir, you know what is sickening about it, the wife of the Honourable Member for St. Michael North West, was supposed to be one of the Honourable Member for St. John's closest friends, she was his roommate at law school but so anxious is he to get his hands on power that anybody who stands in his way, friend or family, will become a foe. Sir, that is why his mother has to write to the national newspapers to say that she does not see or hear him, that if anybody could see or hear him, ask him to contact her. The letter was in the paper for all to see and, Sir, that is where we have come.

Mr. D.J.H. THOMPSON: Mr. Speaker, on a point of order. So anxious is the Honourable Member to mislead the House, my mother lives at my house, she lives with me. It means that I do not go home. I am glad to know that at least my mother wants to see me. Sir, that is not so with everybody else in this Chamber.

Asides.

Mr. SPEAKER: Order, order, please.

Hon. Miss H.E. THOMPSON: I imagined that if your mother embarrasses you like that, that you would bring her home at you to silence her, so I understand perfectly why she got there. My mother does not have to write to the newspaper to say she wants to talk to me because we talk every day, twice and three times sometimes. When I travel on Government's business, I call her. God Bless her because I know what she has done for me as a mother. Sir, anybody whose mother has to write to the newspaper, that says a great deal. Sir, with all of the parading of "Family First" and so on, you wonder which family is being placed first because you understand that it is not the blood relations, it is not the family of the Democratic Labour Party, which family is being placed first? Maybe the CLICO family. Sir, I will tell you why the CLICO family because when the Honourable Member was Minister of Finance, he waived the taxes on 30 properties for CLICO, immediately before the elections and then turned around and brought a property from them himself. Well, we do not know what was paid for it but as Minister of Finance he waived the property tax on 30 properties and then himself turned around and occupied as owner, a CLICO property. I do not know if money was exchanged or how much, so it is clear whose family is being looked after.

Asides.

Hon. Miss H.E. THOMPSON: It maybe the St. John family; it maybe the Thompson family or it maybe the Parris family but I do not which family is being looked after.

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

Hon. Miss H.E. THOMPSON: Sir, I am prepared to respond to anything that is said about me in here today because I know that all kinds of lies and rumours are going to be made up for this campaign and I am prepared to deal with those things which are said against me.

Asides.

HON. Miss H.E. THOMPSON: Sir, this debate is going to shape public discussion for several remaining weeks. Based on what was said today, it is clear to me that one cannot have any confidence in the Honourable Member for St. John. In fact, several of his members were saying last week, that they have no confidence in him but the public will have an opportunity to look at the Honourable Member for St. John.

Sir, we know about the waiver; we know about the Cola Syrup; we know about the waivers at Royal Westmoreland and other decisions made in relation to that. The Honourable Member for St. John, if in fact he is concerned with corruption, wickedness, vileness and all of the other things on which you can found no-confidence motions, must now turn the spotlight on himself and his slate of candidates but, in the Honourable Member for St. Michael North West, we find no fault such as would justify a charge of no-confidence. In fact, Sir, we came to this House to deal with a matter of Hardwood only to find that it is entirely termite- eaten leaving us only with worm dust and that is exactly the direction in which the Honourable Member for St. John is carrying the Democratic Labour Party from a firm, strong, political Party left by Errol Barrow to a Party of God knows what, God knows where we are going, God knows when they will get there but what we do know is that today, all of the charges placed by the Honourable Member for St. John have failed and fallen flat. This Government must now get on with the serious matter of the people's business at this very challenging time in our existence. Clearly, the other side has nothing to offer when it comes to serious issues and that became apparent, if not before, certainly today.

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

Hon. Miss M.A. MOTTLEY: Mr. Speaker, Sir, as I indicated, it is proposed that we now revert to Government Business. We have indicated that we will continue this

debate next Tuesday. We gave the Opposition the opportunity last Tuesday for a full day.

Mr. D.J.H. THOMPSON: Mr. Speaker, on a point of order. I commenced this debate at the request of the Leader of the House because the Government was anxious to start it and complete it and we are ready to complete it. No other member of the Opposition has spoken. We are ready, Sir, time was set aside and we want the debate carried to its conclusion. All of sudden, the Government is running because they have to go and do some investigating, dig up and find out even though nobody said anything. We want this debate concluded as much as the Honourable Members on that side. You cannot blow hot and cold on again and off again. Time was supposed to be set aside from last week to deal with this no-confidence motion and we want the matter dealt with. This is unheard of in the history of no-confidence motions in Barbados that you would have an adjournment to another week. This is madness, Sir, and it is a total abuse of the parliamentary process in Barbados and the Government must not run. This must be completed and it must be completed today, Sir.

Sequence 30

Once again, the Honourable Member clearly confuses where he stands in this House. He obviously does. The Honourable Member was made aware when I spoke this morning and when I spoke this afternoon, that the Government will make time available during the course of Government Business. We have in fact suspended the Standing Order, to specifically allow for Private Members' Business such that we can facilitate it.

Mr. D.J.H. THOMPSON: On a point of order. If the Standing Order is suspended, it is suspended. The Honourable Member cannot now use the same Standing Order, to bring back the Private Member Resolution, and act as if the Standing Order was in place. If the Standing Order is suspended, it is suspended. Let us finish this matter.

Hon. Miss M.A. MOTTLEY: On a point of order. The Honourable Member feels that he has to make up lost ground, a clear lost of goodwill and good faith that he had last week. He was given a challenge and could not rise to the challenge then. Sir, Government cleared the Order Paper for him last Tuesday. I indicated then, when he refused to do it, that we had the Public Service Bill to do. We indicated that we could not put it off anymore, and that we felt, however, given the fact that this matter was important, we were prepared to let him start today and that I would call Private Members' Business today. I told him that last Tuesday. I told him that this morning. I told him this afternoon.

Mr. Speaker, as far as I know the Rules of this Chamber...

Mr. D.J.H. THOMPSON: On a point of order. The Honourable Member is misleading the House. The words start the debate were never used. I have had no conversation with the Honourable Member for St. Michael North East, relative to this Resolution. When the House started today, the Honourable Member said that we are going to start the Public Service Bill, debate it up to lunch time and then we will revert to Private Members' Business. That is all that was said. The Standing Order has already been suspended and we are proceeding. I have Members who want to speak. The Honourable Member for St. Michael South Central is ready and the Honourable Member for Christ Church East Central is ready. We want to speak and conclude this debate, Sir.

