
THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

THE SENATE

Wednesday, 6th August, 1980.

The Senate met in the Senate Chamber, Public Buildings, on Wednesday the 6th August, 1980 at 2.45 p.m.

PRESENT

Senator the Hon. N. A. BARROW, B.A., LL.B., (Minister of Information) (Leader of the Senate); Senator O'BRIEN TROTMAN, (Parliamentary Secretary, Prime Minister's Office); Senator Sir M. E. COX; Senator AARON TRUSS; Senator H. R. LINTON, LL.B.; Senator K. E. HINDS; Senator Miss O. A. LYNCH, B.A., Dip. Ed.; Senator C. I. E. DEANE; Senator K. R. HEWITT, B.Com., C.A.; Senator Mrs. E. M. LYNCH, B.A.; Senator J. D. S. MACKENZIE; Senator Miss M. I. St. C. BLACKMAN; Senator J. C. W. WICKHAM; Senator D. H. G. HUNTE; Senator J. A. CONNELL, LL.B.; Senator the Hon. D. G. BLACKMAN, (Minister of Labour and Community Services), and Senator R. E. BRATHWAITE.

Prayers were read.

ABSENT

Senator the Hon. Sir ARNOTT CATO, Senator the Rev. A. HATCH, Senator H. F. G. ROCHEFORD and Senator R. L. FIELD.

EXCUSE FOR ABSENCE

Senator the Hon. Sir. Arnott Cato, being in the capacity of Acting Governor General.

On the motion of Senator the Hon. N. A. BARROW, seconded by Senator R. E. BRATHWAITE, Senator J. WICKHAM was elected as President for the Sitting.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-GENERAL

Mr. ACTING PRESIDENT: Hon. Senators, I have a duty to read the following Message from His Excellency

the Acting Governor-General to the Honourable, the Senate:

“His Excellency the Acting Governor-General has the honour to inform the Honourable the Senate that consequent on the absence from the island of certain Ministers, and acting on the advice of the Prime Minister, the following appointment has been made under the provisions of sections 65, 68 and 72 of the Constitution:-

Senator O'Brien Trotman, Parliamentary Secretary to be temporarily Minister without portfolio and to be responsible for the subjects of Citizenship, Immigration and Passports, for the period 6th to 23rd August 1980.”

PRESENTATION OF PAPERS

SENATOR THE HON. N. A. BARROW: Mr. Acting President, I have the honour to lay the following:

The Betting and Gaming Duties Amendment Order, 1980.

INTRODUCTION OF BILLS

SENATOR THE HON. N. A. BARROW: Mr. Acting President, I have the honour to introduce the following:-

The Service Tax Bill, 1980.

The Exchange Control Amendment Bill, 1980.

The Storage of Petroleum Amendment Bill, 1980.

The Airport Fuel Charges Bill, 1980.

The Companies Amendment Bill, 1980.

The Consumption Tax Bill, 1980.

The Married Women Amendment Bill, 1980.

The Geneva Conventions Bill, 1980.

The following two Resolutions:

Resolution to approve the Waterworks (General) (Amendment) Regulations, 1980.

Resolution approving the compulsory acquisition of land at Oistin, Christ Church for the provision of a Fisheries Terminal Complex.

Mr. ACTING PRESIDENT: Let it be recorded that these Bills have been read a first time.

PUBLIC BUSINESS

SENATOR THE HON. N. A. BARROW: Mr. Acting President, I have given notice of a number of Bills this afternoon. All of them — except two which are not really controversial matters — are revenue matters and money Bills which, to have effect, must be passed before 15th August, 1980. These are the matters which I was advertising to when, on Wednesday last, I asked that Hon. Members should take note and come prepared so that we might clear the Order Paper and go into recess. The Other Place has just managed to go into recess.

We have these matters before us and at the appropriate time, I shall be moving the suspension of Standing Order Number 45(2) to facilitate our dealing with these matters this afternoon.

Mr. ACTING PRESIDENT: Is it the will of the Hon. Senate that the request of the Hon. Leader of the Hon. Senate be accommodated and that we deal with these matters and tidy up the Legislative Programme for this Session? (PAUSE)

RESOLUTION TO APPROVE THE SUM OF £684,506 AND THE SUM OF £3,878,866 FROM LLOYDS BANK INTERNATIONAL LIMITED FOR THE PROVISION OF CERTAIN GOODS AND SERVICES FOR THE DEVELOPMENT OF THE COAST GUARD

Order Number One was called — To move the passing of the Resolution to approve the use of the sum of £684,506 and the sum of £3,878,866 from Lloyds Bank International Limited for the provision of certain goods and services for the development of the Coast Guard.

SENATOR THE HON. N. A. BARROW: Mr. President, just before I formally introduce this matter, I would wish that the Clerks would take note that it is my wish to take Order No. 5 as the third order of the day, the others I shall take as they come, and that after the

suspension of the Standing Orders we will indicate the order in which we will take the other items.

In relation to this Resolution before us which is a defence matter, the subject matter of the Resolution relates really to the Coast Guard entirely, I think, and for this reason, Sir, my comments are going to be not ranging generally over the Defence Force which has come in for a lot of adverse comment on certain platforms recently, which has proved its weight in gold when one considers the outstanding job which members of the Defence Force have been doing in the aftermath of hurricane Allen.

Within the past few years certain things have become clear in relation to the Coast Guard, clear as a result of practice rather than general application of the usual kind of knowledge about the usual kinds of things which a Coast Guard would do; so that it is now absolutely clear that a Coast Guard to be effective and to justify its existence must be properly equipped for law enforcement at sea. There are a number of instances which one might cite, but one which we have always to keep in mind is the one incidental to the need to patrol the economic zone of 200 miles and the fact that so many others tend to poach in national waters; surveillance of coastal and territorial waters and economic zones, air and sea search and rescue, fisheries protection. For the Coast Guard to fulfil its purpose, there has to be emphasis on the proper development of the equipment, administration and training resources.

This, Sir, is precisely what this Resolution is about. The Coast Guard currently has three 40 foot boats and a 65 foot boat called the George Fergusson which are clearly unsuitable for the task for which they are acquired. The history is one of constant problems with maintenance, one of inability to be kept in a seaworthy condition. There have been four separate surveys in the last two years and all have agreed in principle that the boats should either be disposed of or kept for training. The persons doing the surveys were officers of the British Coast Guard, of the United States Navy in two separate instances, and also there was a local shipping surveyor. So there are two studies by officers of the United States Navy and one by officers of the British Coast Guard and one by a local shipping surveyor.

There are serious problems, availability of local spares, defects in the fibre glass hull, and these defects cannot be corrected in Barbados, and the particular boat, the 403, with this defect has been out of the water for going on three years. Some time in 1977 it came out of the water and has not gone back in. Partly responsible is the fact that the company which supplied these boats went into liquidation soon after the delivery of the boats, and therefore the country has not been able to take advantage of the normal after sales service.

There has also been problems of recruiting suitably qualified personnel, and such failure is reflected in the quality of performance. For example, the Coast Guard has never had a qualified engineering officer; it has been forced to rely on persons with some experience, but without the requisite degree of training. I believe, Sir, that nobody around this table should be unfamiliar with the effect of that sort of thing on the designing of programmes of ordinary preventive maintenance without which no equipment can be expected to operate efficiently. These things are now being tackled resolutely. There has been an extensive programme of training currently on-going. Three persons have completed a course at the United States Coast Guard Officer-Candidate school, a number of persons at the Coast Guard Training Centre of the United States being trained as machinery technicians, in damage control, basic electronics, being trained as electricians' mates.

In Portsmouth there are people undergoing basic engineering and basic electronics training. In Jamaica there are people doing basic seamanship, and Cable and Wireless is training some radio operators. Arrangements are in hand for a team of six service personnel on loan from the Royal Navy to be attached for command and training purposes for two years in the first instance. These personnel will be provided with free out-of-island costs by the British Government, and they will include an officer in charge in the rank of Commander, an engineering officer in the rank of Lieutenant Commander, a Commanding Officer of the fast patrol boat in the rank of Lieutenant Commander, three Chief Petty Officers for engineering, electronics and general training.

In terms of equipment, a fast patrol boat is being purchased, delivery is expected in late 1981. Two shrimp boats are to be converted in Trinidad for use as off-shore patrol vessels. I trust, Sir, that they were already off to Trinidad before Hurricane Allen came, because the shrimp boats I have seen in the harbour since the hurricane really can't go anywhere. Then the conversion of the Baggage Warehouse and Pierhead areas into a maintenance base and berthing area for the Coast Guard. The Coast Guard, Sir, as you know, is now part of the Defence Force and will therefore also be able to make use in search and rescue missions and in maritime patrol of the Cessner 402 aeroplane which the Defence Force is purchasing, and which will be ready for delivery late this year.

What we are unerefore seeking this afternoon, Sir, is permission for borrowing the funds to be applied for the purposes which I have outlined. I do not believe, whatever may be said outside, whatever some people might believe sounds good on a platform, that there are persons who would sit seriously in Parliament and suggest that we do not need a Coast Guard, as though we were some internal part of some larger land mass, or that if we need a Coast Guard it should not be properly equipped,

because if you do not properly equip it then you will effectively have no Coast Guard. There is no point continuing like toy soldiers and placing your confidence in the kind of vessel that if it should be necessary to provide any level of defence out there, an ordinary situation, for example, like a smuggling situation, you have to stop before you can fire.

The important difference, Sir, between the purchase of the boats here, the converting of the shrimp trawlers, is that in terms of the purchase of the boats we are dealing with one of the most reputable shipyards, Brook Marine, because it would be inadvisable, bearing in mind the experience of the past purchases, to deal with a shipyard again which by the time you took delivery of your boats you looked around and found it had gone into liquidation. Even so, Sir, I might mention that before the decision was taken to purchase from Brook Marine offers from a number of ship builders were considered, other ship builders in the United Kingdom, in Canada, in Sweden, in Israel, in Germany, in Australia, Belgium, France and Brazil.

This whole matter which involves a substantial expenditure has been determined by Government only after the most thorough study of our needs and of how best those needs could be met.

I move, Sir, that the Senate do now concur in this Resolution.

SENATOR D. H. G. HUNTE: Mr. President, the introducer of the matter went at length to allay the fears of some of the members, no doubt, about the Coast Guard and to a great extent the Defence Force. He referred to the Defence Force when he started, briefly, and the good job which he said they did in the aftermath of Hurricane Allen.

Mr. President, I was one of those members who supported the establishment of the Defence Force in this country, and I still maintain that it was necessary and is necessary for the defence of this country. The Coast Guard forms an integral part of the Defence Force and I have no doubt that to have a Coast Guard by name without the necessary equipment would not make any sense, and therefore I agree to some extent with the sentiments expressed by the Minister in his introduction.

But history of the Defence Forces, Mr. President, throughout the Caribbean, and indeed in Africa, has caused great concern, and I think that one of the concerns which people in this country express is whether the the Defence Force in this country will be allowed to get out of hand and to create for the citizens of this country some of the problems which have been created by Defence Forces in other parts of the world.

I have no doubt that the Defence Force did a good job in the aftermath of Hurricane Allen. I have some reports from throughout the country about how useful they were in moving the roofs from one part of the road and putting them back on one side. I do not believe they carried any guns with them on this occasion. The reason why I refer to that, Sir, some time ago we had a fire in Bridgetown and it was shocking to find photographs of the Defence Force and the personnel of the Defence Force coming out, presumably to assist the Police in the execution of their duty, but armed with guns. This bothered me, Mr. President, as well as I think it bothered quite a large number of citizens, and I do not believe any member around this table this afternoon would say that they supported the idea, or that they liked the idea of the members of the Defence Force on that night on High Street with the guns over their shoulders. If the Defence Force members were prepared to assist the Fire Service with the hoses and things of that sort, then there was no need for guns, and I am worried, Mr. President, I wish the Minister perhaps in his reply would be able to throw some light on why was it necessary for the Defence Force going out to assist with that fire that night to be armed as it were as if they were going to shoot down somebody.

We cannot deny that within these organisations we have got various types of persons, and there are some people who are only too eager to show off what they can do when they have these guns and things like that at their control.

