

THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

THE SENATE

Wednesday, 15th April, 1981.

The Senate met in the Senate Chamber, Public Buildings, on Wednesday, the 15th day of April, at 2.40 p.m.

PRESENT

His Honour Senator the Honourable Sir ARNOTT CATO, M.B., Ch.B. LL.D., (President); Senator the Rev. G. ANDREW HATCH, (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 Sir MENCEA 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. 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 N. W. BOXILL; Senator W. O. FRANKLIN, J.P., A.I.A.S., and Senator R. E. BRATHWAITE.

ABSENT

Senator the Hon. D. G. BLACKMAN.

Prayers were read by Rev. Dr. Lionel Crawford.

INTRODUCTION OF BILLS

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to give notice of the following:

A Bill to repeal the Education Acts, Cap. 41 and 41A and to make new provision for the management of Education in Barbados.

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

PUBLIC BUSINESS

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move that the first five Items of the day be as follows: Order No. 9, Order No. 8, Order No. 11, Order No. 10, Orders Nos. 6 and 7. It should be observed that Order No. 4 is still with the Other Place and that Senator Blackman, who has had unfortunately a dental appointment, if he does make it in time will be dealing with Orders Nos. 1, 2, 3 and 5. I shall be dealing with Orders Nos. 9 and 8, Sir, and Senator Trotman with 11, 10, 6 and 7.

THE INCOME TAX (AMENDMENT) ACT, 1981

SENATOR THE HON. N. A. BARROW: Mr. President, since the budget speech for the year 1981–82 has taken place and the financial proposals are known, and since in that Budget the Minister of Finance has made further changes in income tax, we are in the position this afternoon, Sir, where I know two of the criticisms which otherwise might have been made are no longer applicable, and therefore we are in a position to look at this legislation as tidying up last year's Budget barely in time for persons to make their income tax returns for the year 1980.

What this Bill reflects, Sir, is as follows: The undertakings given in the 1980 Budget Speech in respect of allowances for chattel houses, it needed legislation to do these things, adjustments to the taxable income bands and tax rates — remember that last year was the year when the bands and rates were so adjusted as to give something like 30% relief — provide for the tax credits, special allowances for persons over 65 in keeping with the policy towards the aged, exemptions for shares which otherwise would fall into the category of gifts and be taxable if there is no specific exemption, and this relates to where persons

are given shares within the business within which they work, and there had to be legislation in order to exempt those shares from tax, otherwise they would be taxed as gifts in the hands of the receiver, a change in the method of claiming depreciation allowances so that by using a straight line method it allows equipment and machinery to be written off much more quickly, a matter that would have involved some substantial loss to the revenue had it been the case with most of the industries we are dealing with — most of the businesses were capital intensive — the exemption of Trade Union subscriptions from withholding tax, the imposition of withholding tax on non-resident entertainers, people who come here and work by way of their profession as entertainers must contribute to the revenue like any Barbadian working here, and the cash rebate on agricultural machinery and other farm equipment. Then the exemption of shares in lieu of retirement gifts.

Mr. President, these are the provisions which had to be enacted in order to give effect to those specific proposals. If we look at clause 5, Sir, of the printed Bill, I believe that there is a mistake in the printed Bill, unless it was only the one that I saw, but I believe that clause 5 of the printed Bill talks about an amendment by.....(Senator N. W. BOXILL: There is one in clause 8 too). I only noticed the one in clause 5, if I see the one in clause 8 I will take that out.

As I recall, Sir, Clause 5 says something about the Act being amended by the words and the word "deleting" is left out. I am told that Clause 8 also has an error. Sir, at the appropriate time I shall move the amendment to Clause 5 and if there are others which hon. members come across, when we go into Committee I should be only too willing to move them. I would ordinarily have asked that the Bill be not committed, but in this case since at least I have picked up one error and one other Senator seems to have picked up another, we will have to commit.

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

The question was put to the Senate and agreed to.

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

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

Clauses 1 to 4 inclusive were called and passed.

Clause 5 was called.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, in Clause 5, I beg to move that the word "deleting" be inserted in line 2 after the word "by".

The question was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I beg to move that Clause 5 as amended stand part.

The question was put to the Senate and agreed to.

Clause 6 was called.

SENATOR N. W. BOXILL: In Clause 6(e) on page 5 I think there is a mistake. It says: "the machinery or plant is sold or transferred in such circumstances that the sole or main benefit obtained by the person who made the initial capital expenditure is the obtaining of a cash rebate in respect of that machinery or plant...."

SENATOR THE HON. N. A. BARROW: Sir, it is that the sole benefit is the obtaining of a cash rebate. The only benefit is the obtaining of a cash rebate.

I beg to move that Clause 6 stand part.

The question was put to the Senate and agreed to.

Clause 7 was called and passed.

Clause 8 was called.

SENATOR N. W. BOXILL: In Clause 8 (b) "where the arrears of annual allowance exceed \$50,000, \$50,000 or an amount of arrears of annual allowances...." That looks a bit odd.

SENATOR K. HEWITT: I think it means that the arrears that one can claim, or put it a different way, one can claim up to \$50,000 and then if the backlog is more than \$50,000 you have an option. It is \$50,000 or an amount of arrears up to the 25% of the assessable income. So it should read "The following amounts of arrears of annual allowances deductible where the arrears of annual allowance exceed \$50,000, \$50,000 or an amount of arrears etc..." I do not know if that explains it.

SENATOR THE HON. N. A. BARROW: I beg to move that Clause 8 stand part.

The question was put to the Senate and agreed to.

Clauses 9, 10 and 11 were called and passed.

Clause 12 was called.

SENATOR K. HEWITT: Mr. Chairman, just a point in Clause 12. There seems to be an anomaly here where a spouse in fact earns some income, then that spouse or the other spouse is not permitted to claim the \$5,000.

