
THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1976 - 81

THE SENATE

Wednesday, 30th January, 1980

The Senate met in the Senate Chamber, Public Buildings, on Wednesday the 30th January, 1980, at 2.40 p.m.

PRESENT

His Honour Senator the Honourable Sir ARNOTT CATO, M.B., Ch.B., LL.D., (President); His Honour Senator the Rev. G. ANDREW HATCH, M.A., (Deputy President); 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 M. E. COX; Senator H. F. G. ROCHEFORD, B.A.; Senator R. L. FIELD; 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.Sc., 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 the Hon. D. G. BLACKMAN, (Minister of Labour and Community Services), and Senator R. E. BRATHWAITE.

ABSENT

Senator J. A. CONNELL.

Prayers were read by Father L. Crawford.

NOTICE OF BILLS

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to give notice of a Bill to provide for the transfer of the assets and liabilities vested in the Agricultural Credit Bank to the Crown, the repeal of the Agricultural Credit Bank Act, Cap. 321 for related matters.

Mr. PRESIDENT: Let it be recorded that this Bill has been read a first time.

BILL RESPECTING ARMED FORCES OF COUNTRIES VISITING BARBADOS

The first Order was called — To move the Second Reading of a Bill respecting the armed forces of countries visiting Barbados.

SENATOR THE HON. N. A. BARROW: Mr. President, it has been noted that in spite of clearly indicating last week when I gave notice of certain Bills that Items 2 and 5 stand in the name of Senator the Hon. Don Blackman, I wish to draw to the attention of hon. members that they ought not to be standing in my name on this Order Paper but in the name of Senator Blackman. I also wish at this stage to ask leave of the Senate for Order No. 1 standing in my name to be taken care of by Senator O'Brien Trotman.

SENATOR O'BRIEN TROTMAN: Mr. President, during 1979 this Chamber passed a Defence Act giving effect to a Defence Force in Barbados. As a result of that Act and in view of the fact that the Defence Force will from time to time be receiving as guests the forces of other Commonwealth countries and will also have to be visiting or having officers of our Defence Force attached to other armed forces, it is considered necessary to follow the pattern of other Commonwealth Countries and have a Visiting Forces Act which will provide for the proper jurisdiction and discipline of our Defence Force visiting other countries or vice versa.

Part I of the Act deals specifically with which offences should be dealt with by civilian courts in Barbados and which offences should be dealt with by Service Courts. It also gives authority for the Service Courts of the country from which the Forces may be visiting to have jurisdiction over their personnel in Barbados. It gives permission for members of armed forces of visiting

countries to carry firearms and drill in Barbados notwithstanding other legislation which might restrict the carrying of firearms. Part 2 of the Act deals briefly with claims for personal and property damage. Part 3 deals with the security provisions in respect of the Official Secret Act, etc. Part 4 deals mainly with taxation and mainly ensures that vehicles, fuels and oils used by visiting forces will not be subject to taxation, and provides for the importation of effects of armed forces without taxation. Part 5 deals with attachments to the Barbados Defence Force from other Forces.

As I understand it Sir, it is a regular sort of Act which most Commonwealth countries have in order to have an orderly exchange of personnel whether for training or regular visits. The Act also repeals the United Kingdom Forces Jurisdiction of Local Courts Act Cap. 118 which at present stands on our statute Books.

Mr. President I beg to move that the Bill be read a second time.

On the motion of Senator O'Brien Trotman, the Senate resolved itself into Committee on the Bill. Senator the Rev. A. Hatch in the Chair.

SENATOR K. HINDS: Mr. Deputy President, I beg to move that Clauses 1 - 4 be taken as read and the remainder of the Bill be taken in parts.

The question that the Bill be taken as read, Clauses 1 - 4 and the rest in Parts was put to the Senate and agreed to.

Clauses 1 - 4 inclusive were called and passed.

Part I was called.

SENATOR K. R. HEWITT: Under Section 21, I was a little worried that the Section seemed to give such *carte blanche* to the visiting forces to carry explosives, ammunition, firearms etc., and I was wondering if such a commission should not be done through stipulative rights. In other words, that the visiting forces should be permitted to possess the explosives, ammunition and firearms and also to do their drilling under the terms of stipulative Regulations rather than giving them the very arm to possess those things when under particular control.

SENATOR O'BRIEN TROTMAN: It appears that way in this Bill but as I understand it that is not quite the position because in the case of a visiting force, if the force is attached to the Defence Force of Barbados then the operations of the personnel involved would be subjected to the discipline of the Defence Force and would have the same obligations as applied to our own Defence Force here.

There are several Regulations dealing with the Defence Act which govern the conduct of armed personnel and this is not provided for in this Act but subsequent Regulations take care of that kind of business.

SENATOR K. R. HEWITT: If they are not attached to our Defence Force they are bound to our Regulations but they are not attached. It seems a pretty wide power which says that a visiting force acting in the course of their duties may possess explosives, ammunition and firearms and are not subject to any law of Barbados relating to unlawful drilling or the making or possessing of firearms. They are just subject to their own authority and this has me a bit worried.

I think it should be done, based on what I see here, that this should be permitted under the terms of specific Regulations which would prescribe what may be carried and in what way these things can be carried.

SENATOR O'BRIEN TROTMAN: Mr. President, Sir, in the event of the visiting forces not being attached to the local Defence Force, they would then be subjected to the discipline of the home country so they are not strutting around Barbados lawlessly. They are still subjected to the same disciplinary control that would apply in the United Kingdom or Canada. They can be disciplined by the Disciplined Service Force in the home country so it is not a matter of *carte blanche* operations.

Part II was called.

SENATOR K. R. HEWITT: There is only a minor thing there under 26 on page 12 and I believe subject to your correction that Section 26 should really read Section 27.

SENATOR THE HON. N. A. BARROW: I see the point which Senator Hewitt is making. These are the points which are picked up at the end of the year in the Attorney General's Chambers so that to amend at this stage would be a delaying process. We see your point. It is obviously a printing error.

SENATOR H. F. G. ROCHEFORD: It seems very untidy when you allow legislation to pass with errors and then have clean-up operations of the Act.

SENATOR THE HON. N. A. BARROW: Maybe I should say something, Mr. Deputy President, and I will be extremely careful about what I am saying as regards the level of service where it does appear that in almost any Bill of any length has precisely this kind of error and in the past what used to happen was a practice which is that the Attorney General's Chambers just used to make the necessary changes.

It meant that the Bill might not then be the Bill that had passed Parliament so it was considered then to be better. We are now approaching the end of the financial year, therefore when little things like this come up which we understand and which cannot do any harm, it is better to do the cleaning up process rather than to revert to an irregular practice.

Parts II to VI were called and passed.

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

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

Order No. 3 was called — to move the Second Reading of a Bill to provide for the registration and control of land surveyors in Barbados.

SENATOR THE HON. N. A. BARROW: Mr. President, a Land Surveyors Bill, 1979 was introduced into the Other Place on March, 15, 1979. At the time, it was felt that a number of amendments would be necessary. This led to further discussions among the Attorney General, the Ministry of Housing, Lands and the Environment, the Land Surveyors Board, and the Land Surveyors Association. This led to a complete review of the matter and therefore the two Bills which we have before us this afternoon, the one which would be repealing the Land Surveyors Act Cap. 370 in order to make provision for the registration and regulation of land surveyors in the light of new legislative concepts regarding the regulation of professionals and professional bodies in Barbados and a Bill also to provide for related matters and the one which comes immediately after this which is the Land Boundaries Act. The result of this review, Sir, these two Acts, is an arrangement by which it is sought to separate functions of regulating the profession and registration of visiting land surveyors for matters relating to more technical aspects like conducting surveys, marking of boundaries and the usual technical requirements for surveyors and survey plans. In other words, as a result of the review we have two pieces of legislation instead of one, but we have a much clearer situation where it would now be easy to find out how a surveyor may enter on premises and conduct a survey and what redress the public may have against who may wish to tie their cows to the stakes put down by the surveyors so that when you are ready to do your business you find that you no longer have your boundary declared and annihilated. I would submit, Sir, that whatever the penalty involved, as man lives as neighbour of man, it may be useful if people know there is a penalty and if the knowledge of that may persuade some not to do it. These are technical aspects, how boundaries may be

marked in case the neighbour is reluctant to have somebody enter on his premises which may be necessary to facilitate the survey, exactly how one can go about it. I should not really be referring to that because that is the next Item to come up. That is now taken out and kept separate and distinct from how a man qualifies for a licence and what sort of machinery should exist for the registration of the profession.