Hon. Miss M.A. MOTTLEY: Mr. Speaker, the Honourable Member who claims, obviously, to be so versed with rules, has forgotten that Rule 20 (1) said that the order of business is determined by the Leader of Government Business. I go further. The Honourable Member, in this debate, prior to the commencement of the speech of the Honourable Member for the Honourable Member for St. James South - and mercifully it is being broadcast to the whole of Barbados, would have been told even then, that the Government intended to conclude this debate for today's Sitting, but would allow it to resume next Tuesday.

Sir, mercifully, this time he was heard by all of Barbados, because when he sought to say that I did not consult him on the arrangements for this Bill, he forgot that he got up in Bank Hall, the Sunday night and he got up in here last Tuesday, and told the people that he went behind the Speaker's Chair with me. He told me he had to go to a funeral of a Mr. Johnny Bowman, whom who I do not know. I indicated to him then that I will bring forward the Government Business from the following Tuesday, do it the Friday, to give him the opportunity for the full day of debate last Tuesday. Mr. Speaker, he came and did not avail himself of that opportunity.

Mr. D.J.H. THOMPSON: Mr. Speaker, On a point of Order. The Honourable Member is grossly misleading the House. I could not agree to debate a Resolution that I had not signed and the Honourable Member could not agree with me, to set down a date for a debate for a Resolution, that was not even on the Order Paper, or a Resolution that you, Sir, had not yet approved. The Honourable Member told me that she would not be in Barbados, on Friday, as well. "I would not be here either." Those were her words.

Sir, I told the Honourable Member that she had a Hardwood Resolution on the Order Paper, and to debate it. If you want to debate Hardwood, it is on the Order Paper.

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

Mr. D.J.H. THOMPSON: We have started this Resolution. It is within the traditions under "May's Parliamentary Practice" that a day is set aside for this. The Public Service Bill can be postponed. This Resolution should be concluded today. This is the first time in the history of Barbados that a no-confidence motion can start on one day, adjourned for a week and then be concluded in a following week.

Sir, I believe that you need to protect the rights of minorities in the Chamber, who bring Private Members' Resolutions. The Honourable Member cannot ask for Standing Orders to be suspended, Standing Orders that set out the order of business for the day and having suspended them, turn around and rely on the same Standing Order, to say that Private Members' Business has now ended and we should revert to Government Business. That is a total mockery of Parliament, and the Leader of the House stands condemned for that.

Mr. SPEAKER: Please, please, please.

Hon. Miss M.A. MOTTLEY: Mr. Speaker, I am just going to complete my statement. I was on a statement and the Honourable Member got up on a point of order.

Sir, the Honourable Member is forced to behave in this manner, because having brought a no-confidence Resolution, that does not even disclose a case to answer. His only hope is to huff and puff on issues of process that bears no relationship to the Rules of the House.

Sir, I say simply to him, that this Government gave the Opposition an entire day and contrary to his comments, he committed that they would take it and I would bring forward Government Business on the Friday. Sir, that he did not sign the Resolution was part of his delaying tactics. That is not my fault. I say simply to you, Sir, that having given them the day, we put this Chamber and the country on notice that we were proceeding with Government Business. We did not even know whether he would do it today or not. That is a fact.

Sir, when I indicated this morning that we would make it available to the Opposition, he did not even say that he would take it. I stuck to my word because I said, whether he does it or not, we would make it available. Now this Government has business to do. He may want to seek to distract us from that business but we are going to hold faith with the 3 000 public servants, that stand to benefit from this Public Service Bill. I, therefore, ask that we revert now to Government Business.

Mr. SPEAKER: With the House's permission, we will now revert to Government Business.

Mr. D.J.H. THOMPSON: I am objecting to the reversion to Government Business. I have stated why I am objecting. Sir, Standing Orders were suspended this morning...

Mr. SPEAKER: Honourable Member, please.

Mr. D.J.H. THOMPSON: On a point of privilege, Sir. Let me refer to the Standing Orders. You as Speaker, must not allow the suspension of Standing Orders, if it does damage to minority. Sir, the Standing Orders were suspended this morning to facilitate Private Members' Business being introduced. The Honourable Member said that, and for us to conclude the Private Members' Business.

Hon. Miss M.A. MOTTLEY: On a point of order. Just to say that I did not suspend...

SUSPENSION OF STANDING ORDERS

Mr. SPEAKER: Please, please. As far as I know, as far as the Rules say, the Rules clearly say that the Standing Orders would be suspended for Government Business. Let us not make much more quarrel of this, please.

Mr. D.J.H. THOMPSON: Sir, Standing Order 71, Suspension of the Standing Orders:

"A motion may be made at any Sitting of the House by any member to suspend any of these Standing Orders, but such a motion may be made only with the leave of the Speaker, who must not allow the motion if it appears to him to be an abuse of the Rules of the House or an infringement of the rights of the minority of Members."

Sir, now, the Opposition brought a motion, the Opposition is in the minority. Members on this side wish to speak on the motion and the Standing Orders would have been suspended, so as to facilitate an arrangement which would have seen Private Members' Business being taken at a time it would not normally be taken at.

Sir, the Leader of the House does not have the right to order Private Members' Business, and the Leader of the House does not have the right to ask me what I am speaking on.

Sequence 31 .

There are four items under Private Members' Business and when Private Members' Business was called today, I could have opted to speak under a previous Resolution that I have on the Order Paper, in respect of Private Members' Business. I did not have to speak on any no-confidence motion.

Sir, I am saying to the Leader of the House that the House must not be railroaded in this way. I am asking for your protection, Sir, as the Speaker, and for the protection of the minority. There has been no consultation relative to what was happening today. Every announcement that was made, was made by the Honourable Member on her hind feet on that side of the Chamber. There has been no consultation about the Order of Business. Mr. Speaker, I am saying that the minority in here must not be trampled upon. We want to deal with the Private Members' Resolution, relative to the no-confidence motion, and I am insisting, Sir, that you must protect the minority in this House.

Hon. Miss M.A. MOTTLEY: Sir, as I move the suspension, it is clear that the Leader of the Opposition has not even taken the time to read the Rules from which he is quoting.

This morning, what was suspended, as is suspended every Tuesday, is, in fact, the Rule 20 that prevents Private Members' Business. We have however not suspended any Resolution to allow Private Members' Business. Sir, you do not have to suspend a Resolution, you just need to revert to the Order Paper.

