

THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

THE SENATE

Wednesday, 17th November, 1982.

The Senate met in the Senate Chamber, Public Buildings on Wednesday, November 17, 1982, at 11.20 a.m. today.

PRESENT

His Honour Senator the Honourable Sir Arnott Cato, M.B., Ch.B., (President)

Senator the Hon. O'Brien Trotman, (Minister of State in the Prime Minister's Office)

Senator H. R. Linton, LL.B.

Senator Mrs. E. M. Lynch, B.A., G.C.M.

Senator J. E. D. Williams

Senator Miss J. Clarke

Senator A. P. L. Reece

Senator St.C. E. Howell

Senator Mrs. M. O. Reece

Senator E. E. Greaves, B.A., Ed.M.

Senator W. W. Hall

Senator A. W. A. McClean

Senator Mrs. G. G. Reader, M.B.E.

Senator the Rev. Can. I. McK. Jones

Senator K. A. Rouse

Senator L. A. Ward

Prayers were read by Dr. the Rev. Lionel Crawford.

ABSENT

Senator the Hon. N. A. Barrow

Senator J. C. W. Wickham

Senator C. A. Griffith

Senator C. D. Seale

PRESENTATION OF PAPERS

Mr. PRESIDENT: Senator Trotman.

SENATOR THE HON. O'B. TROTMAN: Mr. President, Sir, I am commanded to lay the following:-

Memorandum of Understanding between the Governments of Antigua and Barbuda, Barbados, the Commonwealth of Dominica, St. Lucia and St. Vincent and the Grenadines relating to security and military co-operation.

The Senate and House of Assembly (Remuneration and Allowances of Members) Order, 1982.

The Ministers and Parliamentary Secretaries (Remuneration and Allowances) Order, 1982.

The Annual Report and Statement of Accounts for the Insurance Corporation of Barbados for the year ending December, 1981.

INTRODUCTION OF BILLS

Mr. PRESIDENT: Senator Trotman.

SENATOR THE HON. O'B. TROTMAN: Mr. President, I beg to give notice of the following:

A Resolution to approve the compulsory acquisition of land at Black Rock, St. Michael for the purpose of road improvement.

A Resolution to approve the compulsory acquisition of land at the Belle, St. Michael, for the provision of a playground for the Belmont Primary School.

PUBLIC BUSINESS

Mr. PRESIDENT: I will take Order No. 2 as the first Order of the Day.

PRISONS (AMENDMENT) ACT, 1982

Order No.2 was called – To move the Second Reading of a Bill to amend the Prisons Act, Cap.168.

Mr. PRESIDENT: Senator Trotman.

SENATOR THE HON. O'B. TROTMAN: Mr. President, the prison officers of Barbados are at present members of the National Union of Public Workers. They have been members of that organisation for several years.

When the prison officers first joined the Civil Service Association, as it then was, there were put in a division of that union which was then known as Division 3 of the Civil Service Association. In those days, Sir, Division 1 was the division which covered Permanent Secretaries, Heads of Departments, Chief Technical Officers, *et cetera*. Division 2 dealt with clerical officers, stenographers and related grades. Division 3 were the people who were considered at the bottom end of the Civil Service, the maids, the porters, the postmen and other workers.

There were some people, Sir, in what was then known as Division 3, who were never satisfied with being grouped with what was a general collection of workers who could not make it to the grades of Division 1 or Division 2. Division 4 was reserved for teachers and Division 5 for the nurses. When the Public Health Inspectors joined the organisation, they became Division 6.

But the postmen were the first persons to object to being grouped into the general collection of workers known as Division 3 and when they made representation to the Civil Service Association to be taken out of Division 3 and to be recognised as a separate and special entity, the then Civil Service Association objected.

The result of that was that the postmen, who see themselves not as part of a collection of unskilled workers, but as a part of the special workers who deal with the telecommunications and telegraphs, *et cetera*; they eventually withdrew from the Civil Service Association and got their own status in the Barbados Workers' Union in the postmen division of that union.

The prison wardens, as they were then called, were also dissatisfied with the position they occupied in the Civil Service Association as part of the general workers organisation, since they did not consider themselves to be part of a grouping which includes maids, porters, road menders, carpenters, joiners, *et cetera* but considered themselves to be a professional group of persons who were more related, in fact, to organisations like the Police Service and the Fire Service.

For several years, they fought with the Civil Service Association to have their own division in the Civil Service

Association. Eventually, some time after the restructuring of the union, the prison officers were granted separate divisional status in the National Union of Public Workers, as it had then become, and they had their own representatives to sit on the National Executive Council of that Organisation.

The prison officers have always insisted that their duties and the levels of responsibility related not to those in the general service, but to those in the Police and those in the Fire Service; and they have always considered that those were the related bodies to which they should look for co-operation.

So, the prison officers approached the Attorney General's Office, as the Ministry responsible for Prisons, and informed the Attorney General's Office that they were no longer happy even with the status of being a separate division of the National Union of Public Workers but that they wanted their own professional body to take care of their professional interests. The prison officers, to a man, agreed that they wanted to sever connections with the National Union of Public Workers.

The prison officers – in passing, Sir, let me say – have always insisted that their salaries and their conditions of service should relate not to the general Civil Service but to the Police Service. One would therefore notice, Sir, that, in terms of salaries, the prison officers are not paid in the scales relating to the general Civil Service or the Teaching Service, but they are paid in the scales relating to the Police and the Fire Service.

Since being granted separate divisional status in the National Union of Public Workers, I happen to know, Sir, that they have also made some progress in terms of their conditions of service, in terms of the hospitalisation of their members and other services and benefits which the Police get. They have been able to get these benefits for their members because they have always argued that the Prison, Fire Service and the Police Service are related services, and that it is wrong to consider that the Prison Service, which they consider to be a disciplined force, should be regarded as a general public service job, and that the members should lose their identity and their professionalism by being sworn into the general Civil Service.

The Government therefore took a position that it had no objection to the request of the prison officers. The prison officers wanted to have a stamp of their own professionalism, the prison officers wanted to have their own organization, the prison officers wanted to, in fact, sever connections with the general service and have closer links with the disciplined forces – and the Government had no objection to that. For that reason Sir, we are bringing the amendment to the Prison Act this morning to provide for the constitution of an organization to be known as the Prison Officers Association.

The Police Service had its organization formed in 1960, the Fire Service has a similar organization, and the prison officers are seeking a status which relates somewhat comparable to the status of the Police Association and the Fire Service Association. The Act has been drawn up along those lines to give their organization the recognition which the officers want, and it has a position which the Government has no objection to. They requested it and they want it, and they shall have it.

It is totally wrong Sir, for persons to think that the granting of separate status to the Prison Officers Association will in any way make it less effective, because they will, in fact, have the same status as the Police Association — and I do not believe, Sir, that anyone of us would assume the Police Association is not a powerful organization in this country.

The Police Association does not catch as many headlines as some of the more publicity conscious organizations, but the Police Association, for the 22 years, or thereabouts, which it has existed under the Police Act, has been representing the general interest of the Police in this country.

I believe, Sir, that the fact that we have a Police Force of which we are all proud; the fact that policemen in Barbados are respected Barbadians in a general way — I am not going to get into any trap by saying that we do not have one or two people who let down the team; in all teams somebody will let down the team — in a general way, the Police Service must be credited with the fact that we have a stable, law abiding society in Barbados and the Police Association has to be associated with the progress which has been made in the Police Service in Barbados. And if the Police Association has been able to maintain and give us the kind of service which the policemen in Barbados give us, we have no doubt that a professional Prison Officers Association could do the same thing for the prisons.

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

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

SENATOR A. W. A. McCLEAN: Mr. President, perhaps Government, in some sense, should be commended for acquiescing to the request of the prison officers and making provision for them to have a separate organization.

However, I am not too sure whether or not, without this particular amendment, the prison officers could not have formed their own organization. In other words, I do not know if the existing legislation specifically precludes such. Indeed if it does, there would have had to

be some amendment by way of excluding other offending clauses.

It would seem as though the existing legislation is silent on the matter and, to that extent, the authorities could have recognized in the usual way of recognizing associations, an association formed by the prison officers, and, as such, I do not think there would have been any specific need for this legislation.

But since it is before us, we must look at it carefully and make sure that it does not at all infringe on the rights of prison officers and that it is not in any sense repugnant to the Constitution of Barbados or the moral sense of our community.

In this regard, I wish to direct attention to section 24A(3), under Part IVA, where it says:

"No representation may be made by the Prison Officers Association in relation to any question of discipline, promotion, transfer, posting, leave or other matter that affects an individual member of the Association."

I think this 24A (3) is a direct negation of 24A(2). I cannot see how you can establish an Association to deal with matters affecting the welfare and efficiency of the prison officers and exclude it from involving itself in representation on the matters identified in 24A(3).

I do recognize that it is perhaps perceived that prison officers are para-military in terms of their profession and there is a need for a clear recognition of authority, acceptance of direction and instruction without question, and so on, under immediate circumstances. But this does not preclude prison officers and the association from displaying an interest in the welfare of workers in a setting where questions of enforcing authority immediately and so on are not of the essence.

I think, therefore, that this particular provision does not speak very well of Barbados at this time, of the Government, especially having regard to the fact that we are talking about sponsoring a Resolution at the present CARICOM Meetings about human rights.

This is a negation of human rights as far as I am concerned, and I would suggest that Government senators should look carefully at it and see if, really, this is what they want or whether some other arrangement relating to grievance procedures could be so formulated as to make crystal clear how prison officers must operate in the face of instruction from superiors. That is only one of the offending sections.

I noticed that — turn, Mr. President, to Section 24C.
(5) (a) — trade unions are identified as unauthorised

associations. I think that it is not nice, in any circumstance, to identify trade unions as "unauthorized" for any purpose whatsoever.

If we recognize that the prison officers, as a general group, at the moment do not now want to be members of the National Union of Public Workers or any other union, well, we can consider this to be their present persuasion and allow them to operate otherwise. But I do not think, Mr. President, that we should enshrine in legislation an arrangement which will prevent the prison officers from changing their mind in the future.

They might be mistaken in their belief that they can do better for themselves than the National Union of Public Workers can do, and in five years' time they might want to reverse that. Here, you are telling them it is a one way street — if you go down there you cannot return. That is not good enough. If you are acquiescing to their request, leave it open so that they can also come back to the existing situation if they want to.

I would seriously request that Government should consider this particular provision.

When we come to 24C. (5)(c)(ii) it reads as follows:

"Any association that the Superintendent, with the approval of the Governor General, in writing addressed to the head of the Association, declares to be an unauthorised association."

This permits the Superintendent and the Governor General to stop the members from joining churches. It may sound laughable, but it so permits. Do not believe that you cannot see a time down the line when you can have a Governor General.....

SENATOR THE HON. O'B. TROTMAN: Mr. President, I do not want to interrupt the Senator, but this is a serious point of order. There is a serious misleading of the Chamber, Sir, because I believe Part III of the Constitution, which is still the supreme law of the land, says that people have freedom of right to join their churches, and, therefore, nothing in the Prisons Act as it is now, or as it will be when this is passed, can be in violation of the Constitution. It is a bad road the senator is going down, and I should stop him before he encourages the other Senators down the same road.

Asides.

Mr. PRESIDENT: Senator Greaves, whenever you speak I make sure that nobody interrupts you as far as possible. Please do not interrupt.

Before you resume, Senator McClean, I just want to remind honourable members that the Governor General cannot be used to influence a debate. I am not saying

you have done that, but I just want to make sure that if you proceed along those lines members will not follow. Proceed.

SENATOR A. W. A. McCLEAN: Yes, Mr. President. I think it is a mistake on the part of the honourable Minister to suggest that legislation cannot be passed that is repugnant to the Constitution. What can happen is that the Judicature can throw it out if it is challenged in the courts, but if it is not so challenged, people can proceed to operate under it.

Again, if you have something which, on the face of it, does not put any particular restrictions other than those which can be deduced by reference to the Constitution, people can operate under it and the only redress is through Parliament; and we should not have, I suggest, that type of situation being established.

I notice that the Minister did not indicate that it is contrary to the spirit of our Constitution that they should be prohibited from joining trade unions, and I would hope that one might be able to interpret our Constitution to suggest that any such provision should also be *ultra vires*.

Mr. President, all in all, I am suggesting that this particular legislation is particularly restrictive; it seems to have the effect of infringing the rights of prison officers, and I do not believe that this is something which will dignify this Chamber if we should be associated with passing it.

On those grounds, unless it should be seriously amended, I must express my fundamental objection to this Bill.

I thank you, Mr. President.

SENATOR THE REV. CAN. I. McK. JONES: Mr. President, I would like the Minister of State to answer one question when he is making his final remarks on this particular Bill. I would like him to tell me what gains will accrue to the association of prison officers that members are now deprived of by being members of a trade union. It would seem to me that the vital question is, are the prison officers, by virtue of this association, going to gain more than they are going to lose by opting out of the National Union of Public Workers.

There is nothing to say that a group of people cannot opt out a union — it has been done before and it will be done again — but it would seem to me that when you opt out of a union, you should have the right to form another union, or at least to see that you have not lost any of the powers you had by opting out of the union.

This Act as it stands here, in my opinion, deprives the prison officers of fundamental rights — the right to freedom of association and the right to freedom of assembly; and I do not see how any Government that calls itself an open Government can deny citizens the right to be members of a trade union, or members of a union.

It may well be true that the prison officers requested the Attorney General's Office to look into their case and to help them to form this association, but, although they are arguing that they are a disciplined force like the Police and the Fire Brigade, when you read 24A(3) that my friend, Senator McClean, refers to, that really leaves me cold, Mr. President, and I quote:

"No representation may be made by the Prison Officers' Association in relation to any question of discipline, promotion, transfer, posting, leave or other matter that affects an individual member of the Association."

That seems to me to be an annihilation of all rights, and I do not see how that can be justified.

It is true that years ago the teachers belonged to the National Union of Public Workers and they broke away from that, but they formed their own unions, and they are still in unions today, and they can fight for their rights.

It may also be well true that ignorance is no excuse in law, but it would seem to me that, when the Government was asked this request, the Government, in my view, should have tried to point out the pros and the cons of the form of this association to the prison officers; and then, if after they had done this, spelling it out as clearly as they could, the prison officers still opted to form the Association, so be it. But, in my view, what the prison officers have agreed to is not ignorance, but indocility.

It may well be true that they want to upgrade their status and they do not want to be in a division where we have maids, workers and porters, but salary is not as important as people's rights, and if you do something that denies you of your human right, in my view you have demeaned yourself, and, as I see it in this way, I find it impossible to support this Bill as it is now framed.

Thank you.

SENATOR St. C. E. HOWELL: Mr. President, I rise in support of this Bill, unlike the other two senators, and I must say that I wholeheartedly agree with the point made by the Leader of the Senate, Senator Trotman. It is a very elementary point, Mr. President.

Before I get into any explanation of an apparent conflict between the various sections in the Bill, which is now before the Senate, and the Constitution, I think it is pertinent to point out from the outset that none of the charges which were levied in the Other Place, as well as those this morning, do not appear to have come from the prison officers themselves.

These people who are engaged in this particular occupation, one would have thought, know quite well what is going on. I have heard of no objections from the prison officers themselves, and, of course, Mr. President, in the drafting of legislation, and especially legislation which appears to improve the rights of individuals, the draughtsmen can at times quite inadvertently cut down or word the sections in such a particular manner that it would appear, if not scrutinised quite carefully, that you are cutting down on the rights of individuals.

There are, even in the absence of our Constitution, what the lawyers describe as certain canons of construction in interpreting legislation; and whereas the layman, no matter how intelligent he may be, may well look at a piece of legislation and think that there are conflicts, there are certain rules, canons of the interpretation in interpreting legislation where certain clauses are read subject to other clauses, and I think that can be easily done with this piece of legislation which is before the Senate.

Apart from that, I think those who fear that there is a whittling down of the fundamental rights of the prison officers because of the section which appears in this Bill, they only have, Mr. President, to have a look at Chapter III of the Constitution which deals with the protection of fundamental rights and freedom of the individual. That is to be found in Section 11, paragraph (d) of the Constitution.

Sir, with your permission, if I can just read paragraph (d), among the other freedoms which have been listed this says: "Freedom of conscience, of expression and of assembly and of association."

Mr. President, those who have been criticising the Bill, had they bothered to look at Section 11(d), would see that there is no need for any fear of the whittling down of rights of individuals in this country, because the Constitution again clearly states, Sir — and this is always very fundamental, indeed elementary in any country where there are written Constitutions. In England, where there is no rigid written Constitution, the things are taken as acceptable by conventions — but it is expressly provided in our Constitution that, where there appears to be a conflict between any Act, any piece of legislation and the Constitution, the Constitution must, at all times, prevail.

Again, even without that expressed paragraph in Section 11, I think this would be understood throughout the reading of Section 13 of the Constitution of Barbados.

So not only in this Bill, but in any piece of legislation in this country, any piece of legislation which appears in the laws of Barbados, which appears to be in conflict with the Constitution, no matter what that conflict may be, if it is at odds with the Constitution, the interpretation of the Constitution prevails. That is the law of Barbados — it is quite simple — and, therefore, there is no need for these fears.

I think that is enough to clear up any misconception as to the taking away of the rights and looking upon the Bill as a bad measure.

Mr. President this Government has never been in the habit of taking away the rights of workers. This party was born out of the workers of this country. Its records over the years can be examined, and they can withstand any scrutiny.

I think that it is vital to ask ourselves, why did the prison officers decide to form their own Association? We know, Sir, from reading reports in the Press and so forth, that they were associated with the NUPW, and for reasons best known to themselves — I do not know, but one can only have a guess — that obviously they were not happy with the way things were being handled in that union. That is clear, because in that organisation there were officers, very high officers in the Organisation, who did not support certain measures called for by the union, including strike action.

Sir, perhaps the prison officers decided to form their own Association — I just say, "perhaps".

Because they thought, as a body, they were in a position to come to their own conclusion as to when it was time to take certain trade union action. Perhaps they were not in agreement with a strike, and rather than remain a member of the association and appear to be what is commonly known as "black-legging", they decided to make a clean break for it once and for all.

It is important to note, Mr. President, that no one knows what is going on with the NUPW organisation right now. It had a strike that was a failure — and they are now trying to put their house in order — but that was because it was clear that that organisation was not dealing with the problems of Barbados in a realistic manner.

That organisation, it is clear, Sir, continues to press Government for what many people in this country consider to be unrealistic wage demands at a time when

members of other organisations in this country, with far more experience in trade union activity, saw the red light and realised that there are times when enough is enough and a halt must be called to certain actions.

It would have been wise, Mr. President, if the leaders of the NUPW had taken note of the way in which negotiations were going and followed the veteran, not only in Barbados but in the Caribbean, perhaps one of the veterans of the world, the General Secretary of the Barbados Workers' Union.

Had they done that, perhaps this Bill would not have been before this Senate today. But they found themselves in a mess, they are going down a hill like a block of ice and they do not know where to turn, and the members of the Prison Officers' Association saw this and decided to form their own association.

Members of the trade union organisations have a right to see to it that they get the best wages, salaries and conditions for their work. That is their job, and in a developing society such as Barbados we are all for that, seeing that large numbers of people cannot represent themselves as people who specialise in that activity.

Sir, the members of any association who at any time have come to the conclusion that their leaders are taking them to a state of brinkmanship have a constitutional right to withdraw from that association. They also have a constitutional right to form their own association, and Government in the case of the present officers, must be commended for giving whatever assistance it was possible to do. The formation of this association was not instituted by Government but by the prison officers themselves.

Mr. President, I support this Bill.

I thank you, Sir.

Mr. PRESIDENT: Senator Greaves.

SENATOR E. E. GREAVES: Mr. President, if I were in another forum, I would describe this bit of legislation as probably the most fraudulent piece of legislation that has ever come anywhere.

Mr. PRESIDENT: Just a minute, Senator Greaves. These excursions into language that you know perfectly well is not proper in here, which conveys the impression when you say "if", then you would take it back, I just do not like. Please do not do that. "Fraudulent" is not a parliamentary word to use up here.

SENATOR E. E. GREAVES: Sir, I recognise the point.....

Mr. PRESIDENT: All right, let us get ahead and forget these polemics.

SENATOR E. E. GREAVES: It is very important for me, Sir, to express my feeling on this matter, and I will endeavour to do so in parliamentary terms. That is why I began with the preface, but I am not going to prolong that particular point.

The fact of the matter is that we have a situation where Senator Trotman, in attempting to justify the reason for the presence of this bit of legislation here in this Honourable Chamber today, in truth and in fact sought to deal with an internal problem in the National Union of Public Workers.

I listened very carefully to all that he said in justification of this piece of legislation, and he gave a historical development of the prison officers, the year in which they joined with the then Civil Service Association, pointed out the kind of other workers who formed Division 3 of that association, indicated that the prison officers were dissatisfied with being linked to the other workers who form the membership of Division 3 of that association. He even went so far, Mr. President, as to say that the postmen, who were also members of Division 3 of the Civil Service Association, expressed dissatisfaction with the representation which was made by that association and took a decision to not only withdraw from that division, but also to withdraw from the Civil Service Association.

Now, I think the point has to be made at the very outset that we have an established practice in this country — and I would hope that this will continue to be so, although indications would suggest that this is not so — that is a practice of people in a work situation who, if they want to join a trade union, are quite free to do so.

Indeed, the Trade Union Act of Barbados makes very specific provision for this, in that it allows any seven persons who are so minded to register as a trade union. You only need seven persons. I believe there are more than seven prison officers in Barbados, and, as has been pointed out, this is further buttressed by the Constitution of this country in that Chapter 21 of the Constitution makes specific provision for freedom of association and protection of the right to organise.

Furthermore, Barbados has ratified the two important ILO Conventions, 87 and 98, on freedom of association and protection of the right to organise which gives a right to workers in a country which has ratified this Convention, to, if they so desire, organise themselves into a trade union of their choice.

I go further, Sir, to say that, as recently as 1978-79, the Barbados Government sent a delegation to the annual

meeting of the International Labour Organisation where one of the matters on the agenda was a convention concerning the protection of the right to organise, and procedures for determining conditions of employment in the public service — and members of the Barbados Government delegation sat and deliberated and voted in support of this particular convention.

The convention is very clear about its application in that it guarantees public employees and gives public employees the right to join a trade union. Now, as a matter of fact, the convention of Part 1, under Scope and Definition, Article 1, says as follows:

“The extent to which the guarantees provided for in this convention shall apply to the armed forces and the police shall be determined by national laws and regulations.”

It is generally accepted in most countries that members of the armed forces, even though I understand in Britain they are now looking to form themselves into a trade union, are not allowed to form a trade union. It is also generally accepted in some countries that policemen are not allowed to form a trade union.

Indeed, our Trade Union Act excludes the armed forces, before we had any, the naval forces, the Police and I think the Fire Service from membership of a trade union. I think it is the very last section of the Trade Union Act. Section 44 of the Trade Union Act says:

“This Act shall not apply to persons in the naval, military or air services of the Crown or in the Police Force.”

As a matter of fact, even the Fire Service does not seem to be excluded. So we understand, to some extent, that situation.

Even although in most progressive countries, no restriction is put on membership of members of the Police Force in a trade union — but I believe that one would be prepared to accept what is contained as far as limitations are concerned in this particular area — I do not know how, by any stretch of the imagination that one could describe the members of the Prison Service, the prison officers, as members of the Police Force or members of the armed forces, naval or otherwise. I mean, it is a completely different type of organisation and, indeed, there were members of a trade union. There was no objection. The Government saw nothing wrong with the prison officers being part of the National Union of Public Workers, nothing wrong with that. That was all in accordance with the Constitution and all in accordance with the provisions of the Trade Union Act.

Senator Trotman said that the prison officers approached the Attorney General to have a separate

status for themselves. Like Senator Jones, and I believe that this is one of the few occasions on which we have agreed on any matter.

ASIDES: Do not beg.

SENATOR E. E. GREAVES: I am not begging. He spoke before me and he said he would not be voting for it. I think it is good to see some independent senators speaking out on these very important and crucial matters.

The honourable Attorney General, who Senator Trotman said was approached on this matter, could have, in my view, politely told the prison officers that that really has nothing to do with the Government. If you want to break away from the National Union of Public Workers, the laws are there. There is nothing which exists in the laws to prevent you from relinquishing your membership from the National Union of Public Workers. If you want to form a union or an organisation, you can do that on your own. There is no need for us to pass a separate piece of legislation enabling you to do this. There is absolutely no need for this.

But, you know, what the purpose of the legislation is? And I see that this is the first in a very dangerous road down which this Government is taking this country in terms of trade unionism – a very, very dangerous road – and the Government ought to be very careful about the road down which it is travelling, because this bit of legislation will tie the hands of the prison officers; if it is passed – God forbid that we pass it here today – it will tie the hands of prison officers for the balance of their lives.

Let me show you, Sir, how it will tie the hands of prison officers. In the first place, we do not even know what the objects of the association are. But let us assume that the objects of the association..... Oh, yes, here it says:

"The purpose of the Association....."
And I will show you the conflict.

".....is to enable prison officers to bring to the attention of the Superintendent and Governor-General matters affecting the welfare and efficiency of prison officers."

"The welfare and efficiency of prison officers." That is the purpose. "To bring to the attention".

Now, let us just look at those two points. "To bring to the attention". Sir, that gives no kind of status or power to the Prison Officers Association. Absolutely none, because the Superintendent of Prisons can just sit down and politely listen. Well, you have brought to the

attention, you have brought to the attention of the Superintendent, because he can just sit down and listen.

It is almost like what we have you know in the Constitution. There is talk about consultation with the Leader of the Opposition. We understand how consultation works. One understands how consultation works.

You know, if you have to appoint somebody, let us say the Chairman of a Public Service Commission, or one of the persons to whom you have to consult, the Government that is, has to consult the Leader of the Opposition. All that is done is that a letter is written informing the Leader of the Opposition what the Government proposes to do. That is the extent of the consultation.

So they are talking now, this Act, this provision here.....

Mr. PRESIDENT: Whose.....

SENATOR E. E. GREAVES: Whose.....

Mr. PRESIDENT: Whose interpretation is that? Is it yours or is it.....

SENATOR E. E. GREAVES: That is how it is done. I am telling you, Sir. That is how it is done. It is done like this under the Tom Adams' Administration. That is the extent of the consultation. I am not asking you. I am saying that without any fear of contradiction.

Therefore, if you have a provision here which says that "the purpose of the association is to enable prison officers to bring to the attention of the Superintendent and the Governor General" – this is nonsense. It is not worth the paper on which it is written because it gives no kind of power to the prison officers. They will just be politely listening to and ignored.

Now, on "matters affecting the welfare and efficiency of prison officers." Welfare. Welfare of prison officers can be wide in that there can be matters relating to their discipline, there can be matters relating to their promotion, there can be matters relating to their transfer, there can be matters relating to posting, there can be matters relating to wages and salaries and what have you. All of those are matters which affect the welfare and well-being of any group of workers, and I do not believe that prison officers are an exception.

But what do you find in the very next section? After giving prison officers the right to raise with the Superintendent of Prisons and the Governor-General matters affecting the welfare and efficiency of prison officers, you come in the very next section and deny them.

What do you say? "No representation — (no representation) — may be made by the Prison Officers' Association in relation to any question of discipline — (you cannot talk about discipline) — any question of promotion, transfer, posting, leave or other matters that affects an individual member of the Association." Sir, if a member, for example, is dissatisfied with his wages and would want to do something about that, the association cannot, under this, raise that matter.

I am saying, Sir, that this Section 24A(3) is in conflict with 24A(2). It just does not make sense. And I am saying, like the other Senators who have spoken, that this is really a denial of the fundamental rights which are guaranteed in the Constitution. These rights are being denied to the prison officers.

If the prison officers are so misguided, or have been misled, as to believe that this is in their interest, only time will tell. I think we who know better owe it, as a duty, to the prison officers, the present ones and the ones of the future, and, of course, to this country, to point out the inconsistencies, and to point out the very dangerous precedent which is being set here by the introduction of this piece of legislation.

Sir, I do not know how seriously I should regard the speech made by Senator Howell. He talks about the Government, and therefore, since he is a Government Senator, I can only assume that he is enunciating Government's policy and he is taking the position on behalf of the Government; and Senator Howell said that the Government is all "for organizations which represent their members in wages, salaries and conditions of employment." The Government is all for organizations which represent their members in wages, salaries and conditions of employment.

If that is so, how then, Sir, could we be sitting here discussing legislation which seeks to prevent a group of workers in the public service from being able to discuss matters relating to their welfare such as discipline, promotion, transfer, posting, leave and other matters that affects an individual member of the association?

The more I read it, Sir, the more danger I see in this legislation, because it does not even stop at "leave". It starts with "discipline" and then it goes on to "promotion, transfer." I mean, all of these, Sir, are things which are common to all workers and which workers would want to have a say in.

And we have a Government which says that it is interested in promoting worker participation! You want to have workers to be able to sit down and to have a say in matters which affect their welfare and their well being — but yet you are passing legislation which will prevent workers from doing this.

But what is more dangerous in this legislation is that it does not stop at "leave". It goes on to say, "or other matter" — I believe that there is some typographical error here — but, anyhow — I think there is something wrong here — I will have to read "or any other matter", and I believe that is what is meant, "or any other matter" that affects the individual member of the association, because otherwise it does not make sense — "or any other matter".

Sir, there is absolutely nothing that the Prison Officers' Association, can raise as a group or representing an individual member of the Association. I think this is a very serious thing.

We go on Sir, to the other section, Section 4-24A(4). "The Prison Officers Association shall be independent of and unassociated with any association outside the service. Now, notice — "outside the service".

Senator McClean said that it is conceivable that the Superintendent of Prisons under Section 24C can declare a church to be an unauthorized association. He can also declare a fraternal organization as an unauthorized association.

But we live here in Barbados where we have all sorts of associations — fraternities, trade unions and otherwise. But what this legislation is saying is that, as far as Barbados is concerned, the Prison Officers Association cannot associate with any unauthorized association in Barbados — and in this particular regard we are talking about trade unions. You cannot associate; it cannot align itself with, you cannot show solidarity with any trade unions in Barbados.

(Asides)

SENATOR E. E. GREAVES: You are right to make sport at them. I agree with you, Senator Trotman, make sport at the prison officers — they cannot even join a cricket club.

Sir, you see they cannot do that in Barbados, but you know what can happen? They can become associated with similar associations in Anguilla, Antigua, Belize, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Christopher and Nevis, St. Lucia, St. Vincent or Trinidad and Tobago. So, if the Prison Officers Association in Grenada has a dispute with the Government of Grenada and they decide to take some kind of action, this legislation makes it possible for our prison officers here to identify with them and to show them solidarity. There is nothing to prevent that from happening under this legislation. It is provided for in here.

What is happening is that you are telling the prison officers that they cannot show any solidarity or be associated with any trade unions in Barbados, but you could become associated with other organizations which might be part of trade unions in those countries. So you see, the kind of nonsense that the legislation makes of.

Mr. PRESIDENT: Doesn't it say "similar" here in this section?

SENATOR E. E. GREAVES: Sir, you see "other than similar associations." But, you see, how do we know.....

Mr. PRESIDENT: I am not stopping your argument, but you must not leave out the words when you are quoting.

SENATOR E. E. GREAVES: How do we know that the Prison Officers Association in Grenada does not belong to the Trade Union Congress.

Mr. PRESIDENT: It would not be similar.

SENATOR E. E. GREAVES: No, no, Sir.

Mr. PRESIDENT: Do not bring me into the argument. Just use the words that are in the text when you are quoting.

SENATOR E. E. GREAVES: All I am saying.

Mr. PRESIDENT: The word is "similar"

SENATOR E. E. GREAVES: Even granted that, what I am saying is that the legislation is saying that the prison officers here in Barbados — and this is really the point I am making — could link up and become associated with prison officers in Grenada or Guyana or St. Lucia or any of the other territories, but they cannot become associated with groups of workers in Barbados. I am saying, Sir, that this is contrary to our constitutional arrangements and to our general practices which we have had here all of the years.

Now, let us go to Section 24C(1). It says: "No member of the Service shall be a member of an unauthorised association." It is ironic that the only organisation that is mentioned in the Act as an unauthorised association, and I think it points in a particular direction, is a trade union. There is no mention of any other organisation.

Mr. PRESIDENT: Are you reading the whole section?

SENATOR E. E. GREAVES: Yes, Sir. In this section unauthorised association means a trade union as defined in Section 2 of the Trade Union Act.

Mr. PRESIDENT: (a), (b) and (c). Go ahead.

SENATOR E. E. GREAVES: I say the only organisation that is clearly identified is a trade union.

Mr. PRESIDENT: I am not getting into an argument, but when you quote, you have to read the whole thing.

SENATOR E. E. GREAVES: I am reading, I am taking my time, Sir. Give me a chance, do not anticipate me.

I believe, Sir, that this points in a very serious and dangerous direction. The trade union organisation is singled out.

Then it goes on:

"an association whose objects are the promotion of feelings of ill-will and hostility between different classes or races."

Sir, again this is uncalled for — do you know why? — because, again, the Constitution of Barbados deals specifically with organisations which promote ill-will and hostility between different classes and races.

What are the organisations in Barbados? I want the Government to name one organisation in Barbados that promotes ill-will between races and classes. If there are any such organisations or individuals in Barbados that do that, they can be prosecuted under the laws of this country. I believe the Public Order Act, for that matter, makes provision for that, so I do not see the need for this. But this is only a cover up and may be a round-about way of suggesting that you do not want the prison officers to be associated with trade unions, because trade unions promote ill-will among the classes and the races in this country.

This is my interpretation, and nobody can prevent me from interpreting this in the way in which I see it, and I see this as a way of making that particular suggestion.

It goes on:

"any association whose objects are for the purpose of subverting the good discipline of members of the service."

Now, I really do not know what was the nature of the quarrel between the NUPW and the prison officers and the Government. I do not know what was the problem between the NUPW and the prison officers, and I do not know if one could describe an attempt by the NUPW to get better wages and conditions of employment, or whether one could describe a situation where the prison officers, as a section of NUPW, decided that

they would put some pressure on the Government to get some improvement in their working conditions, in their welfare, as an attempt to subvert the good discipline of the members of the service.

I really find it hard to understand the purpose of this other than that the prison officers are now put in a straight jacket from which they will never be able to escape. They will never, after this legislation is passed, be able to exercise the kind of freedom which they exercised previous to this legislation.

This legislation is not in the interest of the prison officers, misguided though they might be. This legislation is not in the interest of trade unionism in this country; this legislation, in my humble submission, is contrary to the provisions of our Constitution; this legislation, in my humble submission, is completely unnecessary in view of the provisions of the Trade Union Act, which gives the right to any seven members, any seven group of members, to register a trade union.

When you look at the terms and at the general provisions of the legislation, you will find that the whole purpose of the legislation is not really to genuinely establish an association which can function effectively and in the interest of the workers concerned, but it is primarily aimed at cutting off the prison officers group of workers from any show of solidarity or any kind of proper representation which they might need in representing themselves, in terms of getting better wages and conditions of employment.

Sir, I am sure that you are aware that I will not be supporting this legislation. Thank you.

SENATOR H. R. LINTON: Mr. President, I think the first point that needs to be made, if only for the sake of clarity, is that the idea of having the prison officers formed into an association of themselves emanated from the prison officers. I have just been reading the file on the matter, Mr. President, and I observed that the decision was a decision taken last year by the prison officers, and that that decision was a unanimous decision.

It may be all right, Mr. President, for some of us to wish to presume to tell the various workers what sort of association is best for them, but I think that they are best placed to determine what sort of organisation suits them.