Sir, the Bill before us describes, among other things, the composition of the Land Surveyors Board and it is noticed that there is included on the Board of which the Chief Surveyor will be Chairman, one person who is not a member of the surveyors' profession. This is a recognition at long last of the fact that at the highest level those who are affected by the activities of the profession ought to have a say in the highest council. I hope, Sir, that we are moving to a stage in this country where on every professional regulatory board, there will be found one person who is not a member of the profession. I think it is a salutary provision both for the profession and for the community at large.

There is a comprehensive procedure too of discipline, provision for the right of appeal, a right which in this case was not provided for in the Bill in its original form, and main provision for the making of rules by the Board with the approval of the Minister, subject to the negative resolution of the House of Assembly. The right of appeal to a judge in Chambers for the elimination of the suspension or cancellation of a licence, or the application of rules made under Clause 15. Clause 15 deals with making of rules.

There is a general offences clause. In the first Schedule, there is provision for the Board to regulate its own proceedings at all times.

I do not know, Sir, whether there is anything particular in which members of the Hon. Senate may find that they are questions to be raised in relation to this piece of legislation, but it is our view, Sir, that after the extensive consultation among persons and institutions which I referred to earlier that a satisfactory arrangement has come to be reflected in this piece of legislation. Should there be questions or point of one sort or another raised in the course of the debate, I hope I will be able to do justice in answering them.

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

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

SENATOR R. E. BRATHWAITE: Mr. President, I am very happy to be able to say something on behalf of this Bill because I can truly say it is a problem in my area

right now. I remember a development which was done about ten years ago by one surveyor and now another surveyor comes and say that one person has built a house on a spot about 36 feet on to the boundary of that first although the person went to the Town Planning Department, we find ourselves in a spot not knowing whom to complain to. But I am sure that having a Board to complain to we will in future be able to know which is wrong.

The next thing I would like to say in dealing with land, a person may have a piece of land as big as five or six acres or as small as one-eighth of an acre, but when you call a surveyor to draw a line they will charge the same for one-eighth of an acre as for five acres. So I believe in having a Board of this nature we will have someone we can complain to and that will help a lot, because I believe the big man can take care of himself but for the small man it is a good piece of legislation.

The next thing I would like to add to this Bill is that there are some surveyors that go around and drop pieces of stick or stone for boundary marks and this sometimes causes people to have to call back the surveyor to put down proper marks again. We should make sure that when a land surveyor goes to a spot he puts down iron markers or something no one can tamper with.

I feel Sir, that this Bill before us this afternoon will help a lot of people and save a lot of court problems.

SENATOR THE REV. G. ANDREW HATCH: Mr. President, I think we should take the opportunity once again to air the problem about leasehold and freehold in Barbados which my colleague Senator Wickham has raised time and time again. It is well known that in the City of London land for the most part is leasehold rather than freehold. It is also well known that the Swiss hardly own lake front property but that such property is in the hands of West Germans. It would be wise if this country takes stock of the fact that property developers are setting out land in Barbados at prices which local residents can hardly afford and in future will not be able to afford. We have coming into this Island substantial monies from Trinidad. The inflationary situation in that country is causing people to place their money outside of Trinidad and for that reason in hotels in Barbados, and one imagines before long in the agricultural sector. With the natural resources in Trinidad it is unlikely that as their inflation increases and their purchasing power increases Barbadians will be able to repurchase the land sold out. Perhaps the only reason we do not have the sheiks of the Middle East in Barbados purchasing land is because they probably have not heard of Barbados. But there are billions and billions of oil wealth seeking investment opportunity all over the world and as soon as Barbados becomes better known, the oil wealth of the Middle

East will make the oil monies of Trinidad look like chicken feed and will make it impossible for lands once sold ever being within the means of Barbadians to repurchase. I think therefore it is very important that once again in this Senate we raise our voices on the need for controls on the sale of land to non-nationals. If this has some effect on the confidence of the international community in Barbados I think we should take that risk. One does not need to be a chauvinist or an ideologist of the left, but I think the Government is paying too little attention to the amount of land passing outside of the hands of Barbadians and I think that in future land made available to non-nationals should be leasehold rather than freehold so that the land will not forever pass out of the control of the nationals of this Island.

SENATOR K. HEWITT: Mr. President, just two brief points on this matter. I was particularly interested in the introduction to the Bill in the phrase "in the light of new legislative concepts regarding professionals and professional bodies," and I wonder if Senator Barrow would care to elaborate as to what the new legislative concepts with regard to professionals and professional bodies would be.

Turning to the Bill specifically as it deals in some areas and makes mention of examinations etc., it is my understanding that by and large in the past surveyors had to go overseas either to Trinidad or the United Kingdom to pursue the relevant academic training, whereas now such training is provided at the Barbados Community College.

Like everything else, one of the problems in all the professions is obtaining Teachers from within that profession. The problem normally is that the salaries are never attractive enough to bring the professions or a particular profession into the teaching of that profession and I think that is the problem not only in the surveying area but also in other areas which one would have to look at if one is to provide or to meet the demands of the various professional bodies.

Now in making mention of the fact that this training is indeed going on at the Community College, one question arises before me and that is to what extent would there be any reciprocity either in the area or even outside the area as regards in the area. What I mean is to what extent a Surveyor qualified and trained at the Community College, to what extent those qualifications would be accepted in one of the Caricom areas for example and if one were to pursue that a little further, outside the Caricom area.

I am not suggesting that it is a prerequisite in having the Courses but seeking the type of information which any person entering the field would want to know,

he would want to know what is the flexibility this training would give to him; would he be regarded as qualified within the confines of Barbados or in fact if the kind of qualification obtained would be able to help him should he decide to go further afield.

Apart from that, it would appear to me from my inquiry that quite a bit of liaison was done with the Land Surveyors' Association and apparently they seemed to be pretty well satisfied with the various terms of the Act including the composition of the Act so I think if they are satisfied who should I be to be dissatisfied.

One last point which I might add my voice to the comments by Senator Hatch and those are the same comments which were made sometime ago in relation to the amendment of the Property Transfer Act. It seems to me that successive Governments regard it as a relative policy to increase the Property Tax payable by aliens under that Act. I cannot say that it was done to deter aliens from purchasing land but it seems to me it has been done merely to increase the revenue from the purchase of land which, as Senator Hatch suggested, is a short-sighted policy.

The irony of the whole situation when it relates to Trinidad, for example, is as I understand it, Trinidad has its own Alien Land Holding Act which means, or my understanding is, that aliens are not able to own land in Trinidad, yet Trinidadians, and I just single it out by way of an example, and other non-nationals are able to obtain land easy in Barbados paying the small 10% as the Property Transfer Tax.

I do not think that a policy of preventing non-nationals from owning land would necessarily be a deterrent because the concept of the whole property is a concept well accepted in International circles, well accepted in the developed countries so for people with funds to invest, I do not see how 50-year leases or 99-year leases as the case may be, being a deterrent to those investors because it is common and acceptable in International circles.