Sir, if the Honourable Member with his 20 years of experience in here, perhaps had acquainted himself with the Rules and the Standing Orders, he would know that by reverting to the Order Paper, I did not have to move a suspension. When I moved the suspension, it was in fact to suspend Rule 20 to allow me to do Private Members' Business. Sir, he does not even have a factual basis that relates to this.

Mr. Speaker, I think that in fairness, I will suspend the House for ten minutes to give you the chance to go and look at it and then you could assure yourself and Honourable Members of this Chamber, as well as the public, that this matter does not have to be suspended to facilitate Private Members' Business. Sir, you suspend Rule 20 to facilitate Government Business.

SUSPENSION OF SITTING

Hon. Miss M.A. MOTTLEY: I beg to move that this House be suspended until 4.30 p.m. today.

Hon. R.R. Farley: I beg to second that, Sir.

The question that the House be now suspended until 4.30 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the House accordingly.

House 155, Sequence 32

RESUMPTION

Mr. SPEAKER: This Sitting is resumed. I just want to say a few words. This morning, the Leader of the House did offer to the Opposition Leader to speak on the No-Confidence Motion. I believe the Leader of the Opposition was not ready because he had submitted a matter to me and that was not concluded. Normally in these circumstances, a day is rightly put aside for a No-Confidence Motion.

The Leader of Government Business has clearly said that since the Opposition Leader was not ready that she would offer him again, if you all remember this, at two o'clock. That offer came at five past two. She also said that it would be concluded the following Tuesday and this was clearly said. I am supported in this by Honourable Members.

Ladies and gentlemen, I hope the television cameras are on, there we have the prospective leader of our country.

The Rules of this House also clearly states that Government Business clearly takes priority over all other business, so let us continue please. With the House's permission, we will now revert to Government Business.

SUSPENSION OF STANDING ORDERS

Hon. Miss M. A. MOTTLEY: In reverting to Government Business, I asked once again for the suspension of Standing Orders, 6, 16, 18, 20, 42(5), 43 and 44.

Hon. R. R. FARLEY: I beg to second that.

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

GOVERNMENT BUSINESS (RESUMED)

ORDER No. 9 (Resumed)

PUBLIC SERVICE BILL, 2007

Hon. R. R. FARLEY: Mr. Speaker, I rise to strongly support this Bill before us, which, if we are to listen to the Leader of the Opposition, is supposed to work against the interest of the Public Service rather than for the interest of the Public Service. Sir, nothing could be further from the truth.

Indeed, I rise to continue where the Honourable Member for St. Joseph, the Attorney-General, left off where the point was made very clear that this Government being a serious Government fully recognises the pivotal role played by the Public Service of Barbados. Indeed, much of the achievements of which we are justly proud in

this the 41st year of our Independence can be rightly laid at the feet of the public service.

Indeed, Sir, our Westminster system of Government relies on a permanent, independent, impartial public service. Sir, the concept therefore of a professional public service is central to what we do. Indeed, one of the tenets of this form of governance is that notwithstanding that political administration will change, whether it be the same party changing every term or other parties from time to time, the fundamental concept of service to the public continues unabated because there is a residual body of knowledge and expertise in the operation of day by day Government.

Sir, what is clear is that those professionals in the public service operate under the direction of the political administration. Sir, this is where it has always been critical for there to be a legislative framework within which this permanent professional public service operates, such as would balance the need to protect the independence to some extent or the need to protect the security of tenure of a public officer and remove the possibility of arbitrary political action impacting negatively on public officers. It should also ensure the right of the political administration elected by the people of the people for the people, to be able to direct the policy outcomes regarding the work of the public service and ultimately either to receive the credit or the disapprobation of the members of the public.

Sir, this legislation is therefore an Act to revise and consolidate the law relating to the administration of the public service for the purpose of achieving efficiency and effectiveness in the management of that service and for matter relating thereto is fundamental.

Sir, contrary to what we would have heard under the streetlight, under the ackee tree and around the corner, this is not a matter that has been rushed. This is a matter that has been going on since 1999. Indeed, this legislation is part of a comprehensive programme of Public Sector Reform that has been undertaken by this Government of Barbados.

You would recall, Sir, that part of what we recognised we needed to do in order to improve the efficiency and effectiveness of the public service was to streamline Government's financial and human resource management systems and to simplify and consolidate a byzantine system of laws and some of the rules which have questionable standing, for example, the General Orders, the general guidelines for the conduct of the civil servants, which really and truly, as I am advised, had no firm standing in law.

Sir, there are a series of legislation impacting on public administration: the Constitution; the Civil

Establishment Act; the Service Commissions Act; the Training Act; the Financial Administration and Audit Act; the Civil Service Public Service Regulations and several other bits and pieces of regulations and legislation. What this Act has sought to do is to consolidate several of those diverse bits of legislation, especially the Civil Establishment Act, the Training Act and the Service Commissions Act, as well as taking the opportunity to introduce new policies.

Sir, the bulk of the legislation relates to consolidating and modernising and making more effective several of the things that have been happening before, for example, the business of protecting public officers. Sir, by providing an opportunity with a clear channel for their direct presence in appeal hearings is a fundamental strengthening of the position of public officers.

Sir, there is also the expanded security of tenure. I do not know how anyone could be making a big hullabaloo about this matter of the appointment of additional officers. Sir, it was left to this Administration to appoint 4 000 casual workers after 30 years of service. The good hard-working men weeding alongside the road in the Ministry of Public Works and Transport, the maids in departments of the Government service, the carpenters and masons in the National Housing Corporation and the plumbers in the Ministry of Public Works and Transport. These are decent God-fearing Barbadians, who only want to be able to make a living for themselves and their families, who could have been dismissed with a day's notice.

Sir, a few years ago, this Administration took the step and did the necessary legislative work to ensure that those 4 000 casual employees had security of tenure so that they could get a job letter to take to the bank to borrow money to get a house, to take to the Embassy to get a visa to go and visit their daughter who is studying medicine overseas and to go to their son's graduation, and generally to have that comfort and security.

Sir, it should not be surprising to anyone that it should once again fall to this Administration to make the policy determination that it is not meek or fit for decent God-fearing Barbadians to be working over long periods of time, not knowing what is their status concerning security of tenure.

House 155 Sequence 33 & 34

Therefore, the confirmation of the appointment of these 3 000 persons currently in acting positions, is one which I strongly support and should be supported by all.

Mr. Speaker, I want to remind you that this reform of legislation is but one of several things which has been done

already to improve the Public Service of Barbados and to generally make things better for public officers.