Once this whole debate is looked at in that perspective, one can do no less than come to the conclusion that, rather than representing an abrogation of the rights conferred upon them by the Constitution, this Bill seeks to give them greater rights, because here it is that they have been allowed; they, themselves, unanimously have determined that they want an association.

I am going to take a little detour here, Mr. President, to connect this with a speech I gave in here sometime ago, and remark in passing that, as a result of the recent meanderings within the NUPW, I am surprised that other groups of workers have not also sought permission to have themselves turned into an association.

I note that the members of the biggest union, the Barbados Workers' Union, have not been seeking leave to dissociate themselves with that union — because of the responsible attitude it has displayed with the recent negotiations by no other than Mr. Frank Walcott, a responsible and respected trade unionist.

Against the background of that childish behaviour that was displayed by the NUPW, I can agree and support the prison officers for wishing to have nothing at all to do with trade unions, where the leaders are brought in from outside, like the General Secretary of the NUPW, from Leeds or wherever he has purported to have learnt his trade unionism, who knows nothing at all about Civil Service attitudes or procedures in Barbados, and then come down here and lollop over the members who have been working in the Civil Service here for years.

These prison officers know better. They want to have a say in their own affairs. Indeed, I have just read, with some pleasure, from the file that they have already chosen a committee from among themselves for the proper running of the organisation. They have not recruited a General Secretary from outside, they have not recruited a President who is looking for glory — all they want is to be able to negotiate their own affairs.

I think that we in this Chamber ought, really, Mr. President, to be lauding and praising the prison officers for their foresight in taking it upon themselves to organise themselves into an association of this sort.

It does not matter if they form a trade union or an association. The fact is that they wanted to be an association, they decided they wanted to be an association, they sought permission to be turned into an association — and it is an association they will get.

Who are we to get in here and tell them that an association is not good for you; we are not going to grant it for you. If the prison officers unanimously require an association, then I think the Government of Barbados has every right to let them form themselves into an association.

Senator McClean rises.

Mr. PRESIDENT: You have a point?

SENATOR A. W. A. McCLEAN: Thank you, Mr. President. On a point of elucidation, although Senator

Linton did not identify any senator to whom he was responding in terms of the point he was making, I would like to suggest that I did not suggest that prison officers should not form an association. I did not understand any other senator as so suggesting. We were making points as to the restrictions which are placed on that association.

SENATOR H. R. LINTON: As a matter of fact, I was not referring to Senator McClean at all.

Mr. President, once that point is taken, and it must be emphasised that it was, and is, the unanimous wish of the prison officers to have themselves formed into an association, then all the arguments about whether or not it should be a trade union instead dissipates. I think that point ought to be made.

Having made that point, Mr. President, I want to deal now with two points which were made by both Senator McClean and Senator Greaves. Those points relates to Section 24(A)(3) and Section 24(5)(c), I think a lot of confusion has arisen with regard to these two particular sections, Mr. President, because the senators have really failed to treat this Bill as an amendment to the Prisons Act Cap. 168.

This Bill, Mr. President, does not represent a piece of principal legislation; it represents an amendment to the existing Prisons Act. The Prison Act, Chapter 168, is not being repealed at all. Consequently, this Bill must be read in conjunction with Chapter 168. Once this is done, Mr. President, one will find that this Bill does not in fact represent an abrogation of the rights, or any derogation from the rights, of prison officers as conferred upon them by the Prison Act or, indeed, as conferred upon them by the Constitution. I will have to have a recourse later on to the principal Act, because one cannot read the amendment except one reads it with the principal Act.

Let me however, Mr. President, turn my attention firstly to Section 24(5)(c) on page 4, because that appears to be the section that gave Senator McClean some bother. I took the liberty of going around and pointing it out to Senator McClean privately, and I believe I can say that he agrees with what I am going to say now.

I think that in his contribution he failed to give due and adequate regard to the conjunction "and". I believe if Senator McClean had given due and adequate regard to that conjunction, he would not have committed what I regard as an error in stating that this Act can prevent a prison officer from joining a church.

If one has adequate regards to the word "and", then Senator McClean can only say that that section will prevent a prison officer from joining a church if the objects of that church are for the purpose of subverting the good discipline of members from the service, perhaps like the Jones Church in Guyana.

I see no reason why prison officers or any workers in this country, particularly workers in an essential service, ought to be allowed to join a church whose objects are for the purpose of subverting the good discipline of the members of the service. That point must be taken. Nobody, indeed, in this island should be allowed that freedom of association.

Indeed, Mr. President, Section 11 of the Constitution, to which I am going to refer to later on, precludes that type of association by anyone. Senator Howell dealt with this, but, in my view, Mr. President, with great respect to him, only partially, because the concluding words of Section 11 of the Constitution — after setting out the various freedoms, it sets out the limitations — says:

"Those freedoms, subject to such limitations, are designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest."

So even under the Constitution itself, there is a statutory imposed limit upon the freedoms which we all so often take for granted.

I am sorry Senator Greaves is not here. He needs a lesson in law. Senator Hall is here, but I do not think he will carry a message. Mr. President, that Section 24(5)(c) states "any association (i) whose objects are for the purpose of subverting the good discipline of members of the service, and

"(the conjunction) (II) that the Superintendent, with the approval of the Governor General in writing addressed to the head of the Association, declares to be an unauthorised association".

The two things have to be present; it is a positive conjunction. We had some gobbledegook a few months ago in here passing off as a phrase for a positive conjunction, but the "and" is a positive conjunction, and I am confirmed in my interpretation of that section when I use the Police Act as an example.

Section 44 of the Police Act Cap. 167, Mr. President states,

"For the purposes of this Part, the expression "unauthorised association" means

(a) any trade union as defined by the Trade Unions Act, whether or not the union is registered or incorporated;" —
(and I will come back to that section when I am dealing with Senator Greaves) —

- (b) any league or association or body of persons, whether registered or not, which has for its objects, or one of its objects, the promotion of feelings of ill-will and hostility between different classes or races;"

When one listens to Senator Greaves, one would have thought that, for the first time in the history of Barbados, we are having legislation with these words. These words were lifted wholesale from the Police Act. They are also in the Fire Service Act.

This is not new, and this Police Act was passed some years ago. It was amended as late as 1975, but the first Act was 1961-50 when the Democratic Labour Party was in power — Senator Greaves was probably still at the University then — but the point is that these words are not new.

These are the words used by the Democratic Labour Party in the Police Act, used by the Democratic Labour Party in the Fire Service Act, but we did not have any outcry from the trade unions. They never asked to have it amended, they have never said that those words are designed to abrogate the rights of the policemen or firemen. And the Fire Service Act is even more recent than the Police Act — that was passed when Senator Greaves was around — yet we have not heard a whimper from the representative from the Barbados Workers' Union that this Act flies in the face of the Constitution, restricts the freedom of association of the firemen or of the police.

This is not new. I only hope it does not come out in the media that Senator Greaves has discovered something that is new. It is not new at all, as if he is capable of discovering something new.

Section 44 (c), still on "unauthorised association", states

"any other association, society or club, any of the objects of which may be subversive of good discipline on the part of a member of the Force and which"

(there is the positive conjunction "and" again, not used this time as two subparagraphs as is done in the Prison Officers Bill, but there is a positive conjunction) —

"and which the Commissioner, with the approval of the Governor General declares to an unauthorised association."

If one wants to get guidance as to the likely interpretation which will be placed on the positive conjunction "and" on page 4 of this Bill, one only has to have recourse to section 44 (c) of the Police Act and see that the "and" is meant to be a conjunction.

So I think Senator McClean, if he had the chance, would want to refashion what he said about churches, because I believe he would wish to agree with what I say, and state that prison officers could only be forbidden from joining churches by virtue of this Bill if those churches were given to acts of subversion.

I do not think that Senator McClean intended wilfully or otherwise to mislead this House. I do not think the President felt so either. I think he, himself, was probably mislead. What he did manage to do, Mr. President, was to mislead Senator Greaves.

Senator McClean rises.

Mr. PRESIDENT: Do you have a point to elucidate, Senator McClean?

SENATOR A. W. A. McCLEAN: It seems as though Senator Linton is asking me to elucidate my position, and I would say that if this Bill has the same meaning in that section as the Police Act, I would have been wrong in what I said. In other words, what I said is what I did mean to say.

I am saying that, in terms of at least English, and there are no technical terms of art involved here, there is a material difference between this provision and the one in the Police Act, and if it is intended that you will amend it to have the same meaning, that is to delete the (ii) and change the "that" to "which" and make the second part here a delimitation of the first part rather than an addition to it, then I would have been wrong — and happily so — but at the moment I cannot agree that I have misconstrued the provision of the Bill.

SENATOR H. R. LINTON: Mr. President, I take Senator McClean's point. I do not want to get into any argument or semantics with him on statutory interpretation of this point. I just want to state that the entire debate this morning has proceeded with no reference to the word "and". That "and" joins (i) and (ii) in the same way that it joins the two separate and distinct statements in Section 44(c) of the Police Act, and the fact, Mr. President, that this section under the Prison Act is divided into two sub-sections does not give it any different meaning at all from the Police Act.

The Roman Numerals (i) and (ii) do not carry any meaning in terms of that. It has the same meaning, and, therefore, for prison officers to be precluded from joining them, churches would have to be of a subversive nature, and that is the end of that argument.

Mr. President, this section may, in fact, represent modern drafting, but the meaning is all the same. It is entirely the same as in the Police Act; it is entirely the

same as in the Fire Service Act, which has no different meaning at all; and once it is read in that manner, then Senator McClean's point will dissipate — and, unfortunately, he managed to mislead Senator Greaves, so his point will therefore dissipate too.

Turn to the next point that seems to be giving some bother, Mr. President, Section 24A(3) says;

"No representation may be made by the Prison Officers' Association in relation to any question of discipline, promotion, transfer, posting, leave or other matter"

and that "other matter" is proper English despite Senator Greaves saying it was not)

"that affects an individual member of the Association."

Here again, Mr. President, for guidance, I refer to Section 45(2) of the Police Act firstly to show that this provision is not new and that the Democratic Labour Party is quite familiar with provisions of this sort, which says;

"No representation shall be made by the Police Association in relation to any question of discipline, promotion, transfer, posting, leave or any other matter in so far as it affects individual cases",

precise wording on this occasion, yet we had no quarrel at all from Senator Greaves about that.

Indeed, I think this point may have slipped Senator McClean again, and I do not really want to judge him very harshly. I am going to restrict my comments to the contribution made by Senator Greaves, but it would show that Senator McClean did not apply his mind to the problem in his customary manner.

The fact is that what we have to ask, Mr. President, is this: has this provision really and truly restricted, delimited, abrogated or derogated from the rights of the police officers or from individual police officers? Has that happened? Is it likely to happen?

Let us deal with that, Mr. President. If such a provision has not restricted, delimited, abrogated or derogated from the rights of the police officers, then we have no problem.

If such a provision is likely to restrict or otherwise derogate from the rights of the police officers, then we have a problem not only in respect of the prison officers who we are considering today, but in respect of the police officers and in respect of the firemen, and, no

doubt, the army will come in at a later date. But do we really have that problem?

Let us consider the Police Force, which has a reputable association which has been in existence for roughly 33 years. This provision, Mr. President, does not stop them negotiating the salaries, conditions of service, postings and things of that sort. It has not.

But I do not want to appear to be cheating, because the Police Act is slightly different in its tenet. I must refer to 45(1), I do not want to mislead the Chamber. What 45(1) does is to create a central X Committee. Let me read it:—

"For the purpose of enabling Inspectors, subordinate police officers and constables of the Force to consider and bring to the notice of the Commissioner and the Governor-General matters affecting their general welfare and efficiency, there shall be established an organisation called the Police Association which shall act through a Central Committee as provided by rules made under this Act."

So the Police Force has a Central Committee and that Central Committee will take a problem to the Commissioner, and then the Commissioner — ostensibly, anyway — will take the problem up to the Ministry.

The authority, therefore, so far as the Government or the Ministry is concerned, for matters relating to the posting, discipline, leave *et cetera* of the police officers, that authority firmly and squarely resides in the Commissioner of Police.

And there is a well-known principle of Law *delegatus non potest delegare* — a delegate cannot delegate. What he can do is to take advice. He takes advice from the Police Association through the Central Committee. That is the mechanism that has been used, from the time of the inception of the Police Association, to facilitate their bargaining for salaries, conditions of service, *et cetera*.

What you may ask, Mr. President, is, "What are the provisions which have been made for the prison officers like?"

This comes back to my original point, Mr. President, that the proposed amendment to the Act cannot be read in isolation; it must be read with the principal Act. Because if we look at the principal Prisons Act, Cap. 168, you see, Part II, section 5 says:

"The administration of the Service and the control and supervision of all prisoners shall be vested in the Superintendent, subject to the directions of the Minister."

That section relates to the prisoners. .

"The administration of the Service and the control and supervision of all prisoners shall be vested in the Superintendent".

Section 6(1):

"The Superintendent may, subject to this Act and any rules, from time to time make Standing Orders and give administrative directions for the observance of all prison officers in carrying out their duties."

The Act permits him to delegate, otherwise he could not; because of the maxim I quoted earlier *delegatus non potest delegare*.

So, under the Prisons Act, the power for matters of an administrative nature firmly and squarely resides within the bosom of the Superintendent.

That brings us to the section of the Act that was challenged, I think — I speak subject to correction — by Senator Greaves, relating to the Superintendent, Section 24(b) of the proposed amendment:—

"The Superintendent after consultation with the Prison Officers Association, may, with the approval of the Governor-General, make rules relating to the constitution, management and procedure of the Association."

So, whereas under the Police Act this subsidiary power to make rules and what have you, and to make representations, is centered in a body called the Central Committee, which said body then reports to the Commissioner of Police, under the proposed amendment, Section 24B, this subsidiary power is centered in the Superintendent.

So, what will happen — and I can confirm that this has already been put in motion, because I have seen draft rules from the Police Association — what will happen is that they will make rules regulating the things enumerated in the section and things with which Senator Greaves took issue relating to the welfare and the efficiency of prison officers. That is what will happen. The draft rules do, in fact, contain certain matters relating to their welfare and efficiency.

Once this is done and the prison officers agree on these matters, they will discuss them with the Superintendent, who can, himself, delegate this only to the Assistant Superintendent, if any, or any other suitable prison officers such duties from time to time as he thinks fit. Once they have discussed what they want in terms of their welfare and general efficiency, then they make representation to the Superintendent.

The Act does not preclude them from doing that. In fact the Act places a positive duty on the Superintendent to make room for their welfare; and once they make these rules and they observe these rules, their first line of command — bearing in mind, this is essential, Sir — is through the Superintendent; and once they speak through the Superintendent then they can speak to the Ministry.

It is like praying to God — you say, "Through Jesus Christ, Our Lord." You do not go direct. You speak through your Superintendent to the Ministry.

The Ministry does not want a whole association making separate representations to it. Speak to the Superintendent and let him know first what is happening. Once you have got your rules, and they do have draft rules, they speak to the Superintendent. This is exactly what happens in the Fire Service and in the Police Service and more importantly, this is what the prison officers have requested. So, I think that that should deal partially with the problems that arose under that section.

I want to turn my attention now to Section 24C(1) which is a section that appears to be causing problems, also:

"No member of the Service shall be a member of an unauthorised association."

Now, I shall begin my comment on that section by stating that it is not as wide as the comparable section in the Police Act or that in the Fire Service Act, because the Police Act not only stipulates the trade union as an unauthorised association, but it also states "any league".

So if Senator Greaves point is right about this restriction on the right to join an association, then it means that no young policemen can join the Youth League of the Barbados Labour Party, or of the Democratic Labour Party, for that matter. "Any association or body of persons," because these are stipulated in this Act, "whether registered or not, which has as its objects, or one of its objects, the promotion of feelings of ill-will." It goes on, "any other association, society or club....." of course the proviso that any of the objects which may be subversive of good discipline.

More organizations are set out in the Police Act than is set out in the Prisons Act. But yet what is set out in the Prisons Act is included with what is set out in the Police Act. That makes the limitations provided in the Police Act more extensive than those provided in the Prison Act. So how are we going to quarrel about these provisions relating to prison officers when those of the Police Act are even more extensive? It is obvious that the limitations have been narrowed down to a certain extent.

But that is not the main difficulty relating to Section 24C(1):

"No member of the Service shall be a member of an unauthorised association."

As I said, the difficulty relating to that section seems to be that it flies straight in the face of the Constitution. Members seem to think so. But I have pointed out that the same section is reproduced in the Police Act and the Fire Services Act. These bodies are regarded as essential services.

I believe Senator Greaves' argument, at least part of it, is that there is no good reason to regard the Prison Service as an essential service.

(Asides)

SENATOR H. R. LINTON: I would just like to make the point that my colleague at my far right is assisting me with. We know that, recently, one or two prisoners, who were regarded as dangerous prisoners, escaped; and we also know the terror they caused to the society. That, alone, should be adequate to demonstrate to members the seriousness of persons, who are regarded as dangerous, being at large. While I was away, we also read of another prisoner, who, unfortunately, I believe, was killed on a boat after he escaped. We know how serious it is. It is folly, Mr. President, to think that the Prison Service is not as essential as the Fire Service. Indeed, the prison officers think that it is. Really, the legal profession and responsible persons in society also know that the Prison Service is an essential service.

Some years ago, when I was a boy, the prisoners went on a strike, went on the roof, and the whole of the country was on edge. Everybody is scared when they hear that a prisoner is at large. The argument, Mr. President, is not of preventing prisoners from going on the roof. The argument is to emphasize that the Prison Service is so important that prisoners must now go on the roof that is must be regarded as an essential service. That is the argument. It is to demonstrate the importance of the Prison Service, and that can only be demonstrated by showing what can happen.

This Act is not designed to stop prisoners from going on the roof. Indeed, I do not see any Act that can stop that. But what it does underline is the importance of the Prison Service to the society, and the reasons why it ought to be regarded as an essential service.

There has never been an argument, Mr. President, in this island that the Police Service in Barbados is not an essential service. In the same way, it is my submission that the Prison Service is of equal importance and should be regarded as an essential service, and once we

observe and accept that, that is that the Prison Service is an essential service, then we have to accord it the same status as we accord the Police Force or the Fire Service. And once it is accorded that same certain status, we use the same argument that we use for restricting members of the Police Association from joining unauthorised associations in respect of the Prison Service. That argument being that it is an essential service.

However, if one reads the Constitution carelessly, it may seem that that section, whether it is in relation to the Fire Service, the Police Service or the Prison Service is in conflict with the Constitution. My submission is that it is not — it is not in conflict with the Constitution. It does not conflict with the Constitution, because the Constitution provides for it, and I refer you to the concluding words of Section 11, that these freedoms as expressed in Section 11, including the freedom of assembly and association, are limited where such limitation is designed to ensure the enjoyment of the rights and freedom of any individual does not prejudice the rights and freedom of others or the public interest.

It is my submission that in the same way it would prejudice the public interest if the Police were allowed to associate with what is regarded as an unauthorised association, to allow the prison officers to do that, once they have got their own association, would not be in the public interest.

One must read this against the background that the Prison Service is ever increasing. It is ever on the increase. When the prison officers were members of the NUPW, they were not that many. In fact, it may not even have been in their interest then to form an association if they could indeed sustain one. They have now got big enough to form their own association, and the time would have inevitably come when it would have become necessary to declare them an essential service.

There is nothing wrong with that at all. And once it is clear that it is an essential service, it is contrary to the public interest to permit them to join an authorised association. I see nothing wrong with that. It does not conflict, and if we are going to argue that that provision conflicts with the Constitution, then we have to argue that, in the same way, the provisions in the Police Act conflict with the Constitution.

Just a few points, Mr. President. To buttress that point about the prison officers, just let me refer to show one or two of the powers that they have. If you read Section 11 of Cap. 168, it says:

"Every Prison Officer while acting as such shall have all the powers, authority, protection and privileges of a police constable."

Here we are, Section 11 of the very Act, Cap. 168. This confers upon them the same power as a police constable

while they are acting as prison officers. So, in effect, what you have within the prison compound, once they all are on duty, is a police constabulary. How then do we say that one police constabulary is an essential service and the other is not?

If, Sir, you are acting as a prison officer, you have all the powers, rights, duties or authority, protection, privileges of a police constable. So that when they are acting collectively, collectively they have those powers. That means that Glendairy, once it functions as one of Her Majesty's Prisons, is a police constabulary, in every sense of that word, so far as the officers are concerned.

So if this is a constabulary, what is good for one is good for the other. If the constabulary down here in Bridgetown, in Coleridge Street, it is an essential service, then why not the police constabulary, which is what Glendairy really is. How do you reach that argument?

There are other, of course, sections of the Prisons Act which confers some para-military powers upon them, Mr. President, and if one is looking for evidence to support one's argument that the Prison Service is in truth and in fact an essential service, this Cap. 168 is replete with powers which are kin to military powers, and which in a crisis or an emergency can be used even more widely than when they are being used within the precincts of Glendairy.

I do not think one needs much more argument than the Prison Service is indeed an essential service and, as such, should enjoy the same status as the Police Service.

To deal with some minor points made by Senator Greaves, he said there is no need for legislation; that any seven members of the society could join together and form a trade union.

That is right, there is nothing wrong with that, but if the prison officers say they do not want a trade union because they took the NUPW as an example and they cannot regard that as a trade union perhaps, who are we to get in here and say that they should be a trade union? In fact, when Senator McClean rose on a point of elucidation, that is the point I was referring to. I have it here in my notes. That is the point that Senator Greaves made — any seven persons can form a trade union.

We have a bad example — maybe two bad examples if we take BIGWU — but the NUPW, since Senator Trotman has gone on to higher things, is one of the worst examples of trade unionism in the history of the Commonwealth, and I am not annoyed at all with the prison officers for not wanting to have anything at all to do with that.

Two or three weeks ago, I suggested the removal of the President and the General Secretary and they went,

in my view, foolishly, and removed the lesser mortals. They removed the wrong people. I do not know if they did not read my speech properly, I do not know if the paper cited it properly. I asked them to remove the President and the General Secretary and they removed humble and reasonable people, the people who really know about trade unionism. I hope they take heed and remove the right people this time.

This legislation, we hear, is going to tie the hands of the prison officers, and we hear it is going to tie them up for life. If the similar provisions have not tied the hands of the Police for life, and it has not in any way inhibited their progress, then it must be something good, and that argument is at best fallacious.

There was some point about consultation, a very vague and general point about consultation, and I heard our honourable Prime Minister being referred to very, what I would say, vulgarly in this Chamber by his first name when speaking about consultation.

What consultation? You have a letter here from the prison officers who requested permission, consequent upon a unanimous decision taken among themselves, to be formed into a Prison Officers' Association, and when Senator Trotman is replying he can read it. You get that emanating from the body itself, and then you also have on file meetings with the Attorney General, who is the Minister responsible for the Prisons, and we hear talk about consultations.

This is not a high-handed attack, this is not something being imposed upon the prison officers; this is something that came from within themselves. That is what we have to know, they said they want it, and if they want it, we, as an open Government, will give it to them.

This talk about workers' participation. The prison officers said they did not want to have anything to do with the NUPW, they do not want to participate in that farce, they want to form their own association — and if people unanimously agree on something, to run it themselves — they have elected a President, a Secretary and a Treasurer from among themselves — what talk are we hearing about lack of worker participation? If you are running your own organisation, how are you not participating in it? It is different if you go out and bring down a General Secretary who does not have a clue about trade unionism.

I think I have dealt with this question where Senator Greaves said it would hinder prison officers if they wish to join fraternal organisations, and I have dealt with the question of the church. As I said earlier, I think Senator McClean probably did not think it through to its logical conclusion, but I cannot be so charitable with

regard to Senator Greaves. I do not think he understands the simple English that is in this Act.

He had difficulty on this question of prison officers not being able to associate with associations here, but being able to associate with similar organisations in other territories.

I think that has been dealt with, because once it has been pointed out to him that they can associate with similar organisations in other countries, it stands to reason that if there is another Prison Officers' Association in this country, they will, of course, have the right to associate with them too.

What we do not want them doing is to have their own association and being misled by the NUPW. The BWU is much more responsible than that, it has one good man in its leadership and that is Mr. Frank Walcott. I do not have much respect for the Assistant General Secretary, but it has a good man at the top. I am sorry, Mr. President, I withdraw that. It has a good man at the top.

The question of solidarity. I do not know, Mr. President, how one manages to interpret the word "associate" to mean to show solidarity. I do not understand it, Mr. President. I have searched my mind to see the connection. I do not even have a dictionary before me, but I do not think I need one. By no stretch of the imagination can one interpret the word "associate" to mean "to show solidarity with," because you can show solidarity with a movement, or an idea, or an institution without being associated with it in any form or fashion.

There are several members of the Democratic Labour Party who, during the last elections, showed solidarity with the Barbados Labour Party without being associated with it, and Senator Greaves knows that because he felt the result down in St. Lucy. Even if he does not know anything, he should understand common sense. I do not see how he gets this extrapolation to show that "to associate" means "to show solidarity." I do not see that, because the Act prohibits the prison officers from associating with other organisations here, it inhibits them from showing solidarity, particularly if solidarity can be demonstrated in various ways.

I am very sorry that members of the NUPW did not show solidarity with their own union in the recent strike, but that is their business. That shows, too, Mr. President, that you can be associated with an organisation and yet not show solidarity.

I have dealt with the point Senator Greaves made about trade unions being singled out, and I have demonstrated that that argument is fallacious. He also made the

point that this piece of legislation is a roundabout way of getting, to paraphrase his words, at trade unions.

As a matter of fact, Mr. President, to all intents and purposes, the Police Association and the Fire Service Association, and likewise the Prison Officers' Association, enjoy the status of trade unions. It is just a different form of collective activity. They have bargaining rights.

I speak subject to correction, but I do believe that the Prison Officers' Association have already commenced their own bargaining in terms of salary. I believe that the NUPW has ceased to perform that function for them. They have almost all the powers of a trade union, short, perhaps, of the power to strike.

Senator Greaves is not usually very skilful in his presentations in this Chamber, Mr. President, but today I noticed when he made a certain point he was rather skilful.

He sought to connect the Government with a dispute which may have existed, because it does not now exist, because they have severed themselves from the organisation; he sought to connect the Government with a dispute which may have existed with the prison officers and the NUPW. He said he does not know what is the difficulty between the prison officers, the NUPW and the Government.

Sir, that was a very skilful way to seek to involve the Government with any dispute with the NUPW. The Government was not involved in any dispute between them. In fact, no Government has to be involved to realise that the NUPW, as it is presently constituted, is a useless body.

I do not want that to be interpreted at all to mean anti-trade union, and that I am against trade unions. I am not against trade unionism. I am all for it. I am speaking against post or positions of personnel and what have you, Mr. President; I am not against the trade union movement; I am all for it. As a matter of fact, I have respect for the BWU.

The final point that Senator Greaves made that I noted was that the legislation is aimed at cutting off workers from any kind of proper representation which they might have.

Mr. President, if I may say so, that statement is arrogant to the extreme. How dare, Mr. President, Senator Greaves to presume that his union or any other union is more qualified to speak for the prison officers than they are qualified to speak for themselves. It is arrogance of the highest order, of the highest magnitude. He is getting up in here and saying it is cutting them off from any proper representation — proper — which they might have.

What is he saying? What he is actually saying is that the prison officers are a bunch of people who cannot conduct their own affairs. They need something like the BWU or the NUPW, where all the brains, I suppose, reside, to conduct their own affairs for them. It is arrogance of the highest degree, Mr. President, and it even should have been withdrawn except that I was more anxious to get on my feet and refute it than I was to get up on a point of order.

He dare not come in here and say, because they can now bargain for themselves in terms of salaries, in terms of conditions of service, in terms of their welfare, that they are less qualified to do it than his own union or any other union. How dare he say that, Mr. President?

I have relatives who are members of the Prison Service and I know that they are quite competent to look after their own affairs; as competent as the members of the BWU and possibly more competent than the members of the NUPW. I ask him not to repeat those statements. They are too arrogant, Mr. President.

Mr. President, in closing, I wish to state that I hope I have refuted the arguments which were raised, which would tend to make it appear that the Bill starts to derogate the Constitutional rights of the prison officers, and I hope, with that explanation, members will now be in a position to support the Bill, Mr. President, I thank you.

SUSPENSION OF SITTING

Mr. PRESIDENT: I think I would suspend at this stage. The sitting will be suspended until 2.30 p.m.

On Resumption —

Mr. PRESIDENT: The sitting is resumed. Senator Hall.

SENATOR W. W. HALL: Mr. President, I think that my colleague has clearly enunciated the stand of our side on this matter and, Sir, my aim, really, is to speak on a few areas that have come out of the discussions subsequent to the speech made by my colleague.

As such, I would just like to say that, as per usual, the Minister, in introducing this Bill, perhaps not particularly anticipating the kind of attack that came early this morning before lunch, which, as you are aware, Sir, sent him scurrying for help and asking Senator Howell to hold on until that help came — in fact Senator Howell was a political Horatio, Sir, he was like the boy who stood on the burning deck when all but he had fled — but it is obvious, when you listen to Senator Linton he was showing off, Sir, how he has got the file, that all is now well; should I say in this day to Denmark? That

brought a lot of comment the last time when my colleague alluded to that situation.

Sir, I have no file. I am fileless. I have no file so, therefore, I really cannot refer to anything that the Government did a year ago or even hope to do in a year from now, but what I would say, Sir, is that it was strange that Senator Howell intimated that, perhaps, the prison officers were not satisfied with the NUPW and, perhaps, they were not in agreement with the strike, and, perhaps, that is the reason why they wanted to opt out of the union.

Now, Sir, the strike was this year, a few months ago, to be exact, in October, and I do not think that we have the capacity to draft this Bill and send it up here just in a matter of two or three weeks; and then we hear the real truth — that it was as far back as 1981 that the unanimous decision was taken that these prison officers wanted to opt out of the NUPW.

As a matter of fact, in the words of Senator Linton, they said they did not want a trade union. That is what he said, Sir, he alluded to the fact that that was what the prison officers said. But, Sir, it has come to my knowledge that what the prison officers really wanted was recognition and full bargaining rights, and this is tantamount to requiring trade union status.

My understanding of the matter, Sir, is that the Association does not give them full bargaining rights. This is my understanding of the matter, and, Sir, since my colleague has clearly showed the reasons why he is dissatisfied with this Bill, I would just like to point out a mere two positions that I am not satisfied with in any respect.

I think that one has to be as concerned as Senator McClean when he alluded to Section 24A(3). When he stated that:

“No representation may be made by the Prison Officers Association in relation to any question of discipline, promotion, transfer, posting, leave or other matters that affects an individual member of the Association,”

he said that, in his opinion, this was eroding the human rights of the prison officers.

Sir, I tend to concur, particularly so when, at the Prime Ministers' Conference in Ocho Rios on the north coast of our sister island Jamaica, the Prime Minister of Barbados is piloting an amendment on the question of human rights. I think that we must all be a little worried with this section because the impression is that the human rights of these prison officers would be eroded.

Now, Sir, Senator Howell said that there is a section in the Constitution that relates to freedom of conscience, but I ask him Sir, how free can your conscience be if your fellowmen are not given an opportunity to be involved in these areas as suggested in Section 24A(3)? It would seem to me that your conscience would have to be enslaved, not free; and that is the reason why I feel that we must address ourselves, and indeed the Government must address itself, first to this section of the Bill.

It has been argued that the prison officers wanted this. I am not going to dispute that. If the Government says that the prison officers came to them and requested that they come out of the trade union and form another union, we all know that that is their right, constitutionally so, and indeed any seven of them can form a trade union and register as a trade union.

It is also their right to be at loggerheads with the hierarchy in the union. It is not to say that this is the first time anywhere in the world that the rank and file has been displeased with the union or they have been upset at the decision made by the Secretariat in the union. This is not the first time. It happens all over the world, and if the prison officers were upset with the NUPW, they have it at their prerogative to come out.

My idea is that to bargain simply means, or at least the Oxford Concise Dictionary describes it as a hassle of give and take, and therefore, although Senator Linton said that they have rights and that they will be there bargaining, I believe that one needs more than sitting around the table. One needs real full bargaining rights.

Sir, the other area, and I told you there will only be two, in fact I told you I would only be speaking for ten minutes to which you showed some amazement, but Sir, I know the Government will get up and reply and they will spend long minutes, I had better say minutes, because although Senator Linton said that he is going to give us a lesson in law, he proceeded to give us a lesson in English, he and his positive conjunction, and you know I am not going to be long at all. I said I was going to be rather short and to the point and I am going to stick to it.

I think Section 24B is rather wrong. In fact, it is diabolical. It says:

"The Superintendent after consultation with the Prison Officers Association, may, with the approval of the Governor General, make rules relating to the Constitution, management and procedure of the Association."

Sir, in industrial terms, as Senator Trotman may know, this is known as a company union, and if we were

to turn to the ILO Convention — I know he sent for it — you will see — and mind you, this is ratified by the Government of Barbados — that Convention 87, which is the Convention concerning the freedom of association and protection of the right to organise in Article 3 says:

"Workers and employers' organisations shall have the right to draw up their constitution and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes."

That is why I feel that the making of the rules relating to the Constitution, management and procedure of the association, since this is entrusted to the Superintendent after consultation with the prison officers, it seems to me to be a little bit away from the I.L.O. Convention No. 87, Article 3.

I do feel, Sir, that the Government should look very seriously at this when they look at it again, and I am hoping that honourable senators will show very strongly this evening that we are not really in agreement with this Bill, and, as such, the Government will be honour bound to have another look at it, since, just because the prison officers have said that they want to opt out of the union, it does not necessarily mean that the Prison Officers Association is the best thing for them.

Now, Sir, the Government will try to prove that this is the best thing. In fact, Senator Linton went as far as to ask who gave Senator Greaves the right to believe that the trade union officials are more qualified to look after the business of trade union matters than the workers themselves. Well, Sir, coming from a lawyer.....

SENATOR H. R. LINTON: On a point of elucidation, the honourable member is misquoting me. I asked Senator Greaves what made him think that either the Barbados Workers' Union, the NUPW or any other trade union was more qualified to represent the interest of the prison officers than the prison officers themselves.

Mr. PRESIDENT: I thought that is what he was saying.

SENATOR W. W. HALL: Sir, don't correct him.

SENATOR H. R. LINTON: Mr. President, he said trade unionism. I did not say that he did not have the right to handle trade union matters better. I said prison officers' matters.

Mr. PRESIDENT: We must not have both together. Let us not split hairs over it. I think he said more or less what you said just now.

SENATOR W. W. HALL: Although he pretended to give us a lesson in all things, it is quite obvious that the honourable member's comprehension of the English language is not particularly good, and we should excuse him when he ventures into all these wild assertions. I am very glad you put him in his place, because I was winding up, and I do not know why he interfered with, me because I told you ten minutes and now it has gone well past twenty minutes.

Anyway, Sir, I was just about to congratulate Senator Linton on his attempt, Sir, his passionate attempt to defend the Government, but coming on to the end of it, Sir, where he wandered like a horse under pressure, he became woefully inefficient. I just wanted to tell him, he must not interfere with senators when they are trying to make a worthwhile contribution.

Let me end, Sir, by saying that there is still time for the Government, taking cognisance of the views of the honourable senators this afternoon, for them to make good what, perhaps, was a mistake that no one really saw. Perhaps, Sir, after listening to the senators, they might see it fit to do something about the Bill.

As it stands here, Sir, I will have little difficulty in declaring that I certainly will not or could not vote for it.

Mr. PRESIDENT: Senator Simmons.

SENATOR D. A. C. SIMMONS: Mr. President, Sir, when I was hastily summoned here this morning after attending a tribute for the late Mr. Justice Hanschell, which delayed me, I, after sitting for ten minutes, asked myself, "What was the confusion about?" Because what is before us and that has provoked discussion for the whole day, Sir, is something that is very simple and easy of comprehension provided that you are prepared to do a little research and return, from time to time, to various statutes of this country.