I think the sooner that a policy is derived which would preserve the small land masses of Barbados for Barbadians, the sooner I think the Government would have gone a step in the right direction. The actual 10% of Property Transfer Tax in my opinion was neither here nor there.

SENATOR THE HON. N. A. BARROW: Mr. President, the first point raised by Senator Hewitt is the point which I will like to deal with first in reply because it refers to the legislative concept without apparently spelling it out. The point that I was trying to bring, Sir, is that professional bodies should not, especially in exercising disciplinary control over their membership,

they should not be closed shops but they should rather have their operations and activities exposed to examination by a representative of the citizenry at large. That is really the point to which I was referring.

It is also in the Objects and Reasons. That is the point because in the past they tended to be a little tight and too much self-regulations. While it also provides for self-regulation, it provides for self-regulation but not in an atmosphere where a member of the public is entitled to a view that nothing can get out and nothing can come from a particular examination.

I believe that if one might spell out a little, one is only too aware of the feeling whereas someone comes for legal advice and believes that he has been done in, and believes that he really ought to have a case protested under negligence against a Legal Adviser. It was a feeling that you just throw your hands up and say Lawyers would not go against Lawyers.

If someone goes into the Hospital and after an operation suffers further injury as a result of what might appear to be negligence, it is a feeling that there is no point suing because Doctors are not going to go against Doctors. Whereas, someone collects money, does a survey and the client is not satisfied with the survey, and sometime the client has not received the plans at all.

We do not like the idea that a client should continue to feel that there is no point going further when it comes to Surveyors as Surveyors would not go against Surveyors. That is why it is important that in these Regulatory Boards, there should be a representative who is not of the profession.

Everybody in here, Sir, has probably had triggered off in his or her mind some particular incident. I am fairly sure, Sir.

It does not do the profession any good where there is that residual distrust, nor can it do the community any good when you cannot get the feeling that regardless of who is involved that a professional, if he does not act according to the highest standards will not have his behaviour condoned by his colleagues. When we have a known professional on a Board such as this, we believe that it will tend to give a spirit and feeling of openness to the deliberations of such bodies and to make sure that justice not only is done but manifestly seemed to be done. As to the status of qualifications which is the point also raised by the Senator, I believe that the wording here owes something to the kind of experience which at least one body in Barbados has had recently where, if I recall, it was not the law in the statute itself that persons who are admitted to practise by a particular

body, the authority in a particular country, would automatically be admitted to practise that profession in this country. Things of course become very sticky when all of a sudden reciprocity is destroyed at the other end, so that it is better to have a situation where you have a Board charged with the full responsibility for examinations and also charged with the general responsibility to consider all applications from persons who desire to practise and to make recommendations in respect of such applications. The point, Sir, is that the certainty which is needed is something which has to come with time and since the framework of the Act, as far as I can see, does not suggest that, it states that if you are already licensed you practise, you sort of have a certain body of information as to the kinds of persons who will be able to practise in Barbados.

Therefore, Senator Hewitt puts his emphasis on the second aspect which is that we set up our own system, the qualifications are ours, what are we getting? Are we getting something which will qualify a person to go abroad? I am afraid, Sir, the answer as I see it, is that time will tell and that is not a negative answer. The reason why I make this statement, Sir, is that every country, if it is wise, will fashion its examinations and the necessary qualifications to its own needs. I do not know if there is anything which suggests that the needs here will be so materially different from the needs elsewhere, that an inferior qualification can be acceptable but in so far as they are differing emphases in any programme of education, then clearly, those emphases ought to reflect the needs of this society because this society is spending money to get people to fill a void in this society. What will happen, Sir, is that other persons who come into contact with persons bearing the qualifications of an institution here will always, no matter what standards we set make sure that the person proves his worth first. That is what I mean by time will tell. There is very little that I can do at the onset to ensure any one that on the basis of a qualification that is received after a course of study at a local institution, that somebody in the United States of America, Britain, Moscow, or wherever, will accept that as a good and valid qualification. The people who hold the qualifications will have to be those whose performance will be judged. We have to remember that, Sir, because as a country with a colonial history we are accustomed to having other people's standards accepted by the community as the standards which should obtain.

I believe there are few of us around this table who have been trained at institutions of learning who can boast a qualification which is not a qualification relevant to a foreign country. Undoubtedly, Sir, all of us can jot out a G.C.E. paper or so, particularly, if you left school up to last year. Those are standards prescribed by others.

In relation, Sir, to the other point raised relating to freehold and leasehold, I am sorry, but before I deal with that, I was taking them as points which did not come from this side. Before I deal with that, let me make reference to a point emerging from Senator Brathwaite's speech. Senator Brathwaite had touched on a point which is of particular interest to persons who have small lots of land, because those are the people, Sir, who always get caught on the thing on the scale of fees which says that the professional will charge let's say, using arbitrary figures \$10 for every 1,000 square feet, or \$50 per lot. But then, he always has a rider which tells you that the minimum fees is \$250. If the man with the small piece of land does not read the fine print, he believes that he can have his land surveyed for only \$75, when the minimum charge hits him, he finds that he cannot pay less than \$250. This is also the person who is concerned when there is unethical conduct. The person who has a reasonably large task deals with the surveyor from a position of strength. It is the small fellow, a person who is in the habit of putting the money up before the job is started. I do not pretend to live in the clouds, Sir, because I hear complaints where the little man put up the money years before the job is started and years after, is paying another surveyor to get the survey done.

It is that kind of enquiry which Senator Brathwaite was getting at and which we have to recognize as a matter of great distress, and I have certainly from time to time spoken to surveyors, many of whose names I have never heard called in this sort of thing, and I have asked "why don't you do something about it?" And the reply was that since the people of whom this sort of thing was said were not members of the Association, the Association was without teeth in dealing with it.

If you notice, the disciplinary provisions of this Bill are of a different nature. There are now fair and firm provisions for the disciplining of any surveyor for unethical conduct.

The last point is one which I expect will come up over and over again until there is some clear and definitive statement by the Government in relation the ownership of land as to whether it is proposed to continue to increase the rate from time to time under the property transfer legislation or whether we will reach the point — which will personally give me great pleasure — where non-nationals are restricted — except in a small category of cases — to the ownership of a leasehold estate and not freehold. Those who are making this point can know they have a supporter on this, but the decision has to be made against a thorough examination of all the attendant circumstances.

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 Committee in the Bill, Senator the Rev. A. Hatch in the Chair.

On the motion of Senator K. Hinds it was moved that the Bill be taken in parts and the parts be taken as read.

Parts 1 to 6 inclusive were called and passed.

The First and Second Schedules were called and passed.

On the motion of Senator the Hon. N. A. Barrow, Mr. Chairman reported the passing of the Bill in Committee and Mr. 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 RESPECTING DEMARCATION OF LAND BOUNDARIES

The fourth Order was called — To move the Second Reading of a Bill respecting the demarcation of land boundaries and related matters.

SENATOR THE HON. N. A. BARROW: Mr. President, this is very much a case of following on from the last Bill because as I explained in introducing the last Bill the decision was taken that instead of a composite Land Surveyors Bill there should be two statutes, a Land Surveyors Act and a Land Boundaries Act.

This Bill before us has to do with the second matter, and, as I believe I mentioned, it reflects the desire to separate legislation governing land surveyors from legislation governing land boundaries. It seeks to give authority for land surveyors to enter upon land other than the plot being surveyed as may be necessary. Provision is therefore made for the procedures to be followed in notifying landlords and tenants of the intention to survey for settlement of disputes by a judge in Chambers and for the recording of complaints in resort to the court by any person aggrieved by any plan or survey.

If you look at Clause 16 you will see penalties for tampering with boundary marks and plans and for obstructing any lawful survey. I think, Sir, that because this society is generally so peaceful and law abiding people forget the amount of litigation that goes on on the land therefore we tend to forget that when it comes to disputes about land a great deal of a not so law abiding nature often takes place.