Sir, take, for example, the fact that over the last 12 to 13 years, there has been a cumulative 36 per cent increase in the salaries of public officers, based not on wages freezes or wage cuts or cuts in the number of staff, as was the case with the Democratic Labour Party, and the fact that not only was there an expansion in the numbers involved, not only was there an expansion of the numbers with permanent employment but there was continuous wage increases in each and every negotiation cycle, which cumulatively is about 36 per cent over the last twelve to thirteen years.

Mr. Speaker, let us take as well the recognition that at the core of our system of governance... and the high ranking we have in the United Nations Human Development Index, the recognition that we are one of the least-corrupted countries in the world; the high level of internet penetration, among other indices, all relate to the fact that we have a professional public service.

Mr. Speaker, what has the Government done? We have made it easy for officers working in the Government to pursue their appropriate goals of lifelong continuous education and to be able to improve their qualifications by way of study leave. Sir, today public sector workers do not have to sneak out and pretend to be going to pay bills, pretend to be going home for lunch or to be going to the doctor, for them to be able to attend classes at the University of the West Indies. They are able, based on the policy of this Government, to write to their Permanent Secretaries indicating what courses they are doing and they will have the time to go to classes during the day. Sir, we recognised it will benefit the overall quality of the public service, when officers are more highly trained. We are, therefore, expanding these provisions. Mr. Speaker, there have also been improvements of various kinds and notwithstanding the fact that we still have more work to do, we have improved the physical conditions in terms of where these public sector workers are employed.

Sir, while we still have a number of building that will require work to bring them up to the standard we expect today - and there is an ongoing programme for that - we cannot ignore the fact that buildings such as the Warrens Office Complex and other modern office buildings, have made it possible for public servants, including those who will be permanently appointed under this legislation, to be able to function effectively.

Mr. Speaker, this Public Service Act, which we are debating today, is part of that wider and larger programme of setting in train a modern Public Service that is efficient, effective and able to get the job done; one where the terms of conditions of work are clear and the process of grievance

handling is clear. Sir, the methods by which public servants are managed and the structure of the service is also further clarified. Sir, these things do not work in a vacuum and I continue to make the point that reforms that this Parliament has already approved, such as the Financial Administration and Audit Act, a new framework for managing finances, is referenced here in accordance with the Constitution, confirming the role of the accounting officers.

Mr. Speaker, I want to make the point that the Public Sector Reform efforts of this administration, though they have not been as publicly lauded as they should, have been successful. Sir, let us take for example, the move that we would have seen from the last Estimates, to introduce the accrual system of accounting, to bring Government accounting in line within the modern international standards. Let us take, for example, the use of the SmartStream accounting systems, for financials, for human resource management, as well as for procurement. This means that across the sector, public officers in Barbados are able to use modern tools of information technology.

Mr. Speaker, we sometimes take these things for granted but across every office of Government across this fair land, officers have access to modern technology and tools to get on with their work. Therefore, Government would not, on the one hand, be providing the tools for them to get the job done and on the other hand, create legal hurdles to prevent them from being able to function effectively and efficiently in their jobs.

Mr. Speaker, I want to remind as well of a few more of the reforms that have been undertaken, which have impacted positively, not only on the work of public officers but on the service they provide for the public. Sir, part of any reform efforts that we are making, either through this reform or otherwise, is not only on the work of public officers but on the services they provide to the public. Mr. Speaker, part of any reform efforts that we are providing through this legislation or otherwise, is to perform faster quality services to the public.

Mr. Speaker, in the matter of trade facilitation, at the Customs Department today, the use of the ASYCUDA/Version 3, has meant that rather than having eleven different forms to fill out for imports and exports, customers use a single form. Sir, custom brokers today are able to clear their goods online or make payments online. Sir, this is all part of Public Sector Reform, using modern technology to deliver service to the public of Barbados.

Mr. Speaker, I want to say that in terms of the security of our fair land, even in terms of the Immigration Department and Customs, for example, the fact that today ship's and airline's manifests on passengers and pertinent information can be sent via electronic means to Barbados before the passengers even arrive, has improved the

security situation with respect to Barbados. Furthermore, the use of electronic documents or digital passports, has again prevented passport fraud.

Sir, these are the modern tools that are being used in this Public Service. Sir, this is very much in keeping with what we are trying to do, not only making the service for our customers but making sure that public servants are working in modern environment, that there is certainty concerning their terms and conditions of work, their rights and obligations, who their bosses are, what recourse of appeal they have in terms of disciplinary issues.

Mr. Speaker, I want to say that in relation to customer service, there is National Initiative on Service Excellence(NISE), which has been an initiative not only of the Public Service of Barbados and the Social Partnership but embraced by public officers. Sir, I want to use the high pulpit provided by this Parliament to praise and salute the thousands of public officers of Barbados, who day by day, out of the glare of the media, provide excellent service for the public of Barbados; who provide service for the little old ladies and gentlemen from the country, whether they are collecting their pensions, paying their land taxes or making enquiries. Sir, at the end of the day, the quality of our public service is to be judged not so much by what high-powered individuals and companies are able to get done by way of facilitation - because it could always be argued that they know their way around the system - but it must be judged by how the little old lady or gentleman or the young boy or girl fare in their attempt to interact with a public sector.

Mr. Speaker, I am satisfied that improved security of tenure and improved conditions of work could only inure to the benefit of the service in general but ultimately to the public of Barbados, who will be the beneficiaries of this service.

Sir, let us take for example, in terms of the welfare of persons working for Government. I want to laud this administration and persons in the public sector management, for the Employee Assistance Programme. It may not be widely known but under the employee assessment programme, I believe perhaps more than 2 000 persons have had the opportunity where they are employees of the Government, who may have issues that were either job-related or personal, be it in relation to alcoholism, family issues, death of a spouse or other form of bereavement, they have been able to obtain counselling.

H:No.155 (35)

Sir, there have been over 100 workshops with everything ranging from retirement planning, dealing with conflict in the workplace and a whole range of issues under this Employee Assistance Programme. This legislation is

but one part of a multi-pronged strategy to improve the Public Service in Barbados.