The Defence Force, Mr. President, as I said, is necessary. If it is necessary for the Government to pay interest at about 14% and 14 odd million dollars or so, well then this is important.

We have got to ask ourselves whether, at this stage of our development, this country can afford this kind of money which the Government is proposing. I daresay that after consideration, they have come to the conclusion that it is absolutely imperative that the essentials of the Defence Force would require the Government to outfit it to the extent that they are outfitting the Coast Guard at the present moment.

The previous Administration started the concept of a Coast Guard in this country and perhaps they have been shortcomings as there will be in most things, Sir. If it is necessary, at this stage, for this kind of money to be spent, well then, I would have no basic objections to it. What I would wish to be assured of is that the Defence Force *per se* Mr. Acting President, is not construed as one might believe from the night of the fire in Bridgetown, to rush out into situations which perhaps, one can argue do not really come under them, but really concern the Police Force of this country for the protection of Law and Order. I would hope that if another situation like

that should arise, that we should not have the Defence Force armed going down to Bridgetown where you get a lot of Civilians. When a fire occurs, you get a lot of Civilians in this country who get on the scene and assist the Fire Brigade with the hoses and things of that sort. This, in my opinion, the way in which the Defence Force went down that night would drive fear into the hearts of the citizens of this country and I would hope — it drove so much fear into the hearts of some Government Members Sir that I would worry to say that — Senator Linton is a Lawyer, he would know what I am talking about, Sir.

I have no objection Sir, to equipping the Coast Guard, as it were, but, what I want to be sure about, is that situations which developed in Dominica and Jamaica; I believe that the present Chief of Staff of the Defence Force, and the Hon. Minister would probably have good information on this, he would know what I am referring to; the present Chief of Staff of the Defence Force is noted for situations which can become fairly dangerous and I refer to the incident in Jamaica which the Hon. Minister should know about, when the Defence Force opened fire, so to speak, and I believe that the same Chief of Staff who we have now, was the one who was in charge of the Force. The other information about what happened after that, I think that the Hon. Minister would be quite aware of, but I do not necessarily want to drag that in. But, I want to be assured that they did not have any guns with them on Sunday night after the aftermath of Hurricane Allen because I believe that they should not have and if they went out unarmed, well then, I am all in favour of them going and rendering that kind of assistance to people in the country.

But, when you see them with guns on their shoulders then, one has got to ask the question, what assistance can they give because if you have guns, the only thing that you can do is to make sure that you know how to use those guns. If you have not got guns, then, you can hold a hose and assist in putting out the fire, you can pick up a roof, or assist with getting a roof from the side of the road, or assist in getting some of the old people out of their homes who were trapped during Hurricane Allen. But, the guns in that kind of situation, Mr. Acting President, bothers me.

I am glad that the Hon. Minister agreed to give us an extension from last week to today, because with Hurricane Allen coming in, Sir, it meant that one could have contrasted the two situations which we have.

Mr. ACTING PRESIDENT: Senator Brathwaite.

SENATOR R. E. BRATHWAITE: Mr. Acting President, I am very happy to rise on an occasion such as

this, as one who lives in a fishing area. But, what makes me a bit ashamed and shocked are the remarks from the last Hon. Senator. I wonder if he really meant it when he talked about this amount of money, if we can afford this money. I wonder if he has family who are fishermen.

Not later than last Sunday afternoon, we were discussing the problems which exist now, with the poor fishermen from time to time, who got out in the sea drifting and things like that. We all know that the last Coast Guard was money wasted. I would like to draw an instance. We had a boat from the Half Moon Fort Beach and the sea came and tumbled the boat over. The fishermen called the Coast Guard in Barbados and were lucky enough that another boat brought them to shore. As soon as they got to shore, the Coast Guard men sped from Bridgetown to St. Lucy to ask where the ship is supposed to be. They told them that the ship is somewhere and they said we have to go back to town to refuel our boat. Well, you know what is the meaning of that, we never saw them return at all. That poor man's boat cost \$35,000.00. Hard luck with him, he could not get a boat like that insured and that is \$35,000.00 which went down the drain.

So, I feel happy, Mr. Acting President, this afternoon, to know that we have a Government which is going to have an efficient Coast Guard, which will take care of the poor fishermen because we realise that we depend on those poor people from year to year to help feed the poor people in this country with the fish which they bring in from week to week.

Another problem Mr. Acting President which I would like to draw to your attention is that it is a breath of relief. Very few fishermen nowadays can deal with fish pots because the wire seems to be very dear. Last Sunday, two gentlemen told me that sometimes they go out and catch about 100 pounds of fish in one pot and have to dump it in the sea. Why? Because all the fish there are dead. You do not have a Coast Guard that when men blow in the sea a mile out, they do not only blow inside, years ago, we had men who would blow at the edge, or a few yards out but now, we have some experts who go as far as a mile or, a mile and a half out in the ocean to blow fish and when the poor men go to haul their pots, they find the fish there dead. So, I am happy with a Bill such as this Mr. Acting President because I know that it is a relief to some of the poor fishermen around my area.

From time to time, I listen to the Hon. Members of the Opposition because I live at the farthest end of this country. Some nights I have to be going home very late and I saw all sorts of awkward things on the West Coast. I saw white, black, all colours of men on rubber dinghies at night and the boats moored off to sea. I do not know if they were Russians, I do not know if they were the Sydney Burnett Alleyne Group, I do not know who they

were, but I am sure that I saw these people come in from sea, moor in the little dinghy and they get refueled, go back to sea and do their own thing. Some nights, you have boats which come over there, they just pull up and stop there the whole night, so you know how people like us will feel down in St. Lucy having no guard.

All of us had the privilege already, I believe, of sleeping under a watchman guard and you feel very happy when you have someone to watch you. You know that this Island has quite a few million dollars here and I am sure that everybody who has money invested will feel that they have some kind of security at the sea area.

When you look around and see there are some people — I heard the last Hon. Senator talk about coming in to the fire which was in Bridgetown with guns. Now, we all know that we do not know how people in Barbados get guns, but a lot of free guns are knocking around this place. I do not worry about people with guns because if I go down Broad Street and a fire is burning down there, I would not worry that a man would shoot me because I believe that if a man has a gun there and he goes there and he has a gun, he will have it on his shoulder for any lawless person to see and to stop him from doing any kind of lawlessness. But, I do not think that it would make sense for a man to go out there with his hand folded to think that he could demand Law, Order and respect, because there are all sorts of people in the streets there with guns to shoot at you, so you have to be sure when these things arise that you have these things to guard you.

I am very happy with a Bill like this and I would like to let you know that I stand firm behind a Bill like this. Thank you, Mr. Acting President.

SENATOR THE HON. N. A. BARROW: Mr. President, in one sense a reply is not necessary since both hon. members who spoke are in agreement with the Resolution, but there is in another sense the necessity for me to reply, and it is this: as far as I am concerned, Sir, we must recognise that a job which will take \$100 to do is a job that we can look at and determine whether we will do a little more and spend \$150, whether we are going to go lavish and probably spend \$500 and so on, but there is no getting away from it that there is a certain minimum cost involved in doing anything. This is a point which we had out many years ago when on the Under Forties platform we told the then Premier that his estimate of what it was going to cost to operate a foreign service in Barbados, \$½ million, was a joke. It did not take any time for the whole country to recognise that this estimate was a joke, and I am not suggesting that the gentleman was trying to fool anybody or anything of the sort. The point is that there are times when you believe you can do things at a certain cost, but when once you start to look seri-

ously at the project and to cost it, you recognise what your minimal cost is.

Sir, to operate the basics for a Coast Guard is an expensive matter. We therefore have to determine whether these Coast Guard functions are functions which have in the public interest to be performed or whether they are services which we can do without. But once we determine that they are services which have to be performed, then there is no point posing the question which Senator Hunte poses as to whether you can afford to spend this kind of money, otherwise all that will happen is that we will go and do exactly what the previous administration had done, spend a substantial amount of money but not enough and get nothing for it but a long record of maintenance problems and ships that are not seaworthy and ships that cannot do the job for which you purchase them. So I think we have to recognise, Sir, that the question is not how much money but whether if you spend less money it would not be just throwing it down the drain.

I think Senator Hunte will agree that this is a more reasonable approach, and therefore he was only throwing a little thing when he raised the question.

SENATOR D. H. G. HUNTE: Mr. President, I was not trying a little thing or any big thing, I do not think he should use that kind of language. I said \$14 million is a lot of money and that the Government must have come to the conclusion after long discussion that it is necessary to spend this money at this stage. I did not say that we should reduce it or not. I supported the idea of the thing. Let him tell us about the guns and let us get through with the business.

SENATOR THE HON. N. A. BARROW: I did not understand from the Senator's comments earlier that he agreed with the spending of this amount of money. I know he agreed with the Coast Guard, he agrees with the Defence Force, and I understand him really to be raising a question as to whether you could really afford to spend that amount of money and that kind of thing. I am sorry, Sir, that I misunderstood him.

The other point that I really want to make is a point which I am hesitant to make, because it is Senator Hunte's. I would like to make it in relation to the people who refer to people as coming from the jungle suggesting that they should go back to the jungle and so on. A member in the Other Place referred to the Chief of Staff and said he should go back to the jungle that he is accustomed to, and went on to say that he had known him from the time he was age six. Evidently there is something about whether he met him in the jungle when he was in the jungle there, but I do not want to get into that because I do not understand what he means by that,

but there has been from certain quarters this general thesis of dividing the Police and the Defence Force, of suggesting that there is some inherent conflict in having a Police Force and a Defence Force. There is a point that we have to recognise. Once we say we support the concept of a Defence Force, once we recognise that it is essential and has a role to play, we have to go the second step and recognise that for any such force to perform efficiently there has to be public confidence. We don't just take every little thing and keep harping on it.

I agree, Sir, that we have to be watchful. There are only three men who had guns out of a large number of Defence Force personnel down in Swan Street that night by the fire. I am reminded when there was a fire at the corner of Beckles Road, a Bay Street fire, the Defence Force member who save a little child from the fire had a gun. It just happens that I may not like guns, you may not like guns, but soldiers do carry guns, and if we are going to get used to the idea of a Defence Force, we are going to have to recognise that people in the Defence Force carry guns, and I prefer to see the Defence Force with guns than to see us start to arm the police. I think in every country, at least every country that I know where you have armed police, there has been some of the worst breed of results from that, and we are very lucky that in Barbados we still have a police force of quality which does not patrol the streets with arms; but the people who are given the more difficult assignments, whose training is essentially military and who are to be expected to carry guns are people in the military service. I think we just have to recognise that.

I do not like it when I get off the plane in certain airports I see a military presence. I get nervous because I am not used to it, and I do not want us ever to reach the stage where that will be a norm. But we have to recognise that on the few occasions that we might have to bring the Defence Force out, even though it is in something like coming and assisting with putting out a fire and trying to stop looting and that kind of thing that it will not be unnecessary sometimes in the judgment of those who have to make these decisions that one or two persons may be armed. What I would find abhorrent is if they had to bring out 50 or 60 people for fire fighting exercise and all 50 or 60 had to come down heavily armed; but when a very small number out of a large detachment is armed, I believe we should stop and look at it in context and not just try to panic people by referring to these two or three people with guns *ad infinitum*.

I do not believe that the people who refer to it are necessarily referring to it because they want to make any political mileage except those who refer to it outside there in certain terms, and to those who do so I wish to make one statement: they are talking about what happens with Defence Forces, the kind of record Defence Forces

have; they should talk about the damage that people like themselves do when they seek to foster distrust in the community at large and to attack persons who are in the first instance being trained to play more useful roles in the community, and in the second instance are there as a line of defence for the country, such line of defence as we can afford.

I believe, Sir, that nothing in the conduct of the Defence Force would justify the fostering of the fears which I know is going on in certain quarters. On the contrary, what the Defence Force has embarked on so far, whether it is the putting out of fires, rescue missions, trying to help put the country together again after hurricanes, or in covering matters which the police found themselves not properly trained to deal with, and therefore being able to bring in a big marijuana haul down behind Farley Hill, I think they are beginning slowly but quite effectively to build a record of significant service to the community.