As a matter of fact, I believe there is a case decided by the Courts in Barbados charging adversary possession

which I believe any Lawyer would regard as the best evidence in a case of adversary possession which is that when the people with whom the title was apparently vested came to enter on their own land those who were occupying the spots the squatters, drove them off and drove fear in their hearts and back they never came until after a period of time they obtained the prescribed right.

I believe that there was a fear of violence that resulted in the loss of this land because they were not aware that they could put up a defence when the time came for the persons occupying the land by their permission to vacate. There was a Clause that if you occupied land by permission then you could not possibly have adversary possession.

Sometimes, Sir, I think it is true that people go and wish to have their land surveyed and because there may have a family dispute over the parcels of land they put it off and put it off and sometimes it results in loss of property so it is extremely important that there be clear, reasonable and easy provisions in the law so that one should not be doubtful about boundaries and where there would be no need to go next door in order to establish where one's boundary should be and that the Surveyor should not find himself threatened with a cutlass and he should not find himself as a trespasser.

Provisions in this type of legislation, I would again say are quite clear and I do not know of anything that is objectionable in the legislation. Again, it has been worked out after a great deal of consultation with the people who have to work with the legislation therefore one assumes that it takes care of all the difficulties which are currently known of foreseen.

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

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

On motion of Senator the Hon. N. A. Barrow, the Senate resolved itself into Committee to study the Bill, Senator the Rev. A. Hatch in the Chair.

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

Clauses 1 — 21 inclusive were called and passed.

The First and Second Schedules were called and passed.

On motion of Senator the Hon. N. A. Barrow, Mr. Chairman reported the passing of the Bill in Committee and Mr. 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.

THE SPECIAL DEVELOPMENT AREA (DEEP WATER HARBOUR EXTENSION) ORDER, 1979

Order No. 6 was called — to move the passing of the Resolution to approve the Special Development Area (Deep Water Harbour Extension) Order, 1979.

SENATOR THE HON. N. A. BARROW: Mr. President, this is one of a trinity from the outstanding Order Paper. There is a Resolution reading "Special Development Area (Deep Water Harbour Extension)", another "Spring-Garden" and a third "Heywoods". In introducing them and in dealing with the first, I would wish to make one comment which has to do really with all of them. It is this, Sir. Where at public expense, there has taken place substantial expenditure which results in the enhancement of property values, it is but fair that persons who hold the simple absolute in possession seem to transfer that, one would agree that the public should get something back. The reason therefore for declaring a special development area in a case like this, and I am passing the plan around so that Hon. Senators can see what the area involved is, that when such an area is declared a special development area, it means that when it changes hands, part of the enhanced value will then come into the Treasury, which is fair enough. It is a form of capital gains tax but capital gains tax applies across the board where Government has itself done things which result directly in enhancing the value of the lands concerned.

In relation to the harbour extension programme, Sir, a section of the loan contract between the Government of Barbados and the Inter-American Development Bank required that within two years of the date of the contract a detailed report should be presented to the Inter-American Development Bank indicating the steps which have been taken and the results obtained from the imposition of taxes, on increased property value resulting from the implementation of the project. In other words, Sir, part of the whole agreement for financing is that when the lending agency puts the money on the line, it is not putting the money on the line merely for the enrichment of the private property holders and that the gap is filled if you have your own land which benefits from the harbour extension. You will have an enhanced value and therefore will make something out of the deal. What this does, is to ensure that all that is made out of the deal is not going to stay in private hands, some must come to the Treasury because it is at public expense that enhancing has taken place.

In this particular case, the relocation of cargo handling and the associated vehicular traffic consequent on the shallow draft facility. The factors which were regarded were sending up the values of properties in the

area. The Government had few options. Basically it came down to revaluing the lands in the area. This is an alternative which is not favoured because by law, there ought to be a new valuation every three years. The imposition of the benefit levy which is not so favoured at present because it tends to operate on a form of Government taxation. What was determined therefore was that if it was declared to be a special development area, with a betterment charge of the special development area relieving the increase in value that the Treasury would collect if and when the time came for the property to be transferred.

I think, Sir, once we understand that in this case at any rate this is part of the terms of agreement over and above that contained in any part of the contract, the point is that it is in my view — and in the view of the Government of which I am a member — only fair that where public funds are expended so that private property — and I think that private property in this area has a value in excess of \$7 million — I do not remember the exact number of parcels involved — where public funds result in the enhancement of private property, then by way of a special development charge the public will not see its investment go solely to the enrichment of private land owners but the Treasury will get some benefit too.

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

The question was put to the Senate and agreed to.

RESOLUTION TO APPROVE SPECIAL DEVELOPMENT AREA (HEYWOODS — SPEIGHTSTOWN) ORDER, 1979

The Seventh Order was called — to move the passing of the Resolution to approve the Special Development Area (Heywoods — Speightstown) Order, 1979.

SENATOR THE HON. N. A. BARROW: Mr. President, this Plan which I am offering for view outlines the area which is involved in this Resolution, and the Resolution has to do with the Heywoods development. We have gone through Harbour development and basic communications development to a point where there will be some communications development because of the Speightstown bypass road. In addition to the overall tourist development which forms the Heywoods project we are seeking to have declared as a special development area the lands which are going to be directly affected by the public expenditure which will result in an enhancement of their value. The justification is the same.

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

SENATOR K. HEWITT: Mr. President, there is one question I would like to pose to the hon. Leader of the

Senate. In the case of a subsequent property transfer where, as he has indicated, it is only fair that the Government should get a part of the enhancement, are there any criteria indicating the calculation of that portion which would fall to the Government? And secondly, is there any time frame within which such a transfer must take place?

SENATOR THE HON. N. A. BARROW: Mr. President, the development period is a period of ten years, so we find that this Resolution will come into effect on 1st April, 1980 but at the end of the development period, since it was intended that the period should begin on 1st January, 1979, the end of the development period is 31st December 1988. I understand that refers to transactions taking place within that period of time.

As to the first part of the question raised by Senator Hewitt, I am not quite clear, but if what the hon. Senator is raising is whether we will get, for example, a transfer between the parties at a value lower than value of the land — I do not know if that is what is in the hon. Senator's mind....

SENATOR K. HEWITT: I mean the formula or general methodology or tax or whatever you call it — capital gains tax — how would that be calculated.

SENATOR THE HON. N. A. BARROW: As I understand it the basis of calculation in such matters is always a difference between the ordinary value and the enhanced value. The point I want to make is that what I think Senator Hewitt is saying is that under this umbrella a person may put the value of the land below its real value. I do not think it is generally known, but it ought to be appreciated that the Registrar who looks after the tax and sees that the thing is properly stamped and the proper duties and fees paid, the Registrar is not bound to accept as a fair price as the price which operates between the purchaser and the vendor. If he were so bound the parties to the transfer could use a low price in the document of the transfer, but thank God he is not so bound.

The question was put to the Senate and agreed to.

RESOLUTION TO APPROVE SPECIAL DEVELOPMENT AREA (SPRING GARDEN — FONTABELLE ROAD) ORDER, 1979

SENATOR THE HON. N. A. BARROW: Mr. President, Sir, as I said it is a trinity. This of course deals with the Spring Garden area. I think there are still two maps out if members are finished with them I would reclaim at this point.

This is Spring Garden-Fontabelle Road of which there has been much study recently and where lands of commercial value would be opened up, commercial industrial land and again the same argument obtains: substan-

tial public expenditure, substantial enhancement value of property and therefore the same device for ensuring some public benefit in a direct financial way.

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

SENATOR R. FIELD: Mr. President, I wonder if the Leader of the Senate could enlighten me as to whether any provision is made because of the expenditure of the development in the particular area if because of that there is any depreciation in the actual bordering land.