3.00 p.m.

I am thinking in terms of, let us say, a retired person who may work just around Christmas time or who may work at the time during the year and in total may earn \$1,000 in the year or \$500 in the year. Then, it seems quite unfair to me that because that retired person has had a little activity workwise and might have earned a little money, then his spouse should not be able to claim the \$5,000. I believe that instead of claiming the \$5,000 then he would in the \$1,600.00 limit.

It seems to me that it would make a little more sense or create less hardship if the \$5,000 allowance was given to reduce any earning of the other spouse so that if the other spouse did earn \$1,000 during the year, then the two of them would not be at a loss because, let us say, a married man, with all due deference to the ladies, would be able to claim the \$4,000 and then the married woman would have earned \$1,000 so, in fact, he would still have the benefit of the \$5,000.

It seems more unfair especially in relation to the credit given to those people who earn interest on dividends. The reference here in Section (1)(a), Subsection (c) intimates that where a spouse earns \$800 in dividends or interest then the \$5,000 can be claimed but if the \$800 were earned from other than dividends and interest, then the \$5,000 could not be claimed and I think it makes an interesting comment, namely, if you are going to make an exception, why limit the exception to dividends and interest.

Ask yourself the question what type of person is more liable to be earning interest and dividends as distinct from the person who may just have a week working at Christmas or doing the odd job during the year and it is really a comment for some thinking, unless it was not done intentionally but what I am saying and I am saying two things. If there is an exception I do not see why the exception should be

limited to earnings from interest and dividends and secondly I do not really think that there should be that exception. I feel that the allowance should be \$5,000 less any earnings by the other spouse during the year.

SENATOR THE HON. N. A. BARROW: Mr. Deputy President, I understand Senator Hewitt's point. I cannot find myself in the way of explaining why this provision is made and I believe that it maybe one of these things like the incentive to invest which at first was an incentive limited really to the Company in which you worked and which I think this year's Budget dealt with and put to a more logical footing what Senator Hewitt has been advocating for some time.

In that particular case I take the point which the Senator is making and I believe there could not possibly have been any intention of discrimination in the direction that it seems to discriminate in. At the practical level, I wonder, however, what is the effect because if the person whose spouse goes out to work is no longer able to enjoy the \$5,000 personal allowance but now along with his or her spouse is restricted to a total of \$32,000, it seems to me that it would be difficult to imagine the spouse who is working and earning so little that in practical terms it could make a difference. I believe that the objective has to be more philosophical than real in terms of impact.

SENATOR K. HEWITT: Not really, Sir, because various things can happen. You can get somebody starting to work full-time, let us say, from December if you want to put it like that. Somebody may be able to pick up a job from December 1st and they may be earning a good salary, \$5,000, \$1,000 or whatever and it would still be less than what you would lose. On the other hand there may be people 65 years and over who may just want to keep going on in a little activity that do not want to work full-time or perhaps they cannot get full-time work. They maybe doing part-time things. They maybe working a week at Christmas time or maybe doing odd jobs here and there and over the year the total income may not be more than \$15,000.

I am not thinking in terms of a person obviously who is working full-time for say \$1,000 a month. It does not arise in that situation. I am thinking in terms of the person who is working in the year for less than \$5,000. There is a whole host of persons working like that. There must be a lot of people over 65 who may

earn something but not as much as \$5,000 or the differential between the \$3,200 and the \$5,000 so it is not as simple as that.

This point too relates to another Section of the Act and brings everybody under the umbrella because apart from the over 65's, there is a situation where, first of all, separation is mandatory and secondly you may get a young spouse now coming into the job market in December. She may have been pregnant for the other nine months of the year or whatever, but she starts to work in December and that again, from the time she starts to work in December for that \$5,000 or whatever, she loses that \$1,600 allowance.

I feel it is a very simple thing. If you think that \$1,600 in that case is a reasonable allowance and \$5,000 in this case is a reasonable allowance, then let them be able to claim the difference between what was earned and the allowance given.

The other point about encouraging investment, Sir. I am not saying, do not permit deductions for interest and dividends of \$800. I am saying, do not limit it to that so that by not limiting it would not discourage investment. I am saying do not limit it to bonds and interest. I really do not see the logic in doing it like that. I think that it should be allowed, the difference between the \$5,000 and the amount earned, whatever that amount may be.

Mr. CHAIRMAN: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I beg to move that Clause 12 stands part.

The question was put to the Senate and agreed to.

Clauses 13 to 19 inclusive were called and passed.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I beg to move that the Senate be resumed and the Bill be reported as having passed with amendment.

The question was put to the Senate and agreed to.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to report that the Bill has passed Committee with a single amendment, that is the insertion of the word "deleting" after the word "by" in line two of Clause five and I beg to move that it be read a third time forthwith as amended.

Mr. PRESIDENT: I think that I would draw to the attention of the Senate that this is a money Bill and under the Constitution, of course, the Honourable House may, or may not accept the amendment, that happens in the case of any other Bill. It may, or may not accept the amendment. The procedure after that is different. If the Honourable House should reject an amendment on a money Bill and after a month it becomes law in any case in terms of the Constitution. I hardly think that this type of amendment though is the type of amendment that will meet with much objection because it is making sense to a Clause and not interfering with any money aspects of the Bill.

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

On the motion of Senator the Hon. N. A. BARROW, the Bill as amended was passed.

Mr. PRESIDENT: The Clerk will take the necessary steps to send this amendment to the Other Place with the requisite message.

REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1981

Order Number Two was called - To move the Second Reading of a Bill to amend the Representation of the People Act Cap. 12.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, the Bill before us is one which I know that Honourable Members do not like to see, but still inasmuch as it is necessary. We have already debated the substance of this matter when we debated the amendment to the Representation of the People Act towards the end of last year. What has happened now Sir is that it was discovered that in the First Schedule, there were a couple of errors. They are not many Sir,

but at the same time there were one or two. For example, in a description of a boundary, I believe it is St. Michael West, "Passage Road" which runs at right angles to White Park Road should have been the word used and "White Park Road" was the word used. Then, the boundary between St. Philip South and St. Philip North, the "Sea View Road" was wrongly stated when it should have been "Long Bay Road". Those of us who care to look if we pass up, or down Haggatt will notice that there is a wall on the East side. So again, it should have been the Eastern boundary wall of Highgate and instead the description was just "Highgate Gardens boundary wall". The question of course, would arise what happens if somebody puts a boundary wall to the North, in fact, there is a boundary wall to the North, so in fact the question does not have to arise. So again, it is that kind of mistake. So, while the mistakes do not loom large, St. Michael North East for example, "Rockhampton Road" is to be substituted for "Denton Road". I believe Sir, Denton Road is somewhere going into Grazettes Housing Area.

The position Sir is that although in a large number of constituency boundaries, there were only one, or two errors, I am aware Sir, that Honourable Members will not take kindly to this continuous compounding of errors because almost every Bill that we have to deal with now, we have to do some sort of cleaning up of the type that really should have been done before it got to us.

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

The question was put to the Senate and agreed to.

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

The question was put to the Senate and agreed to, and Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, Senator the Rev. A. HATCH 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, 2 and 3 were called and passed.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I move that the Senate do now resume and the Bill be reported.

The question was put to the Senate and agreed to.

Mr. PRESIDENT resumed the Chair.

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to report the Bill has passed the Committee without amendment, and move that it be read a third time forthwith.

The question was put to the Senate and agreed to.

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

The question was put to the Senate and agreed to.

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT CHECKER HALL, ST. LUCY FOR THE ESTABLISHMENT OF A CEMENT PLANT

SENATOR O'BRIEN TROTMAN: Mr. President, the amount of cement imported into Barbados has almost doubled in the last five years because of Government's works programme. According to my information, Sir, in 1980 we imported some 100,000 tons of cement, and the Resolution before us seeks to acquire the land for the siting of the long talked about cement plant.

The company to run the cement plant has already been established, the necessary Memorandum of Understanding with the Trinidad Government has been signed, arrangements have been made with a company to give assistance, a Swiss company, and it is expected that work on the site for the cement plant will start some time in July. The Plant, as I understand it, will manufacture 300,000 tons of cement, and that should for the foreseeable future take care of our local needs and still leave some to be exported.

I have circulated the plans showing the acquisitions, most of the land is not occupied, only six portions of all the land we are talking about this afternoon are occupied, and in fact there are only three owner occupied houses involved, so that there is no real problem with the re-organisation and resiting of people's homes.

I beg to move that the Resolution do now pass.

SENATOR R. E. BRATHWAITE: Mr. President, with regrets I stand here this afternoon to say a few words on this Resolution.

As a religious man, in 1975 and 1976 I opposed this project in the parish of St. Lucy and I do not

think in 1981 it will be fair to me not to say anything against it. I remember the members of the Democratic Labour Party, we are all aware, we know that they acquired Checker Hall Plantation to erect a cement plant at Checker Hall in 1975—76, now today the same Democratic Labour Party is planning a march against the same cement plant. The cement plant is being erected at the same spot, the same Checker Hall, but today the Democratic Labour Party is acting like the cement plant is being build at Six Men's or some other place, so you can see the position of certain individuals.

Mr. President, the only thing worrying me on this Resolution, I wonder when the gentlemen were planning this cement project why at the same time when they used to be planning housing areas, day care centres, playing fields and all such things, why they did not include the parish of St. Lucy. The only thing that this parish can boast about now would be a cement plant, that is the only thing we will get, and we will have to accept it now because it was planned during the time of the Democratic Labour Party. I believe that things went too far, all the major plans have been put forward already, too much book work has been done, and I do not think you can back off this project after things have got so far.

There are quite a few questions I would like to ask the Minister on this project. If he is sure that the cement will be as good, that is very important; if it will be cheaper than it is right now, now I would like to know the plans for those people who own land in the parish of St. Lucy, especially the Checker Hall area, what will be done with these people. There are some people around that particular area who bought land for the sake of building houses, and now in acquiring these people's land I am wondering if Government is planning some kind of swap other than just paying out for this land or abandoning these people. I do not think money is very important at this particular time.

I believe the engineer might tell me that it might be a special plant, it might be dust free and everything like that. It is left to be seen. I remember going to a very big country which could afford a very costly plant, and I would say that the cement plant there affected that whole district, but now I am hearing that this particular plant will be a special one and it will be very nice, and things like that. Mr. President, I am saying that if the engineer and those people concerned who could boast and tell me that the cement plant will not affect the island of Barbados as a whole, I believe we could go back out there by the flour mill and put the plant there, because nobody in particular lives in the City of Bridgetown. When you think that if a bit of dust does come back to the country it would just come

into the town and it would not affect anybody particularly, but when you think really of the parish of St. Lucy, the last piece of land on the west ridge looking over the sea, which is very beautiful, and we all know today that land is a costly item and we know it is very difficult to get, and I am wondering if the island of Barbados can afford it.

I am sure you know about the one in Trinidad and Jamaica where there is a vast amount of land that has gone to waste. I am wondering if the Island of Barbados can afford at this time to throw away the amount of land that will have to be abandoned through this cement plant. That is one of the things that I was really thinking about.

Mr. President, as I look around in the district, it is causing quite a lot of concern, because I live very close to that particular area and as far as I can see it will be a problem, and I would like this afternoon to voice my feelings and to let the whole of Barbados know that I am one of those people who is not very happy with the project whatsoever. I believe that someone might be able to explain to me and try to soothe my heart on this particular issue. I always think about that poor parish. I definitely believe that if this was something spectacular, places like St. John or maybe St. Philip would try to catch at it, but nobody in particular wants a cement plant, so the cement plant will go to the poor people of St. Lucy.