The question that the Resolution be concurred in was put to the Senate and agreed to.

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF TWO PARCELS OF LAND AT THE CORNER OF HOWELLS CROSS ROAD AND TWO MILE HILL

SENATOR THE HON. N. A. BARROW: Mr. Acting President, last week certain points were made, and having considered and taken advice, I am assured that it is entirely proper for us to proceed with this matter at this stage. I am putting into circulation, Sir, the map.

This is a matter which can be disposed of very quickly, in that in one way or other its history goes back quite a few years. The large parcel of land is one, Sir, which during the tenure of the last administration it had been agreed to purchase and at that time it was not possible for there to be agreement on price. Administrations changed, the decision to purchase has not been varied, the ability to agree on price has not been varied, and therefore, Sir, as in these matters we proceed by compulsory acquisition.

The other parcel of land reflects a decision that once the matter has been carefully considered the original decision to purchase only part of a very small property would have so affected the amenities that it would neither be equitable nor indeed reasonable, and therefore the entire property would have to be purchased.

The Resolution concerns purchase of property for the purpose of road widening at Howells Cross Road. It is an area of fairly heavy use which has been made heavier by the situation of the Community College campus. In the second one, too, Sir, I should mention

that the reason again for compulsory acquisition is that price has not been agreed.

I therefore move that the Senate concur in this Resolution.

SENATOR J. A. CONNELL: May it please you, Mr. Acting President, Deputy President, last week when this matter came before us certain reservations were raised, the Leader of the Senate indicated that he had taken advice on these reservations, apparently in the light of this advice he feels that he can proceed on the matter. My own position is that the Resolution apparently concerns the person who at the moment fills the position of Governor General, he is acting in the position of Governor General of Barbados.

My reservation had to do with the fact that the person who fills the office of Governor General at the moment will have to participate in the Resolution becoming a legal entity. I was inclined to feel that since he himself had an interest in one of the parcels of land that it was not the best thing for the Resolution to go through at this stage. I feel, for example, that if he were in the Chair that you now occupy when the matter was being discussed that he would have absented himself and asked for someone to take his place. I feel, therefore, that by the same token he should not be required to assent to a Resolution in which he has a personal interest.

I think that these are bad precedents to create, I understand that it has been done already, to my mind that is no excuse. If it is felt that it is inappropriate for a person who has an interest in a Resolution to assent to it, and it has been done already, then all that means is that an inappropriate step was taken in the past. I see no justification for a repetition of it on the ground that it has happened already. It is very easy, Sir, to become involved in doing these things and setting bad precedents and continuing to follow them.

I think Sir, that the proper thing to do would be to ensure that a person who has a personal interest does not participate in the legal process whereby the Resolution becomes effective in the Law of Barbados.

I feel sufficiently strong about it Sir, as to abstain from voting for the Resolution if the Hon. Leader of the Hon. Senate continues with it.

Mr. ACTING PRESIDENT: Senator Adel Lynch.

SENATOR A. LYNCH: Mr. Acting President, I am not too concerned with the technicalities of the matter, but as a regular user of that bit of road, I am very happy to see that something is being done now and only regret that it had not been done before to solve a very big problem. In fact, I am amazed that there have not been a

number of accidents on that little junction on the Two Mile Hill and Howell's Cross Road area. In the crop time specifically, when there are large carriers of sugar and so on in that area, one wonders how the students of the College are really able to make their way safely. Even when it is not crop time, there is a problem if you get a bus and just one other vehicle because the road is extremely narrow there and all I can say is that I am glad that it has come now and sorry that it had not come before.

Thank you.

SENATOR D. H. G. HUNTE: Mr. Acting President, as I understand it — the Plan has not reached this side yet — the entire property is being acquired.

Now, my colleague had raised the matter last week with the then Acting President and the Hon. Leader. The Hon. Leader has given an assurance on it, so I accept his assurance. What I want to check on Sir, is that the entire property is being purchased. I believe that the building on that site, is in good repair and I would like to know from the Hon. Leader of the Hon. Senate, in his reply what plans the Government has for the use of the building. Whether we are going to find that in order to improve the road, we are going to bulldoze the building because I do not believe that we should buy relatively good buildings — and I think that that is in good repair — and then bulldoze them just because we want some road improvement, whether it is possible that we could use it, whether we could continue to keep the house and if he has any idea what purpose it would be put to.

It is not customary and the Acting President raised it last week when we went out, we have been passing these land acquisition measures, from time to time, Mr. Acting President, and we seldom get any indication as to the cost, the price which is being paid for these acquisitions. One of the reasons why my colleague and I would not feel that we should proceed with one, was not in view of the fact that Sir Arnott is acting as Governor General, but because there may be certain questions which one might wish to ask on this. Perhaps, people may feel that you are asking for political purposes. But, we are aware that the former Administration had plans to acquire this property and it was only last week that we discovered that there was no agreement on price.

I do not know if the present Government has offered a lower price, or is buying it at a lower price than the former Administration had proposed or what the position is, but, we felt that with your property, you ask your price for it, you are not getting that price for it and then, the Government tells you, we are taking it at this price and then, you have to sign it away to the Government, more or less, because the Acting Governor General

will have to assent to this Resolution. It was from that point of view that we felt that it should be left.

If the advice which the Hon. Leader has received is such that it can be proceeded with, well then, I will have no objections to agreeing with it because I know the corner myself and I know that it is a very bad corner, but I would like some indication as to what purpose is going to be made of the building itself which is on the land.

SENATOR THE HON. N. A. BARROW: Mr. Acting President, in my opening remarks, I was indeed to mention that the rest of the land has been earmarked for housing development. Unfortunately, it slipped me and I apologise to Hon. Members.

I cannot state what the present — let me explain, Sir. It is one of these situations in which, if you cut the land off in a way which was previously proposed, there is a loss of amenities. The previous Administration saw that point. This Administration see that point. We therefore had to decide, are there additional purposes which would apply and therefore, which would make the entire purchase reasonable.

The need for lands to relocate persons who are being dislocated as a result of urban renewal for example. When you move Church Village, you have to find some place to put people. It was therefore decided that the rest of the land could be used for a housing development and for that reason therefore, the rest of the land will be put into housing. Some suitable purpose Sir, but I am not aware as to what determination there has been on the future use of the house, but it would be put to good purpose.

SENATOR J. A. CONNELL: Sir, if the Hon. Leader of the Hon. Senate would give way; it is somewhat unfortunate that he chose to mention as an after thought in his reply that this land would be used for housing. I think that if he had mentioned it in his introduction on the Resolution that the Hon. Senate would have wished to discuss it. There is really not suited for housing. What would be the amenities which the people who live in these houses would enjoy?

It is highly unfortunate, I think, that the Hon. Leader of the Senate has, in a rather convenient after thought, chosen to mention to us, at this stage, that the rest of the land would be used for housing. I thought that the Senate would have wanted to discuss that.

SENATOR THE HON. N. A. BARROW: Mr. Acting President, it is clear that some will differ as to where a house ought to go and as to the need of a particular area, but those who understand the needs for housing in this country and also understand the need for housing in the

area adjacent and also the scarcity of lands in the St. Michael area to relocate persons who are being displaced, as a result, for example, of the Church Village Project are of the opinion that it would be an appropriate place for housing.

Mr. Acting President, there is the other matter which has been raised, but — Sir, I cannot understand how people can feel that you are devaluing property when you provide housing for working class people. I do not understand how we can be out there asking working class people for votes and then say that when you put them to live next to you that you are devaluing the property. Mr. Acting President, I think that we have to take our own social conscience Sir and examine where we are coming from.

The point Sir, in relation to Senator John Connell's point is this, the Rules of this Hon. Chamber preclude one who has an interest in a particular matter from engaging in Debate on that matter.

On the other hand where the question of assent is concerned, assent is exercised only on the advice of the Minister. Depending on which route you take therefore, whether one of a strict legal decision or one of sensitivity, there is no problem because Sir Arnott is free if he goes a strict legal route to do as Sir Winston had done before him when property concerning himself was being purchased by the Government and signed the assent, and he did nothing constitutionally wrong; or he is free to say it is my property involved and therefore we can have the assent deferred until September 11 when Sir Deighton comes back, but there is no huge constitutional point in it, Sir, and there is not even the slightest hint of impropriety.

SENATOR J. A. CONNELL: If the hon. member would give way, there is a constitutional point in it and this is the reason why it is bad to set undesirable precedents. The Rules prevent us from debating the conduct of the Governor-General in here except on a Resolution specially authorised. If therefore we wanted to debate this matter fully for some reason or another, we are boxed in by these Rules from making certain statements. I think on the whole it is undesirable for any matter for that particular reason to come into a debating chamber at this time. A member may well feel inhibited by the Rules which say you cannot freely discuss the conduct of the Governor-General without special procedural permission. That is the point.

SENATOR THE HON. N. A. BARROW: Mr. President, I take that point, but really, are we not just dealing with a matter of people rather than with the principle? Because if we proceed on the people basis, suppose the vendor in this case had been Sir Deighton Harcourt Lisle Ward who is Governor-General, the Rules would have

applied in exactly the same way. Do you mean that any such transaction would have to wait until Sir Deighton died or retired? It means that as long as the person who occupies the post has anything which the Government might wish to take, beg, steal, borrow or purchase, then that transaction must not be proceeded with. I am sorry, but I think we have to recognise that there are circumstances in which we have to look very closely, examine it and see that no constitutional interpretation in this world which would make a whole mockery of day to day business could possibly be applied to a situation like this. We satisfy ourselves that the only thing that could disturb you is, is there impropriety, can there be impropriety, can it be made to look like impropriety, and once we find the answer to these questions, then there is absolutely nothing wrong with it, Sir.

If you permit me, Sir, I said in both of these cases the price has not been agreed. The price will fall to be settled by arbitration or further negotiations in the same way that you have in any compulsory acquisition where the price has not been agreed. It is nothing unusual. If Mr. X wants \$Y and you decide to offer \$A and you do not get together, the Government proceeds by compulsory acquisition and it is settled thereafter. The Courts have been known sometimes to be generous when it has reached that far. There is no problem with it. We just have not agreed on a price and that is all.

The question that the Resolution be concurred in was put to the Senate and agreed to.

Mr. ACTING PRESIDENT: In view of Senator Connell's wish to abstain, let it be recorded that he has abstained from voting in this measure.

THE BROADCASTING ACT, 1980

The Third Order of the day was called — to move the concurrence of the Senate in an amendment to the Bill to provide for the proper management and control of broadcasting in Barbados, the establishment of a Broadcasting Authority and for related matters.

SENATOR THE HON. N. A. BARROW: Mr. President, when this Bill was passed in the Other Place it was necessary to move an amendment to Section 15 where the term used was Minister responsible for Communications, and that was deemed to be an inaccurate bit of drafting in that it should have read "the Minister responsible for telecommunications". The House of Assembly therefore made that amendment and has therefore sent the Bill back to us asking that we agree in the amendment by replacing the word "Communications" in Section 15 with "Telecommunications".

On the motion of Senator the Hon. N. A. Barrow, the amendment was concurred in.

SUSPENSION OF SITTING

Mr. Acting President suspended the sitting for twenty minutes.

On Resumption:

Mr. ACTING PRESIDENT: The Senate is resumed.

THE UNITED STATES (OCEANOGRAPHIC RESEARCH STATION) (REPEAL) ACT, 1980

SENATOR THE HON. N. A. BARROW: Mr. Acting President, this Order and the one after it concern the same subject matter. They refer, Sir, to the oceanographic station which used to operate at Husbands in St. Lucy and which during that time was a United States base.

This is a matter, Sir, that has been well ventilated, I believe that everybody knows that the attitude of the Government was that if Barbadian soil was to be used for a purpose which is non-Barbadian, and used within the context of the United States defence strategies, that (a) we would need to be satisfied that it was a proper purpose within our context, and (b) that we would need to be satisfied that the terms and conditions under the agreement were such as were in our best interests and that they were faithfully observed.

There is a long history relating to attempts to renegotiate an agreement and the terms which, if any agreement was to be negotiated, this country would have to demand. Those terms included settlement of outstanding liabilities incurred by the United States Government, that the negotiations reached no satisfactory conclusion, and therefore it was a matter of the United States removing those persons and of the Government of Barbados assuming again title for those lands.