In other words, if the land that abounds this commercial area originally was residential, if because of the commercial area setting up very close to this residential area thus reducing the value of the property of the former residence, is there any provision for making some kind of concession to those residents. You have provision for enhancement in the other area but what about provision for those residents whose properties would be devalued as a result of such a commercial venture setting up near by.

SENATOR THE REV. A. HATCH: Pursuing, Senator Hewitt's question, it is a matter of interest and obviously a technicality of which the Minister would not have the answer but we would be interested to learn it some time. The issue is the property that exists in one of these now to be decreed development areas, if it is not conveyed to a new purchaser within the 10 years of the decreement that it is a development area, then from the information the Minister supplied no enhancement tax would be payable.

Now 10 years in terms of ownership of property is a relatively short time and there must be some answer to this because clearly within these three areas there are a lot of properties which would not be conveyed to new purchasers within 10 years. Is it then that we understand that no enhancement tax would be payable?

SENATOR THE HON. N. A. BARROW: Mr. President, let me first deal with Senator Hatch because I see that one much more clearly. It is not that I do not have the information. I think the point is that in making my introductory remarks I made the point but I should have made more emphasis.

It is this. According to the law there should be a new evaluation of land every three years. It means that someone who has land and who benefits as a result of public expenditure will find himself paying less tax at a higher rate automatically. What this is intended to do, therefore, is not to attempt to penalise a land owner because he gets a benefit and he pays his tax in the ordinary way and that is all well and good but what one

has to do is to ensure that where one wishes to speculate and so take out capital after there has been enhancement at public expense, that that in some people's mind might mean an unjust enrichment which should not take place.

The State should get something back because the State has expended heavily for the enhancement of that property. If you are not selling it it does not matter. You will exactly be in the same position as if today you are sitting on rab-land and there is no road and you cannot think of what you would do with it, but somebody comes next door to you and develops land with all the services and you now have to spend very little to develop your land. If you at that point have benefited from his services and he is in no position to do anything about it all well and good but if it is done at public expense and I think that you will find that where it is a private developer he will try and get you to scheme with him so that he does not bring you into everything otherwise he would probably hold his own.

As to the other point made by Senator Field, I do not know whether I can really answer that point because if the mere setting up of a Commercial Enterprise in an area means that the property value would be lowered then I would have to make a humble submission that the property value in the Brighton area went down a long time ago, Sir. Even the cited cases in Barbados referring to commercial activity, the celebrated nuisance case of Greenidge and the Light and Power Company where on the Judges' interpretation of the evidence the nuisance was not proven but still the fact is that it meant that the presence of the Light and Power Company in that area had substantially altered the activity in the area and with the Light and Power Company in Spring Garden and Texaco and I believe there are two Rum Refineries in the area that the road is going to link up with coming from Fontabelle where there is the Harbour Road through until it gets up to a round about Paradise, there is already a great deal of Commercial Industrial Enterprise in the area.

I cannot see, Sir, how a further opening-up of land, this is a country where land is a scarce resource, of course the point which gave rise to the earlier remarks of this whole thing.

I cannot see how bringing into productive use further substantial commercial lands in going to adversely affect the value of any property in that area. Indeed Sir, if one looks at the kind of values currently attached to prime commercial land, it is going to be very difficult to sustain.

I take up Senator Field's argument because I believe that the land which he has most immediately in mind is

land which is currently in housing perhaps a little to the west of the public housing provided at Deacons Court and lands if put into commercial use, might then become more valuable than at present. It seems to me that it is a little unfair to suggest that any land in that area is going to take a knock in value and therefore, that there should be some compensation.

The question was put to the Senate and agreed to.

SUSPENSION

Mr. PRESIDENT: I think this would be a convenient moment to suspend the sitting for 20 minutes. The sitting is suspended for 20 minutes.

ON RESUMPTION

Mr. PRESIDENT: The sitting is resumed.

HOLIDAYS WITH PAY (AMENDMENT) ACT, 1980

Order No. 2 was called — To move the Second Reading of a Bill to amend the Holidays with Pay Act, Cap. 348.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, in 1952 the Government of Barbados enacted legislation which entitled all workers to get two weeks holiday with pay. This landmark legislation at that time was deemed in many respects to be revolutionary but ever since the days of 1952, the people in Barbados have grown to accept that it is a civilized business practice for workers to get holidays. At the time it was felt that a special favour was being conferred on workers and there were some elements who believed that the then Government was made up of radical madmen who were introducing this legislation. Happily, the climate in 1980 is a vastly different one and we in Barbados now regard holidays with pay as nothing unusual, nothing radical, nothing revolutionary and it is widely recognized by many employers now that far from hurting their business, to enable their employees to stop periodically to refresh themselves and to replenish their energies is an important aid to increasing productivity and it is in this spirit that a subsequent amendment was made by the last administration, whereby workers could get three weeks holiday with pay after being employed for five years.

In 1977, the present Government improved the situation even more by permitting all workers to get three weeks holiday with pay after being employed for only twelve months and this amendment today is in the spirit of continuous improvement within this area. The amendments to the Holidays with Pay Act Cap. 348 seeks to maintain the principle of the distinction between workers who have been employed for less than five years and

workers who are employed for five years and over by proposing that those who are employed for five years and over be entitled to four weeks holiday with pay. This is the only issue, Sir, in this legislative proposal and I do not think that it is necessary for me to elaborate with it anymore.

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

Mr. PRESIDENT: It is proposed that this Bill be now read a second time.....

SENATOR D. H. G. HUNTE: Mr. President, this amendment which is before us this evening provides for four weeks after five years service. The Minister who introduced it Sir, may not have been here in Barbados in 1976. I should just like to draw to his attention that in the election Manifesto which was published by his party they promised three weeks holiday with pay after one year's continuous service and four weeks holiday with pay after five years of continuous service.

The amendment which we are doing this evening increases it from three years to five years. I thought he might have eluded to this in his introductory remarks because as I said, he was not around in 1976 and he might not be aware of the promise or the pledge which was made to the working people of the country. I wonder if he could give us in his reply some indication as to the reason why the Government did not see it fit to honour entirely the pledge it made in 1976. One of the solemn pledges on which I believe it was elected to power in 1976.

During the course of the previous amendment in 1977 certain members in this Chamber were critical of the generous holiday with pay provisions which were made. I believe it is necessary for the workers to get time off. It is true that in many instances the provision of the law are not really enforced because when they take three weeks from you they find some other employment and I believe it is fairly difficult to do this. The majority of the construction firms close down for three weeks at Christmas time in order to give the workers the money and the benefit of the Christmas holidays.

Very often you find that when you decide to re-open on the 7th or the 14th or whenever the time, some of the workers have already gone to in some instances Government, M.C.W. or some other place which has not closed and taken employment; while on the one hand you try your best as an employer to comply with the law, the workmen on the other hand prefer, and in many instances if you will agree with me, to continue working and get the bread in their hands, because they tell you that things are bad nowadays and they have a lot of little things to look after, and they cannot afford

to take the money and go home and rest, and therefore they have got to go and break another job.

I am in agreement, Mr. President, to holidays with pay, but the Government took a long time in bringing this because in 1977 they brought the first amendment and given the three weeks once a year, but I do not know what was the reason for the delay. I remember, however, a Jamaican friend of mine telling me that the late Sir Alexander Bustamante told the late Norman Manley one time that you should not ever give everything you promise to the people one time. I believe it was a question of bicycle licences and I think it was abolished all at one time, but Bustamante suggested to Manley that what he should have done is every year he should have taken off a little piece, so that by the time the elections come around the people would remember the last piece that came off.

I do not know if in 1977 we had the first amendment to the Holidays with Pay Act, in 1980 we are carrying it a stage further, and since the climate will change in 1981 to use the words of the Minister, that the climate of 1980 is different from 1952, I believe we will come back to this Chamber and the Minister will tell us then at least we are able to honour the pledge which we gave and we are going to honour it now because the people will remember us for having done it in 1981.

