

THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1981 – 86

THE SENATE

Wednesday, December 14, 1983.

The Senate met in the Senate Chamber, Public Buildings on Wednesday, December 14, 1983, at 11.10 a.m. today.

PRESENT

His Honour Senator the Honourable Sir Arnott Cato, K.C.M.G., (President);

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

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

Senator the Hon. O'Brien Trotman, (Minister of Health);

Senator the Hon. C. A. Griffith, (Minister of State, Prime Minister's Office);

Senator St.C. E. Howell (Parliamentary Secretary to the Minister of Finance and Planning);

Senator J. E. D. Williams, (Parliamentary Secretary of the Prime Minister);

Senator H. R. Linton;

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

Senator Miss J. Clarke;

Senator Mrs. M. O. Reece;

Senator E. E. Greaves;

Senator W. W. Hall;

Senator A. W. A. McClean;

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

Senator C. D. Seale;

Senator the Rev. Canon I. McK. Jones;

Senator L. A. Ward, G.C.M.;

Senator C. E. Jemmott, B.S.S., J.P.

Prayers were led by Rev. Dr. Lionel Crawford.

ABSENT

Senator D.A.C. Simmons and Senator O.S. Arthur.

PAPERS LAID

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

The Law Revision (Rectification of Omissions) Order, 1983.

Statement showing Net Customs and Excise Receipts for 2 months ended 31st May, 1983.

Statement showing Net Customs and Excise Receipts for 3 months ended 30th June, 1983.

Annual Report and Financial Statements of the Board of Tourism for the year ended March, 1983.

INTRODUCTION OF BILLS

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

A Resolution to approve the guarantee by the Minister responsible for Finance of the payment of the principal and of interest necessary for the redemption of the bond issue in the sum of \$10 million under the Sugar Industry (Support Price) Act, 1982.

Mr. President, may I also at this stage take the opportunity to ask honourable Members to come ready next Wednesday to deal with this matter, and also, in so far as it is reasonably possible, to deal with any other matter coming from the Other Place after the meeting on Tuesday.

There are a couple of compulsory acquisitions, which I presume they will take next Tuesday, and there are two pieces of legislation concerning immigration matters, one is an Immigration Bill and one is a Passports Bill. All of these would already have been circulated when

members received their papers which are stamped "Parliament".

If there is any urgency and they are through the Other Place on Tuesday, I would ask if we can take them. If there is no urgency, then I myself would have no objection to doing the sugar resolution and then letting us enjoy our Christmas lunch with greater leisure.
11.20 a.m.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, apart from Order No. 1, all the other Orders stand in my name, but, in fact, I will only be handling Orders Nos. 6 and 7. Order No. 5 falls to Senator Griffith, No. 4 to Senator Howell, No. 2 to Senator Williams and No. 3 along with No. 1 to Senator Trotman.

I do not at this stage propose to change the Order of Business on the Order Paper.

HEALTH SERVICES (AMENDMENT) ACT, 1983

Order No. 1 was called — To move the Second Reading of a Bill to amend the Health Services Act, Cap. 44.

SENATOR THE HON. O'B. TROTMAN: Mr. President, there was a time when we in Barbados used to say that Bridgetown was one of the cleanest towns in the Caribbean and that Barbados was a well-kept country.

In recent years, Sir, Barbadians have fallen off from their standard of sanitation and hygiene. The result is that we have a large number of derelict houses in Barbados, overgrown with weeds, harbouring rats, some on two feet, Sir, some on four feet, and all other sorts of nuisances. We have plots being left open, sometimes by persons who do not reside in Barbados, and they become health hazards to persons who live near these open lots.

In addition to that, one of the problems stems from the fact that in recent years, the public health inspectors, who one used to see going from house to house on an almost weekly basis, have had to be diverted into inspecting food, whether it be at places where the food is finally processed and canned or whether it is at the original farm where the animals are slaughtered. This has been taking up a lot of the energies of the public health inspectorate, with the result that there has been some reduction in house-to-house inspections. Householders, therefore, seem to think that if there is no inspection, there is no need to keep the household clean.

The purpose of the legislation before us is to strengthen the Health Services Act, as it presently exists in Section 11. Section 11 of the Health Services

Act provides that, and I will read the paragraph for the benefit of Hansard:

"Where it appears to the Minister that for the protection or in the interest of the public health any works in or on any premises are necessary, the Minister may serve or cause to be served on the owner or occupier of such premises a notice in writing signed by the Minister or by any person authorized by the Minister in that behalf requiring him to execute such work as the Minister considers necessary."

The section goes on to authorize the Minister to do the work and recover the costs as a debt due to the Crown in civil proceedings before a magistrate.

It is not considered that Section 11, as it stands, is strong enough to ensure the recovery of the expenses and it is now considered that this amending Bill, with its Objects and Reasons to require the Minister to take possession of the property and to execute the work and to sell the property, if necessary, is necessary to ensure that we can, in fact, carry out the works necessary on these properties, as well as recover the costs, when we incur the debts, as debts due to the Crown.

We have not been doing too well, quite frankly. We had a sum of \$220 000 earmarked in the Estimates for this year for debushing lots and demolishing derelict buildings and, so far, we have only managed to spend about \$6 000. So within the next few months, one should see some real signs of activity in the cleaning up of lots around Barbados, and I hope that by the end of the Financial Year that we would have done fairly well, not only in spending the sums allocated, but in making some of the lots and houses look more sightly.

Let me just give some indication as to the number of nuisances we have identified. In the south of Barbados, that is the old Southern District, we have so far identified 121 overgrown lots and 25 derelict buildings which we consider to be health hazards. In the north of Barbados, we have located 7 overgrown lots and 70 derelict buildings. In St. Michael West, we have identified 34 overgrown lots and 13 derelict buildings. In St. Michael East, there are 20 overgrown lots and 25 derelict buildings. We are monitoring all the lots and all the buildings, especially the ones which are about to fall on to the road. Indeed, some are not only health hazards from the point of view of having rats, but some of these houses, Mr. President, are about to fall on the streets and maybe damage passers-by.

With the passage of this Bill, Sir, one should not get the impression that the Ministry of Health is entering on a campaign of selling people's property. That is not the intention and I wish to assure the Senate that it will not happen. We are merely ensuring that we do have

the authority, if needs be, to recover the expenditure by the sale of the property, if no other means succeed. But it does not mean in any way that Government is about to start a programme of selling people's property for the sake of selling the property.

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

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

SENATOR E. E. GREAVES: Mr. President, I believe that all of us in here are interested in ensuring that this country of ours regains a reputation for being the cleanest country in the Caribbean, and that Bridgetown regains the prestige as being the cleanest city in the Caribbean. In short, what I am saying is that the state of public health in Barbados is the concern of all of us, and we are interested in ensuring that this is maintained.

Whereas we recognize that the Ministry of Health has been set up to look after this particular aspect of our public life, the Minister has admitted that there has been some retrogression, and, as a result, this country of ours has fast become a fairly dirty one, particularly in the city area.

I was interested to hear the Minister give an explanation about one of the reasons why enough inspections are not done on buildings and on houses. The argument which he has advanced is that the public health inspectorate is now taken up with food processing plants and other kinds of activities, and as a result they do not have enough time to do the inspection that they used to do, and to the extent that they used to do it in previous years.

It seems to me, therefore, that one of the things which we have to recognize is that if you set up an agency like public health and you increase the workload — and this comes with development — ten, fifteen, twenty years ago, I do not believe that there would have been food processing plants in Barbados to the extent that we have now — there is no point continuing to have the same provision in personnel as you would have had in the days when the duties were not so onerous. So if we have a situation where the Minister can admit that the public health inspectors have an additional duty, and they are taken up more with this now than doing the normal inspections which they used to do before, it seems to me to be a case where we ought to increase the public health inspectorate to cope with the growing demands which are made on it.

11.30 a.m.

This is not to say that we should rely only on a situation where people would only keep their homes and

properties clean because the public health inspector says so, or because there is fear that the public health inspector may come and they could possibly be prosecuted. I believe that we have to pay a little more attention to keeping places clean.

One of the things that strikes me about this piece of legislation, not that I am particularly opposed to it, is that it seems to be a way in which the Government is adopting strong-arm tactics, rather than using another approach. You have a situation where you are saying that where people do not debush, do not repair or push down the derelict buildings which are falling down, then you will go in and take over their properties and clean them up; and if they do not pay the expenses which have been incurred, then you will sell the buildings and recover the money which was spent on the particular exercise. That seems to be a bit strong and the Government seems to have adopted, in spite of what Senator Trotman has said, a strong-arm tactic in this particular matter.

We ought to be moving in a direction where we try to bring the community along with us. We have, for example, the Caribbean Broadcasting Corporation, which owns a television station and a radio station, we have newspapers in this country and we have two other radio stations. I believe that the Ministry of Health ought to embark on a concerted programme of education and use the Government Information Service to try to bring the people along.....