What we are therefore doing here in these two Bills is seeking to clean up the record by having the proper vesting of the lands and termination of the whole basis for the operation of the oceanographic research station. Barbadians who were employed on the base have long since been reabsorbed in gainful employment, except for those who wished to emigrate and who have done so.

Mr. Acting President, I move that this Bill be read a second time.

The question was put to the Senate and agreed to.

APPOINTMENT OF CHAIRMAN OF COMMITTEES

SENATOR THE HON. N. A. BARROW: Mr. Acting President, for the purpose of this evening's meeting it is necessary that we elect a Chairman of Committees, and I move that Senator Linton be Chairman of Committees for this evening's sitting.

The question was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: Mr. Acting President, I move that the Senate do now resolve itself into Committee on this Bill.

The question was put to the Senate and agreed to, and the Senate resolved itself into a Committee on the Bill, Senator H. R. Linton in the Chair.

SENATOR K. E. HINDS: Mr. Chairman, I beg to move that the Bill be taken as read.

The question was put to the Senate and agreed to.

Clauses 1 and 2 were called and passed.

On the motion of Senator the Hon. N. A. Barrow, the Senate resumed and the Bill was reported as having passed the Committee without amendment. Mr. President resumed the Chair and reported accordingly.

On the separate motions of Senator the Hon. N. A. Barrow, the Bill was read a third time forthwith and passed.

THE CROWN LANDS (VESTING AND DISPOSAL) (AMENDMENT) ACT, 1980

SENATOR THE HON. N. A. BARROW: Mr. Acting President, in moving the last Bill I referred to the fact that this one is a companion Bill to it. The purpose here, Sir, is to remove all references to the United States Oceanographic Research Centre from the Crown Lands (Vesting and Disposal) Act, Cap. 225.

I move that this Bill be read a second time.

The question was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: Mr. Acting President, I move that this Senate do now resolve itself into Committee on this Bill.

The question was put to the Senate and agreed to, and the Senate resolved itself into a Committee on the Bill, Senator H. R. Linton in the Chair.

SENATOR K. E. HINDS: Mr. Chairman, I beg to move the Bill be taken as read.

The question was put to the Senate and agreed to.

Clauses 1 to 5 inclusive were called and passed.

On the motion of Senator the Hon. N. A. Barrow, the passing of the Bill in Committee was reported to the

Senate and Mr. Acting President resumed the Chair and reported accordingly.

On the separate motions of Senator the Hon. N. A. Barrow, the Bill was read a third time and passed.

SENATOR THE HON. N. A. BARROW: Mr. Acting President, I beg to move that Standing Order No. 45(2) be suspended in order to enable us to take the additional matters through in all their stages this afternoon.

The question that Standing Order No. 45(2) be suspended was put to the Senate and agreed to.

THE SERVICE TAX BILL, 1980

Order No. 6 was called – to move the Second Reading of the Bill entitled the Service Tax Bill, 1980.

SENATOR THE HON. N. A. BARROW: Mr. Acting President, Senator the Hon. O' Brien Trotman is taking charge of this Item and the Item following immediately after.

Senator the Hon. D. G. Blackman is taking charge of the Geneva Conventions and Married Women Amendment Bill.

Mr. Acting President Sir, since a List of the items would not have been circulated, the order in which we would like the items called is:

Order No. 6.

Order No. 7, – The Exchange Control Act.

Order No. 8, the Second Reading of a Bill to provide for the imposition of a charge in revenue earned by dealers in petroleum products, *et cetera*.

Order No. 9 – to move the Second Reading of a Bill to amend the Storage and Petroleum Act.

Order No. 10, – to move the Second Reading of a Bill to amend the Companies Act.

Order No. 11, to move the passing of a Resolution to approve the Water Works (General) (Amendment) Regulations, 1980.

Order No. 12, to move the passing of a Resolution to approve the compulsory acquisition of land at Oistin in Christ Church for the provision of a fisheries terminal complex;

Order No. 13, to move the Second Reading of a Bill to revise the law relating to the imposition and collection of consumption tax;

Order No. 14, to move the Second Reading of a Bill to amend the Married Woman's Act;

Order No. 15, to move the Second Reading of a Bill respecting the Geneva Convention of 1949.

Let me say that with three exceptions they are all revenue matters, they are money Bills in respect of which the powers of this Chamber are severely limited. It is to be regretted that the pressure of work in the Attorney General's chambers did not permit these to reach before, and they have to be passed by 15th August and secondly as we undertook last week, we would seek to do everything possible to ensure that at least the Senate gets some kind of recess.

THE SERVICE TAX ACT, 1980.

The Sixth Order of the day was called – to move the Second Reading of a Bill to provide for the imposition of tax on the proceeds of the sale of certain services and for related purposes.

SENATOR THE HON. O'BRIEN TROTMAN: Mr. President, in the Budget Speech of April this year the Minister of Finance gave notice that he would be seeking to raise revenue from certain persons who operate especially in the tourist sector. He specifically mentioned the self-drive car business and he specifically mentioned the question of water sports and cruises. In the matter of the self-drive cars it was estimated that the revenue from the tax at 8% would earn \$600,000 per annum, and that the revenue from cruises and water sports would bring in another \$130,000 per annum.

The Bill which is being considered seeks to provide the framework for the collection of that revenue. As I understand it, Sir, the Bill when it is passed will provide the Minister with power to make the necessary orders which will then be the collecting authorities for the Commissioner of Inland Revenue.

The tourist business seems to be attracting a lot of people who are providing services for visitors to Barbados, and before I formally move the second reading of the Bill, I just want to say that I am becoming very concerned about the revenue which some of the fly by night operators are not paying in, and I hope that the Bill is passed and the necessary orders are written so that the Government will get their fair share of revenue. It has been drawn to our attention, for example, that persons come here as visitors themselves and then assume that they are tourist operators for other visitors coming from their own country, collecting substantial sums of money none of which ever reaches the Treasury, and I only hope that when we have passed the Bill that we can collect some of that money. I do not want to mention here the fact that we want to get some of the work permit fees

from them as well, but we do have this invasion of visitors turning to operators and I can only hope that, as I said earlier, the legislation here will help us to curb some of that activity and channel some of the money into the general revenue of this country.

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

SENATOR D. S. MacKENZIE: Mr. President, I am a little concerned really about what is taking place here this afternoon concerning the passage of these items which for the first time Honourable Senators are seeing and reading. A lot of them are to do with budgetary proposals I know, but I think that none of us in fact can deal with many or some of these matters as they should be dealt with without having had an opportunity to read and study what the legislation has to say.

Referring now specifically to this Bill, having read a couple of pages of it, I understand, Mr. President, what they are trying to do here, that is, we are trying to raise as a result of the Budget Speech increased revenue from various activities that go on in the tourist sector, and the Minister will at his discretion bring down orders from time to time stating what areas of activity and what areas of services should be taxed. It is my opinion that it is going to be very very difficult to try to collect tax on an equitable basis on the basis of this Bill. There are going to be many areas, some of which the Minister may deem that he should try to collect tax from, and there are others that he may deem that he should not.

Tourist revenue arises from, I can think of, taxi operators, island tours, water sports, the Jolly Roger. Now if I deal with the water sports, there are many many individuals who have concessions down the coast and there are some who do not have concessions but who operate speed boats, and in my opinion there is no way in which they are going to voluntarily go in and make a declaration on a monthly basis to the Commissioner of Inland Revenue stating what they have collected in the boat for that month. Similarly, you are going to try to collect possibly from chartered fishing boats. I do not think the people are voluntarily going to go in and tell them exactly what they made on that basis either. I personally feel that taxi operators and island tour operators will be omitted for political reasons. So when we have a method of taxing people and you are going to go to individual groupings where it is on a decision of an individual Minister where he should try to get the money, I find that that is bad taxation and that is a bad move because it is not equitable within the community. It is going after only those who have been organised and are organised in a way that you can go after someone like the Jolly Roger where you can see what they have as their assets and you can monitor what they are doing; but all the small ones you will not be able to monitor, and if

you were to try to monitor them, because as I said before they are not going to make a return every month to the Commissioner of Inland Revenue, then we have really got to have either the Coast Guard at work with speed boats to see what is going on at every beach on the west coast, or you will have to have a whole flotilla of somebody else out there looking to see what is going on.

This type of legislation I have an inherent objection to. I feel that it is discriminatory, I feel that it goes against only well organised people, I feel that it is something that is difficult to collect. It is like trying to collect income tax from people who operate fishing boats, an absolute impossibility, or people who keeps chickens, or people who keep sheep, or people who do things like that. You cannot get it from them and this is just another one of those areas where selected targets will be picked out.

This is just another one of these areas where selected targets will be picked out and for political reasons other targets will be left out, and I have an inherent objection to that type of taxation. I don't think that this type of Bill is a good Bill, I don't think it is in our best interest. I agree if we can come to a method of collecting tax on an equitable basis, I agree with that. I believe that the tourists who come here and enjoy our facilities ought to be asked to pay taxes, and these people who are making money out of it ought to pay their share, but it was my understanding that we would have everyone who had an occupation registered in the field or in the occupation in which they were going to pursue their activities, and everyone is supposed to register as all sorts of things; boat operators, this, that and the other. That was the idea with which you would be able to get after them with tax, and it is going to be very difficult, but it would be on a personal basis. It is going to be very difficult to put this type of legislation into effect, I think it is going to be costly, difficult to administer, and I think it is not the type of legislation particularly that I would like to see.

The idea is a good one, the collection of the money, I believe that we have to tax services, I believe that we have to have indirect taxation, I believe that that concept that you can relieve personal taxation for people so that they would be able once again to exercise the God given rights that they have to rise to whatever level they can in the society without the burden of unreasonable and onerous levels of taxation. I think that would do the community good, but as I say, Mr. President, I have not read the whole thing, but having looked at the gist of the headings these are the thoughts that strike me.

Now, if I may just make further comments on some of these Bills, some of them I will have no problem with,

but there is one in particular that I could not in any way attempt to cast my vote for, and that is the one that would deal with the revision of the law relating to consumption tax. I will reserve to speak on it when it comes up again, because I cannot agree that we can be presented with a thing like this, and this bears little relationship as to what is in here and what was said in the Budget Speech by the Prime Minister. The two things do not come together, they do not even read as if they are in the same language, and I for that reason cannot accept this this afternoon.

SENATOR O'BRIEN TROTMAN: Mr. Acting President, Senator MacKenzie would have us live in a country with no taxation, except taxes on gaming machines and maybe banking licences. I say that, Sir, because he is against selective taxation. He is against the principle of taxation in which some people will pay and some will not pay, but I am saying that some people pay income tax and some do not, some people pay customs duties and others do not.

SENATOR D. S. MacKENZIE: Mr. Acting President, I wish that the hon. member who is speaking would not interpret or try to interpret in the manner that he is what I would have and what I would not have. It is merely his opinion and it is not factual, and it is going down in the records of this Senate, and I think that at least he should try to be factually in what he does have to say with regard to taxation. I do not object that some do not pay and some do, so that is not a correct thing. I understand the method of taxation, I know that those who earn more will pay more and those who earn less will pay less, and those who don't earn enough will not pay any at all. I accept that, I have nothing against that, because I believe that that is how a society is ordered, and it has to be, but beyond that I wish he would not read into what I have said anything more than I have actually said.

SENATOR O'BRIEN TROTMAN: Mr. Acting President, I believe that I am trying to be fair to the Senator. The Senator, as I understand it, is complaining because those persons who are organised in the tourist business will now find themselves having to pay taxes on the services they offer tourists, whereas the ones who are free lancing will not have to pay taxes. That is a matter of tax evasion, Sir, and what I am saying is that if we are not going to establish a tax on the principle that some people will evade the tax, therefore there will be no tax in Barbados, because people evade income tax, so that is not equitable either. People smuggle and therefore evade customs tax, so you have to abolish customs taxes too. If you look through the whole Schedule of revenue, Sir, you will find that there is almost every item shown in the revenue of this country where there is some opportunity for tax evasion, so we cannot submit that there should not be a tax established because there is

some loophole for evasion of that tax. That is the point I am making.