Now, first of all, Sir, this Act is an amending Act. That is to say, there is still in force and governing the operations of the Prison Service, a parent Statute, Cap. 168, an Act that, in itself, embodies 69 sections.

This Bill begins by saying that it is an Act to amend that Act and in Clause 2, it says:

"The.....Act is amended by inserting immediately after Part IV the following as Part IVA."

So the first thing that members ought to do, Sir, is to turn to Part IV, the end of Part IV is the end of Section 24, and all you do is to read this part as a new 24A before you come to Part V. And when you look at Part

IVA as it appears before us, it provides for the establishment of a Prison Officers Association.

The first question and issue that arises, Sir, is whether the establishment of a Prison Officers Association is something that is contrary to the law of this country and, in particular the constitutional law of the country. The answer to that, quite simply, is, "no".

But you cannot just say that, you have to go now to the Constitution, and the first thing that is obvious, Sir, is that, under Section 21 of the Constitution, every person in this country is given a right to assembly and association and it says:

"Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to political parties or to form or belong to trade unions or other associations for the protection of his interests."

So, the first sub-section of Section 21 of the Constitution gives anybody, including a prison officer, the right to join together in an association for the protection of his or their interests.

It is not an absolute right, Sir. It is a right which can be circumscribed and is circumscribed in the Constitution, having regard to certain specific matters — public safety, public order, public health, defence and so on.

Subsection 2, in fact, says:

"Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision —

- (a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health; or
- (b) that is reasonably required for the purpose of protecting the rights or freedoms of other persons; or
- (c) that imposes restrictions upon public officers or members of a disciplined force."

So, your right to freely associate for the promotion and protection of your own interests can be hedged about by restrictions which are themselves rooted in considerations with public health, public decency, public order, public safety and defence and so on.

Now, this Bill, in effect, is subsidiary to the Constitution of Barbados which, in Section 1, proclaims that the

"Constitution is the supreme law of Barbados and, subject to the provisions of this Constitution, if any other law"

for example, this Bill:

"is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void."

All it means is that if there is any part of the Prison Officers Bill that is in conflict with the provisions of the Constitution which guarantees the freedom of association, if this is in conflict to the extent *pro tanto* and not *en toto* — *pro tanto* — what is in this Bill is in conflict is void and the Constitution prevails. So, the person's fundamental right to form an association will still supersede anything that is in this and that is in conflict in the guaranteed provisions of the Constitution. That is the fundamental, legal position, Sir.

Now, as far as the background to the Bill is concerned, before I deal with specific clauses, if members remember, there has been, for almost two years now, simmering discontent among prison officers which gave itself public expression in the *Sunday Sun* of February 15, 1981.

An article very critical of the conditions at the Prison, in particular dealing with relationships among prison officers and between prison officers and prisoners, was published by the *Sunday Sun*. It turned out to be scurrilous and not entirely true, but as a result of that article, which reflected as I say, adversely on the prison officers, a meeting of prison officers was held, and the prison officers were asked to speak freely by the then Acting Superintendent. One prison officer who dared to say to the Acting Superintendent that the prisoners really prefer you to Mr. Donavan, because they get away with a lot with you, you treat them "too light" — not lightly; that prison officer was suspended and placed before the Public Service Commission on a charge which rendered him liable for dismissal from the Public Service in that he had stated to the Acting Superintendent, that the prisoners like you and not Mr. Donavan. For speaking his mind when he was told to speak freely, he was in a situation of jeopardy.

Now it also transpired in 1981 at about this time, Sir, that there were at least two prison officers who were then on the council of the National Union of Public Workers — I won't call their names, Sir, — I have not sought your permission; not that I want to embarrass you, Sir — and

the effect was that certain of the prison officers, as a result of the situation where one, for having spoken his mind, found himself liable to dismissal from the Public Service, when they found that the representatives, the shop stewards, I think, they call them in the trade union language, Sir, that the shop stewards of the NUPW were not really defending them, that it was then decided that they should do something about defending themselves.

In particular, harsh words were passed; because one prison shop steward was, in fact, called by a warden, "a yard fowl," and you cannot represent me anywhere and that sort of thing.

So, they were dissatisfied with the representation of their representatives on the NUPW. It was then up to them to determine whether they would continue in an association — I better use a different word — a relationship, with the NUPW, or whether they would create their own association for the advancement of their own interest. They chose the later; they made representations to Government, and we have before us today the legal framework that provides for the operation of that Prison Officers Association.

The second issue now, Sir. Is there any thing novel in a disciplined force deciding for itself to be constituted as a separate association? I say there is nothing in the Constitution that forbids it, and I have read Section 21 already Sir. But I go further, and I say that not only as a matter of principle, but upon the basis of legal statutory precedent, the prison officers are entitled to constitute themselves in this way.

Let us start first, Sir, with the police. The police have an identical association which came about, contrary to what Senator Linton said, Sir, when the Barbados Labour Party was last in power and Dr. Cummins was Premier. In the House at that time Sir, as the Hansard would show, were Mr. Frank Walcott, Mr. Theodore Branker, Mr. E. W. Barrow. None of them — the debates are here — none of them found anything offensive when almost identical provisions were laid before the House in 1961, prior to the elections, about July, Sir. Nothing was said against it — indeed, it passed and the first example of these kinds of words, and indeed almost identical language that there is in the legislation of Barbados in relation to a disciplined force appears in the Police Act of 1961, which is now Cap. 167. The notes at the side, Sir, will show that this Act was amended in 1961, in 1965, twice in 1966, once in 1967, once in 1968 and twice in 1975 after its initial enactment, at all times when the Democratic Labour Party was in power, and what was never amended or exorcised from the legislation are Sections 44 to 47.

If members just look at sections 44 to 47 of the Police Act, you will see the initial precedent and the language that is almost identical to the language that we have before us today.

In particular, Sir, one section which has caused some concern — I did not hear Senator McClean's speech, but I gather he was concerned about Clause 24C (5)(c) where it says that an unauthorised association means, "any association whose objects are for the purpose of subverting the good discipline of members of the service, and — it must be two things as Senator Linton pointed out — that the superintendent with the approval of the Governor General, in writing addressed to the head of the Association, declares to be an unauthorised association."

The Police Act says, "any other association, society, or club." This present Bill leaves out the word "society" and limits it to any association. Any of the objects which may be subversive to good discipline on the part of a member of the Force and which the commissioner with the approval of the Governor General declares to be an unauthorised association.

Similar but not identical language to this one Sir, except that (ii) of 5C goes further. It says, "that the Superintendent, with the approval of the Governor General in writing addressed to the head of the Association." In other words, you cannot band a relationship with an association merely because somebody says the objects are subversive of good discipline in the force. It has to satisfy these two criteria, and there must be something in writing passing between the Governor General and the head of the association declaring it to be such. In my submission, that strengthens and adds protection to the rights of the members. It is in advance of the Police Act.

Now, then, not satisfied with the Police Act, in 1964 the Fire Service enacted a similar provision. Now, we are fully in harness under the reins of the Democratic Labour Party. The Act is 1964-1; the first piece of legislation in 1964 under the Democratic Labour Party Government was a Bill to amend the Fire Service Act of 1963. It said then, and I quote for the benefit of the Hansard Reporters, 1963 at page 1969, second column — It stood in the name then of the then Premier, Mr. Barrow, now Leader of the Opposition; Mr. Crawford took charge of the Bill as Leader of the House, I think he was, and it is instructive, if I read what Mr. Crawford said about the Fire Service legislation, because the language is the same as this. He says these words at page 1969:

"Mr. Speaker, the object of this Bill is to enable members of the Fire Service below the rank of Station Officer to form an association along the lines of the Police Force Association. Representations have been made from time to time that the

members of the Fire Service should be allowed to form an association for the purpose of considering and bringing to the notice of the Chief Fire Officer and the Government matters affecting their general welfare and efficient functioning along the same lines as the Police Force Association functions, and in order to do this it has been found necessary to amend the Fire Service Act.

Hon. Members will recall that in order to permit the Police Force to form an association, Sir, an amendment was brought in along similar lines to the amendment now proposed to be included in the Fire Service Act, 1960-11.
1.05 p.m.

The Chief Fire Officer has recommended very strongly that this Association should be formed along the lines of the Police Association, and the Government therefore seeks to have this amendment enacted in order that members of the Fire Service Association should have the same vehicle for expressing their grievances and drawing them to the attention of their superior officer.

Sir, I do not think this Bill needs any further explanation. It is a very simple thing. Since all members of the Public Service are entitled to representation in one form or another in an Association, there is no reason why members of the Fire Service should be debarred from having their own Association if and when the time arises."

He moved, Sir, that the Bill be read a second time. It was seconded by Mr. Talma, and the first speaker on the Bill was Mr. Frank Walcott, a man who was familiar with associations for the promotion and the protection of the interest of workers begins:

"Mr. Speaker, I support this amendment giving the right of association to members of the Fire Service. There is one question which I should like to be a little clearer on, and that deals with the constitution of this Fire Service Association. It seems to me strange that you are debarring the Fire Service Association from having any connection with other Fire Service associations except in Antigua, Dominica, Grenada, Jamaica, Montserrat and so forth.

What is the justification for firemen in Barbados to have association with Firemen's associations in Jamaica, but are debarred from having association with Firemen's associations in Great Britain?"

A beautiful piece of colonial thinking is coming up now, Sir. Listen:

"I should think that the Firemen's Association in Great Britain would have more to guide the Fire-

men's Association in Barbados than what they could get from the other countries mentioned in the Bill."

Typical colonial mentality, but I have to read these things into the record so that those who come behind us may be able to judge for themselves.

He then finishes off at page 1970:

"This means that members of the Fire Service should not become members of a trade union. I am not protesting against that because the Fire Service can be granted that. But I wish to point out to you that it is not so in all of the territories."

I would construe the language of Mr. Frank Walcott, then head of the Union in 1964, when, for the first time, the Fire Service found themselves in the position that the prison officers now find themselves, as the language of support for the Bill.

The only problem, and nobody has addressed it today, that then gave trouble, and perhaps still is a matter of wonderment for honourable members, is why do you refer to Anguilla, Antigua, Belize, Dominica, Grenada and so on, the countries that are referred to in 24A(4).

I have given this a little thought at lunch. We have a habit of lifting bodily, as Mr. Crawford said in some part of his reply, legislation from other places and I think that we lifted bodily the legislation for the Police Act in 1960 and put it in the Fire Service Act, and now we have put it also in the prison officers' legislation. But in 1960 when the Police Bill became law, Barbados was in a state of Federation with some of these places, if not all, mentioned here, and I believe that there lies the reason for the inclusion of these words.

Now, if honourable members were saying to me today that they would like these words struck out, referring to the associations in other Caribbean countries, I could see that perhaps there is merit in that, because many of these, if not all, are independent states; but it is clear that the draughtsman has lifted from the precedent of the Fire Service Act and the Police Act the words which speak of relations with other Caribbean states, without understanding why, in the first place, they came to be incorporated in the legislation.

That is only an informed guess, I cannot say that what I am submitting on that is indeed what may have operated in the minds of the framers of the legislation, but it appears to me that.....

Mr. PRESIDENT: Guyana and Belize were not in the Federation.

SENATOR D. A. C. SIMMONS: They were not. You were President of the exercise and I rely on your assurances.

I do not know why they were. As I say, it was just an informed guess that, perhaps, had something to do with the fact that we were a colony and we had something to do with the Federation. The Minister, perhaps, would have the answer in his reply.

Mr. President, I hope that I have been able to show, without being personal in any way, that perhaps the genuine comments of Senator Greaves, and certainly the genuine comments of Senator Jones and Senator McClean, are perhaps based upon a desire to over protect the human rights of the individual. But as Senator Linton ably put it, nothing in this legislation abrogates those rights or derogates from the guarantees in those rights in Chapter III of the Constitution.

The language, as I say, just to wind up, for anyone who wants further convincing, the language of the Fire Service Act is to be found in Chapter 163, beginning at Section 29.

The language of the Fire Service Act has to be found, Sir, in Chapter 163, beginning at Section 29 and continuing to Section 33, and the definition of "unauthorised Association" again, Sir, it does not speak of the use of writing correspondence between the Governor-General and the Superintendent of Prisons, but it speaks as it does in the Police Act

"any other association, society or club, any of the objects of which may be subversive of good discipline on the part of the member of the Service, and which the Chief Fire Officer, with the approval of the Governor-General, declares to be an unauthorised association."

I would like members, Sir, to just consider this; that if the prison officers were not in support of this legislation, do not we believe that we would have seen a demonstration of their objection manifested both in terms of writing and by conduct over the past few weeks since this legislation has been made? Do we believe that Government could have just force or attempted to force an association upon a group of, I am not sure how many there are, 70 or 80, probably more, 70 or 80 persons just like this, and they just sit down and accept it?

We have not heard that the prison officers themselves are not in favour, or some are in favour and some are not. The information and this Bill has passed the House already, and the Attorney-General spoke, and the information is that the prison officers as a body want this legislation and I do not feel that, in the

circumstances where they themselves are desirous of the of the legislation, we should do anything to interfere with their desire unless we were going to do something that was for their greater protection.

Now, Senator Hall, Sir, says that Section 248 appears to be out of line with an ILO Convention. I was not quite sure what was the point that was being made. If it is that he is concerned about the use of the word "may", I understand that, because I think the ILO Convention as was read stated that these rules should be mandatory.

Now this legislation says

"The Superintendent after consultation with the Prison Officers Association, may, with the approval of the Governor-General, make rules relating to the Constitution, management and procedure"

and so on. There is nothing really that imposes a duty or an obligation on the Superintendent to make the rules. It is left, by the use of the word "may", as a pure discretion.

Now I am not saying, Sir, that the Superintendent in the circumstances will refuse — but you never know. Legislation is not only for today, it is meant to govern generations to come. You may get a Superintendent who refuses to make the necessary rules.

If the Government would accept an amendment of the word "may" to "shall" I will not quarrel. It may perhaps reach the requirement of the ILO. In other words, make it obligatory for him to produce rules. But I believe that at the moment Government is itself drafting rules on behalf of the Superintendent for final submission to the Governor-General for his approval.

Sir, in the light of similar legislation in relation to what I call disciplined forces in this country, it cannot lie in the mouth of the Opposition, who were parties and indeed initiators to some of that passed legislation, to come and refuse to support this unless their refusal for support is out of peak and as a result of some unhappiness that the power of, let us say, the National Union of Public Workers is being whittled away because a group is withdrawing itself and saying, as I think Trinidad and Tobago once said, that they are going it on their own.

If they feel that the trade union movement in Barbados is being weakened, and this is what is at the heart of the criticism, then I can understand that. But come out and say so; do not let us guess at it. In truth and in fact, the trade union movement is not being weakened, because these people are setting up their own

trade union, without calling it a trade union, for themselves, because they, themselves, have determined that they can look after their own interest better than anybody else, BWU, BIGWU or NUPW.

I am obliged to Your Honour. Thank you.

SENATOR MRS. E. M. LYNCH: Mr. President, there are just one or two very simple questions which I have in mind, which, perhaps, the Minister who introduced the Bill could clarify.

We note that on a previous occasions when a Bill of this sort was introduced for the firemen, it was initiated by Government. What makes this measure peculiar is that it is being initiated at the request of the prison officers themselves.

I would like to be satisfied that in asking to have their own association they understood all the implications and accepted the fact that they will now have the same regulations as the police and the fire officers. I would not like to hear that they had asked to come out of NUPW but that they had not really intended to have an association like the Police Association. I trust that that is clear.

The fact that in Barbados people do not come forward and say anything cannot always be taken as proof that they have always agreed, and I hope that everything is taken to ensure that the law which we are now passing is really what the prison officers understood would happen.

I think, too, that everytime that one makes a similar kind of legislation, it is perhaps good to take a good hard look and see whether there are not areas of improvement that can be introduced. It can be very difficult to work in the environment of an institution. It is easy in an institution to have all kinds of minor injustices to the individual, and I would have liked to see a greater evidence of ensuring justice to the individual where there are cases of individual grievance.

Now I am not a lawyer, and I accept all that has been said about paragraph 24A (3) about which I do have a little feeling on anxiety, because the rights of the individual do not seem to me to be sufficiently clearly spelt out. It may be that those rights are protected in the regulations to the Act, especially working in an institution, remember that the policemen are not in an institution in the sense that a Prison Officer is.

I think it is of the utmost importance that the individual should have the right, should have the protection, that he should be able to have his grievance heard.

I think I am confirmed in my anxiety by the case referred to by the honourable speaker on the other side when he said that one man found himself before the Civil Service Commission for doing what he had been told to do, speaking his mind. That enforced my anxiety because I hope this is not what is going on. Is this what will go on under the Act? I hope the regulations to the Act will somehow ensure that there are grievances procedures and that any wrong done to an individual can find redress.

I see reference here to the making of regulations, that the Superintendent, after consultation with the Association, and with the approval of the Governor General can pass certain regulations.

Now this "consultation" I have come to learn is a strange word, because it is possible to consult and not be at all influenced by what has been said at the consultation, and I am always a little unhappy if there is nothing to guarantee that the consultation will have some effect.

While I am satisfied that this Bill is a sort of repetition of the general conditions you will find in the Police Act, I am still asking, since a group of persons, prison officers, can take the initiative of having themselves removed from one association to form a different kind of association, which implies that the Prison Service is regarded as an essential service, whether it is possible that a future generation of prison officers could see it differently and could they then decide, as these had taken the initiative to take themselves into another association, that they do not want this kind of association and ask to put them back into the NUPW or give them a different sort of trade union?

The problem that I see here is that the Government has not taken the initiative. The Government has not said that they declare the Prison Service an essential service and therefore agree that these people should come under the same regulations as the police or the firemen — it is the prison officers who have said that they want to be taken out.

These prison officers are committing future generations. Could we find in two or three years' time a future generation of prison officers writing to the Attorney General and saying, would you please put us back into the National Union of Public Workers or make us an association?

It seems that what is lacking is a clear declaration that the Prison Service must be deemed an essential service, if not they will be able to take themselves back out again. Is this one of the rights we guarantee them under the Constitution that the police, the Fire Service and everybody can decide that they will be an essential service

one day and not be an essential service on another occasion?

Thank you, Mr. President.

SENATOR THE HON. O'B. TROTMAN: Mr. President, the basis of opposition to the proposed amendment to the Prison Act seems to come from misunderstanding of the Constitution of Barbados as well as some misunderstanding of one or two recommendations and conventions of the International Labour Organisation.

It is quite easy for one to get up and shout about constitutional rights and human rights, the right to organise and the right to bargain collectively. It is quite easy to make these things sound as though somebody is trampling on somebody else's rights. It is especially easy to do that, but the people who are doing the shouting will not give the people who are doing the listening the benefit of the actual fact and the actual text of what they are shouting about; so we can talk about human rights and fundamental rights without telling people who are listening what is meant by the written word on fundamental rights or the right to bargain collectively — and then confusion follows.

Chapter 3 of the Constitution of Barbados is the chapter which deals with fundamental rights and freedom of the individual, and in Section 11 it makes it quite clear that whereas every person in Barbados is entitled to the fundamental rights and freedoms of the individual, those rights are subject to the respect for the rights of others, the freedom of others and for the public interest. So the Constitution itself starts out by assuming that there is some limitation to rights.

As another Senator would say, there is no such thing as an absolute right. So one cannot get up and say I have fundamental rights for so and so and I have my human rights, because those rights start off with a presumption that there is a limitation of those rights, the rights are not absolute, and in Section 21 of the Constitution, Sir, that point is made even clearer.

Under the section dealing with the protection of freedom of assembly and association, the Constitution is quite clear. It says that, except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to political parties or to form or belong to trade unions or other associations for the protection of his interest. That is the bone of the whole contention, because it is not a matter of consent involved this evening.

The Constitution says that any rights which persons may have in Barbados to associate freely or to assemble freely cannot be prescribed without his own consent. The Government did not seek the consent of the prison officers. The prison officers came to their own conclusion and demanded that they be given an enclave position. They insisted on that.

It is not a matter of the Government saying we want your consent, we want to make an amendment to the Act and we are asking for your consent. The prison officers, to every man, said this is what we want and therefore it seems to me to be a total misunderstanding of the Constitution by the members of the Opposition for anyone to get up and talk about an amendment to the Act being in conflict with the Constitution.

One of the problems we have in the Chamber is that we have two persons in the corner in industrial relations, one on the employers' side and the other on the workers' side, and any time you find a situation where the employers' side and the workers' side are certainly speaking the same thing against the Government, we have to be suspicious, because they both came out speaking heavily in terms of ILO conventions and ILO recommendations.

(SENATOR W. W. HALL: That is why you left the workers.)

SENATOR THE HON. O'B. TROTMAN: Never left them. I am still representing them this evening, even against you. I will never leave the workers, Mr. President. I believe, Sir, that, being of working class origin, I have a duty to protect the workers. I protected them in NUPW, I protect them in the Ministry, and I am going to protect them again this evening against the Democratic Labour Party.

Mr. Chairman, I am sorry. Mr. President, I have no intention at all of demoting you, Sir.

Mr. President, Sir, Convention No. 87 of the International Labour Organisation, which was drawn up in San Francisco in 1948, Article 2 of Part I says:

"Workers and employers, without distinction whatsoever, shall have the right to establish and subject only to the rules of the organisation concerned to join organisations of their own choosing without previous authorisation."

Now, I am asking — it is on page 4, in case you cannot find it, Sir — I am asking the representative of the employers' organisation, "What in the amending Bill this afternoon is in conflict with the ILO Convention No. 87?"

The prison officers have their right to have their own organisation. No previous authorisation was required,

as indeed, Sir, as I said earlier, the action started with the prison officers and not with the Government, and they are joining an organisation of their own choosing, subject only to the rules which they are working on drawing up.

So, whereas it is sensational to talk about violation of ILO Conventions, that is something that only personnel managers and assistant trade union secretaries know about. It is a very unsound ground on which to oppose the amended Bill and the non arguments should be dismissed for exactly what they are.

Senator Hall, Sir, tried to make some mileage of Section 24B where it is proposed that the Superintendent should consult with the Prison Officers Association before drawing up the rules, and he tried to suggest that "consultation" is a casual thing — I have a note, Sir — he said he might get the representation and do nothing about it. He can sit and do nothing about the representation.

He tried to suggest, Sir, that "consultation" means a telephone call as it used to be when their party was in power. As I understand it, consultation then, Sir, used to mean the Prime Minister consulting with the Leader of the Opposition by telephoning and saying "I am about to do so and so" and that was considered to be consultation. But consultation goes a little bit further than that.

Mr. PRESIDENT: Was it not Senator Greaves who said it?

SENATOR THE HON. O'BRIEN TROTMAN: I am sorry, Sir. It was Senator Greaves. My deepest apology to Senator Hall.

(SENATOR W. W. HALL: Thank you, Mr. President.)

SENATOR THE HON. O'BRIEN TROTMAN: It was Senator Greaves. But they were batting on the same wicket and it is easy to confuse them; neither being very impressive, Sir.

But the Constitution of Barbados makes it quite clear that consultation is more than just casual telephone calls and information. Throughout the part of the Constitution which deals with the appointment of public officers in Barbados, one will find repeated that the Police Service Commission shall consult the Judiciary and Legal Services Commission before making certain appointments. That certainly could not mean one chairman telephoning another chairman and saying, "I am going to appoint your policeman to become Permanent Secretary." It does not mean that.

The question of consultation must have more force than casual telephone conversations in those circumstances. It cannot mean, Sir, that when the

Governor-General is about to agree to the appointment of Permanent Secretaries according to the Constitution, that the consultation, which takes place between the Public Service Commission and the Prime Minister, is a telephone call to the Chief Personnel Officer saying, "Yesterday evening, the Public Service Commission met and they informed me to consult with you and inform you that they are making Senator Hall a Permanent Secretary." Not that that would happen, Sir.

It could not mean that sort of casual, by the way, off the cuff conversation. Consultation is an ongoing process; there has to be serious dialogue. There cannot be any off the hand telephone calls that the Superintendent will telephone the President of the Prison Officers Association and say that, "I am making rules and, therefore, I have consulted with you." Because, if that happens, the trade unions and the newspapers will talk about strikes; we will hear all of these things in the papers the next day. So it cannot mean that.

I understand the real reason behind some of the objections, because, you see, essentially what we have in the corner, even though one is from management and industrial relations, Sir, and one is from the trade union movement, is that they both started with the same trade union organisation when one used to be at one place and the other one was the General Secretary of the same organisation — I am not sure whether he held office in the Cable and Wireless Division or not, but they came from the same background — and when you hear those senators talking about prison officers not being able to join trade union organisations, you must understand what they are telling us.

They are saying that they do not mind the prison officers leaving NUPW — they are glad — because they want to weaken NUPW. They do not mind the prison officers having an independent organisation, because they would steal some membership; but they mind when they cannot get their hands on the prison officers to organise them into BWU. You see, they are both from the BWU, Sir, if you understand their background, and that is what the quarrelling is about. But it is only 78 members, and the BWU boasts of 30 000 members when they go to CCL — they do not always pay subs for 30 000 members, but they boast of 30 000 members when they go to CCL — and 78 prison officers are not going to make any big impression.

The prison officers are dedicated professional officers and they want to be recognised as that, and they do not want any absolute right to organise in Barbados, because an absolute right to organise and to associate would seem to suggest that the Constitution allows any kind of organisation in Barbados.

I mean, next thing, somebody will say that the Constitution allows a Klu Klux Klan in Barbados because you can organise freely in Barbados. That is taking the verbiage of the Constitution to the ridiculous and I am sure that even Senator Hall — if he is thinking hard — would agree that that is undesirable.

(SENATOR W. W. HALL: You would say the BWU would say that.)

SENATOR THE HON. O'BRIEN TROTMAN: I did not say BWU, I was talking about you.

But the question of bargaining rights is clearly misunderstood as well, Sir, because when the Police Association was a very, very young association, the Police Association threw out a whole report of a Salaries Commission in Barbados and, indeed, was responsible for the total regrading of the Police Service in Barbados.

The question of training the Police Association or the Fire Service Association or the Prison Association in law does not in any way weaken the organization; It merely makes them a special kind of organization.

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 resolved in the affirmative, the Senate dividing as follows:—

Ayes: SENATOR THE HON. O'B. TROTMAN, SENATOR H. R. LINTON, SENATOR Mrs. M. O. REECE, SENATOR MISS J. CLARKE, SENATOR K. A. ROUSE, SENATOR D. A. C. SIMMONS, SENATOR L. A. WARD, SENATOR St. C. E. HOWELL, SENATOR J. E. D. WILLIAMS — 9.

Noes: SENATOR W. W. HALL, SENATOR E. E. GREAVES, SENATOR A. W. A. McCLEAN and SENATOR the Rev. Can. I. McK. JONES — 4.

Abstentions: SENATOR Mrs. E. M. LYNCH and SENATOR Mrs. G. G. READER — 2.

Mr. PRESIDENT: Nine honourable senators voted, "yes", four honourable senators voted "No", two declined to vote. The "Ayes" have it.

I would like to draw to honourable members attention that the Deputy President is absent, and before we can consider the question it is necessary to appoint a temporary Chairman of Committee.

SENATOR THE HON. O'BRIEN TROTMAN: Mr. President, I beg to move that Senator Linton be appointed as Chairman of Committee.

Mr. PRESIDENT: If there are no further nominations, it is clearly agreed that Senator Linton has been appointed.

SENATOR THE HON. O'BRIEN TROTMAN: I beg to move that the Senate do now resolve itself into Committee on the Bill.

The question that the Senate do now resolve itself into Committee on the Bill was put to the Senate and agreed to.

Clause 1 was called.

SENATOR THE HON. O'B. TROTMAN: I beg to move that Clause 1 stand part.

The question that Clause 1 stand part was put to the Senate and resolved in the affirmative, the Senate dividing as follows:—

Ayes: SENATOR THE HON. O'BRIEN TROTMAN, SENATOR Miss J. CLARKE, SENATOR St. C. E. HOWELL, SENATOR K. A. ROUSE, SENATOR J. E. D. WILLIAMS, SENATOR D. A. C. SIMMONS, SENATOR Mrs. M. O. REECE, SENATOR L. A. WARD, SENATOR the Rev. Can. I. McK. JONES, SENATOR A. W. A. McCLEAN, SENATOR Mrs. E. M. LYNCH and SENATOR G. G. READER — 12.

Noes: SENATOR W. W. HALL and SENATOR E. E. GREAVES — 2.

SENATOR H. R. LINTON: I am not able to entertain Senator Greaves' submission. The Clerk can now make the appropriate recording. Twelve honourable members have voted "Aye", two honourable senators have voted "No", the "Ayes" have it.

Clause 2 was called.

SENATOR THE HON. O'B. TROTMAN: I beg to move that Clause 2 stand part.

SENATOR A. W. A. McCLEAN: There are several amendments which I would like to propose to Clause 2, and I want to additionally recommend that we take it not all as one clause, but take it in accordance with the numbering of the various paragraphs here.

The first amendment I wish to propose is in relation to this Clause under 24A(2), I wish to propose that the following words be inserted after the words "Governor-General", "and make representation on".

My reasons for proposing that amendment is that, as it stands, 24A(2) is rather innocuous in terms of the purposes of the particular Association. We are told from the Government side that they envisage that this would

have the status of a workers' union, we were told that they envisage that the Association would be functioning on behalf of the workers and so on. If that is the case, I can see no objection whatsoever to indicating this in the purposes or the objectives of the Association.

I notice that apparently in drafting this, the draughtsman stuck fairly closely to the Police Association. But that was drafted in a different time, 1961; this is 1982, and unless there is some sinister purpose, I believe that this amendment should be seen as perfectly acceptable.

There are other amendments which I should like to make, Mr. Chairman, and so I seek your guidance as to whether I should make them now or

Mr. CHAIRMAN: I think, Senator McClean, you ought to make all your submissions now, but perhaps you can set them out as per subclauses.

SENATOR A. W. A. McCLEAN: The second amendment I wish to propose is that 24A(3) be omitted, and the third one is that 24A(4), the words after "Association" should be deleted or omitted. In relation to 24B, that the word "Superintendent" should be replaced by the words "Prison Officers' Association" and the words "Prison Officers' Association" should be replaced by the word "Superintendent". The word "may" should be replaced by the word "shall". In relation to 24C(5) (c) (ii), the word "that" should be replaced by the word "which".

I think I have briefly spoken to the others already indicating why I suggested the first.

In relation to the second proposal, the deletion of the limitations here on the representation which the Association can make, I recognise that there would be some type of limitation on the representation that can be made in relation to discipline, promotion and so on, but I would expect that this would be provided for otherwise within the rules governing the particular service and would be respected by the Association.

As it stands here now, this effectively puts it outside of the competence of the Association to make representation on any matter whatsoever relating to an individual, and, in the absence of a more restrictive formulation, I think the best way out is to omit it altogether. It would be a more satisfactory situation if it is not there.

In relation to 24A(4), I notice that, by omission, the particular wording here prevents the Prison Officers' Association from associating with places like the Bahamas, the Cayman Islands, Turks and Caicos Islands, the Virgin Islands and indeed Barbados, because I believe the Police Association is a similar association.

At the time when the Police Association was formed that was the only one, so there was no need then to identify Barbados, but now we are told that the prison officers cannot associate with the Police or with the Fire Service. That is not right.

I think that that should be omitted, and indeed, it should be indicated that the legislation in relation to the Police and Fire Service should also be amended to enable them to associate in some kind of way. They have a common interest at some level and they should be encouraged to associate.

Again, 24B, the re-arrangement, putting the onus on the Association for the rules and the consultation with the Superintendent, and the fall back that if the Superintendent does not care and Government does not agree, the Governor-General need not accede to the particular regulations, gives the thing a little greater respectability, I would think.

The members should be the ones who should be the initiators and the people who are given the direct responsibility for drafting their rules after consultation. Of course, they should be in conformity with the terms and conditions of their service, and the Superintendent by consulting with them would ensure that this is so, and if they go against such consultation, well they will not finally be approved.

But I do not think they should be put in the type of position where they are the ones who are merely being consulted and the rules are being formulated, so to speak, above their heads.

In relation to the final one, it is quite evident that the intention is clear, and I accept it if the interpretation given by members on the Government side is one that satisfies me in terms of what they say the thing means.

But I am told that modern drafting is moving more and more along the lines of the orthodox use of English, and normally when you have something like this — a phrase, a clause, whatever — governing a list of things, any association, and then you have things itemised, when there is some interruption in the flow of the language you usually look back at the top to continue, and when I get down to “and that”, to me, anyone reading this, it seems as though this does not flow consistently on.

Right away this would encourage you to look back at the top and read (1) and (2) as separate rather than conjoint; read (2) as an additional category rather than as a restriction in category one. This is compounded in my view by identifying the (1) and (2).

This may not be so, but if it is not so, I am saying that the amendment which I am proposing, change “that”

to “which”, is at best innocuous and there can be no particular harm, but it may not be construed as being innocuous somewhere down the line.

Mr. Chairman, those are my proposed amendments and my reasons for proposing them.

Mr. CHAIRMAN: Senator McClean, as I understand it, has moved a motion for certain amendments to be made. As I understand it, this requires to be seconded before members can speak on it.

SENATOR E. E. GREAVES: Mr. Chairman, I rise to second the amendments. That does not mean that I will support the Bill. I am rising to second the amendments so that we can get on with the debate on this.

I believe that the amendment which has been proposed in 24A(2) does give a little more leverage to the Association than at present exists in the proposed legislation, because, as I pointed out, when that is taken in conjunction with 24A(3), 24A(3) cuts away everything, every possible thing, that is provided for under 24A(2).

Sir, as a matter of consequence, 24 A (3) would have to go. I cannot understand how in one section you are saying that the Association's purpose is to enable prison officers to bring to the attention of the Superintendent matters affecting their welfare and then in the next section you are telling them that they cannot make any representation.

I am sure that the Government would recognise the importance of the amendments which have been made.

As far as the proposal for 24B is concerned, this, again, I think, is more in conformity with what is contained in the ILO Convention which my illustrious colleague referred to, Convention No. 87, Article 3, which addresses this particular point as far as both the workers and employers organisations are concerned, where it says:

“Workers and employers organisations shall have the right to draw up their constitutions and rules and to elect representative in full freedom, to organise the administration and activities and to formulate their programmes.”

“The Public Authority should refrain from any interference which would restrict this right or impede the lawful exercise thereof.”

Now I would want to reiterate the point that when Barbados became independent in 1966, I think the very next year, in 1967, this country ratified this Convention No. 87 and the supporting Convention No. 98; and it is generally accepted that when a country ratifies a convention, that it thereby agrees to live with the provisions of that convention.

Of course, it is not always so, as recent actions by the Government would indicate, for example, not sitting down collectively with workers organisations arriving at wages for the Public Service, but that is just by the way and I believe there will be another occasion for debate when the fabulous increases for allowances come up for Ministers and parliamentarians in the next week or two.

The point I am making, Sir, is that under the existing clause, it is possible for the Superintendent to make the rules relating to the constitution, the management and the procedure of the Association.

If this Association is supposed to be independent, if this Association is supposed to be free of domination from the person who could be described as the manager or who could be identified as the Superintendent of Prisons, when one cannot see how we could have a situation where the Superintendent is giving the authority to possibly initiate rules and regulations governing the constitution and management and general procedures of the Association. This is something which members of the Association ought to do on their own, if they have an association.

Sir, it is fairly clear that we are speaking from two different perspectives. When members from the Government side responded to the comments which I made on the Second Reading of the Bill, they responded in the way that would suggest that the Police Association and the Fire Service Association and the Prison Service Association are one and the same thing — they are all associations relating to a particular kind of work.