I do not intend to tire you much on this, but I would just like to let you know my feelings on it, and as I told you it will be a very big sacrifice to the people back there because although there are some people in the south who have a tendency of saying that we are behind God's back and they call down there St. Lucia, we all love it and we regret to know that a cement plant is going in that spot in the parish of St. Lucy.

SENATOR W. O. FRANKLIN: Mr. President, first of all I would like to correct a statement made by Senator Brathwaite in which he intimated or hinted or suggested that the Democratic Labour Party under whose regime the original work for this plant and the original acquisition were carried out is now mounting a campaign against the cement plant. This is not so, and I would like for the records to set this straight. Mr. President, those of us who have any connection at all with the construction industry or development of this country would realise that the supply of cement in ample quantities and on a regular basis is critical for the development of this country, and even now at this very moment we are in the grips of a cement shortage that has many people not working for the last four weeks, and the forecast for the supply of cement to Barbados from outside sources is certainly not bright.

The original sources of the supply of cement are all drying up overnight and we are down to Cuba and Columbia, and the Columbia cement is not very wanted in Barbados because it has a very high flash point, and the makers of concrete and others very accurate in detailed cement work shy away from it. Therefore we are at the mercy of Cuba. For the last couple of shipments there has been terrific uncertainty as to whether the ship would arrive or not and this has been of great concern to the industry, and the industry without cement which provides considerable employment in Barbados would grind to a halt.

I can share the hon. member's worries because of the environmental effect that a plant can have and I want to assure him that considerable thought had gone into this particular aspect of the construction of a cement plant in Barbados. It is for that very reason that in the first instance the site at St. Lucy which is the most northerly part of Barbados was selected, because with the north-east trades and the original idea of planning the site at the bottom of the cliff with the cliff acting as a buffer for any fall-out, that was the site that the experts after examination felt was the one least likely to create any environmental hazard in Barbados. Therefore I think it is only fair having accepted the fact that for the development of Barbados a secure supply of cement is absolutely necessary, and in a situation where you had the price of cement rising from \$4.80 in 1976 to \$11.47 now, and even more where the uncertainty of supply is ever present, I think we cannot open ourselves to this type of situation if we are seriously thinking of the future development of Barbados. Therefore the points we must now concentrate on is to make sure the technicians take very carefully into consideration the environmental situation in Barbados in the erection of the cement plant.

I have had a look at it, Mr. President, and in another capacity I was in this area quite often since I was engaged by some of the persons who occupied or owned lands down there to represent their interests in the compulsory acquisition of these particular lands, and after having a very detailed look at it, I am satisfied in my mind that there are not many other sites in Barbados that serious consideration could have been given to for the establishment of such a plant. Be that as it may, I think where we have to turn our attention now is to the transportation of this cement from the plant to Bridgetown and other places, and it is fairly likely that most of this will be done by land transport. From the beginning I think the legislators are going to have to have a serious look at making sure that certain regulations are placed on the transporting of this cement from the north to Bridgetown or whatever site. The one that comes immediately to mind is that the

trucks transporting it must be covered with a tarpaulin and there are other little bits and pieces that the technicians should look into.

I should like the Minister to help assure us that with the plant which I have been told is one of the most modern plants presently being supplied on the market, the planners and the company will as their top priority spare no pains to make sure that there is as little environmental destruction as humanly possible from the creation of this cement plant, and at the stage where we realise and admit that for the continued development of Barbados we must have such a plant, I can only hope that the safeguard of the environment is given top priority by the technicians and the administrators of the cement plant.

Mr. PRESIDENT: Just for the record, you are formally declaring that you have an interest in this particular matter?

SENATOR W. O. FRANKLIN: If the representation of clients for compulsory acquisition means an interest.

Mr. PRESIDENT: I think it is better for you to just declare it.

SENATOR W. O. FRANKLIN: I formally declare that I have an interest in this particular Resolution.

SENATOR THE REV. A. HATCH: In the sunset of this Parliament it seems almost futile to speak once more about the plans provided for us which are supposed to help us to understand the Resolution that is before us, and even for people who know the area though not well these plans do not help any but somebody who knows it well to understand the pieces of land which are the subject of this Resolution. I want just to make one last attempt to impress upon the Parliamentary Secretary that introduced the Resolution that when anyone submits an application to Town and Country Planning for even small development of a private home, you have as well as producing two elevations and a plot plan to take a tracing of the plans that exist in the Town and Country Planning Department to indicate where your plot lies,.....

With what I believe is an aerial survey of the Island, and it seems to me not too much to request that whenever the Government brings a Resolution relating to land, usually for compulsory acquisition, that not only the site plans be provided for us but also a tracing from the Master Plans within the Town and Country Planning Department so that we can easily see where the particular site is in question, especially with

a Resolution for compulsory acquisition, where this site falls in the Island by recognisable landmarks.

If these are required by the people in the Town and Country Planning Department who are supposed to be the experts, how much more is it required for us in here. Perhaps not more than one of us is occupied professionally in this sphere so I would ask the Junior Minister if he does not understand what I am saying that I am willing to put it in writing for him. I think it is a serious request which ought to be honoured because that means absolutely nothing to me and I am sure, Sir, that with the alacrity with which you passed it on, Sir, it means even less for you.

I feel that I should support Senator Brathwaite and I am sure that while I do not feel able to soothe his heart, I feel very confident in ensuring him that St. Lucy is not **behind God's back**, whatever Barbadians think.

I want to support his note of caution and to emphasise the concern which he registered and Senator Franklin for the emission that would undoubtedly result from this plant even though reduced by, what one understands, the imposition of \$30 million of equipment to curtail the fall-out of dust from the Plant.