Mr. Speaker, I want to point to the whole issue of efficiency in the Public Service and a number of measures that have been implemented in order to make sure that Government's money and ultimately the taxpayers' money is well spent. The matter of Value for Money Auditing and Performance - based Budgeting was introduced in 1997 or thereabout. All of us as Permanent Secretaries need to prepare performance-related Budgets at the beginning of a financial year for consideration and approval by the Ministry of Finance. Sir, the Auditor-General's Office is moving in a direction of value for money auditing. It is not just checking to see if you spent five cents or ten cents but whether it has been effectively spent. Sir, that is an important aspect of Public Sector Reform that we would want to highlight as well.

Mr. Speaker, there is the use of modern system, information communications and technology right across a raft of enterprises in Government. Sir, today Government departments and the work done by public officers can be accessed via the internet. Indeed, anyone in Barbados or overseas is able to check what public services are available, who are the appropriate officers to contact for services here or there. I believe that by now, every department of Government has a website and this has again increased the openness, the transparency and access to information, which is again one of the fundamental tenets of our democratic system of Government.

Mr. Speaker, I want to say that the public sector reform process continues to be a success. I would only want to offer the observation that those responsible for the administration of that aspect of Government's programme need to speak a bit more fully about all of the aspects of the reform because, very often, when persons speak about public sector reform they speak about the soft issues like training, service, et. cetera and do not include the fundamental reforms undertaken concerning the way that we spend our money, the way that we budget the use of information and communications technology to deliver services. I want to laud all those involved in public sector reform.

Mr. Speaker, just a few words on some aspects of this legislation. One of the clear issues that has been raised in relation to the operation of the public service is the level of industrial unrest, which one can sometimes have. Sir, usually, when one gets to the bottom of it, there is not a fundamental issue at hand because few of these work stoppages ever get to the point of a full-fledged strike. Indeed, many of them do not follow the known and recognised procedure because, usually, a public employee with a grievance would notify the shop steward, who would notify the union, who would notify the department that

there is a problem, who would meet and seek to deal with it and if there is no resolution, then the industrial action, including work stoppage could be used as a means of escalating the matter. What you have very often is that persons would go on a work stoppage and then the union would say that it has to back its workers.

Mr. Speaker, part of what we had is sometimes a lack of clarity in terms of what is the established grievance procedure and this has been clarified in this legislation. The matter of the extent to which a public officer is able, if he has been the subject of discipline, to represent himself up through the chain, has been made easier with the establishment of the Appeals Tribunal, which would allow a public officer who may not be sophisticated in entering a written argument, as one has to do now with the Governor-General's Privy Council, to be able to go and represent himself as best he could before the Appeals Tribunal and to have his case fully articulated and argued out.

Mr. Speaker, I am also pleased that this legislation also seeks to address another area, which tends to cause some of this friction and work stoppages in the workplace., the matter of promotions and appointments to higher positions, where nowadays departments say that they are not prepared to work with the persons, who have been appointed as their boss. The fact that one of the Schedules to the legislation speaks to the matter of meritocracy and setting out the clear fact so that it is beyond no doubt whatsoever that persons need (1) to be qualified for the positions they would hold and that of the persons who are eligible for consideration that the Public Service of Barbados is entitled to pick the best whether that best person would be the longest serving person or not. Sir, clearly, seniority will be taken account of in coming to the position of making appointments but we must all agree that it cannot be the single and only consideration.

Sir, a long-standing employee, who has performed well over all the years and has brought exceptional skills to the job is clearly suitable for appointment to a higher position but, a public service, if it is to advance and fulfill the objectives of development for the country must not be in a position, where a person who may be less experienced in terms of years on the job but who might have from a background of private sector experience, international experience or have academic expertise in an area and brings new skills and perspectives to the job and who is qualified for the position should not be disbarred from being able to occupy a suitable position in the public service merely because seniority is seen as the only route.

Mr. Speaker, I hope that persons who read this legislation are clear that in our emphasis on meritocracy, it is not to say that seniority is not important but that seniority becomes one of the merits. Sir, I repeat. It is not to say seniority is not important but that seniority becomes one of

the merits along with qualifications, along with relevant experience and other perspectives.

Mr. Speaker, I am satisfied in my closing minutes that this Public Service Act, has benefitted substantially from the work of the committee of public officers and others, who have been looking at the issues relating to management and administration of the public service over the long decades. I am satisfied that given the earlier drafts that we have had and their review and discussion by the union representing, the workers of Barbados, especially in the public service, I am satisfied that independent, legal observers, have looked at the legislation and found that it has done no violence to either its intension to the Constitution under which it operates or to any other enactment, this is legislation is most appropriate for our circumstances.

I want to commend this legislation to the Honourable House but in doing so to say that this is the confirmation by way of appointment of a further 3 000 individuals. I do not agree with the Honourable Member for St. John, I do not know how he could cast aspersions on those worthy officers, by saying that many of those persons to be appointed are not worthy of appointment or even employment in the public service. I cast no slurs or aspersions on those public officers. Sir, if the proof of the pudding is in the eating, then the excellent results on the indices of development of which this country could boast, are clear indications that we have an excellent public service.

Mr. Speaker, I hope there is a greater flow of personnel between the public sector and the private sector.

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Sir, I also hope that the arrangements which are in place for persons who are about to be seconded and for the portability of pensions, under the Pensions Act, those arrangements would be a situation, where in modern times public officers could work for about two year in the private sector and work internationally and persons in the private sector could work for two, three or five years in the Government service.

Sir, to me, one of the things that hamper our development is that there are persons in the private sector who do not appreciate the need for a structured rule-based system in the public service. Sir, we employ 28 000 people, in over 51 departments across Government, and we are dealing with public trust, while private sector individuals can do almost what they feel like, when they feel like and how they feel like in their companies.

We also need to have persons in the public sector who appreciate the need for innovation, creativity and

flexibility in applying the rules, without doing violence to the mandate which they are given.

Mr. Speaker, I notice your signal. I want to commend the Minister of the Civil Service, notwithstanding his personal difficulties today, for bringing this important legislation. I want to commend the public service of Barbados for the wonderful service which they continue to give. Sir, I urge all Honourable Members to support this legislation which would regularise, streamline and more fundamentally, provide an opportunity for an even greater number of officers to have security in the jobs they perform, to the credit and glory of this country Barbados.

Mr. Speaker, I thank you.

Mr. SPEAKER: The Honourable Minister will now wind up.