SENATOR THE HON. N. A. BARROW: On a point of elucidation, Sir, if the Senator will give way. It is merely to prevent him to continue in error. What I was, in fact, quietly pointing out to Senator Trotman was the extent to which the Government Information Service has done programmes emphasizing the connection between bush and rat breeding, and yet it seems to have had no effect.

SENATOR E. E. GREAVES: There is no error, we are at one. We are not disputing the matter, so I am not doing anything wrong. I am saying that you are going to have to be that much more effective. Maybe the Government Information Service ought to change its image. Maybe something is wrong with the Government Information Service. If the Government Information Service cannot get across to the public, then there is something wrong with the Government Information Service. I am quite serious about this.

I believe we ought to use whatever means we have at our disposal in the schools. People have to grow up with tidy habits. I suspect that if you go into some of the schools today, you will be shocked at the way some of the newer schools are kept. It is not only, I am submitting, the children, but it is also the attitude of the people

who are in charge. You see adults dropping bits of paper around. If they see their children dropping paper on the streets, they do not say anything. It is an attitude that we have to begin to work on, and work on seriously. I believe that if we can continue in this vein and intensify our programme, then we would have some positive results.

It is not a question of the Government Information Service doing one or two programmes; it has to be a continuous process, it has to be a well thought-out process, and it has to be properly executed. I would hope that, based on that, we would be able not to have to resort to this kind of approach. I do not think that it is the best approach.

I would hope that the Government does not see this as the only way of getting this across to people. But too often, recently, I find that the Government seems to be resorting at every stage to what I describe as strong-arm tactics. I do not think it is a good thing for a country where you want to get people involved in the whole development process and to identify with the country.

When you enact legislation like this, people tend to react and get the impression that all you are trying to do is to enact punitive legislation — we are going to punish you for this and we are going to punish you for the next. It is not good. It is a tactic which the Government should desist from.

Thank you, Mr. President.

Mr. PRESIDENT: Senator Seale.

SENATOR C. D. SEALE: Mr. President, I support this Bill wholeheartedly. However, I do think that the Government should take a lead in this clean up, as we might say. I can think of the building being demolished near our premises. It is sort of three-quarters demolished and left looking very bad. Nothing has been leveled down. A couple of weeks ago they demolished two buildings on the corner of Bank Hall Cross Road, and we see a similar thing. Nothing has been done to the area; just the building has been moved. Sometimes I think it would be good to leave the old building than to do it that way.

If we are to get Bridgetown clean and looking smart, we must cover our drains. We must go through Swan Street, Baxter's Road and Tudor Street and cover the drains and have proper sidewalks.

We must take the National Insurance building and clean it. We have to use pressure hoses on that and really clean it. We have to recognise that trowel plastic on a building in Bridgetown is not the right material to use because the dust collects. Unless Government is willing to clean its buildings every couple of months and

really show to the public of Barbados that they mean to get our country really looking smart, we are not going to have a very good programme, although this is a good step.

I would hope that the Minister would have taken the example of the former Minister of Health, and start in the area of St. Patrick, where I think he comes from. I can think about two or three derelict houses out there, which I pass every afternoon, which need demolishing and cleaning up. They have been derelict now for many, many years, and I do not think the owners would be upset if those places were cleaned. I did hear him mention areas in Bridgetown and areas to the north, but I did not seem to think that he got up into areas of Christ Church, so I am just reminding him about Christ Church East.

This is a step in the right direction, but the Government must move and take the lead and start the real clean up.

Mr. PRESIDENT: Senator Linton.

SENATOR H. R. LINTON: Mr. President, I rise to support this Bill and to make one or two points arising out of what has been said by the previous speakers.

Firstly, I want to state that I do not subscribe to Senator Greaves' view that this Bill, as it is, represents a strong-arm tactic. I believe that this Bill is intended to be used as a measure of last resort. At the moment, what happens is that where lands are overgrown with bush, the Ministry of Health sends out a notice to the owner or occupier, asking to have the situation remedied. I think it is also true to say that in a large proportion of cases, these notices are adhered to.

11.40 a.m.

The problem, as Senator Trotman said, and which, from my experience, I agree with, stems from the non-resident owners of the properties, not only in regard to derelict buildings, but also open land areas, particularly in the parishes where large tracts of agricultural lands were cut up. Only recently, a series of notices went out to the residents, for example, of Ruby Park in St. Philip, and I think it is true to say that, by and large, they complied with the notices.

It is still a fact that Barbadians try to keep their properties clean. I do not think that it could be truthfully said that their standards in that regard have dropped to any appreciable extent. I know that, generally speaking, health standards have dropped, in that you see children now-a-days throwing snow-cone cups from the bus windows, even though I understand it is now an offence to consume snow-cones on the buses. But when we talk about Barbadians keeping the premises where they live clean, I still think that we can hold our heads high so this

legislation, as I see it, aims primarily at the non-resident landowner, the one whom it proves difficult to get hold of.

I can vouch for this, because if I take a recent example, we in the National Conservation Commission have over the last year been giving some thought to beautifying the inland areas of Barbados. Hitherto, we have extended our energies mainly on the parks and beaches, hence our original name, the Parks and Beaches Commission. Now we are the National Conservation Commission, and we have started to direct our attention to beautifying the entire area.

Only a few weeks ago, when we were preparing our Estimates for submission to Cabinet, we took a decision that this coming Financial Year our Capital Estimates will reflect our concern for the maintenance and cleanliness of the environment. We propose to start with the City of Bridgetown.

We have been doing a survey to determine who owns all those derelict buildings, particularly the ones we see at the corners which are over-grown with love vines and other bush. Not only unoccupied premises, Mr. President, but very often, believe it or not, some of those premises are actually occupied. And in a large number of cases, occupiers do not even know who the owners are.

We found that where the occupiers know where the owners are, the occupiers have been sometimes threatened, sometimes blackmailed in that the owner would say to them, "Well, if you want us to repair this, if you want to have it clean, pay to have it clean yourself and still pay me my rent; or if not, get out. I will give you notice".

This presents a difficulty, because if a landlord has the duty to keep the external area of his property clean, at least the superstructure, to keep it in a proper state of repair, and he refuses to do this and blackmails the tenant by telling him if he wants it clean, clean it; and if the tenant insists that it is cleaned by the landlord, he gets notice, then we are in some kind of difficulty there.

As I see it, this legislation would assist in this area. Because in this, if a notice is served on the occupier, and I note here that the notice is to be served either to the owner or the occupier, then that occupier is under the same duty as the owner to have the premises cleaned. And if he cleans it, this will give him some standing in the law to recover the cost of cleaning out of the rents from the landlord. He can do that now, but he is faced with the possibility of being given notice.

I have not fully studied the full ramifications of the Act, but I have no doubt, from what I have read in this Act, that it will now be possible for the occupiers

to clean the premises and recover the cost from the landlord without any difficulty. They could have done it before, even though faced with notice, but now they can do it without the problems which they faced before.

So far as the educational process is concerned, teaching Barbadians to be aware of their environment, I was travelling behind a bus one day and a short jingle was coming over the radio about keeping Barbados clean — and at the same time about six to eight snow cone cups were coming through the window of that bus. I do not suppose they had a radio on the bus, unlike the mini-buses, which is a good thing to have. But be that as it may, the fact is that while that jingle was playing, the country side was being showered with snow cone cups.

As far as the point made by Senator Seale is concerned, that Government must put its own house in order, I fully agree with him. There are several areas we have come across which are actually owned by Government. I refer, for example, to that strip of land to the east, I believe, of the building which was supposed to be the residence for the Principal of the Community College, which is now in close proximity to Ilaro Court. I think that that is a disgrace.

I do not say that because the National Conservation Commission was not fortunate in winning the contract for landscaping that house, although I have no doubt that, had we won the contract, that entire strip of land would have been cleaned to the entire satisfaction of everyone. I think the area of land to the east of that building is a disgrace. Some overseas agency now occupies it and I think the first notice should be served on that.

Asides

SENATOR H. R. LINTON: No, it is next to the building which was constructed for the Principal of the Community College, on the opposite side of Ilaro Court. Some agency now occupies it. It is a disgrace to the community, and it can be beautified.

Senator Seale did not refer to Bowen's Car Museum, but that would come under this as well. We have to be very careful because, opposite Queen's Park, we are getting another car museum as well. We have to ensure that that area, in the words of the Prime Minister, an area that has a high visibility quotient, is not turned into an area resembling Bowen's Car Museum.

As far as the area in close proximity to this building is concerned, I believe that is the one in Marhill Street; I believe it used to house the old latrine. That facility was demolished some time ago and the National Conservation Commission was asked to clean up the area and develop it, and we have started to do so. We have

asked the Ministry of Transport and Works to clear it up for us and they have started to do so. Within the next three months, you will see Oleanders, and I think they also have casuarinas. It is going to be beautified next year. We are hamstrung because of a lack of finance. As a matter of fact, I could say that the Prime Minister spoke to me about that personally, and we are negotiating again on their behalf.