I am saying, and my intervention was on the basis that there is a difference between the prison officers on the one hand and the policemen and the fire officers and, indeed, the armed forces on the other hand.

Indeed, I pointed out that this particular point has been taken all down through the years, because in spite of what Senator Simmons and other senators.....

Mr. CHAIRMAN: Senator Greaves, much as I hate to interrupt your pleasant flow I wish to refer you to the Standing Orders relating to amendments, 35(3), which states:

“On an amendment proposing only to leave out words or to add or insert words, debate shall be confined to the omission, addition or insertion of such words respectively.”

It is my view that you are repeating and adding to your Second Reading Speech. Carry on.

SENATOR E. E. GREAVES: Point taken. I respect your ruling, Sir. Having said what I have said, I would

like, Sir, to move some amendment also to this, but I recognise that we cannot have two amendments at the same time.

Mr. CHAIRMAN: I thought you recognise that.

SENATOR D. A. C. SIMMONS: Mr. Chairman, Sir, dealing with the amendment first. I do not think it adds anything to the first amendment proposed by Senator McClean to include the words “and make representation on”, because what you are doing is bringing to the attention of the Superintendent and the Governor-General matters affecting the welfare and the efficiency of the prison officers.

The only justification can be that the next subclause uses the words “No representation”, but, you see, he wants to take out the whole of that, Sir. If he is going to allow it in, Sir, just as the use of more words, then I have no big quarrel with it but the reasons for including (3) as it now appears in the Bill, Sir, is obvious, because this is a disciplined force.

What members have failed to remember is that the Prisons have their own rules which relate to the Prison Rules, I think of 1974, I think I have them in a file here. The Prison Rules 1974 were made by the last Government, and they have very many sections. They have gone as far as 153.

Now, Sir, before honourable members can attempt to ask for the deletion of subclause (3) of 24A, they will have to assure the Senate that what is herein proposed is in some way in conflict with the Prison Rules. The Police Force has its own rules and regulations made under the Police Act, 1961. I believe the Fire Service may also have it. The reason for that is that in a disciplined force there are procedures for dealing with questions of discipline, promotion, transfer and so on.

Let us just take the question of discipline, because the Police Act has these same words, the Fire Service Act has the same words. Let us take the position with discipline in the Police Force. If a policeman is due to turn up for duty at 8 o'clock a morning and does not show up, does not make any excuse, he is invariably charged with neglect of duty, contrary to whatever rule it is — I cannot remember the precise number now. There is a procedure where he is served with a charge and he is given an opportunity to make representations in writing. He is certainly given an opportunity to be represented by counsel. There is a hearing and a senior officer, usually at the level of Superintendent, is designated to take the evidence verbatim. It is read back to him and then it is sent to the Commissioner, or, in some cases, the Commissioner himself, at a certain level, will conduct the enquiry. I have done several of them, and the Commissioner has the power to impose fines and various

things, very small, \$10 and \$20 fines and whatever. If it is a bad case, he can refer it beyond that to the Police Service Commission, but each disciplined force has its own regulations dealing with the question of discipline.

Now what presumably this section is aimed at is to prevent the mischief that could possibly be made every time the Commissioner or the head of the force, the Superintendent here, has to discipline a prison officer. It might be just for lateness or it might be for using obscene language on the premises. Are you going to have the Association come in to deal with that all the time? Then, you do not need Prison Rules.

So, I am submitting, Sir, that we should think very carefully before we agree to delete the whole of subsection (3) because these matters are covered by the ordinary regulations of the Prison contained in the present rules made under the authority of the Act. This is only to do with the functioning of the association.

Similarly, questions of promotion. Now the Police Force promotions are dealt with by the Police Service Commission. On transfers are you going to have the association restrict the right, by deleting this, of the Commissioner to transfer somebody from the C.I.D. because it is felt that the particular officer is not really detective material — I am giving an example — he is better material for Headquarters office; he is a better book man than he is a detective?

This provision applies in all the Acts which we have dealt with today, and, in my submission, it would be tying the hands of management. If I use the language of the trade unions now, if this is an association with trade union perspective and connections, you cannot seek to tie the hands of management by deleting this, because, in fact, there would be nothing left if it is deleted. If it is deleted, it could have the effect of restricting the right of management, that is the Superintendent, for example, in dealing with matters of leave, postings and so on. These are matters which are really mechanical and administrative every day management matters.

I am not going to pretend that the rules are going to cover every possible thing that you can think of, and it is perhaps a little unfair to us that the rules, unless there are some outside, are not here today. I know there are over 150 because one officer was charged under 153. I think if honourable members see this in the sense of the prison officers having what is in essence a trade union by this Bill, then these matters which they are being denied representation on are really matters properly within the province and purview of the management, that is the Superintendent.

Sir, Senator McClean's third amendment is to delete the various states referred to in Clause 4. It is true I did

mention it earlier, but in the absence of good evidence as to why they were included I must hesitate to take them out. The Minister is saying now that it is because they want to have relationships with other CARICOM forces. If this is so, and we are serious about deepening the regional integration process, then leave them in.

(Asides.)

SENATOR D. A. C. SIMMONS: No, the Bahamas are not fully in CARICOM.

(Asides.)

Mr. CHAIRMAN: Please address the Chair.

SENATOR D. A. C. SIMMONS: Sir, on Section 24B, the only amendment that I accept and that I am prepared to support is the deletion of the word "may" and the substitution by the word "shall", as I indicated earlier, which would make it obligatory on the Superintendent to make the rules.

But, once again, the Fire Service Act speaks of the Chief Fire Officer, the Police Act speaks identically of the Commissioner of Police after consultation with the Governor-General, and the reason for that, obviously, is that as Head of the Force he is the channel between the Association and the Governor-General.

Whether you put it in front or back, is neither here nor there; but there is a good reason for leaving it with the Superintendent in so far as he is departmental head or the head of the force as is supposed, and I would not support a change without motion.

As far as the ILO Convention is concerned, Sir, I do not believe that the ILO Conventions cover groups which have to do with the defence or security of the state. If it can be shown to me otherwise, I would be glad to see it.

I say I do not believe that the convention referred to by my two friends from the Opposition deals with this type of situation of a disciplined force. Indeed, it may specifically exclude from the operation of the convention the armed forces, the Police and so on.

I support the amendment for the change in the word from "that" to "which". Clearly it is grammatically and stylistically better.

SENATOR THE HON. O'B. TROTMAN: The amendment to Section 24A (2). As Senator Simmons was saying earlier, the insertion of the four extra words really say nothing more than is said already in the printed Bill. To say that the prison officers may bring matters to the attention of the Superintendent and make representations under, really does not in any way strengthen the hands of

the prison officers and what we are getting into really is gymnastics rather than matters of substance.

The deletion of subsection 3. I did not quite take the argument, because Senator McClean sought to argue that in subsection 2 the Bill sought to give the Prison Officers Association the right to make some sort of representation to the Superintendent and through him to the Governor-General, and that that right was totally taken away by subsection 3, but that is if subsection 3 had not stated specifically, in the final words of the subsection:

"matter that affects an individual member of the Association."

The point being quite clear that subsection 3 really limits subsection 2, and this is as it is in the other disciplined forces.

I have raised this matter with the Police Department, and I am told that, after 20 years or thereabouts, they have not had one occasion on which the Association had any grievance because they could not raise an individual matter, because the way in which the disciplined forces organise their rules and their orders make provision for the hearing of complaints of officers.

It would be difficult to see the rules of the Association, Mr. Chairman, before the Act is passed. It is a simple matter of procedure that you would have to pass the Act first and promise to make the regulations, and then make the regulations after. Now, if you are going to have the regulations first before the Act, we are going to have a non starter. So, I do not think that is a starting point at all. I say so to the lady.

But the point is that the Association concerns itself with matters of principle, whether the system which is used and the orders are correct, whether the Superintendent or the Commander-in-Chief or the Commissioner of Police or the Chief Fire Officer is following the correct procedure and things are being done according to the rules laid down in the Force Orders. That is what the Association is concerned about. So, the two things are not in conflict at all. One is really a qualifying clause on the other.

The amendment to subsection 4, the question of knocking out the CARICOM countries. I am not sure if I want to get rid of CARICOM on the very day of the Heads of Government Meeting in Jamaica. I do not know why we have this anti-CARICOM behaviour. If it had come from Senator Greaves I would understand it because.....

(Asides.)

SENATOR THE HON. O'B. TROTMAN: He said it himself. He is anti-everything. He said it, Sir, not me. If

he wants to put it in the record that he is anti-everything, let him put it.

Section 24B; now we have an amusing proposal. As I understand it, Force Orders, Standing Orders, General Orders, whatever you call them, by one name or the other, are orders issued by the Head of the Force whether it is the Commander-in-Chief or Rear Admiral or Commissioner of Police, the Chief Fire Officer or Superintendent; but we are having an amendment in the Senate this afternoon which suggests that the foot soldiers are the ones to make the orders, because that is in effect what the member would do. The member is saying that the officers, the men would make the rules; they would say what the rules are and issue the orders to the Superintendent.

(SENATOR E. E. GREAVES: No)

SENATOR THE HON. O'B TROTMAN: He almost said it, Sir.

The orders must be issued by the Superintendent, after consultation with the men; not issued by the men to the Superintendent. It is not done that way, not even in the Workers' Union.

There, again, Sir, I think we are getting into an amendment for the sake of giving mileage to the debate which, in a sense, could have been over.

The other matter of the substitution of "that" and, "which". My understanding is, Sir, that the two paragraphs in dispute, if there is a dispute, between the Police Act, Section 44 of Cap. 167, and the amending Bill as we have it here, are identical in their meaning and interpretation.

The Police Act says that an unauthorised organisation is one which the Commissioner of Police with the approval of the Governor-General declares to be unauthorised. The amending Bill which we are handling this evening says that, except it breaks the paragraph into two paragraphs.

There can be no confusion as to whether there are two platforms of objection — whether, in the one case, we are speaking in subsection C(1) of an organisation whose objects are for the purpose of subverting the good discipline of the members of the Service, and, secondly, an association which the Superintendent, with the approval of the Governor-General, declares to be unauthorised because it does not say, "or an association" but "and", and we cannot in any way implement the second sub-paragraph, sub-paragraph 2, without taking reference to sub-paragraph 1.

That is the understanding of all the lawyers I have spoken to. I have spoken to two so far today, and I am prepared to be guided by the lawyers in this matter. I am not counting the lawyers in the Chamber.

In fact, one person said it is a simple matter of resorting to proper English and not to the strange English which is taught in schools and universities nowadays. So, there is really no need to change that sub-paragraph 2, Section C, to spoil the English.

Mr. CHAIRMAN: For the benefit of honourable senators, I shall read to the Senate the amendments as proposed by Senator McClean and seconded by Senator Greaves. These amendments have now been submitted to me, through the Clerk, in writing by Senator McClean.

The proposed amendments to the Bill:

"Clause 2 — this amendment relates to 24A (2) — after the words, "Governor-General" insert the words, "and make representation on"

"24A (3), that clause is to be omitted altogether.

"24A (4), omit all words following the words, "similar Associations".

"24B. Replace the word, "Superintendent" by the words, "Prison Officers Association" and replace the words, "Prison Officers Association" by the word, "Superintendent".

"24 C (5) (c) (ii), replace the word, "that" by the word, "which". All those in favour of those amendments would you please say.....

Senator McClean.

SENATOR A. W. A. McCLEAN: Mr. Chairman, I thought I might have had a right of reply since I have indicated that, given the structure of the Bill and those amendments, it is quite evident that they do not hang together as one consolidated amendment and I would wish to propose that they be taken separately.

Mr. CHAIRMAN: Have you finished your reply Senator McClean? You did finish your reply? Thank you. Honourable senators I propose to take the proposed amendment to Clause 2. Albeit I regard it as one proposed amendment, I propose to take them *seriatim*. I shall therefore put the amendment to Clause 24A(2) first, and the proposed amendment is that these words be inserted after the words "Governor General" and the words to be inserted are "and make representation on".

The question that Clause 24A(2) be amended was put to the Senate and resolved in the negative, the Senate dividing as follows:

NOES: SENATOR THE HON. O'BRIEN TROTMAN, SENATOR Mrs. M. O. REECE, SENATOR K. A. ROUSE, SENATOR Miss J. CLARKE, SENATOR J. E. D. WILLIAMS, SENATOR G. G. READER, SENATOR D. A. C. SIMMONS and SENATOR L. A. WARD — 8.

AYES: SENATOR W. W. HALL, SENATOR E. E. GREAVES, SENATOR A. W. A. McCLEAN, and SENATOR Mrs. E. M. LYNCH — 4.

Mr. CHAIRMAN: Four honourable members voted "Aye", eight honourable members voted "No", the proposed amendment is not carried.

The proposed amendment to 24A(3) of Clause 2 is that the entire paragraph be omitted.

The question that the words proposed to be deleted stand part was put to the Senate and resolved in the negative, the Senate dividing as follows:

NOES: SENATOR Mrs. M. O. REECE, SENATOR Miss J. CLARKE, SENATOR ST. C. E. HOWELL, SENATOR K. ROUSE, SENATOR J. E. D. WILLIAMS, SENATOR D. A. C. SIMMONS, SENATOR A. P. L. REECE, SENATOR Mrs. E. M. LYNCH, SENATOR L. A. WARD and SENATOR THE HON. O'B. TROTMAN — 10

AYES: SENATOR A. W. A. McCLEAN, SENATOR E. E. GREAVES and SENATOR W. W. HALL — 3.

Mr. CHAIRMAN: The proposed amendment to paragraph 24A is that these words be omitted, that is, all the words following the words "similar association".

The question that the words proposed to be deleted stand part was put to the Senate and resolved in the negative.

Mr. CHAIRMAN: The proposed amendment to 24B of Clause 2 is that the word "Superintendent" appearing in the first line thereof be deleted and the words "Prison Officers' Association" be inserted in its place; and the words "Prison Officers' Association" appearing in line 2 be deleted and be replaced by the word "Superintendent". And further, that the word "may" be deleted and in its place the word "shall" inserted.

The question that the words proposed to be deleted stand part was put to the Senate and resolved in the negative.

SENATOR D. A. C. SIMMONS: Sir, I am not challenging anything, but I thought that the two proposals of Senator McClean could have been put separately, and I would ask for a recommittal. I indicated that I would have voted for the change to the word "shall" and

to get the Superintendent to have the obligation to do the rules. But to put the consultation the other way, Sir, they are two separate amendments that were proposed by Senator McClean. I understood that they were two.

Mr. CHAIRMAN: That does not present any great problem. I will take that vote over again, we can recommit the question on that amendment.

SENATOR E. E. GREAVES: Mr. Chairman, on a point of order. I think since I seconded these amendments, I seconded an amendment which read as follows:

"The Prison Officers' Association after consultation with the Superintendent of Prisons shall, with the approval of the Governor-General, make rules relating to the constitution, management and procedure of the Association."

That is the amendment which I seconded, so I do not see that they are two separate things. That is one amendment and that is the amendment which I seconded.

SENATOR THE HON. O'B. TROTMAN: I do not want to make a Second Reading speech again, Mr. Chairman, but it does seem as if we have a slight problem, because as I understand Senator Simmons, he is prepared to support the amendment which says that the Superintendent shall make the rules. That amendment does not exist because the amendment being sponsored by Senator McClean is that the Officers shall make the rules. I am not too sure if he wants to second that one.

SENATOR A. W. A. McCLEAN: Mr. Chairman, I think, if you notice from the proposed amendments appearing over my signature, that they have (1) and (2) distinguishing the three proposals relating to 24B.

Mr. CHAIRMAN: Your point is taken. You want to take the two amendments separately. I propose to do that, Senator McClean.

SENATOR THE HON. O'B. TROTMAN: But how can you take them separately? The one amendment seeks to say the Superintendent shall, the other one says it is the prison officers who shall and not the Superintendent. We must decide on one amendment, otherwise it makes nonsense of the whole exercise.

SENATOR A. W. A. McCLEAN: Mr. Chairman, if I can explain to the Minister. The "shall" is separate and distinct from who shall have the primary responsibility for the regulations. Whoever it is, whether it is the prison officers or the Superintendent, it should still be "shall". The second way around, I am suggesting in the context that it should be the prison officers, so that the two stand separate. There are three permutations on the situation.

SENATOR THE HON. O'B. TROTMAN: But, Mr. Chairman, I really must press upon this. Senator McClean is making an amendment which says that the officers shall make the rules after consultation with the Superintendent. They are not two separate matters, and seeking to separate them would only confuse Senator Simmons' voting, and I will not allow you to confuse Senator Simmons' vote.

SENATOR A. W. A. McCLEAN: Mr. Chairman, I want you to show the document bearing my signature to the Minister and that should put his mind at ease.

Mr. CHAIRMAN: Honourable senators, having said that I am prepared to recommit the question, I will explain the procedure I propose to take. I propose to treat Senator McClean's proposed amendments as one suggested amendment to 24B of Clause 2, and, consequently, the proposed amendment which I now put to the Senate is as follows:

"That the word "Superintendent" appearing in the first line of paragraph 24B of Clause 2 be replaced by the words "Prison Officers' Association", and the words "Prison Officers Association" appearing in line 2 of 24B of Clause 2 be replaced by "the Superintendent" and that the word "may" appearing in line 3 of 24B of Clause 2 to be replaced by the word "shall".

The question that Clause 24B be amended was put and resolved in the negative.

The final amendment relates to Clause 24C (5)(ii) and it is that the word "that" appearing therein be replaced by the word "which".

The question that Clause 24C (5)(ii) be amended was put and resolved in the negative, the Senate dividing as follows:—

NOES:— SENATOR THE HON. O'B. TROTMAN; SENATOR Mrs. M. O. REECE; SENATOR Miss J. CLARKE; SENATOR K. A. ROUSE; SENATOR St. C. E. HOWELL; SENATOR J. E. D. WILLIAMS; and SENATOR L. WARD — 7.

AYES: SENATOR Mrs. E. M. LYNCH, SENATOR A. W. A. McCLEAN; SENATOR E. E. GREAVES; SENATOR W. W. HALL and SENATOR D. A. C. SIMMONS. — 5.

ABSTENTION: SENATOR A. P. L. REECE. — 1.

The question that Clause 2 stand part was put and resolved in the affirmative, the Senate dividing as follows:—

Ayes: SENATOR THE HON. O'B. TROTMAN, SENATOR Mrs. M. O. REECE, SENATOR Miss J. CLARKE, SENATOR K. A. ROUSE, SENATOR St. C. E. HOWELL, SENATOR J. E. D. WILLIAMS, SENATOR

D. A. C. SIMMONS, SENATOR A. P. L. REECE and SENATOR L. A. WARD - 9.

Noes: SENATOR A. W. A. McCLEAN, SENATOR E. E. GREAVES and SENATOR W. W. HALL - 3.

Abstentions: SENATOR Mrs. E. LYNCH - 1.

SENATOR THE HON. O'B. TROTMAN: Mr. Chairman, I beg to move that the Senate do now resume and the Bill be reported.

The question was put to the Senate and agreed to, and Mr. President resumed the Chair and reported accordingly.

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

FINAL APPROPRIATION (1980-81) (AMENDMENT) ACT

Order No. 3 was called - To move the Second Reading of a Bill to amend the Final Appropriation (1980-81) Act. 1982.

SENATOR THE HON. O'B. TROTMAN: Mr. President, Sir, the Final Appropriation Bill for the year 1980-81 was passed in the two Houses of Parliament with an omission. The omission resulted from an error on the part of the persons who take care of these things in the Ministry of Finance.

As I understand it, when the Supplementary Resolution is passed in the House, it is the responsibility of Parliament and the staff of Parliament to send copies of those Resolutions to various agencies, including the Ministry of Finance, the Auditor General, the Accountant General etc. It would appear as if, somehow, there was some misunderstanding between Parliament and the Ministry of Finance and one such Resolution did not make its way back to the Ministry of Finance, according to the Ministry of Finance.

When the Schedule was being prepared for the Final Appropriation Bill 1980-81, it was prepared without one Resolution and that has accounted for the discrepancy which was discovered by the Auditor-General. The Auditor-General has drawn the error to the attention of the Ministry and we are now seeking to correct that error.

The whole point of a Final Appropriation Bill, as I understand it, is to ensure that the monies which are passed in a Supplementary Resolution in the Other Place and in this place, if necessary, are properly accounted for at the end of the accounting period so that the Auditor-General can testify truthfully to how much money has been spent over a particular Financial Year.

It is unfortunate that we have had this error, and we have had to use the time of Parliament the second time around, which was, in fact, a clerical error on behalf of, maybe, a middle management person in the Ministry of Finance.

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

SENATOR A. W. A. McCLEAN: Mr. President, I do recall that when the original Appropriation Bill for 1981 was introduced into this Chamber, you, Mr. President, directed attention to the fact that this Chamber does not get any chance to debate Resolutions by way of amendments to the Appropriation Act and the Resolutions seeking to make supplementary provisions, and I should like to begin by associating myself with your observations on that occasion.

I do believe that it should properly be considered as part of the responsibilities of this Chamber to have some type of oversight over these things and to comment appropriately on matters of expenditure, although we know we are not empowered to revise money Bills except in a particular direction, and even then that power is restricted.

I do believe we should have sight of Money Resolutions and, indeed, if it is considered not to be required under the Constitution or under the Laws of Barbados or whatever, some arrangement should be made to ensure that they still reach here even if that involves some type of amendment to the Laws of Barbados.

I do not know whether it would so require an amendment; it may just require a change of an existing convention, and I believe that this particular Bill before us now stands as a good example as to why these things should be brought before this Senate.

Part of our responsibility here, I believe, relates to being a Chamber of revision although you would not believe it sometimes when things which are evidently in need of some revision are resisted, but we are still supposed to be that type of Chamber to oversight things and to watch out for errors, and it may have been that some diligent member of the Senate would have kept an updated version of appropriations and he would have been able, by reference to his own notes, to have spotted the error and, perhaps, save the embarrassment of the delay and the late discovery of the error.

Beyond that, it is quite evident that if perchance the Senate is not afforded a chance to speak on money Resolutions during the course of the year, presumably it would be reasonable for members to await such an Appropriation Bill and speak on these things however belated.

I do not propose to do that on this occasion, but to urge that Government should give serious consideration to modifying existing procedure in relation to the treatment of money Bills even if it means the introduction of some type of Resolution here which indicates that we have taken note of what happens in the Other Place.

I thank you, Mr. President.

Mr. PRESIDENT: Before I put the question on the Second Reading of the Final Appropriation Bill, I wish to say that I am very glad that at least one Senator has taken up the point that I have made from time to time in this Chamber over the past several years, that, in my view, it is an abrogation and an unnecessary abrogation of the powers of this Chamber that Supplementary Resolutions passing the Other Place should not come up here.

As I have intimated to honourable members before, I have raised this question on behalf of the Senate with the Constitution Review Committee. In the days of the Legislative Council, for some time in the early period of the existence of the Senate, Supplementary Resolutions did, in fact, come up before this House, but at some period their legal interpretation was put on the constitutional position which purported to find a difference between Money Bills and Money Resolutions, with the result that Supplementary Resolutions ceased to come before this body.

The Constitution Review Commission agreed with my submission, and in their recommendations honourable members will find that they have asked that Supplementary Resolution do come back before the Senate. This will involve a clear, or should I say clearer interpretation of the position being put in the Constitution.

I have asked before that if the Government itself will not or cannot find time to move to take the necessary measures to make that correction, that some member of the Senate can put down a question or Resolution or motion or something to that effect which can be

debated here and try to get the Government to expose its position on this issue.

I believe that it is detracting from the powers of this Chamber if Money Resolutions can pass and public money can be spent to the tune of millions of dollars without a single word being said in this Chamber which is an integral part of the Constitution of this country. I hope that honourable members will find the time to support the President who feels very strongly on this issue.

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

SENATOR THE HON. O'B. TROTMAN: Mr. President, this is a money Bill and therefore I propose since there seems to be no debate to move that it be not committed according to Standing Order No. 59, and that it be read a third time forthwith.

The question that the Bill be not committed was put to the Senate and agreed to.

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

SENATOR THE HON. O'B. TROTMAN: Mr. President, I beg to move that the Bill do now pass.

The question was put to the Senate and agreed to.

THE ADJOURNMENT

SENATOR THE HON. O'B. TROTMAN: Mr. President, I beg to move that the Senate do now adjourn *sine die*.

The question was put to the Senate and agreed to and Mr. PRESIDENT adjourned the Senate accordingly. 5.20 p.m.

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SPEAKERS IN THIS ISSUE

CATO, the Hon. Sir Arnott.

GREAVES, E. E.

HALL, W. W.

HOWELL, St. C. E.

JONES, Rev. Can. I. McK.

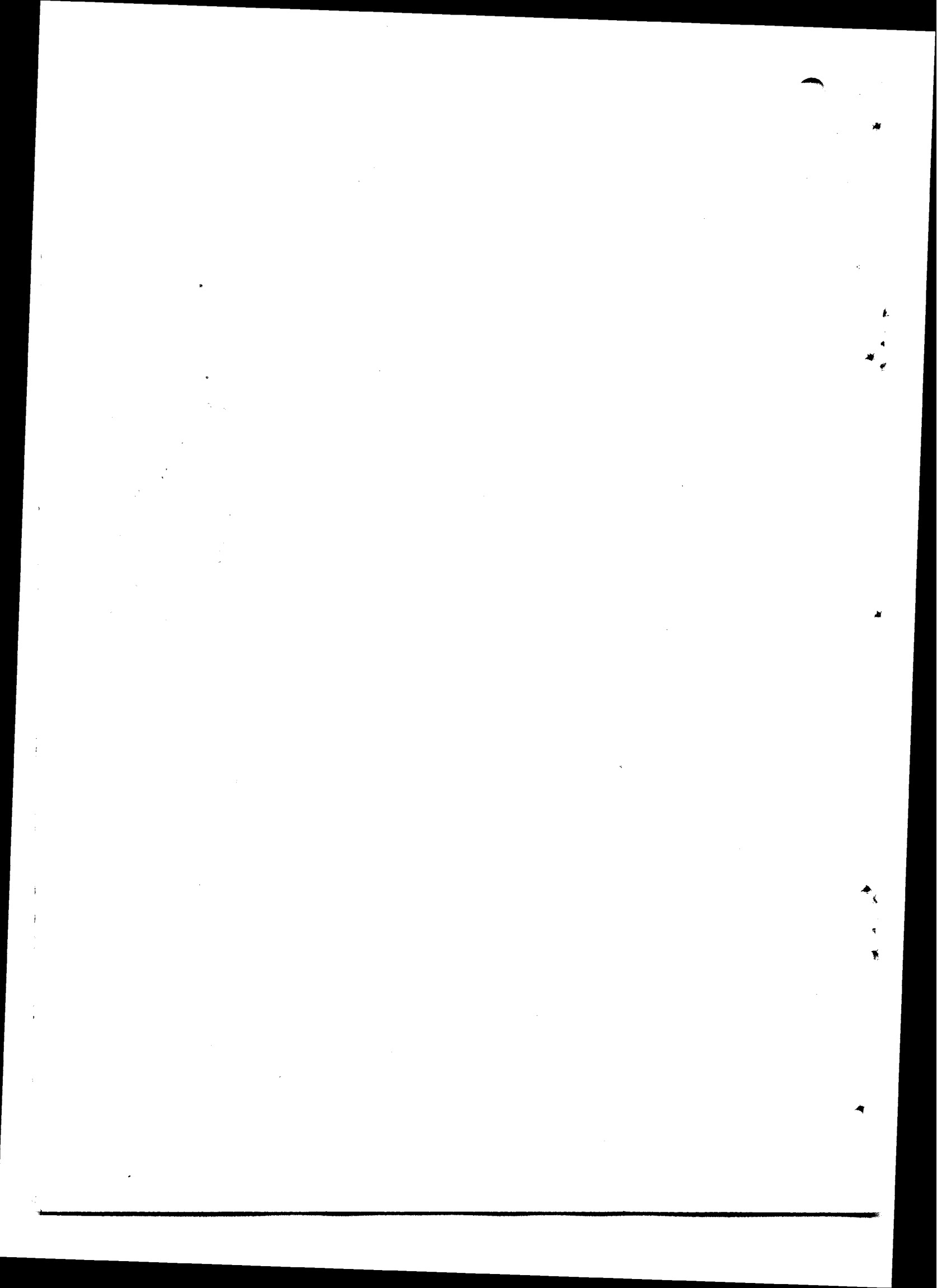
LINTON, H. R.

LYNCH, Mrs. E. M.

McCLEAN, A. W. A.

SIMMONS, D. A. C.

TROTMAN, Hon. O'B.



THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

THE SENATE

Wednesday, 8th December, 1982.

The Senate met in the Senate Chamber, Public Buildings, on Wednesday, December 8, 1982, at 11.20 a.m.

PRESENT

His Honour Senator the Honourable Sir Arnott Cato, M.B., Ch.B., LL.D., (President)

His Honour Senator J. C. W. Wickham, M.B.E., (Deputy President)

Senator the Hon. N. A. Barrow, B.A., LL.B. (Minister of Information and Culture) (Leader of the Senate)

Senator the Hon. O'Brien Trotman, (Minister of State in the Prime Minister's Office)

Senator H. R. Linton

Senator Mrs. E. M. Lynch, G.C.M.

Senator C. A. Griffith, (Parliamentary Secretary, Prime Minister's Office)

Senator J. E. D. Williams

Senator D. A. C. Simmons, LL.M.

Senator Miss J. Clarke

Senator St. C. E. Howell

Senator Mrs. M. O. Reece

Senator E. E. Greaves, B.A., Ed.M.

Senator W. W. Hall

Senator A. W. A. McClean

Senator C. D. Seale

Senator the Rev. Can. I. McK. Jones

Senator K. A. Rouse

Senator L. A. Ward

Prayers were read by Dr. the Rev. L. A. Crawford.

ABSENT

Senator A. P. L. Reece

Senator Mrs. G. G. Reader

CONGRATULATORY SPEECHES

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, usually on occasions when we rise at this hour, before formal business and immediately after prayers, it is not for any reason of joy. Today, we are in a rather different position.

This is our very first meeting since Independence Day, and in the Honours' List for Independence Day, two former Senators are featured, one receiving the knighthood of St. Andrew, I refer to Sir Ronald Mapp, and the other receiving the Silver Crown of Merit, I refer to Mr. Owen Taylor Allder.

Sir, in the period between 1976 and 1979, those here, like Senator Wickham and Senator Trotman, for example, who were members of the Senate at that time, would remember the responsible leadership and the sense of direction given to this Chamber by Ronald Mapp in his capacity as Leader of Government Business. He was then in the evening of a long and distinguished career as a parliamentarian.

Ronald Mapp began life as a school teacher and then, I think it was a period of about four years in all between teaching and a short stint in the courts as a civil servant when in 1946 he, as it were, answered the call, and at an age when parliamentarians received no pay took the courageous step of joining the Labour Party and following Sir Grantley Adams.

He was elected as a very young man to the House of Assembly, for the constituency of St. Thomas, and he served in that capacity until 1961. In the meantime, Sir, he was one of the first Ministers of this country, when Cabinet Government was introduced, and at various times held the Ministries of Communications and Works and of Trade, Labour and Industry. Indeed, he first served in the

latter Ministry and he went to the Ministry of Communications and Works in 1956.

I had the distinction of serving with him as a member of the Senate through 1966 to 1971, the first independent Senate, and then, he served us again in this Chamber from 1976 – 1979. In 1979, he retired from parliamentary politics and went abroad to serve the country, with distinction as Permanent Representative to the United Nations.

There is another side to Ronald Mapp and that is the journalistic side, whether he was functioning as Associate Editor of the Beacon newspaper, which he did from 1946 – 50 or as Editor from 1950 – 54 and again from 1961 – 1971.

I can speak about the years between 1966 – 71 when, again, I worked very closely with him. We both spent long, hard hours to produce the Beacon. There was no linear type. It was all hand setting; an old flat bed press – nothing like what newspapers are like today. And, in addition, we both had Sunday columns going in the same newspaper, a pen of Candidus, a pen that was used to sting from week to week.

I often felt, Sir, that it was in the use of the pen that Ronald Mapp found greatest enjoyment. In this way, Sir, I have come to know Sir Ronald rather well on a personal level and I cannot at this point image any one more intrinsically decent, one more willing to make sacrifices in the interest of his country, one whose record of hard work and achievement in public office has stood out so clearly that, for most of the time, younger people than himself tended to regard him as belonging, really, to a generation a bit before his own; so young, indeed, Sir, did he come on the political scene.

To say anything more would be unfair, perhaps to detract, in that if one wants to make a point and talks too long one might, indeed, succeed in merely becoming a bore and diverting attention from where it should be. I just would wish to say that it is an honour of immense significance which has been awarded to a great Barbadian. It is my own personal sense of satisfaction to have been associated with Sir Ronald so long.

Almost as long Sir, as Sir Ronald Mapp has been in politics, indeed, I think longer, we have had the career of Owen Taylor Allder. Not only was he a former Member of the House of Assembly but a former Alderman in the Bridgetown City Council. He was first elected to Parliament in 1948 as a senior member, in the days of the old double member constituency, from the constituency of St. John, and for eight years he served in that capacity.

When that period of service came to an end, Sir, he served as a member of the Bridgetown City Council from

1959 to 1961, and during part of that time he served as a member of the Hospital Board, and from 1971 to 1973 Mr. Allder was a senator, a member of this Chamber. He has served as Chairman of the National Systems Board, Chairman of the Sanitation Service Authority, the first service being from 1965 to 1975 and the second period from 1975 to 1979.

People like myself, as little boys at school, remember Mr. Allder because I think, Sir, it is true to say that he was the last of the significant independents in elected politics in this country. I don't believe that there is any doubt that some one who puts himself up for office now, except within the context of a party and programmes and policies, would have no chance of being elected.

If you look at the career of Mr. Allder, you remember him being elected on a party ticket, you also remember him as being elected as an independent. He entered politics in that period when the franchise was being liberalized, but it was still a property franchise, and until 1951, there was no universal adult suffrage which eliminated for all times the obstacles which those who would seek political office had to face in terms of property qualifications.

But his has been an outstanding contribution. Indeed, I mentioned him being elected as an independent, because if it is one thing about Owen Taylor Allder's political life, it is characterised by his very rugged sense of independence, which has never allowed him to sit too quietly in any political party for too long. It is, Sir, an honour of which we can be justly proud.

It would be in-appropriate to me, Mr. President, to sit before mentioning of the honour paid in this year's Independence Honours to Mrs. Evelyn Ward. In much of the time she was politically active, we would know her as Mrs. Evelyn Talma.

She was not a member of the Senate, but she was a member of the predecessor body, the Legislative Council, in which she served with distinction.

I believe, Sir, that most people would remember the services of Evelyn Ward in relation to the Foundation Schools, to which she has given a great deal of her time, devotion, and energy, and I must add, Sir, to which she still continues to give that time, devotion and energy.

Mrs. Ward is a lady who most of us, I think, would honestly categorize as someone prepared to work hard at all times, but always, in whatever context, to speak her mind. She has her own views of how things should be done and does not hesitate to say what her views are. Again, I say it's a single honour.

In closing, Sir, I trust you will permit me to extend my congratulations not only to the three persons to whom I have referred but also to the others on the Honours List. We may not to them advert directly in the course of these proceedings, but it does not mean that we think them any less worthy of the honours they have received or that we have any less appreciation of the tasks they have performed and the contributions they continue to make to the life and well-being of Barbados.

Sir, I would wish on behalf of senators on this side to extend the heartiest congratulations to those honoured and particularly to Sir Ronald Mapp, Mr. Owen Alder and Mrs. Evelyn Ward.