I think the Government ought to be fair and open and it would be wise for them to do so in advance rather than in retrospect because we will all have to live with it for a number of years but even with the most sophisticated equipment in the World, there is still going to be a calculable emission from the cement plant and the figures could be had. They already exist. There is no doubt that there will be much less than they would be without the introduction of the \$30 million equipment but there will be a fall-out and I think it would be best that people be prepared for this.

I do not agree with Senator Franklin's position that the escalation of developing projects in Barbados is a good argument for the need of a cement plant. Some of us are concerned with the too rapid development of building projects in Barbados and ask ourselves what is going to happen with the labour force at the cessation of the Central Bank, of the Law Courts, of the Spring Garden Road, of the Circular Road, of the Post Office, of the Heywood's Project and so on and whether these major developmental projects **should not be phased in such a way as not to require a cement plant of the maximum size which is now being introduced.** One understands that the capacity of this plant is one thousand tons a day.

In the life of this Government representations were made to the Government which the Government took seriously to examine the possibility of a more appropriate level of cement manufacturing. It is possible to obtain cement plants with an output of between 30 and 100 tons a day which were developed in China but are also produced in West Germany and in Switzerland.

I happen to know that a Minister of this Government took time out to go to Germany to have discussions with manufacturers at a more appropriate level of cement manufacturing or that the question of supplying our own needs is not the only question because one understands that this particular project is being supported by the argument that it will be an export project.

Of course, that is possible. I suppose we should be grateful — no, I am grateful for every opportunity of co-operation with neighbouring states in the region but we always do have to bear in mind that having a project of this dimension depends on our relationship with the particular neighbouring country of Trinidad. Then, if for any reason, which at the present one cannot foresee and hope should never eventuate, if there was a difference between our two countries then a project of this size would be in serious difficulty.

Looking at the emission from the factory which will eventually result, we have not been assured by the Government that due compensation will be paid to those whose properties are being compulsorily acquired. Of course there is also a further question as to whether those properties which maybe affected by the dust, the value of whose properties maybe affected, whether any compensation can be claimed and if claimed will be honoured. It would seem to me that without being a lawyer that if private persons or corporate persons' rights are affected by a development project or a project whether in the public or private sector and their traditional lives are affected, they have a case for compensation.

I suppose therefore, *in toto*, Sir, what I am saying is that I share the concern of the two Senators who have spoken. I recognise that we have been over the barrel on many occasions for lack of a smooth flow of cement but having admitted that we need some **cementitious material and of course Portland Cement is not the only cementitious material.**

The Government, one hears is concerned with the development of clay products. One wishes that this would be pushed on faster because for other than large buildings, Portland Cement is not required and to build a one-storey building, the quantum of Portland

Cement that is now employed is not necessary. In the life time of all of us in here white lime was used as a cementitious product in Barbados. There is no reason why for modest structures that clay products and other cementitious products should not be developed so that I think we have some explaining to do.

I have raised at least some of the issues that concern us but overall I can see that it seems that we are late in the day. I do not accept this for myself because, as I said, representations were made to Government early on for more appropriate levels of facility but that having passed I believe now at least we must be open with the society and to say there are going to be some negative implications.

SENATOR D. MACKENZIE: Mr. President, Sir, I do not rise to in any way go against the Resolution neither would I do anymore than to say that I would support to some extent the fears that have been expressed about the emission and dust control of this cement plant but I would like to discuss another aspect entirely. It has nothing to do really with the environment but it has to do with the economic viability of the particular plant.

I know that it is the declared policy of this Government that the broader the base of the productive sector within the community the better and I think that it is that goal that they wish to aim for and they have expressed this on several occasions, the last occasion being by the Rt. Hon. Prime Minister in his Budget Speech. I can only assume, Sir that a viability study has been done in relation to this cement plant.

Senator Franklin mentioned that in 1976, a bag of cement was four dollars and I cannot recall, some cents and today it is something like \$11.70 or \$11.50, I do not recall the cents, anyway between \$4.00 to \$11.00, but nowhere along the way have we heard that when this plant is put up and goes into operation that cement is going to be any less than the \$11.00, in fact, we have not been told whether it is going to be \$15.00 or \$10.00.

The second thing that worries me, Sir, is that to produce cement requires a tremendous amount of energy and we are not an energy producing country in any significant manner at the present time and so to produce the quantum, or the capacity that this factory would be capable of, we may very well find ourselves being increased importers of energy to run it, rather than importers of cement from outside and possibly not having the cement at the same level price as we could import it.

Another thing, Sir, coming back to the people of a country owning the productive sector in the country. Nowhere has the Government expressed any view that individuals would be permitted to make investments into this cement plant. If it is a worthwhile project, if it is one that is economically viable, then I think and I have expressed this view on many occasions that there are large sums of money on deposit by individuals of this country who would like to put that money I am confident, in ventures that would give reasonable returns on their investment. If this cement plant is going to be economically viable and does not become a burden for the purposes of subsidies like how the Waterworks Department is the Transport Board, the BMC. There are a lot of Government places now that we are subsidising and I sincerely hope that the cement plant is not going to be another one of these that require subsidies and that we would have an opportunity for the people of this country to put money in it on the clear understanding based on the economic viability of the operation that they will get a return on that investment.

I think that to do this and for the Government to carry out their declared policy in this instance would be a good exercise I think that it is an important thing that they should consider seriously. I can understand Sir that when a project of this magnitude comes on the market, it is not always possible to raise the level of money that is necessary from local people and from local companies to be able to become partners with overseas Governments or large overseas companies. So, I accept that in principle that projects of this magnitude requiring this level of capital expenditure that the Government must take the lead, if it is economically viable that the particular thing should happen in the first place. But, I think that they should also take the lead that they keep saying and that is that having made the investment and started it, I think that the Government should try to sell their shares that they hold having taken the lead to individuals within this country showing where they can get a reasonable return on their investments. The money that they put up in the plant could then be taken back out and put into something else rather than to be tied up indefinitely requiring more money for more development in another direction.