But on an overall basis, I would just repeat that the National Conservation Commission in this year's Estimates asked for a sum of money to be included in its Capital Estimates for the purpose of beautifying Bridgetown. We have put up a scheme. We are going to start from the City area and by-ways. We can guarantee that, within six to nine months, Bridgetown will be transformed into a garden.

Mr. President, I thank you.

11.50 a.m.

Mr. PRESIDENT: Senator Jemmott.

SENATOR C. E. JEMMOTT: Mr. President, I would like to support this Bill and, in so doing, I would like to say that, in my opinion, it is long overdue. My reasons are that formerly I used to be employed as an industrial insurance agent and this necessitated my going to nearly every part of the island to see my clients, and I was confronted very many times with the very bad condition of buildings, to the extent that I often wondered if at some time or another some person or persons would not be injured by them.

Only a year ago, I observed that the Town and Country Planning Department, I think it was, had to destroy one somewhere in the Cave Hill/Lodge Hill area. It was part of a wall building and it was coming over to the road, and they, I was told, had to destroy it for the safety of the public.

I think in Barbados, with our sanitation and conservation, or whatever you like to call it, nearly all of us are to be blamed for the conditions which we find not only in the badly-kept buildings and unkept buildings, but, in general, the general health and environment of our country. As Senator Seale mentioned the Government, and I think Senator Greaves mentioned other persons, I am going to mention here that Government, the community in general and the merchants also have contributed very much to the bad environment and the garbage on the highways of our country. If you want to see the conditions on a Saturday afternoon after the town is closed, just go into Swan Street, and possibly Roebuck Street, and you will see the conditions.

It would surprise you to see the bad way in which some of the householders keep or dispose of garbage. It

is not in the lower bracket; it is who we call the middle-class people in this country whom you will see bring out a plastic bag with garbage and just throw it beyond the street. If you want to have an example, travel in the area of Oxnards/Wanstead or Husbands, where I happen to live, and you will see the amount of plastic bags with garbage strewn all over the road. I am wondering if these people really have an interest in their country. And they are not the only ones. They put it anywhere and anyhow at any time.

But I must say this, and I hope the Minister and the Chairman of the Sanitation Board will take note of this, some of the people of the Sanitation Department very much also contribute to this. I remember as a boy when in those days they were known as scavengers, in taking up stuff they had a broom and a shovel, and if a small amount dropped off they would take the broom and put it on the shovel and dump it in the truck. Today I see big junks of garbage drop when they are throwing it in, and the garbage lorry just goes along and leaves it like that, and it is disgraceful to see how we pride ourselves as Barbadians and keep the place in such a condition.

There is one other aspect I would like to touch on, and it is the bodies of dead animals along the streets. I do hope that the Ministry, in collaboration with the Sanitation Department, or whichever takes the lead, would make some kind of provision for when those animals that are killed along the roads — and some are very ruthlessly killed by drivers who could have saved the lives of these animals, but they just run them down and kill them — would make some provision whereby some person or persons could inform the Sanitation Department about these dead bodies, because those of us who travel will know that you will see a dead animal along the road and by the afternoon the whole thing is crushed. We are fortunate when it happens in the centre of the road, because from time to time it is more or less crushed to nothing, but if it gets hit and goes beside the gutter to die, very often it stays there — and we know what stench the thing would have.

These are points which I think we should take up where our sanitation is concerned, and I am appealing to the Minister and the Chairman of the Sanitation Board to try to do something in relation to these matters, because I am not talking about tourists alone; I am talking about Barbadians. We have to live here all day and we do not have anywhere to go, and we are fortunate that at some time or other we have not had any great epidemic, which would destroy many of us, in relation to the garbage and those poorly kept houses. So I am appealing to you, Mr. Minister, and your board to make some effort to see if we cannot get some of these things remedied.

I agree with Senator Greaves that we need a very strong campaign. I have seen it on the T.V., but I think

we need a stronger campaign than that, that is, to go into the schools, because you cannot change some of us now; we are too hardened in our practices. But I think we should go into the schools and teach the children about these things, so that when they become men and women they would be able to carry it out in the best interest of our health and our country.

Thank you, Mr. President.

Mr. PRESIDENT: Senator Reader.

SENATOR Mrs. G. G. READER: Mr. President, I rise to support this Bill. I would like to say here that Senator Greaves made a very good point when he said we must bring the community along with us. He feels that this anti-littering campaign should start in the schools. Children learn by example, the example of adults. I suggest that Senator Greaves help me. I will start it at St. George Secondary if he will start it at the Labour College. Let us start an anti-littering campaign and see if we cannot teach people to get Barbados cleaned up.

I would also like to appeal to the powers that be who run the garbage redistribution service. Have you ever driven behind a garbage truck that is opened on both sides with garbage being thrown in one side and out the other at the same time? Have you ever driven behind a garbage truck and have nasty pieces of wet newspaper stick themselves over your windscreen so that you can no longer drive, because you cannot see? Stinking, filthy pieces of paper plastered on your windscreen as you drive behind these garbage spreaders?

I agree there are a lot of people in this island who do not put out their garbage properly. I agree that these places need to be cleaned up, and I think that it is no use begging the people. You have to have teeth to make these steps stick, and if people know that you have got the teeth behind it, they will do something about it, and I am sure that if we can start with the campaign for adults, the children will follow suit.

I know that I have had a lot of trouble at St. George Secondary. I happen to be the chairman there and we have been trying our best to get an anti-littering campaign started there. But, unfortunately, there are some people that sell from outside the wire, who come and cut the wire of the school daily to sell to the children, and the outside of the school is worse than the inside. This is something we have had to call the police about on several occasions to get it straightened out.

But I feel that we depend too much on schools. We must start a campaign with the adults, because the children would not be clean at school, they will not be clean in town, if their homes are not kept clean. We have got to get the adults behind us and make them realise that something must be done.

I think that a lot can be done in Bridgetown and its environs if only the buildings were kept in better condition. People work much better in pleasant surroundings, and I think that we must bear this in mind, but I do appeal to the Sanitation Service to train their garbage collectors before they send them out to collect garbage, because these trucks with the sides that lift up and down spread more garbage than they collect. There is also the big bin that goes up, some loaded with cardboard boxes. I drove behind one the other day and no less than seven cardboard boxes blew out of it into the road.

We have trucks carrying loads all the time dropping them all over the road. I live in an area where there is a lot of stone being carried up towards Seawell, and all around there the school children are being showered by dust and stones all day long. The trucks are so improperly-loaded that, as they turn the corner, these things roll off.

12.00 noon.

I think that it is time that we wake up and put these matters right.

Thank you, Mr. President.

Mr. PRESIDENT: Senator Jones.

SENATOR the REV. CANON I. McK. JONES: Mr. President I would like to rise to support this Bill. As Senator Jemmott said, I think it is long overdue.

I do feel, though, Sir, that cleanliness is next to Godliness. It would seem to me that we have an idea that the people in Barbados are not very careful about sanitation, but I do not think I can say that on the whole. In driving through some of these estates where they have houses built, I think, by the Government, I have had to remark how well-kept I have seen some of those houses. They have been really well looked after, they have little gardens in front of them and they really look nice and decent. I am very proud of them.

(ASIDE: Some.)

SENATOR the REV. CANON I. McK. JONES: Some of them. Well, I have not driven all over the island, but where I have driven, I have seen that. I still think that Bajans have a sense of fitness and appropriateness of things.

I agree with Senator Greaves in saying that in view of what the Minister said when he introduced this Bill, the sanitation inspectors have some extra work to do which precludes them from really going as often as they should to inspect homes. And I agree with Senator Greaves in saying that the inspectorate should be increased in number.

But I do not agree with Senator Greaves in saying that the Government seems to be using strong-arm tactics. I do not consider it strong-arm tactics at all. We are living in a world nowadays where we have some behavioural psychologists that tell us that we must treat our children by correction with affection, and this correction with affection has caused a lot of bad behaviour and abysmal behaviour in schools.

I still believe in the sentence from Proverbs: "Spare not the rod and spoil the child." I do not believe in brutalizing children but I do feel that when you have appealed to the finer senses of people and you find that you are getting no kind of support, you have got to do something that, as Senator Reader said, puts teeth into what you are doing.

I think that this is not a Bill that is showing any kind of strong-arm tactics. I feel what it is doing is trying to make people realize that if the homes that you are living in or the lands that you have are unkept, if they are causing problems to people's health because of bad sanitation, something has got to be done about it.

There are people who are living abroad who have not tried to see that their properties are kept in a certain order. I think that with the new law that is now coming, as Senator Linton explained, if it means that the occupier of the building will have the legal right to clear the premises and take it out of the rent, I think that is a very good thing. If the absentee proprietors are not doing anything about it and you are serving a notice on the occupier, there is no reason why the occupier should be doing something like that at his expense, on somebody else's property. But if the law means that he is going to recover his expense, I do not see any strong-arm tactics in that either.