SENATOR D. S. MACKENZIE: Mr. President, I am sure that in bringing this Bill forward the Government must have given very careful consideration to the amendment and weighed on the one hand the effects that this Bill will have on the competitiveness in price of Barbadian produced goods and its consequent effect on our trade and our balance of payments position, and on the other hand on the political benefits that the party itself would receive for introducing the amendment.

I do not think, Mr. President, that there can be any doubt in anyone's mind that this amendment obviously will increase the cost of employment. The effect of the amendment would be to reduce the overall productivity within both commerce and industry, but mainly it is in the manufacturing sector that I think is the area that one should pay the greatest concern. As I said just now, Sir, the effect will be to reduce the overall productivity within the manufacturing sector and this is the one that we should pay the greatest concern to, and if the production levels are to be maintained, then more people would have to be employed to maintain the present production levels within the manufacturing sector. This, Mr. President obviously is a good thing and I am sure must have been in the forefront of the minds of the people in Government when they brought down this Bill to extend the Holidays with Pay; but I do not want

us to lose sight of the fact, Mr. President, that of necessity this amendment has a cost. This increases the cost of production because it increases the cost of unproductive time to be paid for.

Now this payment for unproductive time in the manufacturing sector of necessity would drive up the unit cost of goods that they produce, and it will have a tendency to make Barbadian produced goods a little more expensive, or to put it another way, a little less competitive with our neighbours who either deem that they cannot afford to grant four weeks' holiday with pay or who feel that it is expedient not to do so to maintain as competitive a position with the products that they manufacture as is possible. I think we must also be cognisant, Mr. President, that many developed countries, and here I think in terms of England and the U.S. and I believe it is true of Japan as well, either deem that they are not able to afford the luxury of these four weeks' holiday with pay or again they deem it inexpedient not to promote such social legislation, and I cannot help but wonder, Mr. President, which of us is right, the developed countries or Barbados. I am not sure of this.

Now speaking strictly on a personal and selfish basis, I welcome personally the amendment because I have never been setting examples in the 28 years I have been working I have never taken any more holidays than what the law has called for, and I have done the same for myself as I do expect of others within the constraints of the laws that exist, so I welcome the four weeks. But again, Mr. President, I have always been taught that everything that I want is not necessarily in my best interest, and I sincerely hope that the Government realises this too and have given serious consideration to the effect that this will have.

Just as a point of interest if we were to take the 365 days of the year, because of the development within our society and the introduction of a forty-hour working week and a five day week, people generally do not go to work any longer on Saturdays and Sundays, so if we take out the Saturdays and Sundays that people now do not work, you would remove from the whole year 104 days. If you then take what is known as the casual and certified sick leave as is granted, say, in the civil service which people take as a right whether they are sick or not, but it varies with the civil service which happens to be 21 days, in industry where there are agreements with the Barbados Workers' Union they are a lesser number of these casual days, but if you deducted what pertains in Government Departments themselves, you would have to take off a further 21 days. In one year we have approximately eleven bank holidays, therefore if we deducted them and if we now deduct the four weeks, we would deduct approximately 20 working days, so what you will find in the end, Mr. President, is that of the 365 days, in actual fact 209 approximately of them are productive days and

156 days are days on which you do not work. That, Mr. President, is generous by any standard.

Now a point that I would like to make here is that a decision I have to make with regard to whether the four weeks is reasonable or whether it should be five or six. All I would like to do is to express a word of caution that whenever we extend holidays with pay we also increase the cost of employment.

We also have a tendency to make Barbadians produce goods slightly more expensive, and we have to accept the realities in life, that we are trying to compete in a harsh world for the sale of the goods that we produce. Our ability to have industrial development to provide more jobs for everyone hinges to a large measure on how competitive we can remain with our goods, and this does have a cost.

The introduction of this Bill for holidays with pay is entirely something that the Government has decided to do, I have no fault with it, as I said, personally, because selfishly I agree with it, but I just would like to express the words of caution that I did, and also I would like to say that it can unless the homework is carefully done influence what happens to the competitiveness of Barbadian produced goods.

In the Bill, Mr. President, there are a couple of things I would have thought that should not have appeared here. They are not important particularly, but since the Holidays with Pay Act applies to both male and female, I would have thought that it would have been better to write in 'an annual holiday of not less than four weeks where he has been in the service' I think it should be 'he or she'. I think at this point in time it should be included. As I say, Mr. President, I do not rise to object to the Bill but merely to express the viewpoint that these things when done cost money, and in the future if they look at it — and I am sure as time goes on the Government of the day will look at these things with a view perhaps of even extending them further — but I would like them to make sure that on each occasion their homework is done well, because there is a possibility that they could make Barbadians produce goods uncompetitive to our overall detriment, and on the one hand in gaining political kudos for having done it and popularity, it could without careful study backfire on the community as a whole, and I sincerely hope that they in this instance have in fact done their homework well.

SENATOR M. E. COX: Mr. President, I think the Hon. Senator Hunte will realise, if he doesn't even appreciate the fact, that any party winning the Government, don't mind what Manifesto or what they may put into the Manifesto, they may not at all times be able to carry through for one reason or other all that is put into it, because I am sure, Sir, that there are things which

were in the first Manifesto the DLP issued, and fifteen years have gone and they have not yet fulfilled them. He knows that well enough.

But getting to this Holiday with Pay, this was instituted in 1952 after the Barbados Labour Party became the victor at the polls with sixteen seats, but a Bill similar to this was passed before that in the Lower House, but when it came to the Upper House it was thrown out. I want to say that I am pleased to see that the Government has at least extended the holiday with pay to four weeks, and I do hope that the people will be able to appreciate the fact that although the Manifesto has mentioned the five as has been mentioned by the Hon. Senator that the Government has still kept up to some extent the promise that they had made when the Manifesto was published and when they took over the Government. In three years' time the Government has increased the holiday with pay by one week, the other party that was in office took something like 13 years before they increased it one week.

SENATOR A. TRUSS: Mr. President, I rise in support of this Bill. I think it is extremely good and I would like to congratulate the Minister responsible, who introduced the Bill.

There are one or two comments I would like to make. Just to touch slightly on the Opposition speaker, in 1961 the Democratic Labour Party promised us a flour mill and a shoe factory and we have not seen it yet, after 15 years of being in power. That is just by the way.

In any event, the comment which I may make is if the Minister plans to introduce an amendment or to change another Bill before 1981, as was suggested by the Opposition speaker, then I suggest perhaps that he looks at the cut off point with reference to section 3A which says "an annual holiday of not less than three weeks where he has been in the employment of that employer for less than five years..." I think that when you consider a person working with a company for one year, and you compare that with a person who has worked for that company for five years and they are entitled to the same three weeks, that does not appear to be fair, just or equitable. And in as much as the Severance Pay Act has a cut off point of two years, I may recommend to the Minister that if there is any further consideration that perhaps two weeks for the first two years, and thereafter between three and five weeks, so that you form a policy of the two years with the Severance Pay Act as well as this Act as one line. It is just a recommendation. By the same token, taking it one point further, it says here in section 3(b): "An annual holiday of not less than four weeks where he has been in the service of that employer for five years or more." I find it difficult to reconcile in my mind that someone who has been working for a company for 15, 20, 25 years should be entitled to the same four weeks as someone who has

been working with that company will get after five years.

I believe that perhaps after 15 years, or after 10 years there should be another cut off point of six weeks or more between 10 and 15 years, and between 15 years and over eight weeks. I know perhaps I will incur Senator MacKenzie's wrath when I say this, but in terms of what is fair and what is just and what is equitable, a man cannot be expected to put 25 years of his life into a company and get the same benefits as the man who has put 5 years into that company, so therefore if it is spread across the board I am suggesting that under three years you get two weeks, between three and five you get three weeks, between five and ten you get four weeks, ten and fifteen six weeks, fifteen and over two months. I look forward to seeing that before 1981.