Mr. PRESIDENT: I will not keep honourable members, because the Leader of the Senate has been very thorough in his remarks, and I am sure the sentiments and feelings are echoed in the hearts of all members present.

I merely wish to say how much I associate myself with the remarks he has made, particularly with reference to the three persons honoured, who have performed legislative duties at one time or another.

I was very closely associated with Sir Ronald Mapp from days so long ago that I cannot remember. It may not be very well known to members that I was once a member of the Executive Committee and of the Executive Council, and the Executive Committee was what preceded Cabinet Government in this country. Mr. Mapp and I were very closely associated on the Executive Committee and had many a trip abroad on Government business of one sort or another, and I was able to appreciate the very sterling qualities of that gentleman.

I was happy afterwards to be associated with him in this Senate when he was Leader of Government Business. Mr. Mapp's honour is extremely well deserved.

I have also known Mr. Alder for a long number of years and I know of his extreme interest in all public matters in Barbados and the welfare of people. He has served in both Houses of the Legislature, as Senator Barrow has pointed out.

Mr. Alder's interest has not flagged since he has left the Legislature. If there are any meetings or functions associated with the Commonwealth Parliamentary Association, if there is one member that you can be sure of his interest and his attendance, it is Mr. Alder. He is still an active parliamentary member, he is still interested in all things to do with the welfare of this country.

Mrs. Ward was a member of the Legislative Council at the time when I left the Legislative Council to go to

the Federal Parliament, and her interest in legislative matters dated long before that. She was associated with the Vestry and was at one time Churchwarden of the parish of Christ Church. She also took special interest in the Foundation Schools and lots of welfare and charitable matters in this country.

She is one of the pioneers of women's activity in parliamentary and legislative matters, because she was active at a time when there were very very few women who came out in public and took what should be their rightful place in these matters.

I congratulate these people not only on my behalf but, I am sure, on behalf of all Senators.

PRESENTATION OF PAPERS

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

Leave Passages (Amendment) Order, 1982;

The Post Office (Overseas Parcel Post) (Amendment) Regulations, 1982;

The Vessels (Registration Fee) Regulations, 1982;

Special Development Area (Parish Land) Order, 1982;

The Annual Report of the National Assistance Board for the period April 1981 to March 1982;

The Annual Report of the Barbados Export Promotion Corporation at 31st March, 1982;

The 31st Annual Report and Statement of Accounts of the Natural Gas Corporation for the period 1st April 1981 to 31st March, 1982;

The Annual Report of the Department of Labour for the year 1979.

INTRODUCTION OF BILLS

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

A Resolution to approve the borrowing of the sum of U.S. \$13 million from the Barbados National Bank, the Morgan Guaranty Trust Company and associated banks for the purpose of financing the purchase of the assets of Mobil Exploration Barbados Incorporated.

With your permission, Sir, I would like to state that this Resolution was circulated and Senators were asked if they would agree to do it. It was intimated that we would ask permission to proceed with it today.

A Resolution to approve the compulsory acquisition of land at Welches, St. Michael for the purpose of landscaping and providing parking facilities at the Welches Post Office.

Sir, if that file is here we might also ask permission to deal with this. It is a very minor matter in a sense, but it is environmental more than anything else. It is a piece of land with all the junk and stuff on it.

There are other items on the Order Paper which, if you permit, I will take the opportunity to mention now. We intend to proceed with Order No. 1, we intend to move the adjournment till next week Wednesday and we intend to deal with that at that time.

In respect of Order No. 7, again that is something we would wish to proceed with today; also Order No. 8. We will proceed with 2, 3, 4, 5 and 6, those are Resolutions of which adequate notice has been given, but 7 and 8 are two Bills, and to proceed with them requires the suspension of Standing Order 45(2). I think members will see that those are important but very easy to follow, and therefore we expect there should be no objection to that.

Order No. 11 will then follow to be considered next week along with Order No. 1.

May I draw your attention to the need for Orders 7, 8 and 11 to be read a first time.

Mr. PRESIDENT: Let it be recorded in the Minutes that those Bills, Items 7, 8 and 11, have been read a first time.

I wonder if I could test the feeling of the Senate in regard to the items mentioned by Senator Barrow, the Resolutions dealing with Mobil Exploration and the Resolution for compulsory acquisition of land at Welches. If there is no objection, these items will be dealt with today at a later stage in the proceedings. There appears to be no objection. Call the first order.

**RESOLUTION TO APPROVE THE COMPULSORY
ACQUISITION OF LAND AT THE BELLE, ST.
MICHAEL FOR THE PROVISION OF A PLAY
GROUND FOR THE BELMONT PRIMARY SCHOOL**

Order No. 2 was called — To move the passing of a Resolution to approve the compulsory acquisition of land at the Belle, St. Michael, for the provision of a playground for the Belmont Primary School.

SENATOR HON. O'B. TROTMAN: Mr. President, the Belmont Primary School has no playing field provided for it by the Government, and at present, Sir, the pupils of that school use land belonging to the Belle Estate.

Over the years, the owners of the land agreed that the children could use the facilities, and what we are seeking to do is to regularise the situation and have the land properly acquired so that the Government can develop it into a proper playing field for the children attending Belmont Primary School.

As I understand it, Sir, there is no controversy over the pricing. The Ministry of Lands and the owners of the plantation seem to be getting on quite fine in terms of getting it sorted out, and the Resolution seeks to give approval to the acquisition of the land.

I beg to move, Sir, that the Resolution do now pass.

SENATOR A. W. A. McCLEAN: Mr. President, I am always willing to support any efforts to ensure that schools, and particularly primary schools in Barbados, have proper playing field facilities. In expressing my support for this Resolution, I would like to direct attention to a problem at a school which is dear to my heart, the school which I first attended, St. Stephen's.

For too long now I think the playing facilities at St. Stephen's have been inadequate, and there was an area or there still is an area of land to the east of the school which I thought would have been earmarked by the authorities for the development of a playing field at the appropriate time.

It seems as though planning permission has been given for housing at least on a part of that land, but there is still some area immediately adjacent to the school which can perhaps still be developed into part of a playing field for that school.

I would particularly like to direct attention to the existing problem in terms of playing field facilities at St. Stephen's and the imminent possibility that the available lands surrounding the school would be subdivided and built on, and I would hope that the authorities would take proper note of the problem there and do whatever is necessary to redress it.

SENATOR C. D. SEALE: Mr. President, Sir, I support this Resolution but there is just one thing. I pass the Belmont Primary School every morning and I find that the entrance is very dangerous and I am wondering if something could be done.

See cars and there is a bit of a cliff that the children seem to go into, and they are very small children, and I wonder if the Government could look into the possibility of either putting some sort of fly-over or walk way or something, or opening the entrance a lot better.

I thank you, Sir.

SENATOR W. W. HALL: Sir, I rise to make a few observations on this Resolution. I was not going to say anything, because Senator Simmons is not here. There is no point saying anything on sport or recreation and school facilities without him in here, because I would like to get his reactions.

I believe, Sir, that this is indeed a good Resolution. I have no quarrel with it at all, except for the fact that, in reading the debates in the other place, a lot of time was taken up not only with this aspect of recreational facilities for school children but people alluded to the fact, no less a person than the Minister of Health, Sir, that he thought that the time had come when we in Barbados would not only have to share facilities but indeed we would have to think in terms that we can do so much and no more.

I happen to know this area quite well, and for years, Sir, the children at Belmont Primary School and indeed the people living in the adjacent areas have had to make do with some rather rough terrain in their efforts to play sport.

One might well argue that Blenheim, with its 13 acres, will suffice, and with proper supervision in crossing the road that they may well be able to play there. But that is another story — and a very long one.

I think, Sir, that what we need to do in Barbados is not only acquire these lands. I have no quarrel with acquiring this land for the children of Belmont Primary School, but added to this, Sir, I think you must realise that the people of Tichbourne and Belle Tenantry and those areas, May's Road, would be looking forward to using these facilities.

I believe that one of the most important things in looking at facilities, not only for school children but indeed for the community, is not only just acquiring them and getting them in good shape at the beginning but indeed in maintaining them. Maintenance is the most important thing, because having acquired lands, the Government sometimes put down recreational facilities in the form of club houses and pavilions, Sir, and then in a year or two when you have a look at them again, you would be very surprised to see the state that there are in.

Now, I know that this had engaged the attention of the National Sports Council and indeed the requirements in future seems to be that there will be some responsible club or youth group in the area which should be made responsible for not particularly the upkeep but certainly the good housekeeping of such an enterprise. Because of that, Sir, I am wondering whether the children of the Belmont Primary School alone will be using this area or whether the people in Tichbourne and those adjacent areas will have use of the area. Mind you, Sir, for years, at least 40 years, there has been B.C.L. cricket played on that ground, and I just wonder.

Now that brings me to the point of the Blenheim ground. There seems to be some confusion in very high circles about who should use and who should not use it. On examining the debates of the Other Place, it can safely be said that the ex-Minister of Sports was very keen, in fact he seems to have a phobia, where he wanted the Blenheim area for the inhabitants of the Ivy, My Lord's Hill and all the surrounding areas. It is true that he said he managed quite easily to get the prison officers from the ground to the north, and had he been in the Ministry under which this portfolio falls, no doubt the B.C.L. would have gone in like manner.

This brings us to the point as to whether in putting down recreational facilities they are indeed for all and sundry or just the people in that particular area. We know only too well the troubles that were experienced at Dover with the people in Dover and Maxwell areas. We know again only too well the problems we had at Wotton. There were many clubs vying for the right to use the ground exclusively, and, Sir, we see it happening throughout Barbados.

Even though I am not in a critical mood, indeed I would like to say that this is a good move, I want it to be made clear to everyone exactly what the position is. That is why I alluded to the fact that the Chairman of the National Sports Council is here and will no doubt reply, because politicians in high places, Ministers, seem to get the wrong impression.

On the one hand, you have one ex-Minister of Sport saying that Blenheim belongs to people of the Ivy, My Lord's Hill and the close environs. On the other hand, it is mooted that it should be a community situation where people from the outlying areas would use the ground, and then, Sir, you have the present Minister of Health saying that he believes there must be some close relationship with people in various areas. He actually wanted to know why you would have three or four playing fields in an area of a radius of say two or three miles. Of course, that would depend on the density of the population. I think he has to understand that, but I would really like it to be known what the policy is so

that we would not really find a situation of the Blenheim episode happening again.

I say that because I understand there is a rumour that the last Minister of Sport has led the revolution to liberate the people, from a sporting sense, of the Ivy area. Sir, I am not really aware of the fact that he himself threw bottles, but what I am saying is that he has said in the Other Place that he cannot guarantee the Government that the patience of his constituents is elastic and can stretch forever more, and therefore he is encouraging them to get the B.C.L. from around there.

Sir, that is very dear to my heart and this is not the time and place to elaborate on whether the B.C.L. should be there or not. I just want to say, Sir, that while looking at facilities for the Belmont School, we have to take into consideration, too, the Government upgrading our facilities on lands that are owned by Government.

I think that is fair because I recognise that we cannot go on *ad infinitum* acquiring lands for sport. I know we cannot do that. I am aware of what the vote is and I am aware of what money has been stretched, and I would not elaborate on that because it has never been my policy, as a member of the Sports Council, to get up and say what should be right and what should be wrong — I put it there and I think the Chairman would attest to this — but, Sir, I feel that we must bear in mind that there are some areas where lands are owned by the Government and perhaps the school children in that area would be given the opportunity to play.

Sir, I think the Chairman of the National Sports Council will agree that with the big Garrison Savannah and a school like the Garrison Secondary School with a roll call of at least 1,000, and with the exception of the court immediately above the school, they would have nowhere to play unless they go to the Garrison Savannah, and I think he would have to think in terms, as a good Barbadian, of updating the facilities on Government lands, for example, the Garrison, and other lands whereby school children in the nearby areas can go there for their recreational facilities. I think that is rather important.

There were lots of things said about the school being in Zone 1 and I do not know what the Minister said about that, but seeing that it is a primary school, it might not be earmarked for playing fields where any great amount of buildings would go up on, although I do take note that the Minister of Communications and Works said in the Other Place that people have been defecating in our water from time immemorial and nothing seems to have gone wrong with us, and then again his

colleagues stood up and said that just because something is wrong and people have been doing it for a long time, it does not necessarily mean that you should go on doing it. Two wrongs do not make a right.

I mentioned that to show you that people have varied degrees of understanding of the problem of recreational facilities for school children and indeed for the community at large. I think the Chairman of the Sports Council knows this very well, and I think the idea, from my talks with him, is one where we can link or merge together facilities that school children can have, but at the same time people in the adjacent communities can also play on them out of school time and indeed in the vacation time, on Saturdays and I dare say on Sundays. I think this is what the upgrading of facilities is all about.

Sir, there are some political footballs that are kicked around when you find that every politician gets up and lays claim for his constituency. I have a list of the sporting facilities in Barbados. There are around 42, 17 of which would be in St. Michael, but when you look at the population of St. Michael, you can argue a case for that, but, Sir, politicians will come and say I want one for my constituency, and another one will want, and when you read the debates, you will see everybody gets up and asks what about his area.

I am not going to really say what is wrong or right about that. All I am saying, Sir, is that you have to take the entire sporting development programme and the programme for recreational facilities into mind when you are going to look at it. You are going to have a helicopter view, Sir. You cannot look at it in isolation. One has to look at an overview of the situation and come up with meaningful proposals. So, having said that, Sir, I do feel that there is a case which can be made out for upgrading the existing facilities.

Now, I know that Government will endeavour to establish these facilities throughout the island if you look at the Manifestoes of both parties, Sir, you will see that this is paramount — but what I think, Sir, is wrong, or what has not been made abundantly clear, is the fact that, having put down these facilities, they should be maintained. And even though Government's responsibility is for the maintenance of it, Sir, I believe that good housekeeping, in terms of the pavilions, in terms of the little painting jobs that need to be done to brighten up the place, in terms of making sure that vandalism is not rampant, Sir, in a close community this should not be hard. This is all I am saying, Sir.

But so often you find the Government puts down these facilities, even for schools, and I daresay, Sir, that when you go back two years later, you cannot really imagine that these facilities are rather new.

I do not know if it is going to be a programme that the Chairman, Senator Simmons, is going to embark upon, Sir, but I think he would have to admit that we need to get across to people, in putting down facilities for them, that there must be some measure of housekeeping, even if the major maintenance is the responsibility of Government. I think if this is done, we will see a reasonable upgrading and maintenance of our recreational facilities for schools and community centres.

As we look around Barbados, so often we see tennis courts put down where people are no longer using them and you know, you find that livestock are tied to what was supposed to be barriers and you find that some of them are put down in what can be termed the middle of cane fields. I think that would be bad planning, and I do feel that we should try to upgrade the present ones and some measure of planning should be done in informing the people what they should actually do.

If that is not done, Sir, chaos is inevitable, because people get the impression that this brand new facility is ours and we can do what we like with it. We have seen it so often in Barbados and I do hope that the grounds that need upgrading, famous grounds, Sir, would in the very near future be given a facelift and that the inhabitants, the people in the community, will be told that they are the ones that should really be charged with the responsibility of doing some good housekeeping. In other words, stopping other people from coming and letting vandalism take over.

I think, Sir, with those few words, I would just like to say I have no real objection, Sir, none whatsoever to this Resolution. I think that the children in Belmont would gladly accept this playing facility, because if you do go up there now, Sir, with that precipice, the long drop down and very arid land conditions, Sir, I am sure that you would agree that at least these kids in Belmont School should be given reasonable facilities.

Mr. PRESIDENT: Senator Trotman.

SENATOR THE HON. O'B. TROTMAN: Mr. President, first of all let me say that I am grateful to Senator Seale for drawing the entrance problem to our attention and I will have it drawn to the attention of the Ministry of Education.

Senator Hall started off, Sir, by saying that there is some confusion in high places. I was a bit worried because I was not too sure where the confusion was. And then he took us on a whole excursion as to what the last Minister of Sport said one time and what he said another time, and what the present Minister of Communications and Works said one time and what he said another time, and what the representative in the Other Place for the Ivy said at one time and what he said at another time.

Through his excursion, Sir, he made a few points, which I wrote down, and I can understand, first of all, his party's attitude to playing fields. Twice he said "We cannot go on forever buying land to make playing fields." He said that twice, Sir, and that explains why, in the last 15 years of DLP rule, there was no significant increase in the number of playing fields in Barbados. He said it twice. "We can do so much and the Government cannot go on forever buying playing fields," that is in the Record, Sir. He said it twice.

SENATOR W. W. HALL: On a point of elucidation, Sir. What I did say, Sir, is that the Minister of Health said that in the Other Place. The fact that I concurred in that does not necessarily mean that it originated with me. Let the Minister stop misleading. I am agreeing with the proposal. I do not know what is his problem.

Mr. PRESIDENT: Do not make another speech Senator Hall.

SENATOR THE HON. O'B. TROTMAN: I believe the Record will show Sir, that before he got into the debate in the Other Place, he actually said that the Government cannot go on forevermore buying land for sport.

The other thing he went on to labour is the question of what happens at Blenheim; whether Blenheim should be a central playing field for national organisations or whether Blenheim should be a place for the people of Blenheim. That is a matter that I cannot speak with any authority on because playing fields relate to people and people have feelings about playing fields. The Government cannot, institutions cannot put playing fields on people.

I remember well that one of the few playing facilities provided under the last Government was provided in St. Patrick's — and it still is not being used, because the Government decided where it was to be put, who should use it — it would be used by all of the people of the wider St. Patrick's area, Waldron's, Packer's, Searles, Sion Hill, *et cetera*. The result of that was that nobody cared about it — the point he brought out very clearly — it was everybody's, but nobody's. It was soon destroyed.

And then, on the other side of the argument, he says, "Let the national organisations go to Blenheim. Do not put the prison officers off. Do not put the BCL off." That is the tenor of his argument, Sir, because he was quarrelling with the representative for saying, "I easily put off the prison officers and I will get off the BCL." Now which is it he wants? Does he want Blenheim to be a national park or does he want the people of Blenheim to take care of Blenheim? That is all I want him to state clearly next time he gets the chance to

speak, because he is arguing both cases and I want to know which one he believes in. That is all I want to say.

Mr. PRESIDENT: I am not going to let him make another speech now. Are you finish? Have you finished?

SENATOR THE HON. O'B. TROTMAN: Yes, Sir.

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

Mr. PRESIDENT: Call the next order.

RESOLUTION TO APPROVE THE COMPULSORY
ACQUISITION OF LAND AT BLACK ROCK, ST.
MICHAEL FOR THE PURPOSE OF ROAD
IMPROVEMENT

Order Number 3 was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Black Rock, St. Michael for the purpose of road improvement.

Mr. PRESIDENT: Senator Trotman.

SENATOR THE HON. O'B. TROTMAN: Mr. President, we have been coming to the Senate and I have passed the documents around, which should have been circulated by now – from time to time seeking various portions of land for the completion of the Spring Garden Road, and the portions we are acquiring today became necessary because of certain re-alignments with the road.

My advice from the Ministry of Lands is that negotiations are going on quite smoothly. In spite of comments made in the Other Place, I have been reassured that there are no real difficulties between the present owners of the land and the Government in acquiring the land to have this Spring Garden Road ready by the end of February or March of next year.

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

Mr. PRESIDENT: It is proposed that the Senate concur in this Resolution. Senator Seale.

SENATOR C. D. SEALE: Sir, Mr. President, I, again, support this Resolution. As a property owner in Black Rock, anything to do with road improvement in that area has my support Sir.

However, Sir, at the present on Black Rock road the Barbados Telephone Company is laying a cable with total disregard for the travelling public, Sir. This road is being closed morning and afternoon and the Black Rock road is a main highway into Bridgetown.

I think that this work should be carried on at night, between 6 p.m. and 6 a.m., and during the weekends, and I would make a plea that immediate attention be given to this because this is Christmastime, and to interfere with the travelling public coming into Bridgetown at this time is uncalled for.

I thank you.

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

RESOLUTION TO APPROVE THE LEASE OF LAND
AT PRESCOD BOULEVARD TO MILL REEF
COMPANY LIMITED

Order No. 9 was called – To move the passing of the Resolution to approve the lease of land at Prescod Boulevard to Mill Reef Company Limited.

SENATOR THE HON. O'BRIEN TROTMAN: Maybe two years ago, we came to the Senate and agreed to sell a portion of land to Mill Reef Company, the company that operates Chefette Restaurants. The restaurant has been completed, I believe it is operating, and the Mill Reef Company is seeking to lease some of the land next to the one they have acquired for the purpose of landscaping the area.

I believe, Sir, that if one passes down the Harbour Road, one feels very proud of the work that the company has done in making what was a jungle of grass an area which is very, very pleasant to the eye. The purpose of this Resolution is to provide further landscaping space for Chefette Restaurant, Sir.

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

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

RESOLUTION TO APPROVE THE COMPULSORY
ACQUISITION OF LAND AT WELCHES,
ST. MICHAEL

Order No. 12 was called – To move the passing of the Resolution to approve the compulsory acquisition of land at Welches, St. Michael for the purpose of landscaping and providing parking facilities at Welches Post Office.

SENATOR THE HON. O'BRIEN TROTMAN: Mr. President, this, again, is a very simple matter. Most of us, I believe, know where Welches Post Office is. It is surrounded by roads on three sides, and one of those sides is occupied by rotting wood and old buildings. It is proposed to acquire that land to provide parking facilities as well as to lend some scope to the landscaping of the

area and make it a better place for Barbadians, rather than having old set of old wood and timber knocking around the post office and having people forced to park their vehicles on the highway.

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

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

**RESOLUTION TO APPROVE THE BORROWING OF
US \$13 MILLION FOR THE PURCHASE OF
ASSETS OF MOBIL EXPLORATION
BARBADOS INC.**

Order No. 13 was called — To approve the borrowing of the sum of US \$13 million from the Barbados National Bank, the Morgan Guaranty Trust Co. and associated banks for the purpose of financing the purchase of the assets of Mobil Exploration Barbados Inc.

SENATOR C. A. GRIFFITH: Mr. President, Sir, this Resolution, which was passed in the Other Place last Friday, simply seeks to approve borrowing by the Government for the purchase of the assets of Mobil.

Sir, this matter has gained the attention of the Government for some time simply because it is publicly known by now that Mobil, which ran the operation at Woodbourne, St. Philip since 1979, decided that they wanted to leave Barbados because they were cutting back on their international operation. Hence, they decided to rid themselves of the property, which at the time was producing something like 700 000 barrels a day after a period of some three years in which they had invested some \$50 million US in Barbados.

At the time the matter was brought to the Government of Barbados, there were several options opened to us: one, of course, that we could allow Mobil to offer the property in the leaseholds and the proven reserves for sale on the international market; two, have the Government take them over, recognizing the fact that Mobil under the terms of the lease could stop drilling and take out a production licence for some 17 years, which would mean, of course, that this country would have suffered tremendous harm as a result. For one thing, we could fall in oil production and, for the other, we could have found ourselves increasing our import bill; of course, domestic production would have fallen.

After several consultations with reputable organizations, it was thought that, in the interest of the Government of Barbados and the people of Barbados, the Government should seek to acquire the assets for the people of Barbados.

Now, Sir, there has been a lot of debate on the valuation and the question of legality of buying from them, what, as the legal experts say, is the property of the people of Barbados already, that is, the oil in the ground. We have heard all kinds of fulminations about whether or not we have paid too much for the oil. We have heard statements in the Other Place from the Opposition of having advice from lawyers from Switzerland and whether or not Mobil actually owned the property and so on.

I believe that we were better served by taking the advice on this matter from people who are expert in the field. We had a valuation as presented by Mobil by a reputable firm called DeGaullier and McNaughton, a firm which has a reputation to protect and which stated emphatically in the presentation that was made to us that there was no way that Mobil should accept less than U.S. \$15 million for the property at Woodbourne. We have had consultations with ECL and with Petro-Canada, and, as a matter of fact, input from British groups in the oil business who thought that if we could get this property for the value of U.S. \$12 million, then we were doing fine. Yet still we hear the arguments made that we should give Mobil little or nothing for it, but I will deal with that a bit later.

However, the point is that the Government of Barbados had to go on the international market to obtain the loan to pay for the oilfields. We have had negotiations going on for some time with other sources, and as a matter of fact we had to put back the signing date of the loan because we could not consummate the deal in time.

And I dare say, in anticipation of some of the points that may be raised as far as the terms of the loan are concerned, that if we had been able to get into the international market long before the problems associated with Mexico back in June or July, I am sure that we might have been able to get the loans on better terms.

However, since the international banks have been a bit more careful, and even though Barbados has an excellent reputation internationally, they decided to tighten the conditions for placing the money at the availability of the Barbados Government.

I would just like, Sir, to move that the Resolution be concurred in at this time.

SENATOR A. W. A. McCLEAN: Mr. President, I am more or less supportive of the decision by Barbados to acquire these assets from Mobil, but I think we must pay close attention to the implications of this decision for the debt servicing problem of Barbados, and I would have hoped we would have heard a bit more about how this loan is going to intensify that particular problem.

It is not unknown to us that Barbados now has an arrangement with the International Monetary Fund. We have been told very little about that arrangement. I for myself can see no particular reason why Barbados should have entered into such an arrangement at this time, but they did do presumably for reasons which were considered to be good and proper by the financial advisers to Government, and I would hope that at some time we would hear some details related to that. I will probably come back to say a few words about that in the meantime.

In relation to the debt servicing problem, I think it is not just enough for us to know that the loan falls within a limit permitted by Parliament and so on. We should note that in the Estimates for this year there is a substantial projected increase in the cost of debt servicing, and if we look at the Accounts and Statements for Barbados for the month of September 1982, at the debt servicing component, we will notice that the charges of debt in relation to debt servicing under Head 1, which I think is Interest on Treasury Bills, as set out in the Estimates, is already at a level of \$16 341 400 for the first six months from 1st April to the end of September of this year. This is in relation to projected expenditure of \$36 million.

That particular Item for the entire fiscal year 1981-82 was only \$11 million, and the increase, I think, should be a source of some alarm. I think it has been a self-inflicted wound as far as the management of our financial affairs is concerned, and to the extent that we are capable of such injury to ourselves I am not so sure that we have not fairly well reached the limits of our capacity to increase debt. I do not believe that we reach those limits in the context of prudent financial management, but I believe there is evidence that somewhere along the line there has been a substantial deterioration in the financial management of the affairs of this country for the past 12 months or so.

I would like to draw attention to the Economic and Financial Statistics published by the Central Bank of Barbados, September 1982, at page 50, Table F. 1, which deals with Treasury Bills. You will see there in the third column the average discount rate related to Treasury Bills going back to 1970 and coming right up to August 1982, and you will notice that during this year the average discount rate for January was as high as 16.02 per cent. That is the average. It means therefore that some people were allowed to lend money to Government in excess of that 16 per cent, perhaps substantially in excess.

If you assume that some people, Government institutions, would be coming in at a reasonable rate, for the average to be that high there are some people that Government has been allowing them an issue of Treasury

Bills at really preposterous rates of interest, and these high rates continue down throughout the entire year.

In August it was 11.78 per cent, but that is still substantially above what was normal in early years. Remember that that rate is a rate which can be effectively controlled by the Central Bank if they want to. The reason why it can be controlled by the Central Bank is because most of the Treasury Bills on issue are held either by Government institutions — the Central Bank, the National Insurance Scheme — or by the commercial banks, and the amount held by the commercial banks, for the most part, must be held by them to satisfy their reserve requirement. They do not have much discretion in not holding it, because they have stipulated reserve requirements which they must meet in terms of holdings of Government security. Therefore, they can be made to hold those things on terms dictated by the Central Bank.

I have already outlined a strategy which I made available to all sorts of people as to how that can be achieved. To the extent that we, for whatever reason, allow Government to be confronted with that type of situation where they have to pay out in excess of 16 per cent as the average Treasury Bill rate, to the extent that this has occurred, I can only put it down to bad management, and that is to put a good construction on what has gone on.

I wish to suggest that, quite clearly, this \$16 million that we have expended on this particular area of interest in relation to our debt servicing could easily have been halved. This would have substantially alleviated the budgetary situation of the Government. That is, I think, the most obvious manifestation of faulty exchange rate policies during the last year or so, but there are others.

The entire high interest rate policy has depressed economic activity in this country and increased Government's expenditure and reduced Government's revenue. If Government had a problem that they did not anticipate before, it would be traceable right back to that particular fact, so, in a sense, I think we should be particularly cautious in terms of approving arrangements for Government to increase its indebtedness, but more importantly now, we should be finding ways of urging Government to look today to the management of their financial affairs and be more efficient therein and do what is necessary to maintain that efficiency. I am not here placing any blame on any Minister of Government or Minister of Finance or anything like that.

Again, as I have said, we have heard about the situation in relation to the International Monetary Fund. Normally when countries seek accommodation from the International Monetary Fund, this is supposed to be

indicative of their losing their capacity to finance their requirements for foreign services on their own, so to speak, or through normal channels, in terms of borrowing and so on. It is supposed to suggest that you are in fairly severe financial circumstances.

And we have heard that we have not had the best of terms in this particular loan — in spite of our good reputation but because of Mexico. It would hardly be because of Mexico, it would have to be because of us; and if we are going to be going to the IMF, we are telling the world that our financial situation is precarious.

I, myself, believe that we were wrong; it was not necessary at this time to have borrowed any money from the International Monetary Fund.

Asides.

SENATOR A. W. A. McCLEAN: I am talking about Barbados, and I am talking about Barbados in the context of the information that I have on the performance of the Barbados economy.

It was not necessary for us to borrow money from the International Monetary Fund and, in particular, the amount which carried the conditionalities with it.

We could always go and borrow from the compensatory fund, because that is always generally available and do not carry any conditionality, and if you want that you can get it. But the other level of borrowing could have been entirely avoided in my view.

I am aware that the Central Bank went on record earlier this year projecting substantial deficits to the balance of payments of \$50 million and so on, and it might have been that type of consideration, in anticipation of the problem which they say was going to arise, that they put in train this business of borrowing from the IMF. I do not know why we went beyond putting it in train and actually committed ourselves to borrowing so soon in advance of what is necessary.

There is only one thing that I can see that could possibly have necessitated that, in terms of information which came to light recently, but I do not think that that in itself would have necessitated such action. I am referring to the problem which we have in the Caribbean Clearing Facility *vis-a-vis* Guyana.

We are told that Guyana owes us some substantial number of millions. I thought it was somewhere in the vicinity of \$40 million but I am hearing a figure of \$78 million.

Asides.

SENATOR A. W. A. McCLEAN: I think it is about \$42 million, and I am also hearing now that that has been settled, as it ought to have been.

I cannot see how on earth that should ever arise because, basically, the way the system should ultimately work is that any indebtedness which they have to us should at least arise out of our exporting more to them than they export to us — and that is not the case I think in relation to Guyana; we know basically that we can hardly get anything sold to Guyana.

So, it means, therefore, for that to arise, somebody has been throwing Guyana's debt into our lap, which could hardly have been accorded with what was intended under any sensible multi-lateral clearing facility. I do not know if it was done with the approval of Barbadian authorities or it was done without our knowledge. If it was done without our knowledge, no big thing — we could just tell them correct it and do the right thing. The Trinidad Central Bank is supposed to be the institution responsible for administering the facility.

So, maybe, people might have been anticipating that we had these foreign reserves but there were all locked up, therefore we had to go and borrow from the fund. That is the only thing that I can see could really make sense out of it.

If we look at such information which has been available to us in terms of the reserve position of Barbados, the latest published statistics again would be the Economic and Financial Statistics, September 1982, and if we go to page 64, again we have no information as to the dates; no clear information. We have heard things in the Press, but I do not like to put too much stress on things of this order which we see in the Press, because they may get their tapes wrong for more than one reason.

So I am not too sure as to when Barbados drew down the money from the fund, but, trying to trace it through the accounts of the Central Bank and so on, it would seem to me it would have been subsequent to August; and between August and now I do not think that anything too alarming has happened in Barbados, in terms of a sudden demand for foreign reserves, which could not have been accommodated by those which existed around August.

Here, you see that on page 64, the table relating to International Reserves, the latest figure reported here as the July figure, \$137.5 million and this is to compare, let us say, with a figure around about September 1981 of \$88.1 million; October, \$70.6 million. Then, it was possible for us to carry through without going to the IMF and I am suggesting that we are still in a position to carry through without going to any IMF for accommodation.

If you look to the tables relating to the Central Bank, on pages 2 and 4, you see the Central Bank itself, as of July, had total Foreign Assets of \$114 million as compared with \$92 million in September last year, and if you look into the section with liabilities you do not see anything there. When you look in our liabilities, which is the item under which you would hideaway things like borrowing from external agencies and so on, that, in August is \$94.288 million, which is rather lower than it was say late last year. The rate in October last year was 105 million, in November, 121 million and so on.

So as far as these accounts have indicated here, it seems as though there is no evident reason why Barbados felt that they were in such difficult circumstances that they had to go right away and rush and draw down some money from the IMF and give the IMF control over our economic policy.

I think that it is entirely within our capacity to reverse that, to repay the IMF and regain control of our economic policy. If we do not do that within the next six months or so, we will find that the conditions in this country will so deteriorate that we will not then be able to do it and that we would have to accept directions from the IMF, which would lead to a process of decline in this economy. There is nothing good that can come from our arrangements with the IMF.

Again, I say that it would seem as though — I could even put it higher than “seem” — it is almost certain that this arrangement has come about on the basis of some type of prediction about deficits that we are going to have in our balance of payments. But the projections made by the Central Bank, the way in which the Central Bank projects deficits — I have had occasion to tell them this and to tell other people in the past — that basis is entirely false and erroneous.

I have indicated that, basically, we have effective control over the overall balance of official financing, and we can bring it down to zero simply by regulating the expansion of the local assets held by the Central Bank, that is, simply by ensuring that the Central Bank does not go out and lend to Government or lend to commercial banks.

You will find that the Eastern Caribbean Currency Authority never had any balance of official financing because they never got engaged in that kind of activity, and we are making all kinds of fancy predictions about exports and imports, capital outflows and inflows, and completely ignoring the operations of the Central Bank balance sheet and saying that we are going to have that deficit and, therefore, we need to identify how we are going to finance it. And when you check with people,

they would indicate that these are just things, that we could be plus or minus \$30 million or \$25 million, or even \$50 million, out, and I am saying that, somewhere along the line, we are going to have to improve in this area.

There are many people who are suggesting what could have gone wrong between the last election and now, and indicating that somewhere along the line a number of people were engaged in perpetrating some fraud on this community.

It is not so. What has happened has been all subsequent; it has arisen partly because of the international situation and the decline in tourism and so on, but rather more fundamentally, our involvement now with the IMF is the result of bad economic analysis and attendant policies derived from that.

But in spite of that, Mr. President, I would still like to say that this particular measure, in terms of taking over the assets of Mobil, is to be desired, and we have to do it and make sure we so manage our affairs that we can come out on the good side of things in spite of the apparent state of the economy at the moment, and, as such, I will support it; but I would especially like to urge the Government to look to their financial management, otherwise we will have much harder times ahead.

I thank you, Mr. President.

MR. PRESIDENT: Senator Greaves; but don't take all day to indicate that you wish to speak, otherwise I will put the question.

SENATOR E. E. GREAVES: Mr. President, I would like to apologise. I had indicated three times to you — and I thought you were looking in my direction — that I wanted to speak, and I was a little concerned about your not acknowledging my attempt to catch your eye.

I just want to make a short contribution on this matter before this Chamber. I do not think that we could let this matter go without a comment from our side, because, contrary to what Senator Griffith said when he introduced the Resolution, we do not consider that it is a simple matter.

He indicated it is just a matter simply to get approval for money to purchase the assets of Mobil. This, Sir, has very serious and important implications for this country, and in the Democratic Labour Party, we are concerned about the lack of information which surrounds the entire purchase.