Another thing. People are always talking about schools, everything must be done in schools. I do not know what they expect the schools to do. Children are not born in schools, thank God. They are still born at home or at hospitals and have to live in homes.

Parents must try and teach their children how to behave themselves, how to comport themselves. I think they are trying to put too much emphasis on what should happen in schools. Teachers cannot do everything. Some teachers are parents, but all teachers are not parents.

The parents have a responsibility to their children. And if parents will teach their children to have regard and respect for themselves and their environment, the school would have a much easier problem when the children come. That is not happening a lot today.

When it comes to snow cones, I am very glad to hear that there is a law now that you can be punished if

you throw these snow cone cups out of the buses. But what I think would have been the best thing to do is that no bus should leave from its terminal if there are people in there with snow cones. Nobody with a snow cone should be allowed to get on a bus at all. That is the best way to stop it. But if you let them get on buses with the snow cones, obviously, when they are finished, they are going to throw them through the windows. But if there were a law saying that no bus was to move from the terminal if anybody had snow cones, that they would have to get out, then you would avoid that problem.

I think Senator Greaves who has travelled a lot more than I have would realize that in all big countries there are serious penalties for people who litter the streets. We do not have that here. And nobody in those countries says that it is strong-arm tactics. We have got to do something to make people realize that our streets must be kept clean, our people must look clean, and I think that this Bill should get the entire support of everyone here in this Senate Chamber.

Thank you, Mr. President.

Mr. PRESIDENT: Senator Ward.

SENATOR L. A. WARD: Thank you, Mr. President. I, too, would like to support this Bill.

We who live in the country and try to operate a sugar industry are constantly trying to remove garbage which has been put in vehicles and transported from other places, dumped behind culverts, in our car paths. I only last Sunday found a lorry load of tires in our car path.

Asides.

SENATOR L. A. WARD: No, bad ones.

Senator Jemmott spoke of killing animals on the street. I have found animals on the street that have been brought from where they had died in a bag and dumped by the side of the car paths in the country.

Those of us in the sugar industry find that, before you can actually go to harvest a field, if you are going to harvest it mechanically, you have to search the fields to find out how much garbage has been put there and to try and remove it. Last year, there was one harvester that, unfortunately, in harvesting a field, picked up a spring mattress in the harvester and before the harvester operator could stop it, it was right inside the harvester. It took more than a day to pull apart the harvester to get the springs out of it.

It is very frustrating for those of us who have to operate a sugar estate to take a few days to go around

and clean up garbage, only to come back in two or three weeks' time and find the place littered in garbage again. I know it is a difficult thing to stop. I do not know how it will be stopped.

It is difficult for people to put watchmen to watch for people coming to dump stuff. They do not do it in the day, they do it in the night. They come and dump it all about the sugar cane estates. It is very difficult to find who is doing it; and if it is difficult for us to find, I suppose it would be difficult for any sanitary inspectorate or other people. But I believe that there should be some campaign to try and educate the people that this is not the thing to do.

Thank you, Sir.

Mr. PRESIDENT: Senator Reece.

SENATOR Mrs. M. O. REECE: Sir, I rise in support of this Bill. The Minister spoke of Bridgetown and the rats around Bridgetown. I do not want to say there are no rats in Bridgetown but there are not as many rats in Bridgetown as when there were warehouses around Bridgetown. And like Senator Jemmott, I believe the merchants have a lot to answer for on that charge.

Bridgetown is not the dirtiest city in the Caribbean, it is by far the cleanest. But I think I knew it would only take a while, and that is why I sat here and waited, before they got around to Sanitation Department. As soon as there is litter on the streets, you hear about Sanitation. There is something called illegal dumping. I believe that Senator Jemmott talked about garbage in Oxnards. Oxnards is a road where people pass often and dump their garbage because there are not many people on the street. There are illegal dumps in the Belle. There is an illegal dump across the Cave Hill Road, where people make it a habitual practice of dumping their garbage there; they drive at night and dump their garbage there.
12.10 p.m.

The Ministry of Health has to take some of the blame for it. The Ministry of Health, some weeks ago, started a campaign of debushing or cleaning, whatever they want to call it. They went into homes in the Orleans and various areas and asked the people to put out their old fridges, old beds and old stoves put them beside the street. When the residents asked the inspectors what they should do, the inspectors said: "Put them beside the street — Sanitation will pick them up".

The Sanitation Department has a service which it offers to people, more often than not, twice-a-week collections in most areas. The main roads get daily collections and in the built-up areas there are two collections each day, and in the less-developed areas three collections in one week. If the truck does not go on one

day, if there is a breakdown, it goes on the next. If, as I think Senator Jemmott said, there are animals on the street and he passes them, he can stop at the nearest telephone and call Sanitation. There is a service there and they will come and collect it. I can only speak for what I know has happened to me.

It is a good thing that Government has "ML" on the trucks, because every truck that passes with garbage is a Sanitation truck. Sanitation has an open truck that collects garbage for people who have excess garbage, and if they call Sanitation, this is the service they offer to them. We would like to see some legislation passed preventing trucks from carrying garbage open, without a net or something over it.

Illegal dumping occurs mostly on the weekends, when the factories are closed and they are trying to get rid of their garbage. There are legal dumping grounds now. There is one at Kingsland now that is open to the general public. Unfortunately, lack of funds does not allow us to have some person there to tend this dumping area seven days a week. It is now tended five days. But people go there and carry their garbage on Saturdays and Sundays. Some of them are poultry farms and so a smell develops. We sincerely hope we will get additional funds that we can have a seven-day operation.

On the question of education, there is a film called "Vanishing Heritage", which was shown on television numerous times during this year. It is a film that deals with the problem of rats in this country. I think it is used by the Tourist Board. Apart from that, we have offered to go into all of the schools and do educational programmes on how to dispose of garbage. It is pathetic, but it is true that some of the schools have not got garbage pails or wastepaper baskets. We have been to some schools and that is what we have been told. I do not know whether there are no funds, or whether they had some before, but I know the children do not have them.

I believe Sanitation Authority is trying to do a job in this country, and it has done a fairly good job and it has improved. They have bins all over this place so that people can put their litter in them. There are small bins all in Bridgetown, there are now bins on the Garrison, but we still see people littering.

I believe that calls to the Sanitation Authority can make to help it function more effectively. If people are having problems, let them call Sanitation and say what the problems are. I am sure that we will try our best to help wherever it is humanly possible.

Mr. PRESIDENT: Senator Griffith.

SENATOR THE HON. C. A. GRIFFITH: Mr. President, I just want to make a brief intervention...

Aside.

SENATOR THE HON. C. A. GRIFFITH: That was a rescue act. This is an intervention.

I have just read the amendments that should be incorporated in the Act. I do not see any indication here that these are strong-arm tactics. If any of us were to go into some of the developed areas where the absentee landlords, and indeed some of the landlords living in Barbados, pay no attention to their properties, then you would find that the people who live in those developments are constantly complaining about the cow itch. Indeed, as a result of that cow itch, properties are devalued, where some of the people who own properties and are willing to rent them cannot get the value of the rent simply because prospective tenants are not prepared to suffer through the cow itch and so on.

There is nothing strong-arm about this. I have travelled all over the world and Barbados is one of the few places where you find that people can still litter wantonly without fear of being penalized, and I think that penalties act as a deterrent in some of these cases. People are very careful where there is a prospect of being fined or prosecuted not to litter. I have seen that in some of the countries we like to compare ourselves with.

I just want to point out also, Sir, that, as far as the Ministry of Planning is concerned, we have taken a serious look at the problem of waste disposal and we are satisfied that a proposal we have in mind will address most of the problems as far as disposal is concerned. We have heard in the past about the dumps, the Oldbury Dump and the other dumps, which are affecting the lives of people who live in the immediate vicinity. I am satisfied that we can solve the problem with the establishment of a Solid Waste Plant.

Only last year we had a pre-feasibility study done, and it was so encouraging that we are now in the process of completing a six-month study, which study is also looking at proposals for financing the establishment of a Solid Waste Plant, to be operated by the private sector, and which would generate electrical power from the refuse used and indeed solve the other problem we are talking about, the problem of waste disposal. I think this would go a long way towards dealing with the complaints of residents.

Also, I think that where we have a question of illegal dumping, where people walk about at night and discharge their refuse on other people's property, this problem will also be solved, because there will be a financial incentive to deliver garbage to the Solid Waste Plant.

I thought that I should mention that because, as I see it, the establishment of a Solid Waste Plant will certainly go a long way towards addressing two problems, helping to dispose effectively of refuse that is collected and also to provide electrical services for the people of Barbados.

Thank you.
12.20 p.m.

SENATOR THE HON. O'B. TROTMAN: Mr. President, in replying, first of all there are two points raised by Senator Greaves which I want to deal with.

He made the point earlier that the present establishment of public health inspectors is now the same as was established, I believe, when the services were centralised in 1969 or thereabouts, when Local Government ceased to exist. He also made the point that, developing the country into the food processing business, one would normally expect that we would have an improvement in the number of inspectors.