Alternatively, Mr. President, it should take the form of a bonus, a mandatory bonus of X amount of dollars computed over the period of time which that person has worked over and above a certain amount of time. In other words, if a person has worked for 15 years for a particular company and he has retired he is entitled to a mandatory bonus to be paid out by that company, so that he receives a gratuity upon leaving the company, so that he knows he has a nest egg. After 20 years of service I have seen in the papers a man gets a chair and a bicycle and this foolishness. That was 25 years ago, today we want to deal with hard realistic cash, and when a man gives 25 years of his life to a company, to me it is an insult to give him a chair. He is entitled to much more than that.

I am speaking as a businessman, because when the minimum wage was \$64 I paid \$84; when it was \$84 I paid \$100 to \$120, so when you stamp a man to the ground I think that is being very short sighted. Give him a piece of the action; that is my policy and philosophy.

I accept the point Senator MacKenzie made about productivity and accept that it will have a unit cost to Barbados. But everything is relative; we have to deal with things as they relate to Barbados; we cannot deal with them as they relate with Japan since there will be different reasons and conditions.

Within CARICOM itself, Jamaica and Trinidad are more industrialised than we are and when we look at the CARICOM arrangement it would be difficult for Barbados because we would be operating at a disadvantage. But yet we see our productivity is up, our exports are up. The price of gasoline in Trinidad is less than \$BDS 1.00 while in Barbados it is over \$3.50 a gallon. And in spite of these things we can still compete, and I do not think it is unfair to pay somebody who has given ten years of his life to your company — because if they were no good they would not have been there for ten years in the first place — so when I hear businessmen saying "I pay them \$85 a week but they are not worth that," if they are not

worth that, fire them; you cannot justify not paying them by saying they are not worth it. And what worries me more is the fact that I have been reading in the Press of accusations about business people having employed \$84 and drawing less. I would hate to think that in this day and age this is true and I would like the Minister to investigate it and come down hard on the offenders if it is true.

We have had in the past as Barbadians to buy local and pay more and get less. But we have had to do this in our own interest. If we import shirts from Taiwan we can get them at \$3 a dozen, whereas in Barbados they cost \$200 a dozen. But the point is that we are supporting our own industry and our own people.

In terms of productivity I agree with Senator MacKenzie, because if you run your business on such a close margin that the difference between three weeks or four weeks vacation after ten years of service means the difference between making money or losing money, it is time to pack up because people who give ten or fifteen years service to a company should be rewarded adequately, and I look forward to the Minister bringing in a Bill in 1981 to have all those people who have been working fifteen years or more for one company getting two months vacation or some sort of bonus that would compensate them for their long years of service.

SENATOR K. HEWITT: Just a few brief comments, Mr. President, more or less in response to Senator MacKenzie's arithmetic. Obviously there is no argument that the provision for four weeks after five years service will increase the unit cost of goods. But first of all in his arithmetic Senator MacKenzie would have to determine what proportion of the work force those with over five years service would comprise. A minor point perhaps, but I think the Senator could have looked at the other aspect of the increased holiday and query to what extent the industrial climate of the island would be enhanced by the increase in vacation to workers with over five years service; and having looked at that he could have asked to what extent this better climate would lead to greater productivity, thereby countering some of the increase to the pure labour cost. His attempt to compare Barbados with other countries which have not yet implemented four weeks after five years could have gone a bit further and question whether or not the days not worked apply to Saturdays and Sundays, public holidays etc. I refer again to the general industrial climate of certain places and it is curious that he should mention Trinidad and Britain because he could then have asked how much industrial time was lost in Britain and Trinidad over the last ten years, not through vacation or sick leave but from industrial dispute. So I do not think that one can just look at the increase of one week and say what is the net effect of the increases, for instance one-third increase in wages; one would have to take some cognisance of the better industrial climate, etc.

The other aspect is that although it obviously increases the labour cost it also increases employment opportunities, and there is no one who would gainsay that almost any measure that tends to increase employment opportunities is very valuable at this point in time.

SENATOR C. I. DEANE: Mr. President, I should like to begin by saying that unlike Senator MacKenzie I am not so much interested in the increase in unproductive time as I am interested in more production from the production time. With regards to the Government taking this increase in holiday with pay in stages, I give the Government full credit for that because there is no doubt about it that when business employs a big staff I think they are very considerate in going from two weeks to three weeks, and now in 1980 to four weeks.

With regard to the time lost with industrial strikes as mentioned by Senator Hewitt I have almost reached the stage where I do not think in our industrial atmosphere and the wisdom of those people who negotiate industrial matters, I do not think in view of these two things we will ever have any done — time due to industrial strikes. That is my opinion at the present moment.

Now, Sir, it was mentioned earlier, I think Senator Hunte said this that a lot of people say give me the holiday pay but still let me work. Now the idea about a holiday is for a refreshing time where you will have more interest in coming back to work and that kind of thing but as far as the four weeks holiday is concerned, I do not think that anybody should be denied the right of that length of holiday and again I repeat, they have come to it by status which is a very wise thing.

There is another point I would like to refer to and it is productive time again. At the moment you take the cane-cutters. Productive time would be from Monday to Friday but there are a lot of workers who work from Monday to Wednesday. I have spoken to a certain gentleman about this but they stop working on a Wednesday because they say the rate of tax taken from them is too high if they work a whole week.

I have mentioned this in this Chamber before the rationalisation and construction of taxes and I have been told that those in the right places are giving full consideration to it but I wholly support it and I see Senator Mackenzie's point. I wholly support the idea of the four weeks holiday with pay and again I repeat, I congratulate the Government in coming quietly up with it. I do not think that it is any sop that from year to year they will finish off in 1981. I do not believe that at all.

Mr. President, I do say that I see the other point of view where they know that a disruption would be

the cause in big firms who employ a large number of people and I can give them the highest credit for approaching this question by degrees. Thank you, Sir.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, in dealing with the points raised such as they are, I do not think it is really necessary to inform Senator Hunte that I was around in 1976.

The whole process of arriving at any type of Labour Legislation, Mr. President, is a long involved process. Ministers of Labour are not ceased with inspiration like the people on the Day of Pentecost when tongues of fire descended upon their heads and they rushed in and say four weeks holiday with pay is good at this time or five weeks or even two months that has been suggested. This is not the procedure involved.

Mr. President, it is a rational procedure in which exhaustive consultation took place with Employers and Workers Organisations and as a consequence of this and having regard to the respective concerns of all the interested groups and the policy of the Government, it was considered that four weeks holiday after five years work was the most sociable desirable proposal to be made at this time. This time and context, of course, are extremely important.

The question about cost of production is one which suggests a one dimensional approach to the whole question of costs. This legislation not only has economic implications, it also has social implication and just as there are economic costs, there are comparable social costs and just as there are economic benefits there are comparable social benefits, one of which was alluded to by Senator Hewitt.

One benefit which also has economic consequences is improving inter-personal relations between Employers and workers resulting in a diminution of loss of man days. It is precisely because of the judicious introduction of legislation of this nature by Governments of Barbados over the years that has made the atmosphere of industrial relations in Barbados the envy not only of Caribbean countries but also developed countries.

When one is in the business of referring to developed countries as standards one must always be guided by a cavalcade because there are significant differences in these countries. Most of the Barbadian workers toil in hot oppressive conditions. Workers in most of the other industrialised countries work in conditions that involve the expenditure of less effort over any given time span.

I believe that it is commonplace that workers in the Tropics require much more rest than workers in the

Temperate Zone so that if workers in the Temperate Zones do not enjoy the same extended holiday periods it must not be taken that we are feather-bedding workers in this country because the physical conditions under which people work warrant it.