I came in here today, knowing that Senator Griffith is the Parliamentary Secretary with special responsibility for Energy, expecting to hear more details about what we

are letting ourselves in for. In these very difficult economic times that this country is facing, \$26 million is a very hefty sum of money, and I believe, Sir, that not only this Chamber but the taxpayers on this country, on whose shoulders the responsibility will eventually fall to provide this money, ought to be provided with more information.

Indeed, I would go so far as to say that we are venturing into a new area, and I would have thought that the Government, in its wisdom, would at least have followed through with one of the promises, which it makes from time to time, about providing White Papers on important areas of national concern, and I think, Sir, that this is one area where I believe that the Government would do itself well and would allay a number of suspicions, which are present amongst members of the public, about this transaction. I think this is something which ought to be done.

Senator Griffith indicated that the Government has had the advice of experts. The experts have indicated to the Government that Mobil should expect no less than \$30 million or \$50 million, I do not remember the exact figure, suggesting, of course, that we were able to get it at a bargain price — we got it for less than what the experts say would be the bottom price that Mobil could expect for the oil fields, and also, presumably, for the equipment which we also purchased. I am concerned about this, particularly in these difficult times.

Senator McClean has pointed to a number of problems about financial management, and maybe, not being as blunt a person as I am, nevertheless I think we have come to the same position in that for some time I was saying very clearly that when it comes to the management of the financial affairs of this country, it was clear to me that the person or persons on whose shoulders this responsibility rests did not know what they were doing, and I still contend that they do not know what they are doing, and as a result they have placed this country in a very serious financial position.

We are in a crisis, and I think, therefore, that if we are going to venture into this area, which is a new area, that we ought to do so with some care, you ought to be able to provide the background which is necessary to bring the public along with you, and also to provide the justification for this new venture.

We heard a lot of talk about proven reserves. These are just words. Treat us to some figures. Let us get an idea as to how many barrels of reserves we believe we have. Let us know something about it; just do not talk about proven reserves. Let us hear what the reserves have been estimated to be. Let us hear something about our natural gas and what the reserves are estimated to be,

because there have been problems, as I understand it, with a number of wells, particularly the gas wells.

There was one well, I am told, somewhere in Adams Castle, which was opened or should have been opened some time in 1975 or 1976. Days before, gas was coming at such a terrific pressure that one would have thought that we would have been able to get enough gas to supply the entire island, but then in a matter of days or hours before the well was supposed to be opened, the reserves just disappeared.

All I am saying is that I think we need to have more information than this. Are we sure of what we are buying and are we sure that we are getting our monies worth?

Senator Griffith referred to a criticism which has been made about whether or not we should be paying the kind of money that we are paying for oil which is ours. I do not think this is a criticism which should be dismissed lightly.

I have been reading of a situation in Trinidad where, I think one of the oil companies, presumably acting on good advice, wants to sell their operation to the Trinidad Government and the oil company is asking somewhere in the vicinity of \$200 million for the operations and the Government of Trinidad is offering very little. I seem to recall that they started out by offering them something like \$500 000, which is obviously ridiculous, but they are now into millions, but nowhere near the \$200 million which the oil company wants.

I believe that the principle which is being pursued here is that the oil really belonged to the people of Trinidad and Tobago.....

SENATOR THE HON. N. A. BARROW: On a point of order, Sir. I think, not wittingly, the honourable Senator may be misleading us. Is the senator saying that what we are purchasing is the untapped, unexplored resources in the soil or is he applying the definition of "ours" to the gushing wells, for example? Because, otherwise, we are in danger of the Chamber being misled, Sir. He might have got into a legal point.

SENATOR E. E. GREAVES: Sir, this is what I want to find out. I want to find out what it is that we are buying? This is what I want to find out. I mean, I take your point. I want to find that out and I would have thought that we would have been treated with the respect of providing that kind of information to us so that I am asking and I am hoping that Senator Griffith, when he replies, will be able to give us some enlightenment on that.

I want to indicate, however, and I was using the Trinidad example to show that these are areas which are always disputed. If one were to even look around and check around in the oil producing countries, when Governments move to acquire the assets and the reserves of the multinational corporations which are operating in those countries, it is not always an easy thing because you come up against a situation where, in the particular country, there is the argument, and a strong argument, that the reserves belong to the country and, therefore, one has to be careful about the amount of money which one would pay for something which, in truth and in fact, belongs to you.

In this whole context....

SENATOR THE HON. N. A. BARROW: On a point of order, Sir. The senator keeps making the point that we are paying for something which belongs to us, and I believe he is therefore misleading the Senate into thinking that what the Government of Barbados is doing is picking up money and giving to Mobil for something that belongs to the Government of Barbados and the people of Barbados. I believe, Sir, it is essential, if the Senate is not to be misled, that the senator indicates exactly what he is talking about.

I would like to follow him in the same way, Sir, as he says he would like to follow what is going on.

Mr. PRESIDENT: We are getting all very involved. Would it not be simple to say, "Are we paying for things which we know already or are we including in the price some modicum for things that might prevail that we do not know about yet? Is that the situation that Senator Greaves wants cleared up? Is that what you are asking?"

SENATOR E. E. GREAVES: Sir, that is clear.

Laughter.

Mr. PRESIDENT: We do not need to have all this song and dance about it.

SENATOR E. E. GREAVES: No, Sir, but I do not understand what Senator Barrow is getting at. I really do not. Sir, I have a feeling that we are letting ourselves in for some problems in this area and I am yet to be convinced that we are doing the right thing.

I recall that when this matter was first raised the first argument, the very first, that we heard advanced was that the Government was purchasing the assets of Mobil in order to save the 40 or so jobs in Woodbourne.

Now, I just want at this point to say that I am not at all suggesting that Government should not care about

the jobs at Woodbourne and that is should not at least, develop a policy to keep jobs or retain jobs where this is possible.

But soon after, we are getting other reasons coming out, and what I am saying is that I believe that the Government jumped into this and got itself committed before it had given a proper and a thorough study to what it is letting itself in for.

This is a matter, Sir, which history will determine in the long run, whether a correct decision was made or not, and I am going to follow this with a considerable amount of interest, because I have, as I said, a sneaky feeling that we might have been taken for a ride.

Mr. PRESIDENT: Senator Clarke.

SENATOR MISS JUNE CLARKE: Mr. President, in rising to support this Resolution, I would like to say that, unlike Senator Greaves, I do not feel any great concern as regards this venture. I do not see it as a new venture which Government is embarking upon in the strict sense of the word. It is a going operation and I believe that adequate studies have been undertaken to ensure that we are not buying a pig in a poke.

I believe, too, that if the Government had not moved to acquire the assets of Mobil Exploration, there would have been an outcry in that there would have been the opportunity for people to criticise the Government for not seeking at this time to take control of what may be seen to be our natural resources.

I believe it is normal for most Governments to seek, wherever possible, to have some control where natural resources are concerned and I think that this is our opportunity at this time.

I believe that the question of the impact on the National Debt will not be major in that this is a productive operation and that there should not therefore be any adverse impact such as Senator McClean may be foreseeing.

I therefore have no difficulty in supporting this Resolution because I believe that it is going to work to the benefit of the community.

Mr. PRESIDENT: Senator Griffith.

SENATOR C. A. GRIFFITH: Mr. President, Sir, I was minded to just listen to some input from Senator McClean and I must say that the Central Bank got some good blows today, but I must confess that, while I am not physically up to it, my mental faculties are still working and they were a bit charged with the nonsense I heard from the Opposition benches.

I believe that people who conduct the people's business in these Chambers ought to come in prepared at all times to deal fairly and squarely and factually with what affects the people of this country, and stop trying to grandstand and get headlines that mean nothing.

The whole question of petroleum development and energy for the past year or so has been receiving some attention in the Press and I must thank the Press for the interest they have shown for this and for the work they have put in in trying to get the public of Barbados educated about the whole question of energy and energy resources. It is not lost on me and it is not lost on the public of Barbados.

Every time that we have had some item dealing with energy come up in this Honourable Chamber, I have sought in my own way to provide as much information as possible, and from within the Ministry of Finance and Planning, every effort has been made to provide the public with this information.

With regards to this very purchase of Mobil, at the very signing of the heads of agreement sometime back in July or August, I think it was, a comprehensive statement was prepared, which was read by the Prime Minister, in which all the details were given about what we were letting ourselves in for. But yet we hear today that one tiny aspect of it were the 40 jobs.

We do not hear anything about the details which were given about the 833 000 barrels of proven reserves, which were given at the time of the statement, and a figure which has been repeated time and time again. Yet, we get some question, somebody comes and say they do not know how many barrels of oil we have, how many reserves, how you do not understand the questions.

I believe that we owe it to ourselves and to the people of this country that if we are going to talk about subjects in here we should prepare ourselves to speak about them and stop grandstanding and making a lot of empty statements. It is a disgrace that in 1982 we are still having this kind of politics in this country.

We hear a general statement that the taxpayers should be provided with more information. The taxpayers have been provided. The people who have not been making the information available to themselves are the people on the Opposition who wants to talk nonsense, who seek to criticise; but I am yet to hear the Opposition say that they are against the Government of Barbados making these assets available to the people of Barbados. They do not have the courage to say that, they just talk around the issue.

I have heard the Leader of the Opposition say that he heard from a Swiss lawyer that this was not a good

thing to do, that you were actually paying money for what the people of Barbados already owned. A lawyer from Switzerland was giving this advice to the Leader of the Opposition.

I have been hearing from the Opposition spokesman for Finance in the Lower House that we would greatly overvalue the assets and we should not be paying so much in light of the current oil glut and in relation to the falling prices on oil machinery and so on.

But I would rather listen to the people who have reputations and who have expertise in this field than to listen to anything about the oil business from anybody on the Opposition. I have particularly cited the people who have been advising the Government on this issue. I have cited the people who have international reputation in this regard to protect, but who have no interest in trying to undermine because they, in effect, would be undermining themselves.

So, there is no need for me to hear that the people of Barbados are paying for something they already own. That legal point has already been dealt with in the Lower House. What they are asking us in this country to do, the very people who have been instrumental in promoting industrialization by invitation, they are asking us to be involved in expropriation, and if they want us to be involved in expropriation, what you should do is close down the offices in New York and Brussels.

You cannot tell me that, on one hand, you are going to go out there and promote Barbados as a country with stability where you can attract people to come in and bring in their foreign dollars to invest and provide businesses, jobs and development, spend millions of dollars a year doing this, and, on the other hand, you are telling them that, when they come here and put their money down they must get up and leave it and go home — because you are in the Opposition.

What you are in effect signalling to the people overseas is that they can look for trouble whenever they come to put their dollars down, when you get back into power. That is what you are telling the people overseas. I want to make that point, Sir, I want to make that point.

We ought to understand that when you are talking about industrialization by invitation, several serious arguments can be made about the contribution of that kind of industrialization to the development of a country and there can be some very strong arguments that can be made against it. I have some very, very strong feelings about it.

But when you are talking to industrialists overseas about bringing money into a country, the whole question of whether or not you have tax holidays or cheap labour

or whatever, those questions do not matter. The most important question that those people want answered is whether they are going to have capital repatriation – the ability to repatriate their profits or their money. That is what they want assurances on. That is the most important fundamental question. They want to know that they have a certain rate of return on their investment. They want to be sure of that and, usually, when you have that situation, what you are asking for is a clash of priorities.

I have been making the point for over a year and a half now that the priorities of Mobil may clash with the priorities of this country. Mobil wanted to invest in Barbados because they wanted to find enough petroleum reserves for their own international markets, not for the domestic consumption of Barbados. On the other hand, our most immediate determination and demand is to get or satisfy our domestic situation. This is fundamentally important, and we have devised plans in this country to satisfy our domestic demand, because, believe it or not, we are still in the throes of an international oil crisis – whether you want to believe it or not – and Barbados has little control.

Because of the size of our consumption, we have very little control over pricing, over supply and demand in the world markets; we are buffeted by these things. Yet, we get up in here and hear people talking a lot of utter nonsense, uneducated nonsense, about whether or not the oil belongs to the Barbadians, who it belongs to, whether we are doing the right thing, and we are guessing what could happen ten years down the road. Let me tell you something. Ten years down the road, we have projections of what must happen in energy industry in this country. Mr. President, that is what we have within the Ministry of Finance and Planning. We sit down and make projections. We have not been waiting and reacting, like what had been happening prior to 1976.

We have looked at the Woodbourne field itself, and we have seen that, in terms of the total reserves in the Woodbourne field, there are over 2.4 million barrels; and when we talk about the proven reserves of the Woodbourne field, we are talking about the reserves in the 40 producing wells which were invested in by Mobil Exploration Barbados Limited. The people put their money, millions and millions of US dollars in drilling those wells and in pumping oil; and, as a matter of fact, from those wells we are still pumping oil – and you are asking them in effect to get up and walk away and leave that money.

They put US\$15 million in a seismic survey in this entire country, both onshore and offshore – US\$15 million – and they have not benefitted by that in any sense of the imagination. The people of Barbados have benefitted by it because we have the seismic data at our disposal, and it has not cost us one red penny.

They put a few million dollars, many millions of dollars I should say, in deep drilling exploration as opposed to production exploration and they have not recovered one penny from that. Fifty million US dollars – and you are asking them to get up and walk away and leave their investment.

We have been able, through negotiation, to get the oil at a price of US\$6 a barrel. You work out 833,000 barrels of oil at the going world price of US\$32.50 a barrel, you work out that and see how much it comes to, and yet we can acquire these proven reserves and all the other assets of the company for US\$12 million.

We had considerable difficulty in the negotiations coming down, because Mobil had an independent appraisal done and they said they were willing to go as low as US\$15 million and no lower. They even brought a financial proposal to us which would have required us paying \$15 million in all, and we said no way.

Let us look at the whole question of the oil industry and the production and so on within the context of this country's development. Since 1825 or thereabouts, we have been having oil development in this country, and in 1966 Barbados became independent, and when it became independent the question was asked of the maximum leader, "What next?" And he said, "Business as usual." Sixteen years later we have a situation in this country where we can safely say we have one Barbadian who knows anything about the entire oil industry. That is because he said business as usual in 1966. That is what you have to look at, and now we have taken steps to make sure that that does not happen in this country again.

Not only have we taken over the producing capabilities and the natural resources of this country in a legitimate way, but we are also ensuring that 16 years from now we will have Barbadians who are experts in their own right in managing the resources of this country as far as petroleum is concerned.

We have heard the point made that the banks in New York went under because they loaned money for exploration and so on. We heard of all of these dire situations happening, but one of the problems that the people who make these points will not cite is this, that the major banks in the industrialised countries in London, in Great Britain and in North America, what they were doing when they were so flush with liquidity from the petro-dollars, which were recycled back into these countries, is that they went out with their portfolios and offered people loans without any conditions. Exploration was a very big thing and they put money in exploration. Not only exploration, but in real estate. Chase Manhattan Bank almost went under because of bad real

estate investment, yet we hear it is about exploration. I do not know how it got related to this matter at all, because the loan that we have negotiated has nothing at all to do with exploration.

We have bought a producing field, we are not getting involved in exploration, so there is a big difference between exploration and production. We are not going out there and drilling dry holes willy nilly. We have bought a field where almost wherever you go in that area and you dig a well at 6 000 feet, you are finding oil, and you are producing oil that is coming on stream.

We have proven it since we took over the oil fields on 1st July, from 700 barrels a day to over 1000 barrels a day, and that is the input of the one man in Barbados who we can say knows more about exploration, oil production and development than anybody in the Democratic Labour Party will ever know.

We do not know either, but we have sought the input, we have gone out and got information, got the assistance. We take advice from the people who know, not from the Swiss lawyers. We have gone to Petro-Canada, who have a record to stand by, we have gone to ECL, we have gone to NORD CONSULT. These are the people who are in the oil business, so they should know.

We have sent Barbadians abroad to be trained, and we plan to send more to be trained. We also plan next year to come out with a national energy plan for the people of Barbados. That is what this Barbados Labour Party Government will do next year, bring out a national energy plan in print, because we deem it important enough that Barbadians know enough about what is going on, so that when we get these bland statements from the politicians, these blanket statements from the politicians who claim they do not know, the people of Barbados will say they know.

I want any one of you to walk out on the street and ask any Barbadian if he is satisfied we should have taken over the oil fields. That is the question you must ask the Barbadians in the street, if they are satisfied that the Government of Barbados has done the right thing in taking over its own natural resources, and you will find that, to a man, except for the sitting members of the Opposition in the Lower and Upper House, everybody will say it is a good thing to do.

Mr. President, I do not think there is any more I can add on this matter. I hope that the people who feel that they do not know enough about what is happening will do some more reading on their own. I am sure that will help them a great deal, because if they are representatives of the people they owe it to the people to be informed enough to conduct the people's business.

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

SUSPENSION OF SITTING

Mr. PRESIDENT: I propose to suspend the sitting at this stage until 2.15 p.m. The sitting will be suspended until 2.15 p.m.
1.28 p.m.

On Resumption

Mr. PRESIDENT: This sitting is resumed.

SUSPENSION OF STANDING ORDER

SENATOR THE HON. N. A. BARROW: Mr. President, the order which I propose for the remaining items, which I will handle are items No. 7 and 8, for which Standing Order 45(2) would have to be suspended to facilitate them, Order No. 10 and Orders 4, 5 and 6.

Accordingly, Sir, I move that Standing Order 45(2) be suspended.

The question that Standing Order No. 45(2) be suspended so that items 7 and 8 be dealt with in their further stages today was put to the Senate and agreed to.

MAGISTRATES JURISDICTION AND PROCEDURE (AMENDMENT) ACT, 1982

Order No. 7 was called — To move the Second Reading of a Bill to amend the Magistrates Jurisdiction and Procedure Act, Cap. 116.

SENATOR THE HON. N. A. BARROW: Mr. President, consequent on the building of the new court at Oistins, it has become necessary for there to be some change in the magisterial jurisdiction.

The authority for any such change is in the Magistrates Jurisdiction and Procedure Act, Cap. 116, and the Minister will have to make an Order for any such change.

It has been drawn to the Government's attention, Sir, that the Act defines Minister as "the Minister responsible for Home Affairs."

This is an anachronism and, if it remains in the Act, questions may be raised as to the variance of the Order made under that Act and signed by the Minister responsible for the Judiciary.

The significance of this legislation, therefore, Sir, is to remove the anachronism in order to facilitate such an

Order by the Minister responsible for the Judiciary, who will now be the appropriate Minister to make any such order.

I move that this Bill be read a second time.

SENATOR D. A. C. SIMMONS: Sir, I just want one or two matter clarified by the Government. First, whether there are two Ministers responsible for judicial officers, because I believe that sometime earlier this year the Prime Minister arrogated to himself certain responsibilities for the Judiciary and he is now responsible for some of the judicial officers, I believe, the judges, and it seems to me that the magistrates are still under the Attorney-General. If there is this dichotomy, I would like it explained, Sir. That is my understanding.

Secondly, I wonder if the Minister could tell us something about the functioning of the position of Chief Magistrate. Only yesterday, there was complaint made by the President of the Bar Association that the Magistracy, within the last couple of weeks, does not seem to be functioning well, by reason of the absence of a number of magistrates from their duties — on leave or for what other reasons.

From what I have pick up in the practice, I have a feeling, Sir, that, even though people are hesitant to express what they know, the fact is — and I make no apologies for making it public — that the Chief Magistrate is not getting the fullest co-operation that he deserves in the administration of his new post and I think it is incumbent upon the Government to vest the Chief Magistrate with enough statutory power to deal effectively with the responsibilities of his office.

I do not think that all is well among the magistrates, and Government must give this some attention in the New Year. There is no point in having a person designated as Chief Magistrate who, then, cannot administer the office because co-operation of others in the magistracy may not be forthcoming. That is all I want to say at this stage, Sir.

SENATOR THE HON. N. A. BARROW: Mr. President, as I understand it, the Prime Minister is the Minister responsible for the Judiciary. Since the Attorney-General is the Minister responsible for Legal Affairs, then there may be some areas upon which the exercise of authority by the one may touch on the exercise of authority by the other. But this represents a return to a previous division of responsibility where, prior to 1976, the Minister responsible for the Judiciary was the Prime Minister and the Minister responsible for Legal Affairs was another Minister.

As to the other point, Sir, I can only pass on Senator Simmons' comments, but you will appreciate

that I am in no position to know anything about what he is referring to.

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

On motion of Senator the Hon. N. A. BARROW, the Senate resolved itself into Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 and 2 were called and passed.

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

The question was put to the Senate and agreed to and Mr. PRESIDENT resumed the Chair and reported accordingly.

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

THE LANDLORD AND TENANT (REGISTRATION OF TENANCIES) (AMENDMENT) ACT, 1982

Order No. 8 was called — To move the Second Reading of a Bill to amend the Landlord and Tenant (Registration of Tenancies) Act, Cap. 230A.

SENATOR THE HON. N. A. BARROW: Mr. President, this is a similarly short Bill, and this is to facilitate a change in certain administrative arrangements. Land Tax, Landlord and Tenant Registration, Trade Tax and Land Tax Relief Board presently function under the Collector of Taxes. It is proposed that they become functions of the Commissioner of Inland Revenue.

There is, in addition, one other matter, and legislation is not needed for this; the Collector was responsible for administering various trust funds and these are to be transferred to the Public Trustee.

Then, there are these additional points, that rents which the Collector of Taxes now collects for land at St. George, the Ministry of Housing and Lands will in future collect these. The Ministry of Health has been asked to assume responsibility for the licensing of dogs and the Ministry of Transport has been asked to take over the licensing of all vehicles. This will then facilitate the abolition of the Department of Rates and Taxes.

The offices at which the Commissioner of Inland Revenue will continue to collect taxes will be Oistins, St. James and Cumberland Street. Although there are 60 000 persons on the Land Tax Roll, such taxes can be paid at any office. In other words, it is a streamlining.

I believe there are some honourable senators who know what it looks like to see some of the additional officers when it is not time, as it was in the old days, when you paid licences for motor vehicles at one particular period of the year. When these have been paid, then one could see exactly how much work there was to do in these offices.

So, commonsense and good planning would suggest some streamlining of the operation, and these matters are to be transferred in the way in which I have outlined, and offices, which can fully justify being continued to be open on a full time basis, will so continue.

The general change in this Act is that where the word "Collector" appears, now it would be the word "Commissioner", and where the words "Commissioner" or "Collector" appear would be "a person authorised by the Commissioner". It is a straight and simple piece of legislation to facilitate the carrying out of the duties by the Commissioner of Inland Revenue.

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

The question was put to the Senate and agreed to.

On motion of Senator the Hon. N. A. BARROW, the Senate resolved itself into Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 to 6 inclusive were called and passed.

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

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

THE LEAVE PASSAGES (AMENDMENT) ORDER, 1982

Order No. 10 was called — To move the passing of a Resolution to approve the Leave Passages (Amendment) Order, 1982.

SENATOR THE HON. N. A. BARROW: Mr. President, as is customary immediately after a salaries revision, this Resolution facilitates an amendment to the Order so that those who were previously entitled will continue to be entitled, and the mere increase in emoluments will not cause any additional entitlement on Government.

It is perfectly straightforward, Sir, it happens every time there is a salaries' review. The actual pay goes up. The categories that previously enjoyed leave passage

entitlement are not intended to be affected, and without this Resolution they might be affected.

I beg to move, Sir, that this Resolution do now pass.

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

RESOLUTION TO APPROVE THE FIXING OF THE RATES OF SALARY AND ALLOWANCES OF THE POSTS OF THE PERSONAL STAFF TO THE PRIME MINISTER

Order No. 4 was called — To move the passing of the Resolution to approve the fixing of the rates of salary and allowances of the posts of the personal staff to the Prime Minister.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, this is the first of three Resolutions on which I expect there may be some debate. I do not know when the debate will start, Sir, but just let me say that this Resolution results from a decision that, whatever level of increase is applied to the Public Service, the same is applied to other employees of Government and Ministers, Parliamentary Secretaries and parliamentarians. Everybody is in the same bucket; therefore, the personal staff to the Prime Minister falls to be treated no differently.

There are two points, however, which I would point out and, if necessary, I can go back to the previous debates and show exactly what the relativity was in the sixties, but I do not believe that would be necessary.

The Personal Assistant enjoyed a grading equivalent of a Senior Administrative Officer and there had been some change and that office is now restored to the same position it was in previously. The Press Secretary was formerly graded with the Senior Information Officer, but somehow in 1980, instead of being placed at the same salary level of \$25 500, it was placed at the unique point of \$25 308, which is a difference of \$192 a year or \$16 a month. What is happening is that both of them are restored to their former gradings.

As to the increases in salary, they represent \$108 a month. As to the travelling allowances, they represent 31 per cent increase, which is that applied to all officers, career public servants and political officers alike.

I beg to move, Sir, that this Resolution do now pass.

Mr. PRESIDENT: It is proposed that the Senate concur in this Resolution. Senator McClean.

SENATOR A. W. A. McCLEAN: Mr. President, I would like some information regarding the basis on which it was determined that 31 per cent was the appropriate increase for travelling allowances. Presumably, senior civil servants had increases in travelling allowances, and if we did the arithmetic, as we are told, it came out to 31 per cent, but it is not evident to me that the increases they got was necessarily on a percentage basis; that that was the formula applied.

So, I am just asking whether the senior civil servants did get the increase on the basis of a formula which said that they should get 31 per cent or if they got the increase on the basis of some other formula which, at the end of the day, represented 31 per cent increase on what they were getting before. That can be a point of some substance later on.

Thank you, Mr. President.

Mr. PRESIDENT: Senator Greaves.

SENATOR E. E. GREAVES: Mr. President, I just want to make a short contribution to this debate. We are looking at a matter relating to an increase in salary and travelling allowance to the Prime Minister's Personal Assistant and Press Secretary. These are basically political post.

I just want to say that I and certainly Senator Hall, I think I can speak for the two of us, will be voting against these increases right down the line, because we see no justification, given the present economic climate in this country, for them. I will have my say a little later in one of the other debates.

But one of the things which I want to raise here relates to the Personal Aide or Personal Assistant, as it is now called, to the Prime Minister. I, as far as I am aware, do not think that he is a public servant in the strict sense of the word, and I do not think that I therefore have to follow the practice of submitting the name of the Personal Assistant or the Personal Aide, or whatever name he is called, before the debate indicating that I want to mention him in the debate.

As I understand, Sir, this post is — well, I am not even sure if it is vacant, but I suspect that there is somebody performing the job of Personal Assistant to the Prime Minister and my information is that this job is being performed by one Glyne Murray, who is the Public Relations Officer, in his substantive position, at the Board of Tourism, who applied for leave to go to the University of the West Indies, was granted leave from the Board of Tourism, without pay, I believe, for two years and who somewhere in August of this year wrote to the Board and asked for permission to take up a position in the Public

Service for two months. Permission was granted and the Board was subsequently informed by the Cabinet Secretary that the Prime Minister had decided to extend the acting appointment for the balance of the two year period.

Now, I am saying, Sir, that this is immoral. I am saying that this is immoral for a person to be employed by one Government agency, get leave from that Government agency and take up a job in the Public Service, getting the full salary and getting time to go and study at the university when other public servants are denied the opportunity by the same Government to get leave to go and complete their degrees or to complete their studies.

As a matter of fact, there are cases of people who have had as much as 16 years in the Public Service who had to resign in order to complete one year that they needed for the completion of their degree.

I am saying that that is immoral, and any Government that can sit down and countenance that kind of behaviour is a Government which does not deserve the confidence or the support of any right thinking person in this country.

The facts, as I have outlined them, Mr. President, are true as John 3: 16.

Mr. PRESIDENT: Just a minute Senator Greaves — just for me to follow the debate properly. You mention "Board" but I am not sure what was the "Board" you spoke about.

SENATOR E. E. GREAVES: The Board of Tourism.

Mr. PRESIDENT: Just try and make it clear.

SENATOR E. E. GREAVES: I said the Board of Tourism, Sir.

Mr. PRESIDENT: You did not say it. You said "the Board".

SENATOR E. E. GREAVES: Well, I am saying that I said the "Board of Tourism", Sir. If you want to dispute that you can check the record. I said "the Board of Tourism", because I know what I said.

Mr. PRESIDENT: All right, don't make an unnecessary fuss. I want to be clear what Board you are talking about — the Board of Tourism.

SENATOR E. E. GREAVES: I tell you I said "the Board of Tourism."

Sir, I am really grieved that we have really reached this very low level of behaviour as demonstrated by the Government, and that is why when people complain about the growing immorality in the society, the drop in standards, all of these things that are going wrong in the society, I am saying that this Government is setting no standard of behaviour. It has no principles, operates by no moral deadlines, and that is the reason why we are getting a lot of the problems we are encountering in this society — when you get that kind of behaviour.

I am saying, Sir, that I think it is a very sad day that we find in this country that a Government can behave like that, and I want to say that this situation is something which we in the Democratic Labour Party are very much opposed to and we cannot condone, and, as I have indicated, we certainly will be voting against this Resolution.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON N. A. BARROW: Mr. President, if I am to respond to Senator Greaves presumed point, in the first place they are not voting against the Resolution because we cannot afford it in the present economic state of the country — and the evidence which he has adduced in relation to the current economic state of the country is about Mr. Glyne Murray.

I am accustomed to Senator Greaves saying, “I am going to state this very clearly.” I wish some times that he would think as clearly as he seeks to state things. Senator Greaves knows that it is absolute nonsense to talk about not supporting, not voting for something in the context of the economic state of the country when the cost to the economy of all the parliamentary salaries, not just the two or three people involved here, is such as to have no economic impact.

He can make his notes, because if he proceeds in the same vein for the rest of the afternoon it is going to get really warm in here — really warm.

The other point which he wants to make is an undisguised personal attack on Mr. Murray.

And just let me say one thing, Sir, because the point is that the logic of Senator Greaves' comment is not opposition to these increases, the real logic of his position is that he opposes the increases to public officers, because that is where the cost is. If you want to talk about economic impact, that is where you will have to look. But the union, when it speaks through Senator Greaves, speaks, sometimes in a rather weird voice.

If you want to make an economic point, you have to oppose the \$25 million not the two and a half cents.

But, of course, it would be political suicide to do so; therefore, you look to where there seems to be some political mileage. And in the belief that there is political mileage in opposing — what do you mean — I have not even worried to total the figures. It is so simple. Any child can total the figures. In fact, Senator Greaves could total the figures if he tried.

But let us deal with Mr. Murray; I want to deal very bluntly and directly with the point. If the Prime Minister wants to appoint a Personal Assistant, in the same way as when Mr. Errol Barrow sought to appoint a Personal Assistant in 1963 and thought I was a very fit and proper person and he invited me to take the job; in that same way the Prime Minister in 1982 is unfettered in whom he shall appoint to his position of Personal Assistant. He will decide who is the person in whom he can repose the kind of confidence that must exist in a relationship which has, essentially, to be very close.

When in that capacity I cease to enjoy the relationship of mutual confidence, I left the job and I believe that Mr. Glyne Murray is a man of the same kind of moral fibre and would leave it if he ceases to enjoy the same atmosphere of mutual confidence, which must exist.

It is not an appointment to be taken lightly. You do not everyday look at a position of the importance and appoint drunkards like Glasgow. When that was done, the office lost all respect in this country.

You don't go and take Horatio Cooke out of the Public Service, as was done during an election campaign in 1971, and ask him to act. If anything is immoral, that is immoral.

Mr. Glyne Murray, who is on leave and getting no pay from the job, is as free to take the position as anybody else, with the permission of his Board — and he sought that permission and got it. Had he done it without the permission of the Board, that would be immoral. Had he been encouraged by the Prime Minister to do that, that would be immoral. Did the Prime Minister ask the Public Service Commission in 1971 whether Horatio Cooke could function as his Personal Assistant? I put it to you that he did not, and that that was immoral.

Senator Greaves will come in here and have us believe that we do not have a situation in which the Public Service is replete with examples of people holding one office and functioning in another.

As a matter of fact, within my own Ministry, I have three Senior Community Development Officers; one is on a consultancy with ILO, one is with Skills Training or

another agency of the Ministry of Labour, one is with the Child Care Board. All three posts are filled by acting persons and I complained about the fact that this means a certain amount of disruption. But we all recognize that where public officers are concerned, we should do nothing to block their progress, and therefore people are seconded and seconded — in my view, sometimes too much.

What we are talking about here, Sir, is whether the Tourist Board should look at the position and decide whether in the circumstances it should allow its employee to continue in its service or say, well it looks as though you are not coming back to us and therefore we ought to terminate. That is the only question, and that is for the Tourist Board to carefully consider and decide on, and not to drag it in here as though there are questions of morality involved. What morality is involved if a man is offered employment which he can do and which the circumstances suggest that he ought to take.

I believe, Sir, that, while we are discussing all of this, we must understand that the same way I can talk about three Senior Community Development Officers, any Assistant General Secretary of the Barbados Workers Union is in a position to talk about countless moral cases of a similar nature. That is what we must understand. But he will not zero in on them if they involve public officers because there is no political mileage to be got from that. But in the world of cheap political advantage in which we live, and in which some people seem permanently to belong in that world, they are going to pick out someone, who cannot defend himself because he is not in here, and attack him, when, if you look at the facts, there is absolutely nothing wrong with the arrangement.

I make bold to say that in any arrangement of this sort, the following elements have always to be present, whether the arrangement suits the person's employer and his temporary or prospective employer. Those are the two people. Basically, that is what it is. But Senator Greaves knows very well that, in these relationships where people have to work closely together, it is impossible to have an arrangement which does not lead to all sorts of friction, enmity and rivalry unless the two key people enjoy each others confidence.

That is why not only will the Prime Minister be very careful in choosing someone who he puts in that post, but that is why within the Barbados Workers' Union as soon as you begin to get too near to the top, you get cut down, Sir.

The question that the Senate concur in this Resolution was put to the Senate and agreed to, the Senate dividing as follows:

AYES: SENATOR THE HON. N. A. BARROW, SENATOR THE HON. O'B TROTMAN, SENATOR MISS J. CLARKE, SENATOR ST. C. HOWELL, SENATOR K. ROUSE, SENATOR J. E. D. WILLIAMS, SENATOR J. C. W. WICKHAM, SENATOR THE REV. CANON I. McK. JONES, SENATOR C. D. SEALE and SENATOR L. A. WARD — 10

NOES: SENATOR E. E. GREAVES and SENATOR W. W. HALL — 2.

RESOLUTION TO APPROVE THE SENATE AND
HOUSE OF ASSEMBLY (REMUNERATION
AND ALLOWANCES OF MEMBERS)
ORDER, 1982

Order No.5 was called — To move the passing of the Resolution to approve the Senate and House of Assembly (Remuneration and Allowances of Members) Order, 1982.

SENATOR THE HON. N. A. BARROW: Mr. President, I believe that Senator Greaves had a little warm up and I believe he should be getting a little limber to come in now for the attack, but I am still not going to complicate what is a direct, simple and straightforward matter.

In 1978, when there were increases in the remuneration and allowances for Members of Parliament and for Ministers and Parliamentary Secretaries, this Government made it clear at that point that it was going to stand by the principle that a relativity ought to exist between the salaries paid to career public servants and the salaries paid to political officers. We are all public servants, Sir, some are career public servants and some are political officers.

We accept the principle today, as we accepted it then, that in the same way that there must be a review of salaries and other emoluments for one category periodically, that in that same way there should be a review for the other category. There seemed no better time to do the exercise for one than at the same time you are doing the exercise for the other.