Hon. R.C. EASTMOND: Mr. Speaker, in winding up the debate on this matter, I want to commence by looking at a matter, that had actually been aired from the other side, when they sought to suggest that we were doing violence to the Constitution. Indeed, the legislative measures here today, do not undermine or conflict with the Constitution, but, frankly, there is a Constitution (Amendment) No. 2 Bill, which is in order. The reason I say it is in order, is that it clearly sets out the fact, that it is going to be done in accordance with Section 49. So long as Section 49, with its entrenched provisions, is followed, then the Constitution Amendment that is being brought is quite in order. Otherwise, the provisions in the Public Service Bill are clear and worthy of being accepted.

Sir, as the Honourable learned Attorney-General said, there was a process of consultation. In the last 3 or 4 weeks there has been tremendous consultation. I recall one evening, meeting at 2.00 p.m. and finishing at 10.00 p.m., many stakeholders were represented, CTUSAB, National Union of Public Workers, and even the private sector would have been involved. I want to thank them, and indeed I want to thank all the public officers involved, for the role they played in this matter.

Sir, one matter that I did not refer to in my earlier presentation was the question of people with criminal records, being allowed to enter the public service. Sir, where a person has had a criminal record, that by itself would not disqualify him, but where he lies about the criminal record, penalties would flow, including dismissal. However, we are saying that people with criminal records can now enter the public service for the first time but we also must say that if you enter the public service and do crime, then you expose yourself to dismissal.

Mr. Speaker, this Bill has modernised the public service by saying where the power of the Service Commission, the Committee of Permanent Secretaries and the Health and Public Service lies. I agree with the learned Attorney-General that administratively, members of the Chief Personnel Officer's Office have been working around the clock to identify those persons who qualify in terms of Clause 13, and to make sure that Government's policy does not fall to the ground.

Mr. Speaker, one of the points mentioned by the last person who spoke, was the whole question of the modernisation of our public service. Sir, what we are doing here is very much adding to that modernisation. We are improving training. We are once again, looking at the question of security of tenure. We have started the business of security of tenure in 1998, we continue it now, and we want to stop the old anomalies where people would be acting in positions for twelve years, where a vacant position would remain vacant for many years, and where some people would be hybrids between temps and acting people and such like.

Sir, in all the circumstances, this amendment to the Constitution commends itself as adding to the processes by which people with grievances or people who have suffered problems can now have additional recourse to justice. Sir, I now humbly beg that this Bill be read a second time.

I thank you.

Hon. R.R. FARLEY: I beg to second that, Sir.

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

On the motion of Hon. R.C. EASTMOND, seconded by Hon. R.R. FARLEY, the Honourable House resolved itself into Committee. Mr. R.D. MARSHALL in the Chair.

COMMITTEE

Mr. CHAIRMAN: This House is now in Committee.

Part 1, Clauses 1 to 3 inclusive were called and passed.

Part 11, Clauses 4 to 12 inclusive were called and passed.

Part III, Clauses 13 to 17 inclusive were called and passed.

Part IV, Clauses 18 to 22 inclusive were called and passed.

Part V, Clauses 23 to 28 inclusive were called and passed.

Part VI, Clause 29 was called and passed.

Part VII, Clause 30 was called and passed.

Sir, as regards Clause 31.(3), I want to make an amendment to delete the words "the Court" and insert "the High Court".

I am proposing to this Honourable Committee that the word "court" should be changed to "High Court".

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Hon. R.R. FARLEY: I beg to second that, Sir.

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

Clause 30 and Clause 31, with amendment, were called and passed.

Clauses 32 to 40 inclusive, were called and passed.

The First Schedule was called.

Hon. R.C. EASTMOND: Sir, there is something called agreement of subject and verb. There is a plural subject and there is a singular verb in the provision that we are looking at. I want the word, "exists" which is a singular verb, changed to "exist" plural verb, in paragraph 10.(a) on page 34.

Hon. R.R. FARLEY: I beg to second that, Sir.

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

The First Scheduled, with amendment, became the Schedule to the Bill.

The Second Schedule became the Schedule to the Bill.

The Third Schedule was called.

Hon. R.C. EASTMOND: Sir, before asking that the Third Schedule becomes the Schedule to the Bill, on page 54 of the document, there is this enactment, which reads:

"Misconduct involving three or more matters listed herein as matters of misconduct of a minor nature in paragraphs (a) to (s)..."

Sir, (a) to (s) is wrong. It should read, "...in paragraphs (a) to (h)".

Sir, we are dealing with a paragraph that has to be amended to bring it in line with reason and commonsense. It is not paragraph (a) to (s) but paragraph (a) to (h). The enactment should now be clear.

Sir, before you proceed, it has been drawn to my attention that at page 57, paragraph 10.(c), the word, "the" should be inserted before the words, "Service Commission".

Hon. R.R. FARLEY: I beg to second that, Sir.

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

The Third Schedule, with amendment, became to Schedule to the Bill.

The Fourth Schedule became the Schedule to the Bill. The Fifth Schedule became the Schedule to the Bill.

The Sixth Schedule became the Schedule to the Bill.

The Seventh Schedule was called.

Hon. R.C. EASTMOND: Mr. Chairman, before moving that the Seventh Schedule be the Schedule to the Bill, there is an omission at page 64, where the Affirmation of Office and Secrecy is concerned. Most scripts have left out under the Affirmation, at the end, "...such facts that come to my knowledge by reason of such employment."

I am applying to this Honourable Committee to include, "...such facts that come to my knowledge by reason of such employment", under the Affirmation of Office and Secrecy.

Hon. R.R. FARLEY: I beg to second that, Sir.

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

The Seventh Schedule, with amendment, became the Schedule to the Bill.

The Eighth Schedule became the Schedule to the Bill.

On the motion of Hon. R.C. EASTMOND, seconded by Hon. R.R. FARLEY, Mr. CHAIRMAN reported to His Honour, the SPEAKER, the passing of Bill, with amendments, in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. R.C. EASTMOND, seconded by Hon. R.R. FARLEY, the Bill was read a third time and passed and cited as the Public Service Act, 2007.

ORDER NO. 5

THE CONSTITUTION (AMENDMENT) (No. 2) BILL, 2007.

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

Hon. R.R. FARLEY: I beg to second that, Sir.

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

On the motion of Hon. R.C. EASTMOND, seconded by Hon. R.C. EASTMOND, the House resolved itself into Committee on the Bill, Mr. R.D. MARSHALL in the Chair.

COMMITTEE

Mr. CHAIRMAN: This House is now in Committee.

Clause 1 was called and passed.

Clause 2 was called and passed.

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Clauses 3 - 4 inclusive were called and passed.

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

On the separate motions of Hon. R. C. EASTMOND, seconded by Hon. R. R. FARLEY, the Bill was read a third time.