I Sir am a little concerned because I have not heard and I do not think that the necessary publicity has been given for the people in Barbados to know that this whole thing is going to be economically viable and that it is not going to be something that the Government and the taxpayers will have to put up more money to subsidise. I think that they should declare what they think cement will cost when they start to produce it to give some idea because if it is

going to be \$50 a bag, it is better for us to go on importing it. If it is going to be \$11 a bag, then maybe it is better for us to have it provided, we do not have to spend \$20 to produce that bag by buying oil from overseas because it is an energy intensive process, so I am concerned about the viability of the project and I would like to see a public relations job done on it. All we have heard is that we are going to have a cement plant. We do not know how much the cement is going to cost, we do not know how much energy is going to be required and how much we will have to import, we do not know if anyone will be able to obtain a fair return on their investment. Barbadians are not being asked to invest in this thing. I think they should be, that is a declared policy and direction that the Government wants to go in. So, I am a little concerned about the economic viability of the whole project, Sir and I think that some public relations work should be done on it to allay these fears in the eyes of everyone.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, I am rising to speak specifically to three points. As regards the first one, Senator Hatch had raised the question about compensation for persons who are affected by the plant. I believe Sir that when he raises this point, he is thinking more of the Barbadian hesitation to take people to court and sue them in the law of nuisance because the tort of nuisance is there as a ready remedy and the fact that the cement plant is being established by a private company, a company within the Companies legislation of Barbados rather than a statutory corporation means that there is not the problem which exists in terms of suing the Crown for nuisance and even that problem of suing the Crown for nuisance a Trinidad case *Grayson and Quinn* the C.J. decided that the people operating the plant could be enjoined and that if they continued, they would then face the normal penalties. So even the Crown, where it is the Crown committing the law of nuisance can be got at even though it is a roundabout method, but since this is a company operating under the Companies' Act in Barbados, there is absolutely no problem with redress.

I take it that Senator Hatch was not suggesting that those whose lands might be used in this project had anything to fear, in terms of compensation because he knows the Land Acquisition Act and the Constitution require fair compensation. So, I think Sir that the point about being affected by the operations of the plant is that any citizen - there is a place Sir where I used to live at one point not so long ago where some people in the neighbourhood complained about emission from a particular factory. I used to tell them, why do you not go and sue the people? I notice that

they did not sue, but I notice that you no longer get the black smoke belching out of there 5 o'clock every afternoon, so obviously, they must have gotten around to deciding that things must be done seriously and the factory decided that they had better stop. I believe Senator MacKenzie knows who I am talking about, if you look at him now, you will see it. So, the point is Sir if there is a problem, that problem relates to the reluctance of Barbadians to prosecute their rights with any zeal where there is a tort of nuisance being committed against them.

The second point, Sir, on which I rise has to do with a blend of Senator MacKenzie's point and Senator Hatch's point, in that Senator MacKenzie is arguing quite rightly that he would expect that this is not just another project which is going to have to be subsidised. I presume that since ISL has been in the news so much recently that ISL must have been what triggered this comment off. Senator Hatch is arguing for a plant of smaller output, but the very reason for deciding on a plant with a capacity between 250 and 350 is that this is the range of production, the lowest range of production to support economically the kind of capital outlay that is required by a cement plant. That is in fact the reason for selecting this plant. We either have to decide that we are going to have a plant of that size, which means export potential, or we have to decide to set up a smaller plant and subsidise it, or thirdly, of course, to set up no plant at all and remain subject to the vagaries of the cement trade in a world where cement is almost as scarce a commodity now as gold.

The third point I rose to respond to is Senator Hatch's point, Senator Brathwaite's point and Senator Franklin's point in relation to dust. Government obviously is not at this stage going to be standing up publicly and saying there will be no dust. We will obviously not make the statement categorically, but since Government itself has seen in Switzerland a cement plant operating 50 yards from a housing development and without problems of dust, and is therefore aware that the technology exists to run a virtually dust free operation, what our aim will be, Sir, is as far as it is possible in our own circumstances to ensure that the operation is dust free, or relatively dust free. We cannot obviously when it is still to be embarked upon state categorically there will be no dust, but we can say that there is a very good chance that there will be no interference, or if there is any interference it will be at a very low and really tolerable level. That is what present information tends to suggest, Sir.

SENATOR O'BRIEN TROTMAN: Mr. President, Senator Barrow has answered most of the points raised, but just to say in answer to Senator Brathwaite who is concerned about the cost of cement, the quality of cement, and about St. Lucy and the residents of St. Lucy, thinking that all they have done is to contribute a cement plant to Barbados.

I just want to say that in the first place my understanding is that the company which will be assisting in the establishing of the cement plant is a very well recognised company, and they have assured us that the quality of cement will be of a very very high standard, so we need not worry about the quality. As far as the cost of cement is concerned, Senator MacKenzie also raised the question of the cost of cement plus the cost of oil. Let me say, Sir, that the Waterworks Department, I believe, is the greatest single user of electricity in Barbados, and the Light and Power Company is run by oil, but we do not bellyache about the amount of oil used to lift the water and put it in our houses, because we have to have water. Senator Franklin answered Senator MacKenzie, we simply have to have a cement plant or have no cement. That is in fact what it is coming to now. There has been no cement in Barbados for the last few days, and this happens every other week. The question is whether we continue the construction industry or not. Therefore, it seems a straightforward matter that we have to have a cement plant.