If we were wrong in 1978 in deciding that, then that was the time for the debate to take place, but if you read the parliamentary debates, Mr. President, you will find that such utterances as were made by the Opposition Democratic Labour Party, through its representatives in Parliament, always had a peculiar thing about them. They were usually free of any contribution from the Leader of that party, the present Leader of the Opposition. The gentleman has managed, as a general rule, not to be there when salary increases were being debated in Parliament. This year, however, that was not the case.

I can go back to another year when it was also not the case. I can go back to the year 1967, when the new

legislation — in those days it used to be done by a Bill — was being passed and when the Leader of the Opposition, then Prime Minister, was handling the matter himself. Then, we find that he laid the basis for the increases in a very interesting way, because he laid the basis by pointing out how long they had gone without an increase, hence why he now had to catch up in a very substantial way.

He also made reference, Mr. President, to the relationship between ministerial salaries and the salaries of Permanent Secretaries. I quote from page 143 of the Official Gazette for the debate of January 31, 1967. This is after all the argument:

"The present Bill, therefore, is the first attempt in this direction since we have had the two salaries revisions, one in 1961 and another in 1966. Before the year 1961, the salaries of Ministers were higher than those of the highest officials in their Departments, which are the Permanent Secretaries. Since 1961, the Permanent Secretaries, with the exception of the Cabinet Secretary, have been enjoying salaries in excess of those which are now granted to Ministers.

"After the proposals submitted to the Cabinet by Mr. Gardiner-Brown on the remuneration of Ministers, to evaluate between the salaries of the Ministers and the salaries paid to civil servants, the following salaries have been recommended for the approval of this House as set out in the Bill itself."

This, Sir, is the sober reasoning of the then Prime Minister, and I say "sober" because I am comparing it, Sir, with the rambling nonsense which he has spoken on the present salary increases, where he says that there does not have to be any relationship whatsoever between the salaries of politicians and civil servants.

When he was in charge, Sir, he was making a different point. Senator Greaves has talked about morality? Look inward, Sir. Morality? This is the same speech in which he is emphasising it is definitely against the rules of the Constitution that any Minister should be engaged in any private business whatsoever and therefore a Minister is now a full-time Minister in the service of the island.

Sir, some of my colleagues would have me comment that even though he was saying that, he could not look within his party; but that is not my point. My point is that he was making the point which directly defeats the nonsense he talks today, when he says that the Permanent Secretary should get more, but not the Ministers.

There are times when we have to stand up and expose people, and that is what I propose to do in the

course of this introduction. My introduction on this, Sir, can last for both Resolutions. It will be whether the Opposition has the gall to get up and repeat the foolishness that has been talked outside after I have sat down. That is what is going to be significant. No doubt, an attempt will be made. I do not suppose if you are hard of head you can be taught by ten easy lessons.

I have been carefully reading the comments made and I have absorbed the comments, and I note, Sir, that reference is not easily made in this country to things which could easily embarrass people if those things have to be researched a little bit.

But the colleagues, Senator Hall and Senator Greaves, I do not believe that they are really in this. I believe they are being carried along because the last two senators that took a different line up here from the party line as laid down and decreed by you know who, those found themselves in the balance and found wanting — and it was Christmas time. I am reminded it was Christmas time, so I do not expect that we are going to be treated to any displays of courage from the Opposition benches, but they have made great play, Sir, of two things, give the money to charity, that is the \$108, and give the increase in travel to the party — significant, Sir.

In the first place, when they take the travelling allowance and give it to the party, I wonder whether they are prepared to stand up and complete the sentence and say that there is a limit of \$4200 a year for contributions to your political party and, therefore, if I give money to the party and it does not exceed \$4200, as a Member of Parliament I can then get a tax benefit.

If I can give away a few tax free dollars and claim a tax benefit, I must not be heard to come outside and tell people that I have done something noble for them. You are getting a tax benefit and you are giving it to the party because the cost of running a political party has increased. You only have X number of members in Parliament, you only have a few people to share the burden and you, therefore, want to make a contribution to the party coffers to keep the party in business. Do not come in here and tell people that you are doing this big wonderful thing as a mark of progress. You are doing it as an act of political survival.

All of us keep the party, Sir. We give 10 per cent of our pay to the party. We have to keep the party going. If we do not finance it, who is going to finance it? All of us must keep the party going. That is a fact of politics.

Therefore, Mr. President, when the Opposition is making this big empty gesture to the public, I would like them to tell the public, just like a doctor would contribute to a professional association and get tax relief,

I contribute to my political party and get tax relief, and I am increasing my contribution to the political party by an additional 31 per cent in travelling allowance. You are not refusing a single thing; you are investing in the future continuation of your party.

The other thing, Sir, is the \$108. Now, Sir, I believe that, at a certain level, the \$108 works out at something like \$1.40 per day. I do not believe that anybody in political life who is getting \$108 is going to carry home half of it, and I believe, Sir, that, whether on the Opposition benches or the Government benches, you know the speed in which \$50 in your pockets can get removed. You do not even see it; it does not even reach the bottom of your pocket before it is gone already.

When you decide to give the \$108 to charity, you have not decided anything, Sir. This is dressing, window dressing, to try and make you look good. Christmas is coming up and so you are trying to pretty up the house; but I wish they would get some better quality curtains. All of this big lot of thing.

Now, Sir, this is why we have to look back a little. I believe the Prime Minister recently made the point that when, in September 1976, he ceased to be Leader of the Opposition, his total emoluments were then \$15 600 and it is fact that the present emoluments of the office of the Leader of the Opposition are now in excess of \$47 000.

Now the holder of the office has not been heard from, not in the school of refusing money, until today. When, Mr. President, the 1978 revision gave the largest increase of 192 per cent to the Leader of the Opposition, we did not hear about charity; it went to the "home charity". Sir, the Leader of the Opposition had \$9 000 of salary, that went to \$26 340 in salary; the Leader of the Opposition had \$4 800 in duty allowance — he no longer called it a duty allowance — but he got \$4 800 in entertainment alone and another \$4 200 in travelling. Sir, neither the Party nor charity heard of any of that. Move up in 1980, the biggest increase again went to the Leader of the Opposition. He went from \$26 340 in salary to \$33 000, an increase of 25.28 per cent. One allowance went from \$4 800 to \$5 760, and the other moved from \$4 200 to \$5 460.

I believe, Sir, that with an increase at that level, the Leader of the Opposition could have afforded to be charitable, but there was no charity in him, not at that time. But give him \$108, which is \$1 296 a year — it is too small; I do not want it.

Now Senator Greaves would know that the increases given to other members in the Other Place, from whence he came, were of a rather more modest order, like \$7 200 a year in salary going in 1978 to \$12 000. That is 66 per cent, which is \$4 800 more. I admit it is not an in-

crease from \$9 000 to \$26 000, which is an increase of \$15 000, an increase of more than \$1 200 a month, and therefore they were not in the same position as the Leader of the Opposition, but it is a substantial increase, it is 66 per cent; and if you look at 1980, they went up modestly by 23 per cent, from \$12 000 to \$14 760.

Mr. President, do you mean that in all this time the Leader of the Opposition and his cohorts in the Other Place found no place in their hearts for charity? This is the first salary increase, I believe, Sir, that we have had since the legislation allowing a fairly liberal claim for contributions to party. I would need to go and look back at the date of the legislation, but I believe, something tells me I am right, that it was in the 1980 Budget, that one, for the first time, heard the idea which emerged in the Select Committee of 1978 carried forward so that you would get contributions to your political party up to a certain amount tax free.

In other words, the very first opportunity the Opposition has had since, in any salary increase, to increase their claims against that provision in Income Tax relief is now. They did it with a lot of fanfare, but if they had legislation in 1980, I believe they would have gone out and said we do not think we really need all this money, we will give some to the party, too.

I believe there are few examples of hypocrisy that can compare with the actions of Opposition members in doing this. I am not saying they are hypocrites. I just like to know, if you look at the conduct, what else could compare if you apply these standards.

The point I want to make, Sir, is that it is not only under this Administration that increases have been sizeable. Increases which Members of Parliament got were fairly significant. Admittedly, those which the Leader of the Opposition got far outstripped any body else, and the only time since this Administration has been in that he is refusing his money is the only time on which he did not get a significant increase.

But be that as it may, when I refer to the 1967 debate, we do not need to go back too far to remember what salaries were like. The point I am making is that in 1967 there was some increase in salaries, and then in 1969 there was another increase in parliamentary salaries.

I am making this point, Mr. President, because another fashionable argument by some members of the Opposition was that, when they had increases, they had big increases because they did not have increases every time the Public Service had an increase. That would have to be before the Democratic Labour Party assumed office, because fairly soon after the Public Service increase, they used to come for an increase. So, in 1967, there was

an increase; in 1969, there was an increase and in 1973 there was an increase.

Sir, in 1967, the Prime Minister went to \$16 800 and in 1969 he went to \$24 000, so we are talking about real increases because that is as close to 50 per cent as makes no difference. I do not know if the reason it was not refused at that time was because the then Prime Minister is the now Leader of the Opposition, because the record is quite clear on the subject. At no time when the increase was substantial has that gentleman been heard to refuse it.

Ministers were given in that year \$13 200 for the Attorney-General and \$12 000 for the other Ministers, and in 1969 they went to \$16 800. I do not need to go right through all of them because I have enough to indicate that there were fairly sizeable increases and they came fairly often.

In 1969, just let me start with that one, the Speaker received \$9 600. He, apart from the Leader of the Opposition has been the biggest beneficiary of the increases over recent years, since 1976. The Speaker has gone from \$9 600 in 1969 to \$40 104 in 1982, and here we are talking of virtually full time office.

I believe, Sir, that every member who ought to know, particularly former members, will admit that the first time that we have found the Speaker's office being used on a full time basis, and the administration of Parliament is there to be done, has been with the present Speaker. He does not have time, Sir, to be a consultant. But I mention the Speaker; I can go to the Deputy Speaker.

Ordinary members, from \$4 800, have gone to \$16 056 in 1982. The Leader of the Opposition from \$6 000 has gone to \$34 296. This is information, Sir, that, if my friends do not want to dig out, Sir, we will share with them. They might not like to see it but it is there.

So, when we deal now with this argument about not accepting an increase, what is the logic of that position, Sir? Are we to say, as the editorial writer of the Nation said, that it would have no impact to refuse the money, but it would be a gesture? Are we in serious politics? Are we in serious business?

I am talking, Sir, at some length on this not because I believe the case has to be made that if you are doing any kind of work, then you have to be paid. Senator Greaves preaches that every day of his life except when he looks across at the other side and sees a Government, because Senator Greaves, much as he would not like to make political salaries a political football, is, in his present circumstances, unable to follow dictates that he

would otherwise follow. He has other dictates to follow, Sir. Senator Hall knows that, too.

(SENATOR W. W. J. ALL: What?)

SENATOR THE HON. N. A. BARROW: Senator Hall wants to know what he knows, Sir. I am not God.

So, Sir, we have a situation in which the real hiatus came in 1976. That was the year when the decision was taken not to go for an increase in political officers' salaries. That was when it was done. When civil servants' increases came in 1966, there was, in 1967, salaries increase for the politicians; 1969, 1973 — each time.

Now, Sir, you hear the high priests of hypocrisy telling you that you are not to do it this time, and yet, their Leader, when in 1967, he introduced the Bill for a change in salaries, was so full of talk about Permanent Secretaries pay having outstripped Ministers' pay and this and that, the logic of the position, Sir, if I understand what he was saying in January, 1967, if he understood it and if those around him understood it; the logic of the position was that we should keep the relativities going. And they did it then, they did it in 1969, they did it in 1973.

We restored it in 1976 and restored it in 1978 and we have kept it going since then, and will continue to do so. We do not believe, Sir, that there is room for doubt that every man and woman and child in this country understands that those who work are to be paid. Politicians are no different.

I think that we can responsibly lift this whole argument out of where it has been pulled down to if we recognise a uniformity of practice, stop the nonsense about absenting yourself and coming back and saying that I was not part of it, they voted me increases, stop the grandstanding by giving away \$108 to charity when in fact, you are not giving away anything, stop making a devious contribution through the back door to your political party, when you know very well that when you give money to your political party, if it is not in excess of \$4 200 a year, you can have a tax allowance.

Those are the things you must do and, having done that, we can then argue not about whether the principle should be applied, but what principle there should be; because there are people who will argue that perhaps the correct principles of relativity have not been established. There are people who will argue that. We are satisfied with the relativities as they exist at the present. But if you want to get into that argument, Sir, then get into that.

But, really, Sir, it is petty, it is spiteful, it is in poor taste, it is cheap, it is political trickery to stand up here

or any other place and argue that, because of the political office you hold, then, you ought not to be remunerated along the same lines as other people are being remunerated who are paid from the same source.

If we had said a cash settlement of \$108 for everybody and gave ourselves \$110, there could be argument. It would be nitpicking, but there could be argument. Where you take the identical increase, then I cannot, for the good of me, see, Sir, what sense there could be in the argument.

There is no point talking about the state of the economy unless you are going to state how these salaries are going to impact on the economy. That is not only foolishness, it is merely cheap verbiage.

There is one other point I want to deal with, Sir. I may as well deal with it before I sit down because it relates to the question posed by Senator McClean, which I had intended to answer and it slipped me to answer.

Apparently, the whole business about travelling allowances was something that first got misrepresented as being allowances for politicians only. The allowances, like everything else, Sir, are negotiated. I have never seen the formula and I have been informed, and, indeed, the public has been informed, that a motor car of a certain size is selected and a number of factors including duty, Consumption Tax, the cost of the car, the cost of gas and spare parts, oil, *et cetera*, depreciation factors, a whole number of factors are taken into consideration.

But there is a set formula which has been applied for a very long time, and that formula is used not just to determine what the rate shall be for those with a fixed allowance, it is also used to determine what the rate shall be for those who travel by the mile.

And, therefore, when it is determined after an examination, after the application of the formula and after discussion; when it is determined that the appropriate level of increase is 10 per cent, it is 10 per cent that is given. If it is determined that the appropriate level is 20 per cent, then it is 20 per cent.

So, really, it is not some sort of ad hoc arrangement you come to by — it is not whimsically arrived at, there is a formula. If one wants to question whether the formula is satisfactory or not, one can do so. But, indeed, there is a standard formula to be applied.

Mr. President, as I said, from the outset I have had every intention of making one speech which could be applied commonly to Resolutions, Orders Nos. 5 and 6. It is the kind of Resolution that I would have wished, normally, to deal with in five or ten minutes and not to have to talk for so long about.

It is never my intention in this Parliament, Sir, to go back and dig up the pass and to so target people's behaviour, the public posturing, and to point out their inconsistencies, but it might be said that the ranks Tuscany had been put to flight.

However, if there is one left to soldier on, I hope, Sir, that the line taken by the Opposition in this matter is going to differ significantly from what I have seen in the Press as reported and, also I hope it would differ from what I have heard in the debate in the Other Place, because this afternoon, Sir, I really am not in a mood of treating other than intelligent statements with any kind of tolerance.

I move Sir, that this Resolution do now pass.

Mr. PRESIDENT: It is proposed that the Senate concur in this Resolution. Senator Greaves.

(Asides)

Mr. PRESIDENT: I have to propose the Question before you are allowed to speak. I caught your eye, Senator Greaves, and if you do not wish to speak, tell me.

SENATOR E. E. GREAVES: Mr. President, I certainly want to speak on this Resolution. I would not let this pass without my having some say. I would want on the outset to say that Senator Hall has asked me to say that he, unfortunately, has had to go to a funeral; one of his work colleagues is dead and he has to attend the funeral. He was hoping to make a contribution at the very outset, before he left, but Senator Barrow went on and on talking and I listened to what he had to say, which I must confess was not particularly convincing.

We are talking about a situation in 1982. Senator Barrow spent a lot of time going back into the 1960s and producing arguments for situations which obtained then. I do not propose Sir, to go back to the 1960s, but, like him, I would want to indicate that the time has come when people have to be exposed, and I would want to refer to what I said just a few minutes ago, where immorality and hypocrisy must be exposed.

I want to refer to the Bible of hypocrisy and immorality, the 1976 Manifesto of the Barbados Labour Party. I am also going to refer to a debate in the House of Assembly at page 6726 and we will hear the High Priest of 1976, of immorality, speaking.

(Asides.)

SENATOR E. E. GREAVES: Yes. You want me to withdraw that? His name is the High Priest of hypocrisy?

Yes, Sir:

"You must understand that no Barbados Labour Party Minister of Finance will be granting any increase in Ministerial or other salaries".

Ponder those words carefully. Maybe, that was the punch which we probably missed. Ponder those words carefully Mr. President.

"I do not have to say that they will get them in 1978 or they will not get them in 1978. I do not even have to say that they will never get them."

Now, we come to the Manifesto of the Barbados Labour Party, which the party went to the people with, and where at page 2 a very clear statement was made. It was indicated, and I am looking for the exact place in the Manifesto, that the party would not be granting increases — sorry, on the bottom of page 2, top of page 3 — and they talk about integrity and immorality in Government:

"Again, as a matter of principle, no salary increases will be voted by the Members of the House of Assembly except after an intelligent review by a properly qualified outside body."

The Barbados Labour Party set up a commission or salaries committee, headed by Mr. Nicholls from the Caribbean Development Bank, after a solemn promise, which was made to the electorate of this country, that no salary increases would be granted, except after a review by a properly qualified outside body.

Any reasonable person reading that statement in the Manifesto would have come to the conclusion that the Barbados Labour Party was committed to following the guidelines of any committee or commission which was set up on any particular matter, as indeed they had followed on the committee that was set up to review the boundaries as they are still following the recommendations of the Constitutional Commission and as they have followed the recommendations of the Gambling Commission.

All I am saying is that there is evidence of the Barbados Labour Party Government following Commissions which they have set up on various matters. I say that to head off what could very well be an argument to be advanced to the effect that we said we would set up a Commission but we did not say we would follow what they recommended.

But if one were to examine what was recommended on that occasion, one would find that, far from following what was recommended, the Barbados Labour Party did something completely different. As a matter of fact, such

scathing attacks were launched on the committee that it was unbelievable.

After having pledged to set up a committee, you selected the people, you set up the committee, the committee made recommendations and then they had to withstand all sorts of abuse and criticism that was levelled by the Barbados Labour Party Administration, which brought the committee into being.

We now have a situation where the Government has linked increases for parliamentarians with increases in the Public Service, a position which, when it was first enunciated by the Barbados Labour Party, was completely opposed by the Democratic Labour Party. We have taken a very strong position against that.

Again, I would want to say that I am sure that Senator Simmons would refer to maybe one of our members who took a different line on that occasion, Senator Sandiford, but I think it was made very clear that he was not at all speaking for the party, he was speaking for himself, but the party's position is very, very clear on this particular point.

We have maintained that we see no reason why parliamentarians' salaries should go up each time that public servants get an increase. Parliamentarians are not employed on the same basis as civil servants; it is a completely different kind of employment. The arguments which have been advanced to show the linkages and the relationship are arguments which I do not think any reasonable person would accept, but I would think that in these days anything goes.

Now, I want to say that if one were to examine the record of the Democratic Labour Party as far as parliamentary salaries are concerned, one would see that our party is a party which never became pre-occupied with salaries and salary increases, as we are seeing evidenced by the Barbados Labour Party. As a matter of fact, in 1973 when the last increase was granted, and when 1976 came we were on the verge of coming out of a fairly serious economic position — not as bad as it is now, nevertheless it was some cause for concern — and that was what in those days governed the kind of increases which were granted to public servants, on that occasion even although, as I said, the economic situation was not as bad as it is now, the Democratic Labour Party took the position that increases would not be granted to parliamentarians, because we felt that we had to provide the leadership, and we had to set an example to other people in the community.

If we were going to be asking people to restrain themselves somewhat, if we were going to be saying that in spite of the rise in the cost of living the Government found itself in a position where it could not grant the

kind of increase which people wanted, if we were going to ask the people working in the private sector also to show some kind of control over the kind of increases which were negotiated, then the leadership of the Democratic Labour Party felt committed, felt bound; they felt it was the just and moral thing to do, that is, that they and we should not accept or should not grant an increase to ourselves or to any other parliamentarian.

I believe that in this country, as indeed in most other countries, Members of Parliament are looked up to. They set certain trends and certain standards of behaviour. A very simple example would illustrate this. Sir, you will recall in 1971 – I am giving this as an example to show the way in which people follow the political leadership – in 1971 I remember very well that when Parliament was opened, the Democratic Labour Party set a trend in dress, the shirt-jac suit, which became, generally speaking, the mode of dress in this country. It was an acceptable form of dress. In 1976, when the Barbados Labour Party came into power, they went for the three-piece suit, which has now become for practical purposes a mode of dress in Barbados; back to the jacket and tie days.

I am not being overly critical of that. If that is their style, that is their style. All I am saying is that when political leaders behave in a particular kind of way, the people who they are leading tend to follow them. I do not follow them in that, but generally speaking people tend to follow them.

We come now to 1982 where we have had all sorts of exhortations. The Governor of the Central Bank, the Prime Minister, everybody is saying how difficult the times are. Pressures are being brought to bear on trade unions to restrain their demands for wage increases. Workers are being called upon even to forego increases for particular periods of time. As a matter of fact, you will recall at the beginning of this year the sugar workers of Barbados were called upon by the Prime Minister of this country and the Governor of the Central Bank to forego an increase for 1982 and 1983. That is the kind of standard which was set; at the very bottom, the sugar workers, the workers who make an important contribution, as I believe we all acknowledge, towards the economic development of this country.

And the sugar producers following that position which was outlined by the Prime Minister of this country, took a path which then only forced them to turn their back from, because they indicated they had no money to offer and that they were following the guidelines, or the recommendations, of the Government as far as increases were concerned.

People were being asked to make a sacrifice. That is the point. People were being asked to make a sacrifice, and people in the productive sector were being asked to make a sacrifice.

Still this year, in 1982, another important group of workers, the workers in the tourist industry, those workers who work in the hotels, in excess of over 7 000 workers, in a sector which again everybody acknowledges as a very important sector for our economy, they are being asked not to bargain for any increase in wages in 1982, which will apply for 1983 and go down to December, 1984; they are being asked to hold strain for two years.

What you are asking these people to do is to accept wages which were negotiated for them in 1980, against a 1980 background, that these should obtain until 1984. And when I say that any Government that can do that and then turn around and come and grant this kind of an increase, no matter how small it is, on salaries and the increase on travelling that they have granted themselves, I say that that Government is immoral and hypocritical.

That is what I am saying, because how can you expect people who are at the bottom rung of the economic ladder, people who are barely making ends meet or who can hardly make ends meet, people who can hardly pay back loans, whose standard of living is declining as a result of the rough economic situation with which this country is confronted – thanks to the leadership of the Barbados Labour Party – how can you ask them to restrain themselves, to put themselves in a worse position?

And you are telling me that all political leaders, who, to all intents and purposes, are among some of the best paid people in Barbados and who enjoy perks beyond recognition, cannot show some kind of leadership, show some kind of sacrifice and forego an increase, a measly increase? Are they so badly off? Are they so avaricious that \$108 a month means so much to them? I think this is cause for concern, and when I say that we need leadership in this country, this is the kind of thing I am talking about.

Unfortunately, I was not here when the debate for the legislated salaries in the Public Service was debated in the Senate, but, in reading the debate, I am really sorry that I had to be out of the country for the kind of things which I have seen in here. A number of statements have been made. I just want to refer to two of them, one from Senator Mrs. E. M. Lynch, on page 676.

Mr. PRESIDENT: Just a minute, Senator Greaves. Are you going over the debate on something which has been passed?

SENATOR E. E. GREAVES: Sir, I am going to use.....

Mr. PRESIDENT: All right, Senator Greaves you must listen to the Chair. Do not always be so up in arms when I am trying to help you. I am asking you that in

the course of your remarks — are you paying attention to me?

SENATOR E. E. GREAVES: Yes, Sir.

Mr. PRESIDENT: Remember that in the same session you cannot comment adversely on something that is passed by the Senate. Just bear that in mind and, in the light of that, make whatever remarks you can make. I am just trying to help you and keep you on the right course.

SENATOR E. E. GREAVES: Thank you very much, Sir, but I never intended.....

Mr. PRESIDENT: All right. We are good friends.

SENATOR E. E. GREAVES: Always, Sir.

Senator Mrs. E. M. Lynch, page 676, the last thing that she said before she sat down:—

"We have got to discipline ourselves, we have got to make the sacrifices necessary and we have to try to avoid having steps forced upon us which we, ourselves, cannot take."

I want to just link that, the question of discipline ourselves and making necessary sacrifices, with what I have been saying. I would hope that I will hear those similar words expressed here today.

Let us Senator the Rev. MacIvor Jones — unfortunately, he is not here — page 677, where he said:

"The cost of living is difficult not only for the people at the bottom but the people in the middle and the people at the top, too, and I feel that the time has come when we have got to make sacrifices of one kind or another."

The time has come for making sacrifices. That is the trend.

Of course, he went on to say "It is not true to say that the Government has some inimical interest against the unions," because I have heard the Prime Minister say — and these are very very important words — on more than one occasion, that, "as soon as the economy improves" — this is the killer, Sir — "we" — "we will see what we can do." That is an independent Senator speaking. "We will see what we can do."

Asides.

SENATOR E. E. GREAVES: I know. I know it is a foolish point.

One must be concerned with, as I said, the whole question of sacrifices where you are asking people at the lower rung of the economic ladder to make a sacrifice. People are expected to make a sacrifice, but the Barbados Labour Party people do not intend to make any kind of sacrifice whatsoever.

Let us look at the travelling allowance for Ministers. Most of the Ministers in the Barbados Labour Party Administration, most of them, drive a Government car. How it was done? The Government bought a motor car which was assigned to the Ministries; the Ministers get a travelling allowance and then they turn around and they use the motor car assigned to the Ministry, where gasoline is provided for by the taxpayers of this country, repairs are done by the taxpayers of this country — no expense to themselves — but they have that privilege. In spite of having that privilege, we are now talking in terms of giving them a further increase on travelling allowance, which they cannot demonstrate there is a need for.

I believe the Prime Minister has become so embarrassed on this infelicity that I seem to recall that quite recently he has indicated that he is going to regularise it, and I understand, according to a report in the Press, that Cabinet has made a decision about allowing Parliamentarians to get car loans from the Public Officers Housing loans or something like that. In that, he admitted that this was an irregularity. It is a very serious one, and when therefore, we say that we are opposed to increases at this time, these are the kinds of things that we are talking about.

I think that the Barbados Labour Party is setting this country on a very dangerous road. How can Government expect that workers would be satisfied to know that pressures are brought to bear on them in the way they have been brought to bear on them, but we do not see pressures in other areas, particularly when it comes to politicians.

I cannot agree with the Leader of the Senate that this is window dressing. Sir, this is more than window dressing; this is a very serious example which has been set. I know that it is going to have very serious implications for negotiation in the long run. There is no point in the Minister of Information saying that the amounts are so small in total that they can make no impact on the economy. That might be true. I do not think that the amounts are that fantastic that they could break this country. When I say that might be true, I do not know, because things are so bad I do not know what would break this country or what would not, but I do not think we are so badly off that these increases would bankrupt the country, but as I said, what is important in all this is the example which is set and the kind of lead which is given.

This reminds me of 1978 or 1980 when this same Prime Minister had spelt out an incomes policy, a policy of wage restraint, and no sooner had the negotiations been concluded, he came down with heavy increases for parliamentarians, and at that point said that wage restraint was off. In order to justify giving parliamentarians the kind of increase which he was proposing, wage restraint was

off. Well, this time it would seem to me that we will have to follow that same position — wage restraint off.

All I am saying is that it is very difficult for me to support this kind of measure from two points of view, from a political point of view and from a trade union point of view. I cannot support it because, as I said, we have to be dealing with negotiations every day, and, contrary to what a number of people in this country think, unions do practice a considerable amount of restraint in terms of their demand. If the Barbados Workers Union were not around, I do not know what would happen to this country, because we have in the first instance to battle it out. Senator Williams will tell you this.

Mr. President, when Senator Williams comes from Cable and Wireless for an increase, they do not come for 5 per cent or 10 per cent, they come for 50 per cent and 60 per cent, and you have to knock it out of their heads that they cannot get that. We have to spend weeks dealing with them in order to knock them into line to get to a position that we then believe we can argue and represent.

Asides.

SENATOR E. E. GREAVES: He is the President, the chief cook and bottle washer.

This same thing happens with other categories of workers, but this is what we have to do. Nowadays, people are asking what do you expect us to do? How can you be telling us we cannot get any increase and the Prime Minister and parliamentarians are voting themselves increases? This is a real situation, and, as I said, I do not want to hear any argument as to how small it is this year. I am saying that the Government owes it to the country, the Prime Minister, Senator Trotman, Senator Griffith, the Ministers, Senator Barrow owe it to the country to set an example.

The Democratic Labour Party took a position. They give away their increase, a commendable position.

(A VOICE: I give away more than that every month.)

SENATOR E. E. GREAVES: We all give away more than that. I think, Sir, that, contrary to what the Minister in introducing this matter has said, this is far from being a simple and straightforward matter. I think it is very sad for this country that we find ourselves to be battling on this issue. This should never be the case. The Government should never have gotten so drunk as to bring this legislation here. This could only come from people who are intoxicated with power. I have made my point; Sir. There is no way that I would support this.

Senator Barrow, now I see him come back in here, said that Senator Hall and myself cannot vote other than as directed by the party. Sir.....

SENATOR THE HON. N. A. BARROW: On a point of order, Sir, that is not an accurate statement. What I said, Sir, is that there are other dictates which Senator Hall and Senator Greaves would normally follow; but, this time, there are certain dictates which they have to follow and therefore, they cannot vote for it.

SENATOR E. E. GREAVES: It is the same thing, only different; the same thing.

I just want to say that Senator Barrow, Senator Trotman, Senator Linton, Senator Miss Clarke and all of those senators represent a political party and I have never seen them voting against the political party yet, or any decision which the political party has made.

I have had the distinction of voting against my political party — that is a matter of record — and on more than one occasion, and on a question of salaries too. I have had that distinction, a distinction which nobody else in here can claim.

(Asides.)

SENATOR E. E. GREAVES: Maybe, yes, but not on a serious matter. That was a slight matter, not on a serious matter of principle. I have had that distinction.

I want to say that I understand how political parties function. I understand that when a party makes a decision on a particular matter that there are people who are put to represent the views of that party, and I want to say that I have been put here by the Democratic Labour Party to represent the views of the Democratic Labour Party; and if I feel I cannot represent the views of the Democratic Labour Party, I will tell the Democratic Labour Party, "I am sorry, I cannot represent your views" and they will find somebody else to do it. I will not be like some other people. I would tell them find somebody else to do it. So when I come here, I am representing the Democratic Labour Party, because I have been put here to represent the views of the Democratic Labour Party — and I have nothing to be embarrassed about that, nothing to hide or feel ashamed about. I feel proud of that.

But I would like to see these senators and I would like to see.....well, I had better not go down that road.

Mr. PRESIDENT: I thought just now when you made your point, you said you were winding up.

(Laughter.)

SENATOR E. E. GREAVES: Sir, I have started back up again.

(Laughter.)

(ASIDE: Reserve time.)

(Asides.)

SENATOR E. E. GREAVES: This is a serious matter. These senators might turn this into a joke.

Mr. PRESIDENT: You still have Estimates coming you know.

SENATOR E. E. GREAVES: I am here making a serious point. I am very serious and these senators are turning this into a joke, Sir.

(Asides.)

SENATOR E. E. GREAVES: Do you want to say that you have not got any increase?

As I said, I am really very concerned about this and I have indicated before that we certainly cannot support this. I am sorry that Senator Hall is not here. I do not know if he will get back before the debate is concluded but he will try to. As he said at the outset, he had to go off to another commitment.

But, from the point of view of the Democratic Labour Party, we are unable to support this Resolution for an increase in salaries at this time. We believe that it is a time which calls for sacrifice. It is a time which calls for leadership. It is a time that the members of the Barbados Labour Party should really show that they have the interest of the people at heart and not themselves and their pockets, because this is what it comes out to.

Thank you.

Mr. PRESIDENT: Senator McClean.

SENATOR A. W. A. McCLEAN: Mr. President, during his address Senator Greaves quite rightly pointed out that Ministers of Parliament and Ministers of Government are looked up to. I would also like to suggest that they are looked down on within our community, and part of the reason for this is the efforts of Opposition parties through the years always to try to malign the Ministers and Government and so on, and, indeed, the effort on the part of Ministers to malign Opposition members. It is about time that we lift our politics to a higher plane and

disagree on points of principle, not as a matter of course or matter of principle.

I think that this debate both here and in the Other Place on the question of the increases in salaries is an example of an instance where the Opposition is seeking to make capital mileage out of a matter which essentially, does not have the kind of import that they are trying to give to it.

This is not to say that there are not fundamental questions which can be raised about certain aspects of the Resolution before us, and I, indeed, intend to ask a few.

But I would strongly like to suggest that the time has come, and, indeed, has long since come, when parliamentarians must try to conduct their discourse at a higher level and stick to principle. The Opposition should not just see itself as seeking every opportunity to see if they can say something which could influence the public, because such influence would only be transitory. You must influence people on a sound basis in terms of the essence of your performance, not by catching them because you feel salaries is a sensitive issue and you are going to do all sorts of things.

I would like to direct attention to what could possibly be issues. They are not all issues in my view, but they could possibly be issues surrounding increases for Ministers and parliamentarians. The first thing would be the level of the salaries proposed in the Order. I would think that if you look at the specific salaries indicated in the Order, and you ask yourself whether these are too high for the Prime Minister, Deputy Prime Minister, other Ministers, Parliamentary Secretaries respectively, quite evidently people would give their own answer and reasons why they support that point of view; but I would think that, from the point of view of the relationship to other salaries in this community, the salaries stated here are not excessive. From the point of view of what one would anticipate the normal financial requirements of the Prime Minister, Deputy Prime Minister and Ministers, again they are not excessive. I do not think they can grow rich out of these salaries and so I do not myself see that there is much that one can argue about in terms of the level of the salaries.

The next question is a matter of the timing of the increases. There has been some suggestion that they should not get the increases at this time; not that the increases are inherently excessive or wrong, but they should not be granted at this time. And what is the point here?

It is suggested that they should kind of set an example. Set an example to what effect? The proper

example that we want to be set in the context of Barbados is that the Government has been retarding salaries too much. So, if they want to set an example to follow next year, it should be an example to suggest that they should give civil servants some more money next year. I will get on to that a little later. So, the question of setting an example, I do not think is a substantial point.

The point that the Prime Minister should forego \$108 a month taxable, I believe he is in the 78 per cent tax bracket. It means it will be \$32.40 a month and, likewise, the other Ministers and so on, and if they do this they would have set an example. I think if they did that and proclaimed it as an example, I would call them hypocrites.

Applause

SENATOR A. W. A. McCLEAN: So, basically, I do not think there is much opportunity in the context of increases in debated salary to set any example by way of restraint.

Again, the increases were said to be granted in accordance with the principle which the present Government has articulated, which we can perhaps challenge, and which, indeed, the Leader of the Opposition and, perhaps, the entire Opposition has challenged, that you should more or less index Ministers' salaries with salaries of senior civil servants and when one gets an increase, the other should get an increase.

I, myself, see nothing wrong with such indexation. The only thing that could be wrong is the question of relativities and I do not see anything wrong with the existing relativities, and if you really had to go into it, it may be that the Ministers salaries might be a bit on the low side.

Very often when we look — talking about Ministers' salaries — and I have a normal inclination to do it too; it is a normal inclination to look at people and say, "Should he be working for more than me?" And the answer comes back, "No". But you should not look at it like that; you should relate it to the office of the Minister. Should the office of Minister carry salary and emoluments at a certain level? I would think that, in those terms, the levels in Barbados, the relativities, are appropriate and are, indeed, not at all generous to the Ministers. Not that it should be generous to the Ministers, but I do not think you can say that Ministers in Barbados are generally overpaid in those terms.