The numbers we had in the 1950s and 1960s merely used to do house-to-house inspections. Since then, Government thought that with a higher level of education being offered to its people generally, better communication systems being established, because in the 1950s we did not have any radio service besides the wire service — we now have the T.V. service, two medium-wave radio stations, additional newspapers as well as an improved GIS service, because at that time I believe the GIS was restricted to a Mobile Cinema Programme once a quarter in the country districts — and we thought that with all of these efforts to educate the public towards better health that one would not have had to be at the same time following behind householders, one by one, to ensure that they kept their premises clean. Obviously, we were incorrect, so now we have to do something about it.

He also made a point about the strong-arm tactics, to which Senator Griffith somewhat replied. I will draw his attention to Subsection 3 of the present Section 11, which gives all the protection one can expect to be given to a property owner who thinks that he is being hard done. If a property owner believes he is being hard done by the Minister, he has recourse to a Judge in Chambers on the following grounds:—

- (a) that the notice or requirement is not justified for the protection or in the interest of the public health;
- (b) that there is some informality, defect or error in or in connection with the notice;
- (c) that the Minister has refused unreasonably to approve the execution of alternative works;

- (d) that works required by the notice to be executed are unreasonable in character or extent or are unnecessary;
- (e) that the time within which the works are required by the notice to be executed is not reasonably sufficient for the purpose;
- (f) that the notice might lawfully have been served on the occupier of the premises to which it relates instead of on the owner or on the owner instead of on the occupier, and it would have been equitable for it to have been so served.

So the owner or occupier has some recourse in case he thinks he is being hard done by the Ministry. It is not a situation where the Ministry has suddenly gone into the real estate business. We are not in that business anyhow. We are not interested in buying and selling of any land. We are not experts in business and we certainly do not want to get into it. The legislation really provides the last resort if the Minister is forced into a last resort position.

Senator Seale says that the Government must take the lead. The Government is going to take the lead, because the Ministry of Health has notified all other Ministries in Barbados that we expect them to get their buildings cleaned-up. We do not expect to see the Ministry of Agriculture, for example, growing love vine, and we do not expect to see a garbage heap at the entrance to the Ministry of Health either. We have asked the other Ministries to co-operate with us and get their buildings looking proper, so that they would be some example to the citizens of Barbados.

In the normal course of things, Sir, a Minister is expected to defend in Parliament those departments under its jurisdiction. Mr. President, I have no intention of defending the Sanitation Authority until they do something about taking up the garbage. I have absolutely no intention of supporting that department in Parliament until they do something about taking up the garbage. I am totally dissatisfied with them. I have told the chairman that in no uncertain terms, and I expect the new board to do something about it.

Thank you, Mr. President.

On the motion of Senator the Hon. O'B. TROTMAN, Mr. PRESIDENT left the Chair and the Senate resolved itself into Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 to 4 inclusive were called and passed.

On the motion of Senator the Hon. O'B. TROTMAN, the Senate was resumed and the Bill reported as having

been passed without amendment, Mr. PRESIDENT in the Chair.

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

12.30 p.m.

THE EXPATRIATE PENSIONS (AMENDMENT) ACT, 1983

Order No. 2 was called — To move the Second Reading of a Bill to repeal and replace the Schedule to the Expatriate Pensions Act, 1980.

SENATOR J. E. D. WILLIAMS: Mr. President, the Expatriate Pensions Act, 1980, made provisions for the signing of an Agreement which gave the British Government responsibility for the paying of pensions which would have accrued during the period that those officials worked for the Barbados Government. Section 5 also provided that the Agreement should form the Schedule to the Act, that it had the force of law in Barbados from the date on which it was signed, and the Act should be deemed to come into operation from that date.

On March 23, 1983, a new agreement was signed between the British Government and the Barbados Government. As a consequence of that, it is necessary to make certain amendments to the Schedule to bring it into line with the new Agreement which was signed.

For the benefit of the Senate, I think I should identify those areas which have to be changed, and which have caused us to have to amend the Schedule. First of all, in the title and the Preamble and Citation of the Agreement, the Government of Barbados, in the text of the agreement forming the Schedule to the Pensions Act, is given prominence to the Government of the United Kingdom. What it is saying is that on that particular agreement which the officials signed on behalf of the Barbados Government, Barbados should appear first, and similarly where someone signed on behalf of the British Government, the British Government should appear first on that as well.

In Article 4 (1) (c) of the Agreement, the word "the" comes between the words "by" and "two". If you look at the Bill that you have before you, it reads: "that they shall pay to the Government of the United Kingdom in accordance with such arrangements as may be accepted by the two Governments". This does not appear on the existing one and therefore there is need for an amendment. In the case of Article 4(1) (c) (ii) of the Agreement, this consists of one paragraph, whilst the corresponding Article in the Schedule to the Act consists of two paragraphs, with the insertion of

a comma between the word "officer" and the word "that". This does not appear in the new Agreement. Similarly, Article 4(2) of the text of the Agreement attached the word "and". This has not been inserted between (1) (c) (i) "and" (1) (c) (ii), also the word "of", and this was indeed an apparent error in the context of the Schedule to the Act.

In Article 9 of the Agreement, "1983" replaces 1979 and 1980 which appear in the Schedule to that Act, and the words "the English Language" have been deleted and a colon inserted after "Northern Ireland" and "Barbados".

These were the main changes, Mr. President, which caused the amendment to the 1980 Expatriate Pensions Act.

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

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

SENATOR E. E. GREAVES: Mr. President, just on a point of information from Senator Williams. He has given us the changes, syntax, grammar and all this kind of thing. I wonder if we could have a little more substance to find out what these changes will mean. Is it that they are merely correcting full stops and inserting semi-colons and putting in words here and there? When all this is done what does this mean? I wonder if you could enlighten the Senate on that.

SENATOR J. E. D. WILLIAMS: Mr. President, the Agreement which was signed became the Schedule to the Act. It does not contain these points that I identified as being contained in the old Schedule. Also if you look at the old Agreement, you will see that it referred to things like 1979 and 1980. This would have to be changed and would have to be replaced by 1983. It is just a matter that, apart from that, there were one or two typographical errors.

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

On the motion of Senator J. E. D. WILLIAMS, Mr. PRESIDENT left the Chair and 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.

On the motion of Senator J. E. D. WILLIAMS, the Senate was resumed and the Bill reported as having passed the Committee without amendment, Mr. PRESIDENT in the Chair.

On separate motions of Senator J. E. D. WILLIAMS the Bill was read a third time forthwith and passed.

THE POLICE (AMENDMENT) ACT, 1983

Order No. 3 was called – To move the Second Reading of a Bill to amend the Police Act, Cap. 167.

SENATOR THE HON. O'B. TROTMAN: Mr. President, the Police Act was earlier amended to make provision for the establishment of a Traffic Warden Division within the ranks of the Barbados Police Force. When the Traffic Wardens Scheme was first conceived, it was thought that the traffic wardens should be in the Ministry of Transport and Works, and then there was a change of heart, and at present the car park attendants work out of the Police Department, even though they are appointed by the Chief Technical Officer at the Ministry of Transport and Works. We have always had this hiatus of whether the car park attendants, as they are now, are transport workers or Police workers, because, in fact, even though they are, as I said, appointed by the Ministry, they are managed by the Police Department.
12.40 p.m.

At that time, we decided that when we came to Parliament we would make it all Police Department and keep everyone uniformed. Since then, we have rethought our position, and the traffic wardens will be more than just an extension to the Police Department. We are hoping that they would be able to do other duties related to traffic in Barbados which would go far beyond the mere direction of parking in Bridgetown. It is for this reason that we have gone back to our original position of having the scheme under Transport and Works.

There is no point in saying that the one decision is right or the other decision is wrong. There are cities in the world that have traffic wardens run by the Ministry of Transport and Works and there are cities in the world that have traffic wardens run by the police. It is a matter of how you expect your traffic wardens to function and how you think you can get better efficiency from the workers.

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

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

SENATOR H. R. LINTON: Mr. President, I just want to make one point related to the question of the traffic wardens.

I know that this particular department, the Ministry of Transport and Works, does not fall within the portfolio of the Minister who introduced this Bill. But I am hoping that it would not be long after we transfer the traffic wardens before we see a system of fixed fines for sundry minor traffic offences introduced in this island. I refer particularly to infringements of the Parking Regulations and, a recent phenomenon, infringements of the law relating to the payment of road taxes. Since the law has been changed, so that your Road Tax lasts for a calendar year now rather than being renewable

in May of every year, it appears that quite a few people are actually forgetting to renew their road taxes; and the police are carrying out their duty and reporting quite a lot of people.

The amount of time that is being lost (a) in the Police Department and (b) in the courts is astounding. Yesterday, I was at District B, and there were over sixty people up there, almost half of whom had been charged with the offence of failing to renew their Road Tax Licence. If you go to the Traffic Court at District A, you find the same thing. And this is repeated at all courts throughout the island.