There are persons in Barbados, Sir, who spend large sums of money to erect hotels to offer a service of hospitality to tourists, and they pay a service charge. That is selective taxation. Some other people have tour coaches and they offer a service, they do not pay for their selection of service, but in the Budget Speech to which this Act relates there is no mention of fishing boats, and therefore the point raised by the Senator about fishing boats not paying is in my opinion not quite relevant, because at present it is not intended that persons in the fishing business should be taxed. We should not be too worried about the tax evasion, because the speed boats are registered so that Government has a source from which it can find out who owns speed boats and who do not own speed boats, and therefore it is not too difficult to track down who is taking who out for ski exercises and things like that. That can be checked and I am not too worried about that, Sir, but I am sure that there will be some tax evasion and that is as criminal as making a false return, as criminal as evading customs at the airport, and there will always be tax evasion.

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

The question was put to the Senate and agreed to.

On the motion of Senator O'Brien Trotman, the Senate resolved itself into a Committee on the Bill, Senator H. R. Linton in the Chair.

SENATOR K. E. HINDS: Mr. Chairman, I beg to move the Bill be taken as read.

The question was put to the Senate and agreed to.

Clauses 1 to 25 inclusive were called and passed.

On the motion of Senator the Hon. O'BRIEN TROTMAN, the passing of the Bill in Committee was reported to the Senate and Mr. ACTING PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of Senator the Hon. O'BRIEN TROTMAN, the Bill was read a third time and passed.

BILL TO AMEND THE EXCHANGE CONTROL ACT

Order Number Seven was called — To move the Second Reading of a Bill to amend the Exchange Control Act.

SENATOR THE HON. O'BRIEN TROTMAN: Mr. Acting President, Sir, the Bill seeks to amend the

Exchange Control Act, Cap. 71 by including a new Section 48 which provides the Hon. Minister of Finance with the power to prescribe fees for certain transactions made by the Exchange Control Authority.

It is another of the Budget Bills Sir, of April and whereas the Bill before us will not say what exceptions there are and what they will apply to, the Budget Speech itself indicates which transactions will be exempted from the payment of fees and which will pay fees.

It is hoped Sir, that the revenue collected between May 1st and March 31st of next year will come to some \$540,000.00 and I beg to move Sir, that the Bill be read a second time.

SENATOR MISS M. I. St.C. BLACKMAN: Mr. President, we have before us several bits of legislation which we have seen this afternoon for the first time. There has been quite some comment in this country for some time as to the use of the Senate, whether it should exist or whether it should be abolished, and I think, Mr. President, that in fairness to ourselves we should ask that we should be given time to consider measures which come before us before we are asked to just give a *carte blanche* to go ahead. If that is what is to happen, well it is as well perhaps that we do not exist as a body. But I think that in fairness to ourselves we should say that we want time to consider these matters before we just give a blanket "aye". If that is what is to happen, there is no point in our being here and I do think, Mr. President, that I would welcome an opportunity to look at some of this legislation which is before us this afternoon before I vote on it.

SENATOR THE HON. N. A. BARROW: Mr. President, at the beginning of this sitting this evening I believe that I asked permission to take these financial matters through on the ground that they had to be through by August 15. I believe, Sir, that since the meeting before last I was inviting members' agreement to deal with these matters when they came up. I believe, Sir, that when we tried to meet last Friday, this was what we were trying to meet about, and you will recall, Sir, that we had enough members appointed by the Governor-General in his discretion to allow us to meet if only we had had enough on our side, and I am glad to see that we have enough this afternoon.

I believe, Sir, that there was a budget early this year and that the subject matter of these very Acts cannot be a matter of strangeness, cannot be a matter of newness to any member of this Chamber. In respect of the money Bills I believe we need to remind ourselves what our powers are, and I believe, Sir, that those of us who are conscious of the situation readily agreed, or if there was reluctance it was not communicated to me, that we could put these money Bills through this after-

noon rather than seek to schedule another session at a time when it is difficult to get a quorum, and therefore I cannot understand all of the railing at this stage about not having time to consider these matters, because the principle of each of these matters of legislation is something which has been in our awareness since budget day, and I believe, Sir, that it is the principle of each of these matters of legislation with which members would usually deal in their contribution during debate.

I want to speak my mind very clearly on that before I go on to make my next point, because I do not believe that I would wish myself had I been in such a situation to be encouraged into thinking that I could ultimately claim to be unaware of the subject matter in any of this legislation. There are two items concerning the reform in the law of Tort and the Geneva Convention. We have looked at the files over here and they do not in any way constitute matters of urgency, and therefore it is our intention to leave them behind. As to the rest, if members wish to assure me, Sir, that they will provide us with a quorum, if people feel that there is something new which they wish to comment on, and I cannot see what there is going to be new, I must tell you that — the Budget cannot be new; the contents of the Budget whether we had a chance to debate it or not, we are literate and we read it; some of us saw it on television, all of us listened to it. (Asides) No, Sir, I think those who are going to feel it are going to feel it at the end of this month. This is a tax free month and we are free to debate that you should not have a tax free month as to debate anything else, but I just want to ask members to recognise their solemn duty. If we say that in spite of the fact that we are dealing with a subject matter which has been a matter of our awareness and our concern since 9th April and on 6th August we still want more time to put our thoughts together, give me a guarantee that on Friday whether at 12 o'clock or at 2 p.m. we can meet, and I am quite prepared to defer, but it is very difficult I know at this time to get together a meeting. We proved it last week and I do not believe we should try to prove these things which we know already what the position is going to be.

Mr. ACTING PRESIDENT: We are in fact, hon. members, dealing with a Bill to amend the Exchange Control Act, Cap. 71 and I would wish to deal with that Bill before any question of a future meeting of the Senate is dealt with.

SENATOR D. H. G. HUNTE: Mr. President, if one of the members during that discussion raised an objection, then I think that objection which Senator Blackman raised should supersede dealing with the Bill and we should get this out of the way. If the Leader of the Senate is prepared to give way until Friday or Wednesday or something, then I do not think we should proceed to deal with it in view of what she has said. She raised a

point on that particular matter. The only thing in relation to what the Leader said is that it is true the Budget was delivered on April 9 and we now come down to August 6 to deal with these matters. He explained that the Attorney General's Chambers were hard pressed; there is no objection to that, but I believe that there is a limit that if they are not finished within a four months period then they do not become law. It is not our fault that the legislation was not out. I appreciate we heard the Budget but four months is a long time, and I believe Senator MacKenzie made mention earlier that the one dealing with Consumption Tax varied in his opinion from what was said in the Budget Speech. If we are going to have a meeting on Friday, I do not think we should proceed with the Exchange Control order, I think you should try to accommodate Honourable Senators.

Mr. ACTING PRESIDENT: Senator Hunte I appreciate your point, but I am convinced it would be tidier having already started this Bill if we could see it to its conclusion, and might raise the question after of subsequent legislation.

SENATOR J. A. CONNELL: Mr. President, if I may speak on a point of order because I think that is the proper way in which we should be heard on this matter which is before the Senate at the moment, the point is that if Senators are to make an intelligent and conscientious contribution in debate on legislation, they must have time to read it.

It is no point saying that it simply implements what was provided in the Budget Speech. Are we as adults to take that from the Leader of the Senate without question? Some of the legislation has been put on this table before our eyes for the first time, we have not even had the chance to read it, we have not had the chance to satisfy ourselves that it is in fact implementing what was said in the Budget Speech. We cannot discharge our function on this Bill before you, Mr. Acting President, conscientiously without having had an opportunity to study it. All hon. members are saying is that the same applies to other legislation, but if as you correctly ruled, we must adhere to the measure currently before us, it is true also to say that this has been put before us this afternoon and we have not had a chance to study it. It is absolutely no excuse to say that this has to be passed by a certain time, it means that the Executive which is responsible for preparing legislation and bringing it to the Assembly has been defaulting in its responsibility and it is expecting us now to default on our responsibility to accommodate them. This is the difficulty, Mr. Acting Deputy.

SENATOR O'B. TROTMAN: Still on the point of order, Sir, I am not replying, I want to speak on the question as whether or not we should proceed. We want time, Sir, to make a careful study of the document be-

fore us. "The Minister may by Order prescribe fees in respect of any application made under this Act." That is the time we want to study. What we are talking about this afternoon is not the question of what fees are collected, there is nothing in the amendment to the Act to say what fees are to be collected according to the Budget, it merely makes provision for the Minister to make an Order, so the question is whether we are going to have the provision for the Minister to make the Order or not, there is no question in here that relates to the Budget, which as with the consumption tax Senator MacKenzie claims there are some discrepancies, the discrepancies if any would have to come in a subsequent Order which would be written by the Minister, but there can be no discrepancy in a two line amendment which says the Minister may make an Order. I cannot subscribe to that, it is beyond me, Sir, to figure how after four months you want another two weeks to study whether or not the Minister may make an Order to collect the Exchange Control fees.

SENATOR D. S. MACKENZIE: Mr. Deputy President, in all fairness to the Hon. Leader of the Senate, he at the last meeting we had did put us all on notice that he intended or would have liked to have dealt with as much of the matters that had come through the House last Tuesday as is possible, and he did put us on notice, but it is true that we all find ourselves not having received the things that were passed yesterday in the House, and I think that it is true that many of us on this side would just like to have the opportunity to read the documentation and the Bills so that we would be able to make some sort of intelligent comment on them, if comment needs to be made. I appreciate, and I am sure I speak on behalf of all of us on this side, that Senator Barrow has given the assurance that he would be prepared to put off.

I would just like to make one comment. I think that we are all honourable people and we come here to do what we have been given the privilege to do, which is to represent our interest in this Hon. Chamber, and I don't think that any of us are going to renege on that responsibility at any time. On the last occasion that we asked the Senate to meet, we said that we would meet on a Friday, and it was last Friday, and we never got a quorum. The reason in my opinion that we did not get the quorum was that it is a very difficult day for most of us, it is the day when we all have many other commitments, and I think that that is the reason that we did not get the quorum, but if we were asked to meet next Wednesday I am confident that as we have always in the history of this Senate in the past been able to meet on a Wednesday, I am sure that all hon. members will be able to come back next Wednesday.

The other thing is that the time limit — today is the 6th of August and so today week would be the 13th August, two days before when the legislation must be passed, so next Wednesday would still be in time to pass the legislation and it would have given members on

this side time to read and study the legislation that has come up before us and which we have seen for the first time today. I would like to make a suggestion to the Leader of the Senate not to call the meeting for a Friday for fear of what might happen again, because it is a day that many of us have prior commitments, but a Wednesday is a day that has been set aside traditionally by us all where if Senate is called Senate gets first call to your time, and I am sure that none of us will renege on that. I don't think that any of us really would do that, we take our duties seriously enough that we would come on Wednesday.

Mr. ACTING PRESIDENT: Senator Connell, with all due respect to your point of order, do you think much violence would be done to the spirit of the order if we dealt with this Bill before us which is three lines, which you must have read, which all of us have read, and then invited the Leader of the House to agree to a suspension of this meeting, or an adjournment, until next week? Clearly it is the feeling of the House, it seems to me, that we cannot proceed with Bills which came before us today, but in view of the brevity of this particular one before us, it would seem to me a little tidier if we could just finish this and raise the whole question of meeting on Friday or Wednesday after this has been finished.

SENATOR J. A. CONNELL: You see, Mr. Acting Deputy, it would have been tidier if perhaps there was a short adjournment to let us discuss the matter and come to some firm understanding as to the date of the proposed adjournment. I, in a spirit of co-operation, will agree to allowing the Bill presently before the Senate to go through. I am not very impressed with the fact that the legislation has only three lines, because you can purport to change the Constitution with three lines, so the length of the legislation does not impress me in terms of an argument, but in a spirit of co-operation, if this one were the only one that was to be done this afternoon I would see no great difficulty with that.

Mr. ACTING PRESIDENT: The question is that the Bill entitled an Act to amend the Exchange Control Act, Cap. 71, be read a second time.