The question of size has been raised by Senator Barrow, so we need not go back on that. As far as St. Lucy's residents are concerned, and they are only getting a cement plant, I really think that Senator Brathwaite has it in a very very negative way, because they should be boasting that they have a cement plant, not only a cement plant. Contributing the cement to the construction industry of Barbados and in some way affecting the housing, the education and the total development of Barbados is a big contribution, so Senator Brathwaite must tell the residents of St. Lucy that they are making a major contribution to the development of Barbados. It is not only a cement plant, it is the only cement plant, so he need not worry about it.

Senator Franklin also raised a question on the exchange of land. That matter, I understand, Sir, is being discussed and there will be some consideration, so that I understand they are discussing the question of exchange of land and he can rest assured that that is being considered.

Thank you, Sir.

The question that the Senate concur in this Resolution was put to the Senate and agreed to.

RESOLUTION TO APPROVE THE CIVIL ESTABLISHMENT (GENERAL) (AMENDMENT) ORDER, 1981

SENATOR THE HON. N. A. BARROW: Senator Trotman had to go to attend to a rather urgent matter, Sir, and for that reason I shall handle this until he returns

This is the usual kind of Resolution which deals with the establishment of posts and of course the abolition of posts from time to time, because it is necessary to keep the Public Service under review, and for this reason from time to time posts will have to be established and posts will have to be abolished and structures will have to be changed.

One which is not the Resolution in which what I am about to say indeed is reflected is that at some point in the near future one will see coming before us in Parliament a Resolution which will reflect a number of changes in certain departments under my control because of the need to rationalise a number of matters particularly where it relates to professional staff. This Resolution before us deals mainly with the Fire Service and that provision is consequential on the recent transfer of the ambulance service to the Fire Service. It has to do with the provision of additional posts in the Attorney General's Chambers. There is in the Ministry of Information one Assistant Information Officer relating to the GIS, a post which was a temporary post and the need for it to be permanently established has been fully realised, and therefore it is now being established.

There have been changes in the Ministry of Agriculture subsequent upon an examination of duties performed by certain of the staff of that Ministry, and there have been certain changes in title. One of them which I think is reflected in here is a change where somebody performing clerical duties one could not understand at first how somebody called manager or supervisor was paid at that level that the officer was paid, and then on examination of the duties one recognised that what the person was doing was really clerical duties, and therefore that was a misnomer.

At the Hotel School there are certain posts to be provided which follow naturally upon its development into a division of the Community College, and the staff which existed within the Ministry for that school consequentially has been abolished. I am personally glad to see the post of Librarian being provided at Erdiston College.

I think generally, Sir, the Addendum is quite full and informative.

I beg to move that this Resolution be approved.

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

**THE BARBADOS NATIONAL STANDARDS
INSTITUTION (CERTIFICATION MARKS)
ACT, 1981**

The Sixth Order of the day was called - to move the second reading of a Bill to **make** provisions respecting the certification and marking of goods.

SENATOR O'B. TROTMAN: Mr. President, the Barbados National Standards Institution was incorporated in 1973 as a company and since then it has been doing work on the question of standards and to date it has issued 126 standards of various kinds. The two Bills which we have to do with standards this afternoon, one to do with the labelling of commodities and the other to do with the marking of goods, seek to give legal powers to the Institution to have their standards enforced in Barbados. At present the question of standards is voluntary, companies do consult with the Institution. As far as we can discover there is a lot of cooperation between the Ministry of Consumer Affairs, the Manufacturers and the marketing people in Barbados. However without the legal framework the work of the Institution really could not be properly regulated and the two Bills seek to do that this afternoon.

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

Mr. PRESIDENT: Which Bill are you dealing with? You are speaking about two Bills.

SENATOR O'B. TROTMAN: This is the Bill with respect to the certification of the marking of goods.

The question was put to the Senate and agreed to.

On motion of Senator O'B. TROTMAN, 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.

On motion of Senator K. HINDS the Bill was taken in two sets of five.

Clauses 1 to 5 were called and passed.

Clauses 6 to 10 were called and passed.

On motion of Senator O' BRIEN TROTMAN, Mr. PRESIDENT resumed the Chair and the Bill was reported as having passed the Committee without amendment.

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

THE CONTROL OF STANDARDS ACT, 1981

The Seventh Order was called - To move the Second Reading of a Bill to provide for the control of standards and the labelling of commodities.

SENATOR O'B. TROTMAN: Mr. President, Sir, this Bill is a companion Bill to the one we just passed. The major objects of the Bill are set out in clause three and I beg to move that this Bill be now read a second time.

SENATOR W. FRANKLIN: Mr. President, this Bill is one that I really welcome to this Senate and I would say, if anything, that it is a little long overdue, particularly Section 3(2), which makes it obligatory that certain standards which the Minister seems fit mainly to protect the consumer against danger to health or safety etc.

Why I say so, Mr. President, for a long time I have been very concerned with the quality of certain merchandise in this country and certain food items which I have not taken for obvious reasons. At about a year ago in an exercise that I was associated with then, some foodstuff that was being sold in this country was sent out for bacterial count and it was alarming when the results were returned to Barbados that we had not at that time had some serious problems associated with that. The explanation was at that time that luckily for us in the tropics, I think you are more expert on that, that we are able to combat with a higher bacterial level than people in the temperate and colder zones and that is the only reason why we were able not to have any problems from that.

Going from that particular product to one which we use almost everyday in the building industry. There is a particular manufacturer of windows in this country, Mr. President, and I hope that this applies almost immediately to that because it is certainly to protect the safety of people, the standard of which is very short of being deplorable and the cost price of it is going up everyday and I have been contending for a long time that if you have a product that is being produced locally and the only thing you can claim for it is that it is being produced locally and the quality is so inferior to the imported stuff and when you add to

that the fact that the wages paid in the factory producing the quality is not anything to ring any bell about, collectively I think you may come to the sallied conclusion that the country is worst off with that product than if you were importing a product that certainly would give the consumer some satisfaction and certainly would give him what he is paying for.