I do not see any difficulty in arming the traffic wardens with a book, as they are in London, so that they can impose a fine immediately, on the spot. They have a record of it, and if it is not paid, within a certain time, then you bring the offender before the court.

This current situation is also wasting the police's time and the time of the Judiciary with parking offences. You can have the traffic wardens imposing fixed penalties; habitual offenders, bring them before the court.

So I just wanted to make that point, Mr. President, that in terms of minor traffic offences, we should, in fact, have the traffic wardens dealing with those instead of wasting valuable police time and valuable time in the courts.

Thank you.

Mr. PRESIDENT: Senator Seale.

SENATOR C. D. SEALE: Thank you, Mr. President.

There are only a few words that I want to say. I think that we should here publicly congratulate our Commissioner of Police for the way in which he is running our Police Force. When we have a strong leader, we have good efficient work; I think Commissioner Durant is a most efficient and strong Commissioner, and this is percolating right down through the ranks.

I recall, and I think, Sir, you would agree with me, that at the Garrison we used to have a high incidence of people running across the track. We only had to appoint Commissioner Durant and we do not have any more people running across the track now. Just the mention of his name seems to keep law and order.

On the point which Senator Linton raised regarding the payment of licence fees, I have a slightly different experience. My company owns a number of vehicles and we sent the other day to pay a few, and one for which the licence had not as yet expired was included — and the Ministry of Transport refused to take the money, saying that you must send it after the expiry date.

This is a problem, and I think that the same poor people who may have been charged might have been in the same boat as I, who may have tried to pay earlier but had been refused, because it is on the expiry or after

that they are accepting money. They are not accepting money a week, two weeks or four weeks before — only the day after. I think that this is a matter that has to be corrected.

I agree with him, I support him wholeheartedly that traffic wardens should be armed with the ability to impose small fines on people who park in the wrong place and such things. I think it would speed up the whole process and stop wasting a lot of time.

I recall meeting Senator Linton at District B the other day in a case, which took us a very short time, but it wasted a lot of my time driving there and driving back.

Laughter.

SENATOR C. D. SEALE: The fine could have been paid at the point.

Asides.

Mr. PRESIDENT: Order, order, please.

SENATOR C. D. SEALE: Sir, as I said earlier, I want to congratulate Commissioner Durant and his men. They are doing an excellent job and Barbados should be really proud to have a Police Force of such efficiency.

Thank you, Sir.

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

On the motion of Senator the Hon. O'B. TROTMAN, Mr. PRESIDENT left the Chair and the Senate resolved itself into a Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 to 4 inclusive were called and passed.

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

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

HOTEL AIDS (AMENDMENT) ACT, 1983

Order No. 4 was called — To move the Second Reading of a Bill to amend the Hotel Aids Act, Cap. 72.

Mr. PRESIDENT: Senator Howell.

SENATOR St.C. E. HOWELL: Thank you Mr. President.

The Senate has already been informed of the very unsatisfactory level of arrears of payments due to the Government by hotels for Land Tax, Hotel and Restaurant Sales Tax and Income Tax. In addition, it has

been observed that, invariably, whenever hotels default in the payment of taxes, they also do not pay contributions due to the National Insurance Scheme.

The Government has already indicated that, among other measures, appropriate legislation will be enacted with a view to bringing pressure to bear on the defaulters to discharge their liabilities to the Government and to the National Assistance Board. It is in this regard that this Bill is now before the Honourable Senate.

In the case of the amendment to the principal Act, defaulters would in the future, when seeking to derive the benefits of a license, whereby they will be exempted from Customs Duties and Package Tax, to produce certificates from the appropriate authorities, the Commissioner of Income Tax, the Commissioner of Land Revenue, and the Director of the National Assistance Board, that the tax has been paid up.

Mr. President, in relation to the Hotel Aids Act, the privileges which are afforded to the hotel industry basically come in two spurts. First of all, a person who is constructing a hotel can apply to the Controller of Excise for a license whereby the owner will be exempted from tax when certain materials, which will be used in the construction of the hotel, is being imported into Barbados. There is a second plank by way of inducement and advantage to the industry, whereby when the hotel becomes operational and expenses are incurred, application can again be made for these expenses to be offset.

What Government has found is that, within the last ten to twelve years or so, they have been considerable delinquent practices in this area in industry as a whole, and the hotel industry is but one. But the hotel industry appears to be bad, Sir, because, as I pointed out earlier, of the apparent privileges offered to the industry even before the hotel comes into operation.

In 1977, in his Budgetary Proposals for that year, the Prime Minister and Minister of Finance did undertake that, because of these delinquent payments and the method used in making certain tax collections, as regards to Land Tax, Government was prepared to write off existing debts up until the tax year of 1971-72; the new system, complete with computerization, took place from 1972-73. The cost to the Government at that time was \$1.5 million, and there was a fresh start.

Also, there was the coming into operation in July last year of the National Insurance and Social Security Benefit (Amendment) (No. 3) Regulation, whereby Government, in its continuing programme of making life better for the less-paid workers in this country, introduced a scheme whereby employees who have made contributions to the scheme, after the scheme had been in operation for one year, if such persons subsequently

found themselves unemployed, would qualify for 40 per cent of their wages for a period of 13 weeks. The scheme is now in operation.

The problem is that with Government being the largest employer in Barbados, and faced also with the responsibility of seeing that living standards in this country do not fall below a certain level, particularly when this is through no fault of the worker, it has to see that certain safeguards should be built into our society. Notwithstanding the various privileges offered to the various industries, particularly to the hotel industry, and notwithstanding certain pronouncements, we still find that in this industry some employers are very slow in doing their legal and moral duty, that is to see to it that, if the country is to develop economically and socially, it is of paramount importance that taxes are paid; and not only that they be paid, but that they be paid as and when they fall due. The unfortunate thing in the industry is that very little payment is being made at all. We still have circumstances, since the writing off period of 1971-72, where action had to be taken against certain companies and individuals, because even then, notwithstanding the writing off of \$1.5 million, some people and companies defaulted in the payment of land taxes for the longest possible period — up to 10 years.

1.00 p.m.

In the Other Place, it had been said that, as far as the land is concerned, it remains in Barbados and it can go no place, and there are certain built-in safeguards in the legislation whereby defaulters can be dealt with most effectively. It is an entirely different matter in relation to payments to be made to the Commissioner of Income Tax, in particular deductions that have been made from the wages of the workers by way of PAYE, that are deducted and not handed over, and contribution by the workers which are supposed to be paid in to the Director of National Insurance, which, again, are pawned off and never paid in.

With the current state of affairs, we are all expected to do our share and to play our part; and in the vast majority of cases, the vast majority of Barbadians do, in fact, pay their taxes. It is unfortunate that, in one or two cases, some people who are in privileged positions, because of a number of circumstances, and the tax is not in these cases paid in late, but, as I have indicated earlier, not paid in at all. It poses considerable pressure on the Treasury because it leads to a cash-flow problem in Government, as would be the case in any private enterprise.

There is an abundance of evidence that some companies insist in playing what can be described as "the cat and mouse game", where nothing is done. There are agreements that are made, the avoidance of going to court, and those agreements are not honoured. In the

final analysis, even when they are taken to court, new agreements are made — and again nothing happens.

In relation to where the Government, as a creditor, seeks to amalgamate its various rights as a creditor by the use of the appropriate sections of the Land Tax Act, what has now come to light is that, because that Act gives the power of sale, there within hours before the sale, all of the Land Tax, several thousands of dollars, are paid. But the very large portion owed in relation to the National Insurance contributions and the PAYE, the Hotel and Restaurant Sales Tax, all monies up-front deducted from people, are still held on to, never paid up, and the game starts all over again.

It is because of all that I have said that Government is now seeking an amendment to the principal Act whereby operators in the industry, who are seeking the privileges of the Hotel Aids Act, will have to submit to the Commissioner, as in the case of the Liquor Licence, which was earlier before this Honourable Senate, certificates from the appropriate authorities that the various taxes and contributions to Income Tax, Hotel and Restaurant Sales Tax, Land Tax, National Insurance, Social Security Tax, has been, in fact, paid.

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

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

SENATOR C. D. SEALE: Sir, before saying anything on this Bill, I want to declare an interest in that I am a shareholder in a hotel that comes under the Hotel Aids Act, but I also want to make it quite clear that, as far as I am aware, that hotel is not in any arrears.

Be that as it may, I regret that I cannot support this Bill. I think it is uncalled for, and, at worse, I believe it shows the Government as being insensitive to the problems of the hotel industry.

I would have thought that before bringing this Bill to Parliament, the Government would have carried out a survey to find out really why hotels are delinquent in their payments. I am certain that such a survey would have revealed many interesting facts.

Hotels in Barbados have been bombarded with expenses beyond their imagination. When we start and we look at the land taxes, this is really a rough spot, because although the Hotel Aids Act gives you 10 years free of Income Tax, it is silent on Land Tax and, really and truly, it would appear that the Government has been using that tax to get taxes from hotels. I will explain why.