SENATOR D. S. MACKENZIE: Mr. Acting President, Sir, to the best of my recollection, this Exchange Control Amendment in the Rt. Hon. Prime Minister's Budget Speech referred to monies which would be processed by the Exchange Control Department of the Central Bank where people would ask for the transmittal of foreign money from Barbados overseas, and that he would impose, as he put it, I think the words were, a nominal charge for the services rendered in transferring the money overseas.

Now, Sir, in making my comments, I am not going to question the wisdom of the Rt. Hon. Prime

Minister in relation to this. I know that he is interested in raising money from every source which he can, but, I would like just to make one point which I think, perhaps, he may not have considered at the time when he brought this Legislation and that is that there is a word called reciprocity. What has happened in the past, as I recall, is that we imposed charges for tourists to pay for the use of our Airport facilities, and I know that not too long after that, it was hit upon as a good idea that other countries would charge nationals of those countries which had included an Airport Charge; an Airport Charge in return, for the use of their facilities.

In this Exchange Control Amendment Act, if we are going to make a nominal charge on people who are taking their money back out which they have brought into Barbados, for handling that service, I can envisage possibly, in the not too distant future, an act of reciprocity taking place in many other countries. Now, Sir, there are a lot of Barbadians who live all over the world and if we have and accept as being a reasonable thing to do, to ask that we collect a charge for sending the money overseas, I can foresee that the idea will apply equally to politicians and to other people in other countries and I can see Barbadians who wish to remit money back home to Barbados pay a similar Exchange Control charge for getting their money back. It is for that reason that I fear this type of Legislation.

I see it as raising money for us, but I see it also in the long run as causing us harm as an individual and that is merely my own opinion. I would have thought that this type of charge was not in keeping in the best interest of Barbadians altogether who live outside of Barbados. I think that it exposes them to a danger which they need not necessarily have been exposed to, in remitting money back to Barbados.

That is my only comment on this, Sir.

Mr. ACTING PRESIDENT: Senator the Hon. O'Brien Trotman.

SENATOR THE HON. O'BRIEN TROTMAN: Mr. Acting President, I do not wish to reply to Senator MacKenzie really, Sir. He has given his own personal view, but I just wanted to say Sir, that amidst all of the confusion which we have had earlier on this Bill, that we are not unlike the Other Place. The Other Place was given notice yesterday and the Bill was read for the first time yesterday and was passed. What it does seem Sir, is that the Other Place seems capable of adjusting to problems like these and we seem to have some difficulty.

I can understand some Hon. Senators who are not interested in ever going to the Other Place making these things, but there are other Hon. Senators who will never

go down Sir, but I thought that Senator Hunte might be willing to join this kind of debate.

SENATOR D. G. H. HUNTE: Mr. Acting President, on a point of order. Every Wednesday when we meet in here and Senator Trotman finds himself in difficulty he picks out somebody from the Opposition Side to take it out on. I have kept quiet, I prefer to deal with the Hon. Leader of the Senate and not with him.

He finds that Senator MacKenzie is too much to handle and now he turns on me. I have not troubled him this afternoon, Mr. Acting President. I do not know why it is that he would wish now to come and talk about myself and the Other Place. I am not going to get in and he is not going to get down there either.

The question that the Bill be read a second time was put to the Senate and agreed to.

On the motion of Senator the Hon. O'Brien Trotman, the Senate resolved itself into a Committee on the Bill, Senator Hutson R. Linton in the Chair.

On the motion of Senator K. Hinds, the Bill was taken as read.

Clauses one to three inclusive, were called and passed.

On the motion of Senator the Hon. O'Brien Trotman, the passing of the Bill in Committee was reported to the Senate and Mr. Acting President resumed the Chair and reported accordingly.

On the separate motions of Senator the Hon. O'Brien Trotman, the Bill was read a third time and passed.

Mr. ACTING PRESIDENT: There has been a substantial feeling I detect in the Senate, against proceeding any further with the Bills of which we are given a hint by the Hon. Leader of the Senate. It is a feeling, it seems to me, that the Debate on these Bills be postponed and taken up either next Wednesday, or next Friday.

I would like to invite the Hon. Leader of the Senate to make his comments on those proposals.

SENATOR THE HON. N. A. BARROW: Mr. Acting President, in the course of my comments on this point, I intimated that if Hon. Senators wish to give an assurance that on Friday, not next Wednesday, two days from now, that they are prepared to provide a Quorum that I could, in those circumstances, defer certain matters.

Not all, by any means, Sir, because there are some of these like the Petroleum taxes which really it would be nothing but a mockery to postpone, and it is really because of the new Consumption Tax Act that members argue that whereas when the Budget was delivered in the Other Place there was an opportunity to debate it and therefore they would like to be able to study this Act and to make what comments they wish within its context, if that is the argument, Sir, I understand it. But beyond that measure none of the other revenue measures are of any complexity and can't with justification in the context of what we had previously agreed be postponed. What I am saying, Sir, is that if members wish time to study the Consumption Tax Act and come back on Friday at 12 o'clock I am prepared to propose that we suspend until then having done the other revenue matters, but if members are not going to be available to come on Friday at 12 o'clock, it does not seem to me that in a situation where the powers of this Chamber are severely limited — in money Bills we have almost no power — we should merely employ the kind of tactics which can only seek to frustrate the legislation by perhaps not having it enforced by August 15, and I could not be a party to that, Sir, not by any means. So I am making it very clear. It is the rest of it now and the rest of it with the Consumption Tax Bill now or Friday.

SENATOR J. A. CONNELL: Mr. President, I have nothing further to add to my position. The Government has the numbers and if they want to drive the legislation through, let them do, but they will do it in my absence.

SENATOR A. TRUSS: Mr. President, since the aborted session on Friday has been the topic of some Senators in here over the last few minutes, if I may for one moment, I wish to say that it really does not matter to me whether the Government deals with the matters today or not because for a very long time some of us have been expecting the Bills to come through; so I am quite prepared to deal with them if the adjournment is until Friday or Saturday or Tuesday or Wednesday. That also makes no difference to me. I take my Senate responsibilities and duties very seriously. But the comment I would like to make is that on Friday in this Chamber and it was reported in the Advocate on Saturday and the Nation on Sunday in the sort of fashion that would give the impression that some sort of a release was given, because very rarely do you find the Nation and the Advocate carrying a release from the Senate almost word for word, and what surprised me greatly was to read in both newspapers that Senator Truss, Senator Linton and Senator Miss Adel Lynch were absent or were late and this was the reason for the session being aborted.

SENATOR THE HON. N. A. BARROW: On a point of order, I do not know if the Hon. Senator is speaking to the point or not, because I take it that I have already

intimated what the position is on this side and I suspect he is a member of this team, so the matter on this side, Sir, I think has been settled. It is a matter of whether we are going to move on to the next order and how soon.

SENATOR A. TRUSS: Excuse me, Sir, even if I may be a member of this side, I am still entitled to speak, am I not? If I am permitted to speak, I would like to continue. I am speaking on the adjournment. I am saying I am supporting the Government's stand whether they want to adjourn or not, but I would like to have my say.

Mr. ACTING PRESIDENT: You can speak on a point of order.

SENATOR A. TRUSS: Sir, last Friday, the Clerk of this Honourable Chamber called me at my office at 12.15 and said.....

Mr. ACTING PRESIDENT: Senator Truss, the aborted debate last Friday is not the question before this Senate, and while there may be some connection between holding a meeting on Friday as Senator MacKenzie pointed out and last Friday's meeting, the reasons for that failure are not properly before the Senate and it is not properly a point of order.

SENATOR A. TRUSS: Thank you, Sir. I was simply saying that if given sufficient notice I will be here on Friday.

Mr. ACTING PRESIDENT: Thank you. I think we will all be grateful for your presence on Friday.

SENATOR K. E. HINDS: Mr. President, since last week the Leader of the Senate was hinting to members that we might find ourselves in a position like this. We tried to meet last Friday and it did not come off. As a result of the extra meetings of the Lower House we are here this evening, and we have heard the Leader of the Senate repeatedly asking members to make up their minds in relation to the procedure this evening. When the time came the motion for the suspension of the relevant Standing Order was put and there was no comment from anyone. I would think that the time, and I am sorry Senator Blackman has gone, for that kind of protest that Senator Blackman made would have been when the motion for the suspension of the Standing Order was put. With all respect to members on the other side whom I know would want to make a worthwhile contribution, I suggest that the time has passed. The Standing Orders were duly suspended and this is one of the times, Sir, that I would stand up behind the Leader of the Senate if he wants to go through with the rest of the Bills this evening, because this is nothing that has jumped on us suddenly; this is something that was talked about last week and it was talked about before the session started today, then we

had a discussion on some items on the Order Paper, then the Standing Orders were suspended and nobody commented on it, and Mr. President, I don't see why we should be discussing it now at all. So I am quite in favour of going through.

Mr. ACTING PRESIDENT: I think I have to take the point that the suspension of Standing Order No. 45(2) in fact cleared the way for dealing with this legislation which is before us and unless there is a substantive motion to the opposite effect now moved and seconded, I would ask the Leader of the House to outline the order which he propose to adopt for the rest of this sitting.

SENATOR THE HON. N. A. BARROW: The Clerks already have the order of the legislation and as I have already intimated, if there is one matter which we do not deal with this afternoon, it would be the Consumption Tax Bill and nothing else. I understand from Senator Hewitt that Friday is not a day convenient for him; I understand from Senator Deane that Friday is not a day convenient to him. I understand therefore that in the circumstances and as Senator Hinds has said, having given the kind of notice about trying to get these matters through which I have given, that we are going to have to go right through.

THE AIRPORTS (FUEL CHARGES) ACT, 1980

SENATOR THE HON. N. A. BARROW: Sir, this is one of the measures which the file quite clearly indicates, if anyone else has seen it, you will find that it has been dealt with by way of introduction and passing through all its stages in the Other Place, and I do not want to belabour the point, but that is where the power about money is. All of these had to be done in one day, and it is again a budgetary matter, it is one of the revenue raising matters, it goes hand in hand with the other matters, like the Storage of Petroleum Act and the Company and other registration in which charges are being introduced or charges are being increased.

In this particular case, what is the target of the tax is the revenue earned by dealers in petroleum products who are supplying fuel to aircraft. It seems that debate on a matter like this must essentially centre on whether it is regarded as desirable that the Government raise taxation by taxing those who are supplying aircraft with fuel. Like in all of these others, the principle is a very simple one, that this is one of the budgetary measures, the intention is to raise money by a charge on revenue earned by dealers in petroleum as a result of the supply by them of fuel to aircraft. This is why, Sir, in the Other Place these matters could be passed just like that, and they don't miss an opportunity to debate money matters.

I move that this Bill be read a second time.

The question was put to the Senate and agreed to.

On the motion of Senator the Hon. N. A. Barrow, the Senate resolved itself into a Committee on this Bill, Senator H. R. Linton in the Chair.

SENATOR K. E. HINDS: Mr. Chairman, I beg to move the Bill be taken as read.

The question was put to the Senate and agreed to.

Clauses 1 to 16 were called and passed.

On the motion of Senator the Hon. N. A. Barrow, the Senate was resumed and the Bill reported as having passed the Committee without amendment.

On the separate motions of Senator the Hon. N. A. Barrow, the Bill was read a third time forthwith and passed.

THE STORAGE OF PETROLEUM (AMENDMENT) ACT, 1980

SENATOR THE HON. N. A. BARROW: Mr. Acting President, here again Sir, is a very simple and straightforward matter. There is need and indeed, there has been a decision to have the two pieces of Legislation under which petroleum operations are controlled in this country properly examined and consolidated. But, this Bill has nothing to do with that exercise which is one which I think would attract some debate. This Bill has to do merely with giving efficacy to the increase in Road Tax on gasoline and diesel fuel which was announced in the Budget in April this year. That is all that it has to do with, Sir.

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

The question that the Bill be read a second time was put to the Senate and agreed to.

On the motion of Senator the Hon. N. A. Barrow, the Senate resolved itself into a Committee on the Bill, Senator Hutson R. Linton in the Chair.

On the motion of Senator K. Hinds, the Bill was taken as read.

Clauses one to three inclusive were called and passed.