I believe to ignore this fact is to assume that we are still living in an epoch of slavery where men are driven all day with little regard for the conditions under which they are working.

In addition to this, if workers are not given adequate holidays, one can expect a greater degree of absenteeism and with absenteeism due to sickness comes an increase of health costs to the community.

There is a kind of ricochet effect if workers are not given adequate time in order to replenish their energy resources and one has to look at the whole context of social and economic factors in determining these things and not fasten on one single variable of production cost in absolute money terms but when one considers what percentage of additional cost is involved it is relatively miniscule.

So this essentially is social legislation and like all social questions it is a mistaken approach to fix upon economic consideration without also considering the social cost and the social benefits.

I agree with Senator Hewitt's comments and it is not necessary for me to say anything about them. I thank Senator Deane for his support. With regard to Senator Truss I think the only two salient points that need any comment from me is his first proposal with respect to the two year period in which persons working for two years or less will be given two weeks holidays with pay. That I regard, as a retrograde step and this Ministry could not entertain such a proposal. It would not only be at variance with our humanitarian principles but it would be political madness to reduce the vacation of a person who now enjoys three weeks holiday with pay to two weeks holiday with pay. The other points which he made is a matter which the Ministry has under review at the present time dealing with the position of persons who have worked for ten or more years with any business concern. At present the Ministry of Labour is discussing with the appropriate organization the possibility of a gratuity for such long service workers. The points Senator Truss made in this respect are well taken and consistent with what we are doing.

I beg to move that this Bill be now 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. D. G. **BLACKMAN**, the Senate resolved itself into Committee

on the Bill, SENATOR the Rev. A. HATCH, in the Chair.

On the motion of SENATOR K. HINDS, the Bill was taken as read.

Clauses 1 to 3 inclusive were called and agreed to.

On the motion of SENATOR the Hon. D. G. BLACKMAN, the passing of the Bill in Committee was reported to the Senate and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the motion of SENATOR the Hon. D. G. BLACKMAN, the Bill was read a third time and passed.

OCCUPATION TRAINING (AMENDMENT) ACT, 1980

Order No. 5 was called — To move the Second Reading of a Bill to amend the Occupation Training Act, 1979—28.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, you will recall that some time last year the Occupation Training Act was debated in this Honourable Chamber. Since then, the Ministry of Labour has been concerning itself with the establishment of a National Training Board and appointing staff to that Board. It was discovered while we were in the process of appointing staff to the Board that some of the persons whom we thought we would have been able to enlist as servants of the Board were no longer available. These persons are members of the Civil Establishment and it was anticipated that they would have served the Board on secondment in the first instance.

In addition, when the Board came into existence it was expected that it would deal exclusively with matters relating to the restructuring of the apprenticeship system in Barbados. Given the unforeseen expansion in the skills training programme and the great interest generated among young people within the community, it is felt that we should no longer postpone bringing the skills training project under the jurisdiction of the National Training Board. So the idea of having a staff that was seconded was based upon our anticipation at the time of the enactment of this legislation that we would have only a small group of civil servants working exclusively with the restructuring of the apprenticeship programme.

We have, subsequently found for reasons just given decided not to postpone bringing the skills training programme under the jurisdiction of the Board. We proposed to do so immediately and therefore, in view of the fact that the Board will have to look for new personnel, we think it is appropriate that the Board

handles the task of personnel itself especially since most of the personnel will come from outside the established Civil Service.

The essential feature of this amendment is to confer upon the Board corporate status to enable it to recruit its own staff and to fix conditions relating to worker recruitment etc., etc. A minor error was made at the time of the parliamentary discussion which we now take the opportunity to change, and that is to restrict the amount of the levy which the Minister of Labour can impose upon employers to one per cent.

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

SENATOR H. F. G. ROCHEFORD: Mr. President, I have one comment to make about this and it is that I feel that this legislation should have been brought to this Chamber first because from the criticisms which I have read as to the way it was introduced into the Lower House and the inability for the explanation to be adequately given, and having heard the Minister whose responsibility this training is explain it, it seems to me that legislation which the Hon. Minister has under his portfolio should be introduced into this Chamber, and I think that this coincides with your view that the importance of this Chamber as a Chamber of first instance should be used at every opportunity, and I would hope that we see this done more often.

SENATOR D. H. G. HUNTE: Mr. President, the point which Senator Rocheford made is a very interesting one because when this Bill was introduced first, it came through this Chamber, and I have always said that the manner in which legislation is introduced by persons on the other side can make all the difference in regard to the tone of the debate which you get, and certain comments which I have heard on the manner in which this particular amendment was introduced in the Other Place certainly left a lot to be desired, and I do not believe that the explanation which the Minister so aptly gave us this evening was the kind of explanation that should cause all the furore that was made in the Other Place pertaining to the type of legislation. The practice is not usually for the Senate to be first or take the lead. In certain instances certain bits of legislation originated from this body, but even if they were introduced in here, I believe when they go down to the Other Place, Mr. President, depending on who takes the job of introducing it that the debate in the Senate would still be put to shame because I believe that in the Other Place people tend to play more to the Gallery and that kind of thing, and therefore they try to score cheaper political points than you will find.....

Mr. PRESIDENT: I would not want the hon. member to proceed too far in the direction of what may appear to be a criticism of how the Other Place conducts its business. It is out of order as far as this Chamber is

concerned, so I would prefer to leave that having said what you said already. Can you proceed with the main theme and leave that digression alone?

SENATOR D. H. G. HUNTE: I did not realise it was you who cut me off; I thought it was the other side that had cut me off, as I know you normally give us a bit of latitude that we are entitled to. But I am serious that the introduction of legislation and the way how it is introduced make a lot of difference. Sometimes you come here prepared to do battle, but then you find that the introducer of a particular motion introduced it in such a way that you can sit back. On the other hand, sometimes you come prepared to keep quiet and not to bother too much and then you get some kind of provocative things coming from the other side like the Minister this evening. He could well have got up and taken the same trend that was taken elsewhere that the previous administration did nothing about apprenticeships and anything of that sort, a different type of introduction, and therefore you will find that the cooperation which one would expect is not always forthcoming.

I would hope that he will be able in the little time that is left to impress upon his ministerial colleagues how they should seek to introduce it and he should try to give them some guidelines particularly when it is legislation regarding his Ministry in order that the standard in the Other Place would be compatible with what obtains up here.

SENATOR THE HON. D. BLACKMAN: Mr. President, the reason why this Holidays with Pay amendment Bill was not introduced into the Senate first is because the two of them were leaving the Ministry together and we wanted the Occupational Training Act amended as soon as possible so that we could begin to recruit staff for the National Training Board. At the time when these Bills were made ready for the Legislature, it was not known that the Senate would meet and I was informed that the House was meeting the following day, and so in the interest of saving time I decided to let these two Bills go to the House first. It was not done with any wish of my own but in the interest of saving time only.

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

On motion of Senator the Hon. D. BLACKMAN, Mr. PRESIDENT, left the Chair and the Senate went into Committee on the Bill Senator the Rev. A. HATCH in the Chair.

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

Clauses 1 to 7 inclusive were called and passed.

On motion of Senator the Hon. D. BLACKMAN, Mr. CHAIRMAN reported the passing of the Bill in Committee without amendment and Mr. PRESIDENT resumed the Chair and reported accordingly.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, I beg to report the Bill as passed the Committee without amendment, and I beg to move that it be read a third time forthwith.

The question was put to the Senate and agreed to.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, I beg to move that the Bill do now pass.

The question was put to the Senate and agreed to.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, I move that this Senate do now adjourn sine die.

The question was put to the Senate and agreed to, and Mr. PRESIDENT adjourned the Senate accordingly.
6.15 p.m.