The hotel in which I have an interest, when it was an old run-down hotel, employing six or eight people, and making a profit, and not covered by Hotel Aids legislation, was paying \$5 000 in Land Tax. Now that it has spanking new, looks smart, employs 140 people, generating a lot of foreign exchange, all of a sudden its Land Tax bill is \$100 000. In all honesty, that could not be fair.

I remember when the projections were done when they were putting in budgets for the next year's expenses, the hotel only budgeted \$25,000. We thought that was high, so we budgeted \$25 000, but the bill was \$100 000!

I think that those taxes should be graduated. There should be an amendment coming before this Senate saying that when you have established your hotel and you are granted your ten-year hotel aids, you should pay, on a graduated scale, say, in the first year 10 per cent of the bill, in the second year 20 per cent, then 30 per cent, 40 per cent, and you work your way right up, so that in the end of the time you would then be paying 100 per cent. I would support that amendment.

Also, Sir, we have a situation with the electric bills. Whatever you seem to do in a hotel, bring in all the energy saving devices that there is, spend loads of money, all the bills do are show an increase.

What is also amazing is that in the summer season, when the rates are at their lowest, the rates of electricity are at their highest. The people that seem to occupy the hotels at that time tend to utilize the room and utilize all the facilities and what have you in the hotel, so that the electric bill is a lot higher. For instance, in the hotel that I have an interest in, the monthly bill is \$40 000. So you have a situation that is difficult — it is difficult to make a profit, it is difficult to pay anything really and truly.

I believe that the Minister of Energy, Senator Griffith, should give some consideration whereby the energy charge or the fuel charge to hotels could be rebated, provided, on inspection, they show evidence of undertaking as many energy saving devices as possible. I think the hotel industry is due that. I think that would be going a long way.

Sir, we come now to the water bill. A bill for \$90 000 was the first water bill that this hotel received. How are you going to make a profit? Where is the money to pay Government? Where is the money to pay the various taxes when there is nothing there. You cannot get blood out of stone. There is nothing. And these things did not occur in 1981. Land taxes were paid then and in 1980 and 1979, along with the other things, and we are finding this problem in every hotel.

1.10 p.m.

Sir, it is a difficult thing for a hotel to run a business. If you do not pay the electric bill, your electricity goes; if you do not pay the water, the water goes off; if you do not pay the food bill, you do not get any food; if you do not pay the Land Tax, you will get thrown out; if you do not pay the workers, the union takes away their labour! And now we come even at this last stage in which we have the liquor licence!

Come January 1, it is my opinion that 80 per cent of the hotels in this country cannot pay the liquor licence, because they cannot get a certificate. And under the law, unless you can produce a certificate, you cannot get the licence.

But I do see, and I am looking at it a little bit clearer, that the hotel can probably apply for a retail licence, because a retail licence is apparently not covered, and you can therefore sell liquor by the litre, by the ounce and the gram and what have you. As such, you do not have really to produce anything to the Liquor Licence Authority, and, possibly, you can make more money. So I believe that the hotels can get themselves legalised for selling liquor by getting a retail licence — forget the hotel licence — and sell it by the litre or by the pint or what have you, rather than by the drink.

Sir, all I can say is that I would beg the Government to reconsider this Bill. I know we do not have enough members in here to throw it out, so we would be speaking to deaf ears, but I am quite satisfied that the Minister of Energy should look at the rebate of the fuel bills, and the Parliamentary Secretary can have a look at the Land Tax and its application and come up with some reasonable proposal.

I can see the need for Government to collect its revenue, and I congratulate it for attempting to do so. We in business threaten you with legal proceedings if you do not pay and we send you to the debt collectors and what have you, so if the Government is attempting to take away its incentives so that you would pay up, I have no quarrel. But the Government must take a deep look and see that the taxes that they are levying on this industry are reasonable.

Sir, when we discuss the hotels I suppose it is only fair and right that we bring in the Board of Tourism. I know in here that earlier on this year the Board of Tourism suffered great criticism, but I think that within the last couple of months the Board has pulled up its socks and is going forward and doing an excellent job. I think it is only fair that we should now congratulate them just as much as we criticised them heavily before.

I am not 100 per cent happy with their marketing. However, it has greatly improved and also I can see a

new awareness by the Executive Director. He is now a lot more fortified and moving forward. Maybe the hanging of his contract over his head did something, but nevertheless the fact is that he has improved in his job, and the job that the Board of Tourism is doing is a lot better now, and we must congratulate them.

I thank you, Sir.

SENATOR A. W. A. McCLEAN: Mr. President, I do not think I can agree that the points raised by Senator Seale in that the difficulties faced by hotels extend to a situation where this Bill is without merit. We have to distinguish between measures which are taken to alleviate the problems of hotels and measures which are taken to address evident delinquency on the part of hotels. If it is that certain taxes are too high, we could talk about these taxes being too high, but whenever they are set and you are liable to pay them, you ought to pay them.

If you cannot pay your bills, including your tax bills, you have to examine your operation and decide whether you are going to continue as a hotel. You cannot expect to be able to continue as a hotel not paying National Insurance contributions or whatever. This is unthinkable.

So, in my view, we should not even need these measures to deal with such delinquency. There should be more direct measures for dealing with that type of delinquency which would be located in the very Act which creates these liabilities in the first instance.

In relation to the problems faced by the hotels, as I said, what one must do is to look to see what is the source of that problem. I rather suspect that we might find that one of the major problems associated with hotels is under-capitalisation from the start. If the equity put in by the owners, or shareholders, or whoever they are, is trivial, you can expect to have cash-flow problems. You must expect to be overburdened by interest payments, and, whenever there is a little fall off in custom, to have difficulties. I rather suspect that many people open hotels on a shoestring, they do not want to expand the shareholding because they want all the profit that they perceive might come to them, and hope that they can get along on borrowed money and being delinquent in terms of payment of taxes and things of that order. It is totally undesirable.

In cases where the reason lies elsewhere, that the business is genuinely trading unprofitably, although it has a good capital structure it cannot get enough custom so as to raise enough revenue to be profitable, well it is an indication that that business should be closed, or the management changed and give it to people who would know how to manoeuvre to render the business profitable.

But I do not think that part of the source for the continued existence of any given hotel should be delinquency in the area of tax payments. That should definitely be out, and so I must indicate that I am in support of this Bill, and indeed more direct measures to ensure that businesses are not delinquent in the payment of their taxes.

SENATOR E. E. GREAVES: Mr. President, I have had the opportunity to speak on another measure in here which I think had similar intentions, and I would just want to briefly repeat my position, particularly as it applies to non-payment of National Insurance contributions.

This is something which affects the morale of workers. Even although the National Insurance Act makes provision for a situation where the national insurance is known to have been deducted and is not paid in, the worker ought not to lose any benefits which would accrue to him under the National Insurance Scheme.

As recently as last week, I have come across a case where workers at the particular hotel were very upset over the fact that they discovered that the management at that hotel had deducted National Insurance contributions from them and had not paid in any contributions to the National Insurance Department. They also discovered that they deducted union dues, and when we checked, no union dues had been paid in by the management of that hotel.

We have to be constantly raising these issues because these are very important issues. There are some people who are running businesses and who, when they make the deductions for the Government — and I can speak for the Barbados Workers' Union — do not pay over those contributions. I think it is a very sad reflection on the management. In my view, it lowers the morale amongst the work force, because when they recognise that management is doing this kind of thing, then they have little or no regard for management and do not feel that they should give of their best; they feel that the management is crooked — and that is all it turns out to be.

We have had a number of instances of this, too often I submit, and it is not only in the private sector that you find offenders, but in the public sector also, like at the Transport Board. The Barbados Workers Union is always up-to-date, my friend, not the Transport Board. The Transport Board is one of the chief offenders. Parks and Beaches is another big offender. They collect National Insurance and do not pay it over to the proper authorities.

There is no point in the Government coming and passing this kind of legislation to apply to the private

sector, and the public sector is allowed to get away free. If you have people who are managing public corporations, or if you have a public corporation which is not functioning effectively, refinance it or do something to make it become efficient, but certainly do not allow it to continue to be defaulting in these vital areas.

As we have said over and over again, the Government ought to set an example. The Government, in this particular regard, is not setting an example, and I suspect that is one of the reasons why the private sector, knowing that in the Government sector, Government departments, public corporations, are defaulting in the way they are defaulting, feel that they have the right to do the same thing. The Government is the chief offender against itself.

1.20 p.m.

That is not right. It is not right for the Government to default, neither is it right for the private sector to default. People must consider that they have to do these things.

I could cite a number of cases, but I really do not want to identify all of them. If you take Miramar, what happened down there? The man bailed out with millions of dollars and left everybody holding the bag! Fortunately, because of the way in which the Severance Payment Act and the National Insurance Act were drafted, people were able to get their severance pay and they would be able to still get their contributions from National Insurance. But that is not how it ought to be. It is a last resort, a protective kind of measure, but employers ought to be responsible enough to meet their commitments in that area.