Mr. SPEAKER: Honourable Members, before I move this motion, as our Standing Orders so say, we would now ring the bell and the Clerk would take the names of all those persons voting.

The bell was rung. The House divided as follows:

AYES:

Rt. Hon. O. S. ARTHUR; Hon. Miss M. A. MOTTLEY; Hon. Dame Billie MILLER; Hon. R. C. EASTMOND; Hon. G. A. CLARKE; His Honour J. M. EDGHILL; Sir Louis Tull; Mr. R. D. MARSHALL; Mr. G. W. PAYNE; Mr. H. F. LASHLEY; Mr. R. St.C. TOPPIN;

Hon. Miss. H. E. THOMPSON; Hon. T. A. PRESCOD;

Rev. J. J. S. ATHERLEY; Hon. N. A. LYNCH;

Hon. A. P. WOOD; Hon. R. R. FARLEY;

Hon. Miss C. Y. FORDE; Dr. the Hon. J. X. WALCOTT; Hon. D. D. MARSHALL; Hon. K. D. SYMMONDS; and Dr. W. F. DUGUID; - 23

NOES: Nil

On the separate motions of Hon. R. C. EASTMOND, seconded by Hon. R. R. FARLEY, the Bill was passed and cited as the Constitution (Amendment) (No. 2) Act, 2007.

ADJOURNMENT

Hon. Miss M. A. MOTTLEY: Mr. Speaker, this brings us to the end of Government Business for today's Sitting. We clearly anticipated that this last debate would have gone on much longer but due to the fact that the Leader of the Opposition and other Honourable Members walked out, the debate therefore was truncated.

Mr. Speaker, I find myself however moved at this stage to make one comment as I indicate that the Government continues to be committed to facilitate the Private Members' Resolution of No-Confidence against the Honourable Member for St. Michael North West.

Sir, earlier today the Leader of the Opposition asserted in this Chamber that it was unheard of and unprecedented for a No-Confidence debate to be deferred for further consideration to facilitate Government Business.

Sir, I want the records of this Chamber to reflect the fact that in 1993, the Honourable Member for the City of Bridgetown filed a motion of No-Confidence against the then Honourable Member for St. Michael West, Mr. Branford Taitt. That motion of No-Confidence was filed on the 24th of August 1993. That motion however was never facilitated for debate by the Government of the day, the then Democratic Labour Party Government, until the 14th of December some four months later after it was filed. It goes further, Mr. Speaker. That debate commenced on the 14th of December. Further consideration was deferred and postponed by the then Leader of Government Business, one Mr. Philip Greaves, who then said that the matter has been going for a while and that he was deferring it in order to do Government Business. Sir, on that occasion they debated, I believe, the Handicraft Workers Pension Bill, not even a constitutional amendment as we have done today.

On the 17th of December, the debate continued and they equally then on that date, deferred further debate of

the Private Members' Resolution to facilitate what they called a one-clause amendment to the Income Tax (Amendment) (No. 2) Bill of 1993, not a constitutional amendment or a Bill dealing with the Public Service.

I go further, Mr. Speaker. They then arranged for the House to complete the debate on Wednesday the 21st of December. Sir, that debate of No-Confidence took place first of all, four months after it was filed and then on three separate Sittings without prejudice to the fact that the Government of the day arranged for Government Business to be done as indicated by the then Leader of Government Business, one Mr. Philip Greaves.

Sir, I therefore find it passing strange and I say it is even more passing strange because the Honourable Member for St. John, on one of those days not only spoke but delivered a Ministerial Statement on Arawak Cement Plant. Therefore, not only does he know that it is possible to defer, he was a willing and complicit actor in the deferral process because he was allowed to give a Ministerial Statement on Arawak Cement Plant, on one of those three days of the motion against the then Honourable Member for St. Michael West, one Branford Taitt.

Sir, I take no joy in the kind of exchanges that have taken place both here today and last week. Sir, the Leader of the Opposition tries to assert that there was no consultation with me as Honourable Leader of Government Business, when he knew that he told the public at Bank Hall, as he told this Chamber in your presence last Tuesday, that he went behind the Speaker's Chair with me and we agreed that I would bring forward Government Business from last Tuesday to the Friday, such that he would have a clear day for debate.

Mr. Speaker, when he refused to accept the debate - for whatever reasons best known to him, and perhaps we best understand it now given the paucity of evidence and the weakness of argument that we heard today - I indicated last Tuesday that the Government had a Public Service Bill and a consequential constitutional amendment to bring to this Chamber.

Sir, when we bring a constitutional amendment, we do not rely on Opposition numbers for passing these matters, therefore, we have to make sure that there are no Members of Government travelling and that there is nobody on Government Business overseas.

Sir, we therefore felt that we had a duty to be able to commence the debate today and to complete it today in order to be able to comply with the voting requirements as required by Section 49 of the Constitution.

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In those circumstances, Sir, I take no joy in the fact that I believe that the Leader of the Opposition has yet again sought to hide behind not even an accurate interpretation of the Rules but indeed a misinterpretation, trying to hide behind Standing Orders being suspended.

Mr. Speaker, before I sit, may I remind this Honourable House that every Tuesday, even before I was the Leader of Government Business, Rule 20 which requires Private Members' Business to be called, is, in fact, suspended by the Leader of Government Business. It happened under the Democratic Labour Party's last Government, it happened under the Government before of the Barbados Labour Party, and it happens now. That is to facilitate the doing of Government Business during the day.

Mr. Speaker, if there is a reason for Private Members' Business, then we do not suspend Rule 20 at that particular point. Therefore, when I asked that the matters go back to the Order Paper, I did not have to suspend anything because Rule 20 requires Private Members' Business. I would have, however, to suspend Rule 20, as I did again, to facilitate the continued debate of the Public Service (Amendment) Bill. Sir, I hope this makes these matters clear.

Mr. Speaker, had the Honourable Member for St. John spoken with the passion on the No-Confidence Motion that he spoke on the motion for the adjournment, we might feel that he had something to answer but it is clear to me that it was a deliberate red herring on his part, to be able to divert the fact that nothing new was brought to this Honourable Chamber, in relation to that matter.

Mr. Speaker, I shall not intrude into the debate because I look forward, in my own right, to speaking next Tuesday on this Private Members' Resolution.