As I said, I am very happy to see this bit of legislation before the House and I hope that the appropriate authorities would see fit to name certain items as soon as possible under this section so that we can look forward to the improvement and quality of a lot of things produced locally here, Sir.

SENATOR D. MACKENZIE: Mr. President, Sir, I really did not intend to rise on this Bill. I too believe that certain standards must be maintained, not only for things that we produce and hope to ship abroad and should have a good reputation for but things that we import from overseas should not be inferior products either.

There is just one thing that causes a problem concerning what Senator Franklin was talking about and that is the importation of certain food commodities that meet a particular import price. What happened in the past, particularly where price control is constantly imposed upon imported food products, that when people wish to buy a commodity, say, such as corned beef, there are several prices available from overseas and there are several standards available from overseas on that particular commodity and if you apply to get and you insist that you must get the cheap one, then you will get a low quality and if you are allowed to get a better quality then you will pay more and one of the things that has hamstrung merchants was when they had an opportunity to buy these commodities, they had to go and apply for a licence, and they had to go and say exactly what the price would be to retail in Barbados and then the haggling would start and they would say, well, this is too expensive, I think corned beef should be cheaper and then they would say, we have cheaper corned beef but then it would not be of the same quality.

You cannot have those sort of things going on. On the one hand insisting on excellent quality and on the other hand trying to turn around and tell people that they have to maintain quality and get it at a lower price. The two do not go together. I think it was a point that was not seen by the last administration and it became abundantly clear to them as time went on and I hope that they do not fall into the same trap any time in the future should there be in a position to discuss it.

SENATOR N. BOXILL: There is something I see here on page 4(d). It says "to prevent fraud or deception arising from misleading advertising or labelling" and it goes on. What I want to know is that every night, including last night, when you watch T.V. there is a very misleading advertisement that comes over T.V. and I am wondering if the authorities cannot do something about it.

It is an advertisement with Vaseline telling people that when they get bruises how Vaseline can do this and Vaseline can do that. Vaseline is all right to put on your hair but Vaseline is not good to put on a cut. I think the time has come when these people should be stopped from making these sort of misleading advertisements because a lot of people who do not know the difference will go and pick up Vaseline and put it into a wound - I hope that I am not treading on any of your property, Sir, as a doctor, but this is a commonsense thing. Vaseline is not good for cuts and I think that the time has come that if you are getting these standards that these things should be drawn to these people's attention that they cannot go on with this sort of thing.

Now, in following up Senator MacKenzie's statement with corned beef, I did not exactly hear everything that he said but only Monday, I happened to be on Roebuck Street and I saw a truck reloading corned beef, instead of loading corned beef from the merchants they were sending it back into the merchants because the prisoners did not want that type of corned beef. I think it was Triple A or Triple B was the name of this corned beef and the prisoners did not want that. They wanted something better so now that we have these standards here, if the prisoners did not want that kind of corned beef, I do not think we should be selling it. Of course, I do not eat corned beef since the time of the rat, but I do not believe that we should be selling it.

I am happy about this but I hope that we are not passing legislation here for the sake of passing legislation. I have realized that a lot of legislation has been passed in the other Chamber and this Chamber that I know is not going to be implemented. If we are going to be wasting our time here and passing this sort of legislation, I am hoping that this sort of legislation is implemented and implemented immediately if not sooner.

SENATOR O'BRIEN TROTMAN: Mr. President, Sir, there are some Parliaments in the world, where they talk about corned beef and onions. In this Honourable Chamber, we hear about corned beef and vaseline, Sir.

I beg to move that the 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 O'BRIEN TROTMAN the Senate resolved itself into a Committee on the Bill, His Honour SENATOR THE Rev. G. A. HATCH in the Chair.

On the motion of SENATOR K. HINDS, the Bill was taken as read and the Clauses were taken in three Sections of eight.

Clauses One to eight were called and passed.

Clauses Nine to Sixteen were called and passed.

Clauses Seventeen to Twenty-four were called and passed.

SENATOR O'BRIEN TROTMAN: I beg to move Sir that the Senate be resumed and the Bill be reported as passing Committee without amendment.

The question was put to the Senate and agreed to.

Mr. PRESIDENT: Senator Trotman.

SENATOR O'BRIEN TROTMAN: Mr. President, I beg to report the passing of the Bill in Committee without amendment and ask that it be read a third time forthwith.

The question was put to the Senate and agreed to.

On the motion of SENATOR O'BRIEN TROTMAN, the Bill was passed.

SENATOR THE HON. N. A. BARROW: Mr. President, when the Item Presentation of Papers was called, certain papers which were to be laid this afternoon had not yet come to hand. Accordingly Sir, I move that the item be now recommitted.

Mr. PRESIDENT: If there are no objections. (PAUSE) We now go back to Presentation of Papers.

PRESENTATION OF PAPERS

SENATOR THE HON. N. A. BARROW: I have the honour Sir to lay the following:

The Designated Commonwealth Extradition (Amendment) Order, 1980.

The Designated Commonwealth Extradition Order, 1980.

The Customs Tariff Amendment No. 4 Order, 1981.

ADJOURNMENT

Mr. President, as I had hinted earlier, Senator Blackman had a trip to the dentist which he had hoped would have ended by this time. In the circumstances, Sir, I believe it would be more appropriate to adjourn until later. Accordingly Sir, I beg to move that the Senate do now stand adjourned until this day week at 2.30 in the afternoon.

The question that the Senate do now stand adjourned until Wednesday, 22nd April, 1981 at 2.30 p.m. was put to the Senate and Mr. PRESIDENT adjourned the Sitting accordingly at 4.36 p.m.