On the motion of Senator the Hon. N. A. Barrow, the passing of the Bill in Committee was reported to the Senate and Mr. Acting President resumed the Chair and reported accordingly.

On the motion of Senator the Hon. N. A. Barrow, the Bill was read a third time and passed.

BILL TO AMEND THE COMPANIES ACT

Order No. 5 was called — to move the Second Reading of a Bill to amend the Companies Act.

SENATOR THE HON. N. A. BARROW: Sir, this is another revenue measure, the Companies Amendment Act. In the Budget Speech, the Hon. Minister of Finance announced certain increases and certain variations Sir, in the fees payable for registration of companies and this Legislation seeks to give effect to those decisions reflected in the Budget.

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

Mr. ACTING PRESIDENT: It is proposed that the Bill be read a second time.....

SENATOR K. R. HEWITT: Mr. Acting President, Sir, I take this opportunity in dealing with an amendment to the Companies Act to perhaps put a query to the Hon. Minister with regard, in fact, to the proposed new Companies Act.

Few people may recognise, or realise that in fact, in Barbados, we are operating under a 1910 Companies Act and to say that that is obsolete, is, in fact, to say the obvious. In 1967, when I returned to Barbados, and was about to purchase a 1910 Companies Act, I was advised that it would be pointless to do that in that the new Companies Act would have been coming out next year and next year, in fact, has not yet arrived.

Now, I must say that in the latter part of last year, there was some activity with regard to the proposed Companies Act where opinion was being taken; a discussion was going on with regard to the proposed Bill at that stage. But, since then, I really have not heard too much about it and I felt that I should at least take this opportunity to raise the query and to hope that we would be getting new Legislation quite soon.

Of course, business is becoming complex, the need for certain disclosure requirements, Financial Statements and so forth where it said continuously and it is only because practitioners have to be guided to a large extent, by the requirements of Parent Bodies, that we perhaps do have the level of disclosure which we do have. I am thinking in terms of Financial Statements in that the Companies Act itself calls for very little and it is only because of the constraints of the Bodies which we are affiliated that one, in fact, does see Financial Statements of the nature which appear in Barbados. But, there is no real legal

requirement to have that type of disclosure and as I said, it is probably saying the obvious.

I do not know if the Hon. Leader of the Senate could at least give us some assurance that if we do have to wait until next year, that we will be talking about 1981.

SENATOR THE HON. N. A. BARROW: Mr. Acting President, I do not know what the reference to 1981 is Sir, I would have expected that he might have said 1984.

Our information on this side Sir, is that work on the new Companies Act — I know that this sounds a little funny and I do not want to use the exact formula in words — is well in hand. If you recall, Sir, this Session has had more than the normal share of Law Reform Legislation and the new Companies Act has been worked on by a Committee under the Chairmanship of Mr. Justice Williams, the Committee having finished its work some time now and it has gone the rounds I gather, for all the refinement. I gather that it is indeed pretty well in hand now.

I have not consulted with the Hon. Attorney General to know for sure that we would not have to wait until 1981, but I would not be surprised if we get it this year, let me put it that way, Sir.

The question that the Bill be read a second time was put to the Senate and agreed to.

On the motion of Senator the Hon. N. A. Barrow, the Senate resolved itself into a Committee on the Bill, Senator Hutson R. Linton in the Chair.

On the motion of Senator K. E. Hinds the Bill was taken as read.

Clauses 1, 2 and 3 were called and passed.

On the motion of Senator the Hon. N. A. Barrow the Senate was resumed and the Bill was reported as having passed the Committee without amendment, Mr. Acting President in the Chair.

On the separate motions of Senator the Hon. N. A. Barrow, the Bill was read a third time forthwith and passed.

RESOLUTION TO APPROVE THE WATERWORKS (GENERAL) (AMENDMENT) REGULATIONS, 1980

The Eleventh Order of the day was called — to move the passing of a Resolution to approve the Waterworks (General) (Amendment) Regulations, 1980.

SENATOR THE HON. N. A. BARROW: Mr. President, this Resolution seeks to give effect to the Budgetary proposal for the upward revision of water rates. These rates, Sir, are one of the direct ways in which people can say that they know for a fact that things have been done because we have been paying more for water.

I beg to move that the Senate do now concur in this Resolution.

The question was put to the Senate and agreed to.

RESOLUTION RE COMPULSORY ACQUISITION OF LAND AT OISTINS

The Twelfth Order of the day was called, to move the passing of a Resolution to approve the compulsory acquisition of land at Oistins, Christ Church for the provision of a Fisheries Terminal Complex.

SENATOR THE HON. N. A. BARROW: Mr. President, with this Resolution I am going to read the Schedule because it is really nothing.

The Schedule is "All that certain piece or parcel of land the property of Dowells Limited situate at Oistins in the parish of Christ Church in this Island containing by admeasurement 1,394 square metres or thereabouts abutting and bounding on lands of Berinda Cox, on the sea, on lands of Gladstone Redman and on Highway 7 or however else the same may abut and bound."

This Resolution seeks Parliamentary approval for the compulsory acquisition of the parcel of land described in the Schedule. Let me explain that it is merely a Resolution for the purchase of another piece of land at Oistins related to the purpose of the Oistins redevelopment which all Senators know is going on as an important part of Government work, so it is really not a contentious matter. It is that in that area there have had to be some compulsory acquisitions and this is one of them. At one point the owners of the land had written to point out that they had not done what they had been supposed to do within the time required by law and therefore asked for the compulsory acquisition order to be abandoned. It was abandoned and when it was ascertained that the land would be needed they then put another order on it and proceeded this time in good time. So this is what this is all about. It might have come in, had it not been abandoned, with the other Resolutions dealing with acquisitions in Oistins.

I beg to move that the Senate concur in this Resolution.

The question was put to the Senate and agreed to.

THE CONSUMPTION TAX ACT, 1980

The Thirteenth Order of the day was called — to move the second reading of a Bill to revise the law relating to the imposition and collection of consumption tax.

SENATOR THE HON. N. A. BARROW: Mr. President, this is an appropriate place since we have just established the point to mention that there is one additional revenue matter which I would have given notice of earlier, but it is not affected really because the relative Standing Order has been suspended, and therefore we are not precluded from doing it. It is one to do with the Merchandise Marks (Amendment) Rules, 1980.

It is necessary that a Resolution be laid to give effect to the new Order which would indicate the increase in fees. That we should have given notice of, but unfortunately the record was not with the Clerks at the time that the matter had been disposed of yesterday in the House, and therefore we are going to seek to do that. Indeed, Sir, I think I should ask permission to do that now before dealing with the Consumption Tax Act.

Mr. ACTING PRESIDENT: Is it possible, Senator Barrow, for us to see copies of this Resolution?

SENATOR THE HON. N. A. BARROW: It is my understanding, Sir, from the Clerks that when the matter came down to the House yesterday copies of the Resolution did not come down. It is rather like the one we just dealt with. What the Resolution says is, "In accordance with section 33 of the Trade Marks Act, Cap. 319, the Registrar has made rules to be cited as the Merchandise (Amendment) Rules, 1980. These Rules amend Schedule I to the Merchandise (Amendment) Rules, 1950 and effect the increase in fees for the registration of Trade Marks and Patents proposed by the Prime Minister and Minister of Finance and Planning in his Financial Statement and Budgetary Proposals of April 1980. A copy of these Rules is attached."

Mr. ACTING PRESIDENT: Excuse me, Senator Barrow. I am reluctant to deal with legislation which I cannot even see, and I wonder if it would be too difficult to have photo copies made and deal with this after we deal with the Consumption Bill.

SENATOR THE HON. N. A. BARROW: I agree with you, Sir. What I need to do, Sir, is to find the actual Resolution on file and then I can pass that out. Oh, here is the Addendum, Sir, and there does seem to be some copies of the Resolution here. What it says is:

"Resolved that the Order entitled "The Merchandise Marks (Amendment) Rules, 1980 made by the Registrar on the 10th day of April 1980 under the

provisions of section 33 of the Trade Marks Act, Cap. 319, be approved."

The Addendum, Sir, is virtually what I read out to you, so all that the Resolution is about is seeking parliamentary approval for the Rules which reflect the budgetary proposals of 9th April.

I move that the Senate do now concur in this Resolution.

The question was put to the Senate and agreed to.

THE CONSUMPTION TAX ACT, 1980

SENATOR THE HON. N. A. BARROW: Mr. Acting President, the new Consumption Tax Act was necessitated by an attempt in the Budget to systematise the whole business of consumption tax in this country, to systematise it as a result of a study of consumption patterns which indicated what items were most in use and by isolating those items essential to or desirable for life of reasonable quality, then a decision as to where the burden of the tax should fall.

It is an undertaking of such size that it must be kept constantly under review, for example to see where an enclave industry might be affected and therefore what sort of change would have to take place. To give an example, Sir, of the kind of problem one might have, you may have concessions given to imported vehicles for a certain purpose and of a certain tonnage, and at the same time it may be found that where a chassis was imported for local manufacture of a body to go with that chassis for a comparable use, that that chassis might attract consumption tax and therefore the local manufacturer might be at a disadvantage. Problems of that sort, we are aware, will from time to time surface, and as I said, the Minister of Finance of course will use his powers to waive the tax in order to ensure that tax reform of this far-reaching nature should not defeat the ends of Government policy.

What the legislation really represents, Sir, is the recognition that while there must be some level of indirect taxation, we must be careful to ensure that it falls in areas in terms of commodities heaviest where these commodities are not essential, and secondly, that in terms of consumption patterns that it does not so fall as to affect the smaller members of the community in economic terms.

At the level of detail I am sure, Sir, that like any other major tax undertaking there will be things which people will find to differ with and things to criticise. One of the reasons I have always felt that something of this sort, even though as you know I do not like to ask the Senate to rush anything and I will give as much time as I can,

that legislation of this sort if we are in a pinch we could do it and get it out of the way, it is precisely because debate on a matter of this sort would have to centre on the principle involved.

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

Mr. ACTING PRESIDENT: It is proposed that this Bill be read a second time.....Senator Hewitt.

SENATOR K. R. HEWITT: Mr. Acting President, indeed, I am a bit sorry that it was felt necessary to proceed with this bit of Legislation this afternoon. I feel that in spite of the fact that, let us say, we would have had cognisance of the details and the principal behind the Legislation through the Budget Speech, nevertheless the Bill deals with a subject matter which is, in my opinion, of such great importance that I felt that with all deference to the Hon. Leader that he could have left this matter over until next week. Be that as it may.

I note that many of the other people on this side have left, but I for one could not leave when a Bill of this nature was coming up because to have done so, would obviously have meant missing the comments which I am sure that Senator the Hon. Don Blackman would have to make.

I do not know if we need to refresh memories, or anything like that, but there has been some discussion previously *vis a vis*, the pros and cons of indirect taxation. As we all know, the goodly Hon. Senator has made some pronouncements which at least would give us the feeling that on principle, and to a very large extent in the context of the Barbadian situation, he probably was against a tilting of the balance away from Direct into Indirect Taxation. I think that it is obvious that we must have both types of Taxation and perhaps, the quarrel or difference I believe, I do not know. It would be interesting to hear the Hon. Senator on the degree, the timing and the nature to some extent, as to how one moves from Direct into Indirect or *vice versa*.

I am on Record as being of the opinion that the time was ripe for an easing of the burden generally speaking, on the Direct Taxation and I guess that if the Government had to raise the same level of Revenue that they would have recourse to picking up the short fall by additional taxation and are depending on expansion of the economy to pick up some tax from the growth of the economy through Direct Taxation. Put that a little better, the short fall from reducing the Direct Taxation would have to be picked up, either through the growth of the economy and/or picking up some of it from an increase in Direct Taxation. So that, broadly speaking, I would have to agree that the time was ripe as I said, for that shift from Direct to Indirect.

Now looking a bit at one or two specific areas, in an area for argument's sake, like building, I find it a little strange that building materials, in particular cement, should have been subject to the Tax which would, of necessity, lead to the increase in price, at a time when, in other parts of the Budget, there were measures to attract people into building wall houses. It is this type of what would appear to me, to be inconsistency that perhaps we can get a reply to.