Mr. Speaker, I give this Honourable House the assurance that we will do it, even if we have to do other Government Business then but we will not, like the Opposition, defer consideration of a no-confidence motion for four months and then, just for no reason, not do it. We have a reason, as I have outlined and in those circumstances, I thank you for the opportunity, on the motion for the adjournment, to clarify these issues before this Honourable Chamber.

Mr. Speaker, the fact that the Opposition has walked out, is an excuse for the absence of a case against the Honourable Member for St. Michael North West.

ADJOURNMENT

Hon. Miss M. A. MOTTLEY: Mr. Speaker, this brings us to the end of Government's Business for today's Sitting. With those few words, I beg to move that this

Honourable House be now adjourned until Tuesday, 11th December at 10.00 a.m.

Hon. R. R. FARLEY: I beg to second that, Sir.

MR. SPEAKER: Honourable Members, before I move the adjournment, let me say that last count should have been 23 Honourable Members for the Constitution (Amendment) Bill.

Honourable Members, this House saw yet again the kind of behaviour that has been going on for the past few weeks. When I was speaking and making my decision, the Leader of the Opposition chose not only to walk out but to interrupt this House and to make much noise and the worst kind of behaviour that you could expect from a Parliamentarian.

I hope the day comes when we could have the kind of Standing Orders that would prevent any Honourable Member, having exhibited such behaviour, from taking his seat again in this House.

The question that the Honourable House be adjourned until Tuesday, 11th December, 2007, at 10.00 a.m., was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the Sitting accordingly.

5.45 p.m.

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EDITORIAL NOTES — NOT PART OF THE REPORT

Prepared with the transcript; for checking against the recording and the Minutes.

EDITORIAL QUERIES

Points noted while preparing this report from the edited transcript. The text has not been altered except where stated.

Q1. Masthead. The session is not stated in the source, so no session line is printed.

Q2. Order No. 9, Minister's opening. The source places 'I beg to second that' (Hon. R. R. Farley) and 'The question was put and resolved in the affirmative without division' after the first paragraph of Hon. R. C. Eastmond's opening speech, which then continues for some 70 paragraphs. Printed as in the source.

Q3. Order No. 5, division on third reading. The division list totals '23', and the Speaker later says the count should have been 23, but only 22 names are listed under AYES. Printed as in the source.

Q4. Committee, Public Service Bill, clause 31. The amendment to clause 31(3) ('the Court' to 'the High Court') is printed under the heading of Mr. CHAIRMAN with no separate speech label; it appears to be moved by the Minister. Clause 30 is recorded as passed twice. Printed as in the source.

Q5. Order No. 5, Committee. The procedural note reads 'On the motion of Hon. R.C. EASTMOND, seconded by Hon. R.C. EASTMOND'. Printed as in the source.

Q6. Resumption about 4.30 p.m.. The Speaker's remarks on resuming include the sentence 'Ladies and gentlemen, I hope the television cameras are on, there we have the prospective leader of our country.' Printed as in the source; the editor may wish to check the attribution.

Q7. Adjournment. The heading 'ADJOURNMENT' appears twice: once before the Leader of the House's statement on the No-Confidence Motion and again before her formal motion to adjourn. Printed as in the source.

Q8. Take-slips about 10.20 and 10.30 a.m.. Consecutive take-slips read 'House 155, sequence 02, 10:20:15' and 'House 155 Sequence 2 10.30 a.m.'. Printed as in the source.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The House of Assembly met on Tuesday, 4th December, 2007 at 10.15 a.m., with His Honour I. A.

Roett, the Speaker, presiding; prayers were led by Rev. Canon Ivan Harewood. The Leader of the House, Hon. Miss M. A. Mottley, laid the annual reports of the Caribbean Broadcasting Corporation for 2002, 2003 and 2004, the Customs Tariff (Amendment) (No. 4) Order, 2007 and the Value Added Tax Order, 2007, and the Public Service Bill, 2007 was read a first time. Order No. 6 was replaced by Order No. 9 and then withdrawn, and Miss Mottley offered to suspend the Public Service debate after lunch so that the Leader of the Opposition could begin his No-Confidence Motion.

Hon. R. C. Eastmond, who told the House he was unwell, moved the second reading of the Public Service Bill, 2007, debated with the Constitution (Amendment) (No. 2) Bill, 2007. He traced the Bill to the public sector reform programme begun in 1994, explained clause 13, which establishes long-standing temporary offices as public offices, described the new Public Service Appeal Board under section 98, and outlined the disciplinary codes and offences. He later said between 3 000 and 3 300 persons were expected to be affected.

The Leader of the Opposition, Mr. D. J. H. Thompson, argued that the Bill circumvented the independent Public Service Commission established by the Constitution, would create parallel establishments, and was timed before a general election; he cited the Cox and Forde Commissions and called for integrity legislation. The Attorney General, Hon. D. D. Marshall, supported both Bills, relying on the Savings Clause of the 1966 Constitution and the Government's commitment to reduce temporary posts. Further consideration was then postponed.

Under Private Members' Business, Mr. Thompson moved the Resolution that the House had no confidence in the Minister of State in the Ministry of Finance. He alleged that Hardwood Housing Factory Inc., incorporated on 2nd November, 2006, had received \$2 million from the Enterprise Growth Fund Limited with the Minister's support, and that it had claimed \$248 000 in cost overruns where the Urban Development Commission paid \$129 000. Hon. C. A. Mascoll replied, giving the travel history of Mr. Anthony Murrell and a letter stating that he had built 280 to 300 houses in Grenada; Hon. Miss H. E. Thompson said no wrongdoing had been shown.

When Miss Mottley proposed to revert to Government Business and continue the motion the following Tuesday, Mr. Thompson objected on points of order and privilege under Standing Order 71, and Miss Mottley replied that only Rule 20 had been suspended. After a suspension the Speaker ruled that Government Business took priority. Hon. R. R. Farley supported the

Public Service Bill and Mr. Eastmond replied. In Committee, with Mr. R. D. Marshall in the Chair, amendments were made to clause 31 and three Schedules, and the Bill was passed as the Public Service Act, 2007. The Constitution (Amendment) (No. 2) Bill, 2007 passed on a division, 23 Ayes and no Noes.

On the adjournment Miss Mottley noted that the Opposition had walked out, cited the 1993 No-Confidence Motion against Mr. Branford Taitt as a precedent for deferral, and undertook to continue the motion. The Speaker condemned the Leader of the Opposition's conduct, and the House adjourned until Tuesday, 11th December, 2007 at 10.00 a.m.