So as far as the question of the timing, the point is made that the timing is associated with the principle of indexation, so to speak. And I would think that if anything is wrong with the timing, it is that it is too late.

This Order should have been here the same very day as the other Order for the civil servants, and then I believe we would not have had as much quarrel now. Given this distance in time creates a problem. I do not know why there was a delay. All I can think is that, maybe, the Prime Minister, or Minister of Finance, was considering whether or not he should give the increases, and probably anticipating the types of things that have been going on, and maybe because of that, this led to the delay which occasioned the great opportunity for the talk.

So if there is anything wrong with the timing, I think it has come a bit belatedly. Of course, this should be modified in the context of the fact that they don't think that the civil servants have received their back pay yet and all that kind of thing. I do not see anything particularly wrong with the question of timing and setting an example.

The other thing is how these increases, and indeed the increases for the civil servants who enjoy travel allowances — most of them are senior, but some perhaps not so senior — how their increases compare to those of the middle income servants who do not get any travel allowance, who only got the \$108. I would think basically that what has happened is, that the middle has been hardest hit, and that, I think, is not particularly to be desired. I usually go back to the school teachers as my reference group who are the typical middle-income public servants, and those people are bombarded from all sorts of sides and in all sorts of ways already, and I believe the increases for the Ministers, compared with the increases for school teachers, would suggest that the Ministers have gotten a rather more substantial increase.

Remember, school teachers drive cars too. They do not get a travel allowance, but they have the same maintenance expenses and everything, and if the situation is such as to warrant increases in travel allowances now of that magnitude, you should translate that into what is happening to the budgetary situation of the middle-income civil servants who has to maintain a car and who is only getting the \$108 increase, and who was confronted with all of these different levies a year or so ago.

So, in that sense, I feel a little bit uncomfortable not so much with the increases for Ministers per se and the idea of indexing it, but the increases for the senior civil servants, too, with travelling allowance at this time. If you can only give \$108 on basic salaries to people who do not get any travelling allowance, travelling allowance should have been deferred, meaning that everybody can only get \$108 more than what they were getting before. But it did not go that way.

The other question is the principle of travelling allowance for Ministers. It is a common knowledge that

Ministers are to be seen driving around in publicly-owned vehicles and there is a general belief that they are at their disposal, let us say, 24 hours a day. In other words, some people feel that there is only a substantial difference between the Prime Minister and other Ministers in terms of access of public vehicles. This may not be so; I do not know. It may be that they only have restricted access to these vehicles. But if it is that they have unrestricted access, even, perhaps, if you might say that the overall set of perks, when quantified and so on, might not put them into an income bracket which is unreasonable, the mode of doing it is not — it is not what you do, but how you do it, right? And there are some people who sometimes refuse to accept certain payments which they can get because those payments were created on some type of dodge and they do not see it as a legitimate form, and they would not want a payment in that guise.

I am saying that if you get a travel allowance in the context where you do not necessarily have to use your own car, that might be a bit of a problem. And it may be possible that you can have a situation where a Minister can have the option of a car or a travelling allowance, access to a Government car or a travelling allowance. I do not see any reason why all the Ministers should not have Government-owned cars and so on, but I, myself, am a bit uneasy about their having access to cars and having a continuing unrestricted access to the extent that we might not even be aware that they maintain their own car, and have the travelling allowances.

I received an indication from across the table that the civil servants got their travel allowance increase in July 1981. This has cleared up something in my mind because I was wondering how it slipped me, that I was not aware of this travel allowance increase arising out of the recent revision of the \$108. I said, well, this is something which was slipped under the table somewhere along the line.

But that does not entirely clear up the problem of the relativities and so on. One would have now to ask questions about what is the level of the civil servants' travelling allowances vis-a-vis those of the Ministers when the relativities were established and so on. It may be that the Ministers had theirs in 1980 vis-a-vis the 1981 one, but I do not know. Right? These are things which might double back to you. This is why I asked the question earlier about the relativities, about the formula, whether what they got was 30 per cent of what and how do we know that? It implies the 30 per cent for the Ministers, too. We do not know what base we are starting from or how we got around that base.

I would like some information on, let us say, what the Permanent Secretaries get by way of travel allowance vis-a-vis what the Ministers get and that may help me around the problem. Because if it turns out that they got theirs in 1980, but they are only getting \$8 000 or

\$5 000 and the Ministers are getting \$12,000, it may be that they were catching up in 1981 rather than going ahead. That is another possible area of concern.

Now the other thing is the question that some people seem to want to raise the economy, these people are feathering their own nest in spite of the condition of the economy and so on, and we come to the question of the capacity of the economy to pay the increases.

It is quite evident that, from the point of view of the overall Government expenditure and so on, these increases are trivial, so that point does not arise in that way. But I would still like to hang something on it — the question of what is going to happen to the public servants next year?

We know that the Prime Minister and Minister of Finance has gone on record in saying that the situation is under review and if the economy improves they will get more. But I am saying that if they do not get more, the economy will not improve. You see, part of the reason why we have recession to the extent that we have is because the purchasing power of the workers in this country has been eroded and they cannot buy as they used to buy to maintain the businesses that rely on their custom, and those businesses have to contract garment industry and everything else. And if we go into 1983 and down the line and public servants, who are a significant portion of the work force, do not get any increase, and then the private sector follow the example of the public sector and do not give the people any increase, you will find that the purchasing power will decline further and we would really be moving in a situation where the economy is contracting.

Government would not be better off, because the tax base would be eroded, and even if they come then and try to increase taxes to recover, that, too, will push us further down by virtue of the same contracting of disposable income and contract the tax base more, and there is no way that Government is going to get back into a balance budget position until people start to work for more money. It is as simple as that. Any type of dodges you try outside of that is only going to push you further down.

I am saying that, from the point of view of sound economic management, you have to raise salaries, and from the point of view of the welfare of the people of this country, you have to raise salaries next year. I would think that if you were looking for examples, that the example is that Government would be inclined to want to raise salaries next year.

That, basically, Mr. President, is the contribution I would like to make on this Resolution.

I thank you.

SENATOR THE REV. CANON I. McK. JONES: Mr. President, I just have a small contribution to make to this debate, and I do not believe it will find favour with a lot of people, but I still intend to make it.

I heard what the Leader of the Government's Business has said in the Senate today, and I do not think you could fault his logic, but I believe that the Government of the day would have been pleased if nobody wanted any salary increase at all this year. That is the impression I got from many pronouncements I heard from time to time, and read in the papers, but there was no chance of a wage freeze, there was pressure from the Unions and the Government had to do something about it. In the end they did something that exacerbated many of the Unions, they legislated salaries and they gave a \$25 per week increase across the board, \$108 per month, as far as I remember.

However, I think it is true to say that, as has been stated by the Leader of Government Business, this was a principle arrived at in 1978 when it was said that if you are raising public officers' salaries, parliamentarians' should be raised at the same time, and so on, and so forth. Nobody seemed to have argued against it then, so it is quite logical that nobody should argue against \$108 across the board.

This, I understand, now also includes the 31 per cent travelling expense. What I have never been able to understand, and I still do not understand, is why if certain Ministers of Government get a Government car to drive free, why should they have a travelling expense at all? If you can get a car free, at least you should be able to keep it on the road. All the others of us have not only to get the car but keep it on the road, so that travelling expense that goes to these people, to my mind, I do not think is fair. If you get a car, and a lovely car too, given to you by Government from taxpayers' money, the least you can do is put gas in it. That is my personal feeling.

To me the whole question is more a moral question than an economic question. I do not see how parliamentarians, who are considered to be servants of the people, can be asking people to hold strain and then when they look and see how they are living, what their life style is like, it looks like they are not holding too much strain. Then, you are also given an increase in travelling allowance, and I am thankful to see that this is not true, but I read in one of the papers that they had got an entertainment allowance too, but I understand that is not true now.

However, it would seem to me that if y are servants of the people that example is better than precept, and I think that somebody has got to set the example. We are living in these days of recession, and I do not think that any parliamentarian would really miss the \$108, I do not think so. Even if he got \$108, as we heard already, out of that he cannot take home more than about \$40 or \$45, so that does not make much difference really, and it would seem to me that in that position, the Government would have done much better by refusing to accept that increase.

Although they realised that, logically, it was correct because the principle had been established that if the civil servants go up they go up too, that is okay, but as the Good Book says, all things are lawful but all things are not expedient, and I do not think this is expedient. The logic may be cold and calculated and almost ruthless, but I think it is sociologically insensitive and misguided.

That is my personal opinion, and I think that the people who are leading the Government should set a nobler example than to sit and receive this money and then try to defend it on logical and economic grounds. In my view, it is not an economic problem, it is a moral problem. That is all I have to say.

SENATOR D. A. C. SIMMONS: Mr. President, until about ten days ago I had a lot of sympathy for the position just enunciated by Canon Jones, to the extent that I made my feelings public that I was going to vote against these allowances, but now that they have been published and I have had discussions with the people in Government, letting them know how I intended to vote, I cannot say that I am still of the same view, that is, in terms of my ultimate vote, but I have still and will always have the same disquiet that Canon Jones has just expounded, and to a lesser extent one or two points made by Senator Greaves, that at the level of principle and moral posture it is all well and good for the Government to have a logical position, but I have felt for many years now that the Government does not have its ears close enough to the ground, or if it has, being inundated with people with legal training, it has adopted a view that the other side has a case, we have a proper defence. The result is that, from a public relations point of view, the Government has always, since 1976, been seen to be reacting, to be on the defensive.

Other people come and make the running, put blows on the Government, and then they have to scramble to defend, from a position that gives the public the impression that they are not really being entirely sincere. Whereas they could come from the beginning and make the statement themselves, be it on the IMF or on this, come out and say what the position is and then let the Opposition defend or come to respond. The Government continually makes this mistake of letting people make running for it and then it finds itself having to defend.

The view of the average person in the street, the view of people in very big businesses in Barbados is that there is no quarrel with the \$108, the Government is not doing any better or any worse than the ordinary civil servant, be he messenger or whatever, but the concern is about the 31 per cent on the allowances. As I say, the Government's position is that in 1978 the principle was established, not by the Government unilaterally, but with the concurrence of the Opposition, whose case was put by Mr. Sandiford, that whenever civil servants get an increase the Ministers and people in Government are to get an increase.

I would just like first of all, Sir, in my contribution, to refer to the debates for 1978, Part II, page 1563. Mr. Sandiford began by saying that contrary to what Senator Greaves is saying, he was not making a personal case, he was speaking on behalf of the Opposition and he said:

"Let me make my position clear as I made it clear last Tuesday. I am in favour of an increase for parliamentarians. The Advocate-News reported me quite accurately on that. I do not see why this particular debate should be transformed into a tongue lashing and a battering of the Press".

Then later on, he goes on — there was an intervention of another debate — at page 1582, and says:

"I am saying first of all that there should be an immediate acceptance of the principle that Members of Parliament, as workers in public affairs, should automatically get an increase when other members of the public service get an increase. That is the first recommendation I am making.

I am advancing the view that the salaries of Members of Parliament form but an infinitesimal amount of the total wages and salaries in the Public Service, and that to say that the Members of Parliament's refusal to take an increase will contribute significantly to the improvement in the economy is farcical," — (that is something for the DLP) — "but politics being what it is, you will always get politics played on this particular matter."

There is no doubt that there was consensus on both sides that in the future after 1978 that parliamentary salaries and those of civil servants should be tied, when the one got an increase the other should. But there has been precedent and this is where I think the Government has erred in its public relations on this matter.

In 1977, December 6, and I quote from page 1592 of the same debate, words used by the Prime Minister in 1977, he said this on December 6, 1977:

"Mr. Speaker, we have to make a sacrifice. It is a fact that the Government has invited workers in Barbados to accept a policy of wage restraint, and I am going to announce here and now that the salaries of parliamentarians will not rise during the immediate period of wage restraint, as an example to the country and as an example to the public. As Minister of Finance I am stating that I am not prepared to make more money available at this time despite the incontestable case which Ministers have for a wage increase. I believe it is a sacrifice we must and will make to show to the public that we are politically serious in these matters."

Now, if in 1976 and 1977 there were periods of economic difficulties calling for wage restraint and the Prime Minister found it necessary then on December 6, 1977 to hold down, unless he is going to come now and say, well, things have either changed in December 1982 or are likely to change in the immediate future, I see no reason why, supportive of what Canon Jones have said, he could not have held down in the same spirit as he enunciated on December 6, 1977.

But I am told that despite all of that, despite all the history, despite the example in 1977, what has happened — and if this is so I would be glad if Senator Barrow will make the point in his reply; I have not seen it expressed in the Press because it may be favourable to the Government; certainly nobody in the Opposition has said it — I understand that when the civil servants got their last increases, Ministers and Members, who would be entitled to these increases, did not get theirs and, in fact, have been holding strain for eight or ten months.

If that is so, the public of Barbados deserves to know, from whoever is responsible for the public affairs of the Government, best of all from the Prime Minister, that it is not to say we, speaking as Ministers not me, I would not be one of them; that we members of the Cabinet have not drawn and, in fact, we have been holding down for ten months. We have held the strain. What we are now paying ourselves is the same \$108 which, as Senator McClean has said, works out at \$32 a month, and that is neither here nor there. You go to a dance in your constituency and you spend three times that on a Saturday night.

You must come out and tell people this. We have held strain for ten months and what we have done is just to pay ourselves the same rate as the others. If I have made the point, I would be glad if we could get the necessary publicity, because it is something out there that the people are talking about. They are saying why should Ministers ask for money now? Why should they get \$108? Well, if they have been holding strain and others

have got, then they have set the example. I think that takes care, to some extent, of the moral position.

Sir, as to the travelling allowances, I do not know a thing about them. I did not even know how much money I used to get in the House until once I checked to see that what the return to Barclays Bank was \$708.67. A.M.P. used to get that!

I do not think the country now is concerned about the level of remuneration which Members of Parliament get. I think that the public understands now, in the words of the Prime Minister, that there must be paid the rate for the job.

It is all well and good for Senator Greaves to have said that the Democratic Labour Party was not pre-occupied with salaries and salaries increases. The basic reason why between 1973 and 1978 there was no increase in salaries was that those were years, certainly up to 1976, of negative growth in the economy of Barbados. That was one of the reasons. That was the principal objective reason why there was not an increase.

(Asides.)

SENATOR D. A. C. SIMMONS: Okay. From 1973 to 1976, Sir — I will rephrase it — there was not an increase, and the reason for that, objectively determined, was that the economy was in a period of negligent growth.

I would not be uncharitable, but if I say that they did not need any increases, there is no doubt in anybody's mind that the Democratic Labour Party Government, particularly in the years 1971 to 1976, was full of corruption, and what they were not getting legitimately through the public purse, plantations were being cut up and houses were being contracted to people who were not painters and all kinds of things. That is a matter of public record.

I will also say this, that the then Prime Minister never took part in any debate concerning salaries; not even in 1978 when he was in the Opposition. He had two habits — not to get involved in debates concerning parliamentary salaries but to draw whatever salaries were voted; not to get involved at sub-committee meetings of Cabinet, which were to deal with the subdivision of plantations into four acre lots, but to go away for the weekend and leave Mr. Talma and Mr. Joy Edwards to pilot them through. Those are two principles that he adhered to.

As far as the situation in 1982 is concerned, I am satisfied that the Ministers and Parliamentary Secretaries, and whoever are entitled, are being paid reasonable salaries in relation to what they have to do.

Senator Greaves spoke of following a Commission Report, and that, far from following the Nicholls Commission Report, the Government in 1978 decided to legislate its own salaries and so on in defiance of Nicholls.

Sir, that is not true. The Manifesto correctly said that there would not be an increase of salaries until after an enquiry by an independent salaries commission. The Nicholls Commission was set up, and the Nicholls Commission was a commission that was totally blinkered in its concept of what was involved in being a parliamentarian, especially in the Lower House. If it were left to Nicholls, Nicholls would have paid you on an attendance basis. You go into the House of Assembly on a Tuesday and you get so much for that, and that would be it.

The proposals made by Mr. Nicholls and his team had the effect in 1978 of recommending for ordinary M.P.s a salary of \$800 a month, so that the only people in the Public Service who would have been getting less than an M.P. would have been a messenger in any Government Department and at one time an Indexer of Parliament. That is the level with which people in this community view the role and the remunerative capacity of an M.P. It did not move me at all, because I did not depend on it. I never used to see it. But it is that kind of concept that would lead, ultimately, to parliamentarians having to resort to corruption, graft and all these things if they are not being paid a rate that one hopes would take them outside the likelihood of succumbing to graft and corruption.

When a commission is set up by a Government, the recommendations of the commission are not binding on the Government. In England, you have Royal Commission Reports all the time. Take the Royal Commission on Companies, the Gedge Committee Report in 1945 or the Jenkins Committee Report in 1962. The Government of Britain did not follow and implement every recommendation of these commissions. Those that were workable and sensible were implemented.

Similarly, with Nicholls. There were parts of Nicholls that could have been followed and the Government followed them. There were other parts that would have made a nonsense of the whole thing and the Government just could not accept it. There is nothing wrong with that.

The Opposition's stance today is a little bit disquieting when one recalls that one of the few persons who submitted written memoranda to the Nicholls Commission was Mr. Cameron Tudor, who I still believe speaks for the Democratic Labour Party, even though Mr. Errol Barrow does not read his articles. He told me so at a funeral, but Mr. Cameron Tudor still speaks for the party, and Mr. Cameron Tudor recommended in 1977 to the Nicholls Commission that the Prime Minister in those days should have been paid that \$50 000 a year.

What was happening in 1978 is that the Permanent Secretary was getting \$34 000 a year as compared with a Minister who was getting \$24 000 a year. We had to make a decision, either your Permanent Secretary is going to get more than a Minister or the Minister is going to bear some reasonable relationship to his Permanent Secretary, and since then there has been this principle of relativity, as it has been called, and now the two are close, I think with the Minister slightly ahead of his Permanent Secretary.

The point has been made by Senator McClean that, on the question of salaries to parliamentarians, the whole thing has been treated as a political football, the whole thing has been one that is full of inconsistency, pregnant with hypocrisy and bursting with humbug. The Opposition has never refused to accept an increase in salaries. In these same reports in 1978, Mr. Taitt said they had accepted the established principle that parliamentarians must be paid, but now, because they think they can gain some political mileage from it, they are proposing – I did not even read the details of it, but it made little sense to me – to give away some of the increase.

I do not care where they give it or to whom they give it. You see, between 1973 and 1976, there was an increase in parliamentary salaries, and I am sure that the people who voted for the Democratic Labour Party and for the Barbados Labour Party in 1976 did not think one iota – indeed, it was not an issue when they voted out the Dems in 1976 – nobody really thought, you know, three years ago these fellows refused to pay themselves better salaries and have been holding down for three years. It was not an issue.

Senator McClean is absolutely right that the constant recurring of these debates and the kicking about of parliamentarians is only helping to reduce the status of parliamentarians in the eyes of Barbadians. When parliamentarians complain that the people out there have no respect for them, and particularly those down in the Lower House, we have always allowed ourselves to be treated as worthy of being kicked about by the public.

I do not believe that anybody in Barbados could feel happy to know that Mr. Reynold Weekes, who gave 27 years' service to this country, is drawing a pension of just in excess of \$600 after all that, and they would walk about and curse him and say you were not anything, they never made you a Minister. You have to put up with all these insults. Those who are in it are welcome to it. They will not get that chance at me again, not to kick me about.

Mr. President, I wish to say I hope this is the last time, and I feel that the Government can contribute to it, that parliamentary salaries and allowances will come

under the kind of hypocrisy or hypocritical fire that has attended these increases in the last couple of weeks.

There are members of the Opposition who will tell you that when they were in Government they pleaded to be well treated by the then Minister of Finance. They will tell you he was only concerned with himself to the extent that, up to two years ago, members of the Democratic Labour Party were running behind the present Prime Minister begging him to make things better for them in terms of their pensions, because they could not persuade the present Leader of the Opposition when he was Prime Minister. They should not be in this position.

This has no right, we should not be in this position, Sir. Let us stick to a principle and try to achieve some kind of non-partisan approach to it and let the public know, and explain these things to the public. The public is not being told. This is where half of the trouble is. We still blame the present situation on the Government's public relations, if they have any. That is where it is.

I would like to hear Senator Barrow on the question of the travelling allowances, which approximates to 31 per cent, having regard to the fact that Ministers do in fact have – some of them – access to motor cars. How does this square, because I do not think in statutory boards, not that I am complaining about Ministers or anybody in statutory boards, but if you get a travelling allowance, then that is to take care of everything connected with the running of your car for the particular job that you are doing in the corporation.

If a Minister has a private car, as well as unlimited access to an MP car, one of these MP cars, or ML; if he has access to them, how are these allowances worked out? Are these reimbursable allowances? If they are, we are entitled to be told. What about chauffeurs?

I know one Minister who does have a chauffeur, sometimes, to drive him to work, and when the civil servants got their increase, he came to the Minister and said that the civil servants got an increase, therefore his wage for driving should also be increased – and he was able to quote the Deputy Prime Minister that that was since 1978. So the public out there is on the ball, Sir.

I would like to hear how it works out in practice. We small fry, Sir, do not know about these allowances and how it works out.

But I would be happier to revise my earlier intention of voting against this, Sir, and support it, because I think it has been shrouded with too much hypocrisy and, even though I blame the Government on its public relations in this matter, I do not think bad public relations is enough to impel me to vote against the Government.

I am obliged to you, Sir.

Mr. PRESIDENT: Senator Wickham.

SENATOR J. C. W. WICKHAM: Mr. President, I had proposed to make a short speech on this debate, but much of what I wanted to say has been said so effectively already that I am left with only one particular point. It is in response to the Leader of the Senate, to some extent, pooh-poohing of the gesture, regarding gestures as unimportant.

I am afraid I cannot share that view. I believe gestures are supremely important. You, yourself, Sir, every time you enter the Senate through that door, you are subjected to a formality, a kind of gesture. When people leave their chairs, they perform a kind of gesture. The gesture has no real meaning or significance; they could presumably walk out of the House without bowing to you; but I think we would lose a great deal of the effect of Parliament if we were reduced to that crudity and you, yourself, would find that the office you hold has not been treated with respect. Gestures are supremely important.

I would want to take that point a little further and to say in this debate the contribution of the independent members of the Senate, the contribution of all members in fact, could not have been possible unless we understood what the Senate means.

Now, there are some among us, some who gave evidence to the commission, which looked at our Constitution, that the Senate was of no use, and, in fact, this whole debate is an example of that. There is nothing that we can do to stop this legislation. We can talk until we are blue in the face and it will become law nevertheless. Yet, it would be silly to think that what we say has no effect. The mere passion with which the cases have been argued shows that somebody has been listening to us, and especially to those people who have no party allegiance.

So the wisdom of a Senate, in my view is supremely vindicated by the level, quality and content of this debate.

Thank you, Sir.

Mr. PRESIDENT: Senator Seale.

SENATOR C. D. SEALE: Mr. President, Sir, a lot has been said on this Resolution, and I just want to make a small contribution.

I support the Resolution. It is my opinion that Ministers, and especially the Prime Minister, is grossly underpaid, Sir. Sir, I have had the privilege of travelling on

two occasions with the Prime Minister, and the workload alone in travel is enormous, Sir. Sir, I doubt the public of Barbados fully realise the harassment, the frustration and the criticisms that Ministers, and especially the Prime Minister has to bear, Sir.

I recall, Sir, that the former Prime Minister, after about 10½ years in office, took a holiday for three months to recharge his battery. I do not get the impression that they have come fully up to charge yet.

(Laughter)

Sir, I am not making a plea for any increase or anything like that, Sir, but I would like to let the public of Barbados know that my salary, as Chairman of the Barbados Development Bank, my take home pay, Sir, is something like \$7.03 a day, \$49.21 a week, less than the legislated pay for a domestic maid, Sir, and I am expected, Sir to buy at least two filing cabinets a year to keep the papers, the private papers of the clients of the Barbados Development Bank. I am also expected to receive numerous telephone calls every day. I am expected to interview clients all the time. I am expected to travel free, I do not know, maybe fly to BDB, and not to get any funds for that, Sir. And I am also supposed to be a Director of a number of the companies which the BDB have in receivership. Sir, for this I get 90 cents an hour, Sir, and I get a lot of criticism too, Sir.

Sir, a lot has been said about travelling allowance today, but I think we better bring that into perspective. Sir, that travelling allowance is really only a tax free allowance. Let us be honest about that. And the time has come when the Government should give the Ministers, just like Directors in companies in Barbados, a free car, Sir, fully serviced. And not only a car, Sir, a chauffeur as well to take them around, because if you take a study on the time wasted to run and park a car and do all of that, Sir, these are busy people and I feel that they should have a chauffeur as well, Sir, and that travelling allowance, should be moved out of that arena and put as a duty allowance, whatever you like, or add it on to the salary.

Also, Sir, I do not think that the rise, if it is followed from the civil servants, is anything to worry over, because \$600 a month, roughly, to maintain and to run a car is not that high, Sir.

Sir, I agree, also, with Senator McClean that all these salaries and what have you ought to come out of the political arena. These things should be really here legislated and passed as one block vote. We should be here saying we are raising the salaries and the emoluments for Members of Parliament and what have you from \$2 million to \$2 500 000. We should not really be

out saying the Prime Minister is going to get \$100 000, this man is going to get \$4 000 and \$8 000.

I can only hope, Sir, that, in the words of the Prime Minister, when the economy improves and there is more money coming around, that a better look would be taken and the same Ministers, Sir, and himself would be better looked after.

I thank you, Sir.

Mr. PRESIDENT: Senator Ward.

SENATOR L. A. WARD: Mr. President, a lot has been said on this as has been said before, but I just would like to make a few comments, Sir, and that is that the \$108 a month that it is suggested to increase the salaries by is not a big increase on salaries that range from \$16 000 a year to \$63 000 a year.

When you look at the salary of the Prime Minister and the Deputy Prime Minister, and other Ministers, these salaries compare very favourable with salaries of top executives that I know about. And those top executives, Sir, in my opinion, do not carry any more responsibility; in fact, I am fairly certain not as much responsibility as the Prime Minister and the other Ministers of Government.

So as far as the \$108.00 a month is concerned, I am in total agreement with that, Sir. But I also agree that the timing of giving this increase is unfortunate, when other people are asked to hold strain and then something is done along these lines. That is the unfortunate part of it, Sir.

As regards the travelling allowance, the 31 per cent sounds extremely high, Sir. But as Senator Seale said, that looking at the quantum of money that is now suggested to be paid, I am not saying to Ministers, Sir, because theirs are very much higher, but the other people, the Chairman of Committees and Leader of the Opposition and so on, and other Members of Parliament, \$7 152, the \$600 a month, Sir, is considered in commerce and places that give motor cars to be about the value of a free motor car to an employee.

So, Sir, although I agree with Senator Jones that this is an unfortunate time, and I have heard a lot of criticism about asking other people to hold strain and then salaries are being increased at the same time, in spite of that, Sir, I feel that, with that one reservation, I will support the Bill.

Thank you, Sir.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, there are a couple of points that I will be raising in the course of this debate, which I cannot allow the debate to be closed without adverting to.

In the first place, Senator Simmons belabouring the point about Government's public relations, for which I am responsible and, therefore, I think I get his message.

Since I was not here at the vital time, as you all know, I am not in a position, Sir, to say whether the public relations of Government at this point were handled well, badly or not at all. Therefore, I would have to take the opinion of a former broadcast station Chairman — if he says it was handled badly, it was handled badly. If he says it was handled well, it was handled well.

As I understand it, however, a great deal of attention on the debate was centred not on the business of salary but on the business of the increase in the travel allowance, and, as I understand it, the impression which people were given by the first publicity in the Press was that this was an increase in the ministerial travelling allowance.

May I point out exactly what it is since there still seems to be some doubt. There are officers in the Government who travel and are paid on a per mile basis and there are a few officers in Government who have a fixed travelling allowance. Whether it is a fixed travelling allowance or it is a travelling allowance on a per mile basis, the unions and the Establishments Division negotiated and came to a decision, and that decision has been applied across the Board, with one exception.

Last time, as far as I am aware, that there was an increase in the travelling allowance, I believe everybody, including Ministers, got that increase with effect from April 1, 1980. This time, the negotiations took place, and all of the career civil servants got their increase with effect from July, 1981. Ministers and other political appointees are the only people to my knowledge whose increase dates from April 1, 1982. Those, as I understand them, are the facts.

Now, as to the point about restraint. We can put it any way we want it, but I would like to know what anybody in here who accepts \$108 per month of increase is doing but exercising wage restraint. If you could tell me, Sir, what that could represent but restraint, then I would like to know what it represents. I cannot understand how it can be wage restraint for a public officer to be paid \$108, but for a Minister, who on any percentage payment would be paid more in money terms than the highest paid, the Permanent Secretary, if the Minister gets the same \$108 and, therefore, a pittance in terms of their take-home pay; if he gets the same \$108 as the

lowest paid public officer — if it is wage restraint for the lowest paid public officer, what can it be for the Minister? I mean, let us be reasonable about these things. I do not really understand what it is we are talking about.

I come now to Senator Wickham's point about the gesture. It is not that I am saying gestures are not important and I am sure Senator Wickham understands that I do not make that kind of point. I am making a point that the newspaper organization with which he is associated called for the refusal of the \$108 as a gesture and I said that that kind of gesture would be an exercise in hypocrisy, and I will say why, and I am talking about that particular gesture.

In 1966 — Senator Simmons missed a very important point — the point is that, with the Democratic Labour Party in office, the wage increases came after the election. So you had the public officers in 1966, but the political increases came in 1967. You then had another increase in 1969 and, after the public officers settled in 1972, you had another increase in 1973. The public officers next settlement was in 1975, and in 1976 there would have been a salary increase but for the fact that it was an election year — and it was this Government that took the decision in 1976 that there should be no salary increase and that is instructive in relation to where we are today, because, in fact, there was in 1976 as strong a case for increases as there would ever be. This is when we are referring to Ministers of \$24 000 and Permanent Secretaries of \$34 000, and this kind of thing.

The effect of the decision not to have an increase in 1976 did a number of things. It was that that disturbed the relativities. That is the point we have to understand. Secondly, it imposed a great deal — people do not like to say these things — it imposed a great deal of personal hardship on those members of the Cabinet who had just taken office, particularly in view of the fact that, if you applied it at a personal level, you had now taken into a Cabinet a number of men of a lot of earning power who had overnight to adjust to an unrealistic wage.

The point is not the earning power that they had before, because that makes it difficult or not difficult at a personal level, but the fact that you were then paying Ministers of Government at a level which is totally unrealistic by the standards of any country.

I am making the point because we have to appreciate what words like "gesture" and so on mean in 1982. There was absolutely no thanks given by anybody for this terrific gesture of 1976, and this was more than gesture, because this hurt. It is a point I think we have to consider. As a matter of fact, the effect of foregoing an increase in 1976 was the amount of abuse that was heaped on people when the increase of 1978 came. I think we should cast our minds back and remember that.

That is why I say, and I feel this personally, it is not a matter of just representing anybody's point of view, this is a position which I hold, that in a case like this where in fact the increase means nothing to you, it is better to take the increase and not disturb the relativities than it is to say we are going to make a gesture, and when you analyse the gesture it will neither bring you credit generally, nor can it have any meaning to the public purse or to the man in the street. It cannot have any meaning. In other words, Mr. President, I am making a distinction between gestures that are meaningful and gestures that are meaningless. Senator Wickham and I will have to disagree on this. I will consider this a very meaningless gesture.

I cannot in all conscience stand up here and tell somebody that if I refuse to accept the \$108, or if I give \$108 to charity, knowing very well that its impact on my pocket is \$40 or \$50, whatever it is; I cannot stand up here and tell you that I am doing this great thing for the love of the people and for this and for that, because I know very well that, when I do it, it is the kind of gesture that is empty and that is meaningless. That is what I am talking about.

Those were the points which I thought I should deal with, I generally did not want to prolong the debate in my reply. I hope I have not left outstanding a point which could affect anybody's thinking, but just let me very briefly state that even though I am aware, and when I dealt with this matter right at the opening I tried to be extremely thorough, and I was, I believe, aggressive, it is not because I have ever subscribed to the view that this is a matter that should be made a political football of. I have on record speeches in which I have said that it is time to stop making a political football of this whole business of salaries. But as I said at the outset, it was time to strip some matters, some people very bare, because the only way in my view that we are going to stop making a political football of this issue is if we are prepared to point to people's line of conduct and to see how they behaved when they were on the other side.

If it will give Senator Greaves any comfort, both parties have been at fault in this respect, and I said two years ago and I said four years ago, it is time that we grew up and it is time that we dealt with the thing in a straightforward and simple manner. This is not an area in which you can gain any lasting political advantage, so it is not even worth demeaning yourself by continually dragging this matter into the political arena.

The question that the Senate concur in this Resolution was put to the Senate and agreed to, Senator E. E. GREAVES voting in the negative.

Mr. PRESIDENT: Do you wish your vote recorded?

SENATOR E. E. GREAVES: Yes, Sir.

Mr. PRESIDENT: Record that Senator Greaves voted "No". The Senate has concurred in this Resolution.

RESOLUTION TO APPROVE THE MINISTERS AND
PARLIAMENTARY SECRETARIES (REMUNERA-
TION AND ALLOWANCES) ORDER, 1982

SENATOR THE HON. N. A. BARROW: Mr. President, when I introduced the last Resolution, Order No. 5, I stated then that one speech would be used to deal with both of these, since the subject matter was the same and any principles adduced would be the same.

I move that this Resolution do now pass.

SENATOR A. W. A. McCLEAN: Mr. President, we heard Senator Simmons relating to the problem of public relations and so on, and I would like to know if Government sees as their responsibility to give accurate information to make sure that people are seized with the accurate information as to what senators are to get. I am certain that the people out there are of the opinion that senators are being given \$108 a month too, and it is rather important that those responsible for public information and so on should seek to correct this.

In relation to that, I notice that senators get what is called a duty allowance and I do not know if it is a formula in relation to duty allowance as, say, with the policemen who had a problem and were threatening to demand a duty allowance, but the question is, is there any basis on which the emoluments of the senators would ever increase? Not that I am asking for one, however.

Mr. PRESIDENT: All of this should have occurred on the last Resolution.

SENATOR THE HON. N. A. BARROW: Mr. President, my understanding of the allowances paid to senators has always been a little different from a break-

down into entertainment, travelling and what not. I believe that the idea of a fixed allowance was favoured over the suggestion which seemed to run through the Nicholls Report of a per diem in both Houses, and I think it was felt that you recognised that there was a duty to perform and there were certain costs, and while it was not the intention to pay the senator a stipend, since he did not have the job of representation to do in terms of a constituency, nor did he have indeed to travel within his constituency, that there would be an allowance which would be appropriate because there are certain kinds of expenses which he would have.

In other words, it seems to me like commuting what, in the business word, certain senators would know as an expense account, so you have to draw on that first. But I think, Sir, that is what it was.

There was a time, in fact, when the allowance paid to senators was a little less. There was a time when they were not paid, Mr. President, I know, I remember those days, but there was also a time when the allowance paid was something like \$150 a month, when eventually, they did start to pay senators an allowance at all.

If my memory serves me right, I think you will find that what the senators do get for a duty allowance is probably somewhere along what a Permanent Secretary gets for an entertainment allowance. I do not know whether the relativity is intended, but for the record I will say that it is recognised that there is no increase to senators.

The question that the Senate concur in the Resolution was put and agreed to with Senator Greaves dissenting.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move that the Senate stand adjourned until next Wednesday, December 15, at 11 a.m.

The question was put and agreed to, and the sitting was adjourned accordingly.

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