One area of inconsistency, as I see it, would be at one instance to be given an incentive to build wall houses and then, on the other hand, requiring Consumption Tax to be paid on cement, wood and building materials generally. It would seem to me that the state of housing is such, that one would feel that it probably could have foregone the Consumption Tax.

At another level in perusing the Schedule, one would see things like tools, stoves and what not being subject to the Tax. I believe that there are certain basic necessities which should not be exempt from the Tax. It is not only good enough in my opinion, to exempt people governed by industrial incentives, or Export industries and so on, but one must go a little further to the basic necessities. To me, a stove I guess, is the hobby horse, but I use that to make the point in principle. Certain basic things, in my opinion, should be exempt from the Tax, even if it means increasing the rates of Tax on certain other things.

The other query which one would put and would perhaps expect some response to, would be some indication, if any, — the Hon. Leader has stressed that the Budget was given since April and that these things were in force for four months — it would be interesting to find out whether there is any indication as to the effect on basic prices to these measures, in particular, in the food area. Although in scanning the thing I do not see — in fact, I think that juices and so forth may be susceptible to this Tax — yet, the many wives are crying out for the increase in prices, *et cetera* at supermarkets and one may ask whether there is any indirect effect on food prices number one, and broadly speaking, what effect, if it were possible to measure it as yet, these measures might have on the whole question of the increase in prices? I think that these are things we need to know. I do not know if we have the machinery to carry out the exercise, but it is the type of information which would be interesting so that one could really make a sort of informed comment as to the real effect which such measures might have. It is true that four months may be a short time to measure, but at least, there may be some trend, or some indication.

Another thing, I am just scanning through here and I see fish hooks and this kind of thing. I do not know if such basic items should be subject to a 10% Consumption Tax.

By and large, Sir, more interesting than hearing Senator Barrow's reply would be, as I said earlier, the comments of Senator Blackman, and perhaps I may regret that I in fact have invited and goaded Senator Blackman to speak, but nevertheless I would really like to hear him on the issue, and I am sure that he will not disappoint.

SENATOR C. DEANE: Mr. President, I am not going into the specifics like Senator Hewitt because he is far more qualified than I am to do that. Anyhow this I should say, that this lean towards indirect taxation and away from direct taxation, like Senator Hewitt, I agree with entirely. I have always done so. I do not know if this would further goad Senator Blackman into making a ferocious reply, but here goes.

I take this opportunity also, Sir, to say that we were fully aware at the beginning of this meeting that the Hon. Leader of the Senate wanted to get all these things through, and the Order in question was duly suspended. We all sat here and agreed with that and even if we did have reservations at the end, I do think that Senator Keith Hinds put it beautifully. The time to object was when the Order was being suspended and not at the very end. I am here not to oppose anything that the Government does, but wherever reasonable to cooperate with them and that is exactly what I have done this evening.

I return to the consumption tax. As far as the consumption tax is concerned, I am so much in favour like my friend Senator Hewitt in moving off the direct to the indirect taxation, Sir. If you can buy brandy and I have to be satisfied with rum, well then you should pay a higher consumption tax than I do, and that is my opinion, and I give Senator Barrow, the Leader of the Senate the highest credit for the stand he took this evening; either you guarantee me Friday or I go through. I do not believe in railroading; I object to railroading, but this is not a question of railroading; this is a question of necessity. Thank you, Sir.

SENATOR THE HON. D. BLACKMAN: Mr. President, this Bill before the Senate is one of fundamental importance to this country, and like all fiscal measures it reflects a manifestation of the social conscience of a particular Government. I wish to deal with this particular Bill primarily at a conceptual level devoid of the ferocity which Senator Deane anticipates.

Senator Hewitt in his taunts during the course of his speech was making an oblique reference to statements that I made quite emphatically in previous debates that indirect taxation is basically regressive. I repeat it, that indirect taxation is basically regressive. That is a broad generalisation if you examine indirect taxation *in vacuo* or simply as a broad basic category with direct taxation. I will explain what I mean.

Mr. President, I do not believe that anybody can quarrel with the equity implied in the principle that the more a man earns the more tax he should pay. The more a man takes out of the society in terms of earnings, the more tax he should pay, the more tax he is in fact in a position to pay. That is the whole principle upon which direct taxation is predicated. In the matter of indirect taxation, considerations of income do not apply. The basic consideration rests upon a value judgment as to what people ought to consume or not to consume. In this respect, Mr. President, Governments are inclined to play God to determine who should drink whiskey and who should drink rum by the imposition of a particular tax. That then in a very over simplified way represents the basic difference between direct and indirect taxation. But we do not live in a simple social universe and that is why whenever I have made the statement I have been very very careful to use the qualifying adverb "basically", because it is recognised that Governments have objectives over and above the objective of simple tax gathering and that Governments have objectives that relate to the development of a country, and when one looks at Barbados where most of what we consume is imported, it becomes absolutely necessary if indigenous development is to be stimulated for a Government to move into the area of indirect taxation, and I find myself for once agreeing with my good friend Senator Hewitt when he asserts that both kinds of taxation are necessary, but what is important is that an optimal mix of the two kinds be achieved, and since this represents the first serious attempt systematically to establish that mix, it must be applauded and I think that one would be attempting to foist the attribute of infallibility upon the Government if certain inconsistencies did not exist.

The great British philosopher Edmund Burke said, Mr. President, that inconsistency is not a weakness, but it may be evidence of a brilliant mind attempting to grapple with very complex problems, and whenever we are confronted with complexity then there must not necessarily be inconsistencies.

At another level, the German philosopher Hegel argues that inconsistency or what he calls contradiction is at the bottom of all reality, because reality is represented by flux, change, and change in itself is paradoxical, and change in itself is defined by scientists in an inconsistent way, for to translate it into the language of the non-scientific or the vulgar motion which is the essence of change means nothing more than to be somewhere and yet nowhere simultaneously. If my hand moves like this it is somewhere and yet nowhere, if you identify a point, whenever you identify the point at which my hand is it has already moved to another point, so, Mr. President, I will tell my friend, Senator Hewitt, that inconsistency merely reflects the fact that we are dealing with a particularly complex problem.

Mr. President, the opponents of the consumption tax have said that inflation necessarily results from the imposition of a consumption tax on goods. When policy makers contemplate direct and indirect taxation with a view to examining the impact of any fiscal measures on inflation, they are faced with two alternatives. One, Mr. President, is whether to opt for demand-pull inflation or whether to opt for cost-push inflation. It is overly simplistic, if not dishonest, to assert borrowing and the imposition of consumption tax necessarily results in inflation, because the withholding of an imposition tax can similarly result in inflation of a generically different kind, which is demand-pull inflation as distinct from cost-push inflation, which is likely to result from the imposition of a consumption tax.

What then, Mr. President, would be the situation in Barbados today if the Government opted for demand-pull inflation by increasing the purchasing power or disposable income of people who spend their money in this country? It would result in a situation where the increased dollars at the disposal of consumers are spent on more and more goods with serious consequences for our balance of payments situation. In a world where the price of oil is escalating in a wild and unpredictable manner, and where this country in order to survive at a reasonable standard of living has to import its food, the matter of keeping the balance of payments under strict control is of supreme importance, and one of the objectives in the imposition of a consumption tax, therefore, must be to keep the balance of payments under control. There is nothing wrong at all in a fiscal policy which opts for a manageable bit of cost-push inflation at the expense of demand-pull inflation, which is inflation well beyond the control of persons who are responsible for managing the economy.

I therefore, Mr. President, support this bit of legislation on the ground that it represents the first serious attempt to achieve an optimum mix between direct and indirect taxation. I do not believe, however, that there is some ratio between the two types of taxation which must remain frozen in perpetuity. The shifts, the mix that exist at any given moment will be determined by the exigencies and the interests of this particular country, and I therefore do not regard it as Senator Hewitt seems to regard it, given the note of triumph in his voice, as a clear-cut victory for those who espouse the virtues of indirect taxation. It is a mix which must be manipulated in a dynamic fashion from period to period in order to ensure that the economic development and the national interest of Barbados are best served.

Mr. President, I therefore have much pleasure in supporting the Bill.

SENATOR THE HON. N. A. BARROW: Mr. Acting President, it is just the reference made by Senator Hewitt to the inconsistencies. I think if you are looking at the

matter in closer detail you would be in a position to analyse precisely the number of items which although they still appear and therefore have some tax on them, really are carrying tax at a reduced level, and I think what we also have to recognise, Sir, that we must be careful not to get into an argument that because it is a stove it should carry no tax, because if we do this we may in fact be encouraging a certain level of conspicuous consumption, because not every stove falls into the category of a basic need, so we would have indeed to say stoves below a certain value or stoves of a certain description.

The other aspect of it is that if you look at the point about fish hooks, the fact is that fishing societies still enjoy a general customs exemption, and in the Other Place the Minister of Finance expressed his willingness to extend this exemption which exists within the customs legislation also to consumption tax, so that although it appears in the list, the fact is that what we are looking at there is largely the fish hooks and so on for sporting. Sport fishing rather than serious fishing. So that, the fact is that the exemptions will continue to be enjoyed by fishing societies and may be extended under Consumption Tax. In fact, it means that people who fish for a living are certainly not in a difficult position.

The point about the effect of the Consumption Tax on the cost of living. In the absence of a Survey, it is difficult to deal with this and I believe Sir, that Senator Hewitt is only too aware, as indeed the rest of us are, that we are trying our best to hold the impact of inflation off, but just as every other country right now is going through it, we cannot expect to get away completely.

The one with incentives to building Sir, I think that Senator Hewitt will be particularly aware of the recent Central Bank's restrictions which philosophically cannot rest too well with me, but at the same time, they come in the context of World Balance of Payment situation. I think that we would find, for example, that items of that sort while attracting a relatively low level of Consumption Duty will always tend to appear in the List.

The speech by Senator Hewitt, Sir and I heard part of Senator the Hon. Don Blackman's reply and I was indeed enjoying it, indicates one thing very clearly and that is, that as I was trying to say earlier, a Budget Speech which is within your awareness since the 9th April, 1980 is the basic preparation for speaking on this Legislation this afternoon, because it is a Speech with which we might agree or disagree at the level of detail. Certainly, I found no general need to disagree with the Speech. Senator Hewitt, who, in fact, had not been here

at the Meeting on last Wednesday which was virtually when a pact was formed, that we would try and do everything today, Senator Hewitt who was not here could stay and make this kind of contribution and those who were here and who very much agreed, have fled.

The question that the Bill be read a second time was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: Mr. Acting President, Standing Order No. 59 makes provision that where it is a money Bill on a motion of which notice need not be given in advance, the Senate may entertain a motion that the Bill not be committed and therefore, we proceed straight to the third reading.

I accordingly move, Sir, that this Bill be not committed.

SENATOR O'BRIEN TROTMAN: I beg to second that.

Mr. ACTING PRESIDENT: It has been proposed and seconded that the Bill be not committed under Standing Order No. 59.

Standing Order No. 59 also provides for the Presiding Officer of the Senate to put the question forthwith.

The question that the Bill be read a third time was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: Mr. Acting President, I beg to move that this Bill do now pass.

The question that the Bill do now pass, was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: Mr. Acting President, I trust Sir, that I can take this opportunity to express the pleasure of Hon. Senators that you performed this duty for us this afternoon and indeed our thanks also to Senator Linton for having acted as Chairman of Committees for the afternoon. I believe Sir, that it is our general feeling that the duties were performed with such distinction that we cannot complain of the absence of accustomed Presiding Officers.

I believe, Sir, that the month of August, of which almost one week has gone that there are some of us who are hoping to get away for at least a week or two and there are some of us who indeed will be getting away at the end of the month, or towards the end of the month. Therefore, most of us will feel relieved that we are in a position now to go on recess for a few weeks. I anticipate Sir, that the next Meeting of the Senate will be on, or about the 17th September, 1980. There are two matters being held over, but to leave room for enough play, I am not going to propose to adjourn to a specific date.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: I am proposing Sir, and I am moving that this Senate do now adjourn *sine die*.

The question was put to the Senate and agreed to, and Mr. Acting President adjourned the Senate accordingly at 7.28 p.m.