I do not want at this stage to deal with the particular points raised by Senator Seale relative to the problems of the hotel industry. But I will wait, with interest, to see how Senator Seale votes on this. He said he will vote against it. So I will divide and see how he will vote.

Thank you, Sir.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, the matter before us is rather simple and direct, quite frankly. I am amazed at Senator Seale's position, just as I am amazed at Senator Greaves' attempt to link delinquency in the private sector to the one or two instances within public corporations where there has been delinquency.

Senator Greaves referred to the two corporations that are being delinquent, as far as I am aware. But a major part of the public corporations are not delin-

quent — let me make that statement very clear — and those that have been found to be delinquent have not received any comfort from Government. They have been directed to get their house in order. And Senator Greaves knows that.

(SENATOR E. E. GREAVES: How do I know that?)

SENATOR THE HON. N. A. BARROW: What we are dealing with, and what this legislation reflects, is something completely different.

In the first place, Land Tax is a charge against the land, and, therefore, even if you sell the land, the new owner could still find himself burdened with the liability for the tax. Notwithstanding that this is so, we find peculiar transactions in the hotel industry. Take Palm Beach Hotel, for example. Mr. Michael Simmons was able to sell the hotel without paying the Land Tax, and with a specific statement in the agreement that it had been paid. Only the other day, the new owners found themselves landed with one wacking bill — at which point Mr. Simmons wrote a letter again saying at the time of purchase they knew that the thing was outstanding. Fortunately, that was inconsistent with the document that is basically important to them.

Senator Greaves mentioned Miramar. What are we going to do if hotels are going to be run by operating companies with no assets that can be seized, nothing that can be levied on? What do you do when you come to deal with the questions of delinquency in respect of National Insurance payments or in PAYE deductions where in my humble opinion, what has gone on there has clearly been conversion? Obviously, they have taken the people's money and employed them to their own benefit rather than use the ordinary official source for finance, the banks. They are using money which is not theirs, which never had any right staying in their hands, which should have passed straight on to the people that it belonged to.

I do not know if Senator Seale is really making this point seriously, but I want to ask a question. How come it is the hotels and not the plantations — when the plantations have been suffering so badly for all these years — that would not pay in people's National Insurance payments or their PAYE deductions? How come, if it is hardship, it is not the plantations, which we know are losing money, but these fly-by-night operators who are running operating companies, and then when you check, they are out and gone. The only thing to do is to require that if you are going to enjoy the advantage of the Hotel Aids Act, then it must be an operation in good standing. That is all this legislation says.

Senator Seale raises the point about Land Tax going from \$100 to 100,000, or whatever. It does not matter. If Senator Seale had been directly running that company and had been dissatisfied with the assessment, he would have appealed against the assessment. Did the hotel do this? If they do not appeal against the assessment, how can you come in here now and complain about the level of Land Tax?

We know that a lot of people will not appeal against an assessment, because they feel that if Government comes to purchase, they are not going to be able to purchase at a level below the taxable value of the property. So they are prepared to live with the assessment, even though in real terms you may be able to justify that that assessment was too high. You cannot have it both ways.

Mr. PRESIDENT: Senator Seale.

SENATOR C. D. SEALE: On a point of elucidation, Sir. The way that the Land Tax levy bills on new hotels is that they ask the new hotel to produce evidence of cost and then they use that as the value. Now it would be very nearly impossible to object to that.

What is wrong is the rate at which it is being levied, not the value. You can only object against value. But if you have had to produce your evidence to show what the hotel costs, how can you really then object to the value?

SENATOR THE HON. N. A. BARROW: Mr. President, there are two approaches, to my knowledge, that apply. The first is the objection to the valuation. The second is the application for relief. Even if you are satisfied that the valuation is a fair valuation, what happens then if, within the means of the business, the payment cannot be met?

1.30 p.m.

I believe that is where lies the justification for applying for relief. Therefore, my only other question would have to be, in the event that the hotel considered the valuation to be fair, did it apply for a relief? Because we have provisions provided within the law and we must seek and explore and exhaust what avenues are provided. Only after that, in my view, can we reasonably complain.

I want to address myself to one aspect of the point made by Senator Seale when he intervened just now. In Barbados there are unrealistic valuations. We all know that. But there tend to be, in those cases, ridiculously low valuations. I believe that any of us around this table could find examples of valuations which appear to be fair and valuations which appear to be very low.

I, myself, would prefer to have consistently realistic valuations, so that the Minister of Finance will be in a

position to say, "If these are the valuations, then the rate can be adjusted downward", and then you come up with a lower rate. But we are getting very erratic results out of the Valuation Department. To the best of my knowledge, it has always been so. But we know it very acutely when we come to compare sums of money to be paid for lands bought for a public purpose.

So I am not prepared to reject out of hand, as having no merit, Senator Seale's point in relation to what the rate is pegged at. I am saying that, indeed, the Valuation Department does have a job to standardize its valuations. I can tell you that we at Cabinet level are not satisfied that the valuations are consistent when they are properly examined. You will find properties bearing similar features which will carry two radically different values.

But that is not to say that I am at all prepared to admit that there is merit in his position, because if we admit Senator Seale's position, we would be indeed admitting that it is all right for people to deduct National Insurance money and not pay it over, that it is all right to deduct PAYE and not pay it over, that it is all right for people not to pay their land tax. What little land I own I may have trouble in paying the tax, but I have to try and pay it. That is the position, I believe, that all of us find ourselves in.

I was very happy indeed when Senator McClean intervened to deal with the point briefly. It was a total dismissal of Senator Seale's position, and I must say that I share that position. I am not standing here because I am glad to see hotels in trouble. Sir, far from it. But I am forced to speak, and speak in opposition, to Senator Seale's point because I know that a number of the hotels that are in trouble have had misfortune visited upon them by a quality of management that in some cases was more remarkable for want of honesty than for any other reason. We cannot have people carrying away the money that is supposed to be paid over and then say that is not regarded as a business not in good standing and, therefore, should not receive certain benefits. I think we have to be very blunt and very direct on these points....

Asides.

SENATOR THE HON. N. A. BARROW: That is correct. Some of them even carry away the Service Charge that you pay, when you think that they are paying it to the workers.

Nothing I am saying is to be taken as a wholesale indictment of the hotels or the industry. What I am saying relates to the fact that a lot of the delinquency in the areas being addressed by this Bill has been caused by that kind of unfortunate conduct, and that is why this Bill is before us. If, for example, the hotel with which

Senator Seale is associated does not find itself in these straits, you should ask yourself, 'why?' You should ask him if what has happened at Miramar had happened in that hotel whether he would not now be in these straits? After asking yourself: 'Why?', find out if you are objecting to something on principle, or if you are merely objecting because it would seem to be something that certain people would like to hear you object to. There cannot be any serious objections to this.

On the question of electricity bills, I think Senator Griffith is going to speak on this point. Let me leave that area, except to say one thing. The Public Utilities Board is still responsible for electricity rates. If you want to deal with the questions as to whether relief should be given to hotels, or any other form of economic activity, after the Board has imposed its will, then what we will have to do is to prepare your case and make your representation in the right quarters. I cannot see how you can appeal directly to a Minister and cut right across the line where there is, clearly, an established statutory authority for the matter to be handled in another area.

I have a feeling that what the Senator is referring to is a reflection on that one decision of the Board, which is still in force, where they departed from the principle of reducing the rate after a certain volume of use, because it was their intention, as I read it, to seek to restrain people from excessive use. I believe they felt that if they continued with a policy which allowed rates to decline over a certain period, this would be contrary to any attempts of energy conservation. I cannot now remember because the decision is a couple of years old, but I remember quite well when the Board departed from its practice of allowing a situation where you paid a lower unit rate after a certain point. But that is a matter where the Ministry responsible for Consumer Affairs and the Ministry responsible for Energy would need to see exactly what is the way to deal with this.

The final point relates to the reference to water bills. All I can say about water bills is that I used to think that the people who were feeling the effects of water bills, and who, in fact, have a substantial problem, were those people who have no water meter and who, therefore, find themselves paying water bills in relation to the value of the premises they occupy. I am well aware of that problem, and that is why I, for one, feel that the Barbados Water Authority ought to move to put a meter in every house — because, contrary to popular belief, the water supply is cheaper if you have a meter than if you do not have one.

1.40 p.m.

The way to give relief to those poor people, where the water rates have gone up to a level which they should find uncomfortable, is to ensure that the Water Authority meters every water supply.

I would not wish to accuse the Water Authority of being reluctant to meter, because it might have a certain effect on their revenues; but I know a lot of people are prepared to accuse them of that. The point I am making is that for most people, and for most undertakings that I happen to have any knowledge of, or to talk to people who have knowledge of, the cost of a meter to the Water Service is not a cause of concern.

SUSPENSION OF SITTING

Mr. PRESIDENT: I think this is a convenient time to suspend the Sitting. The Sitting will resume at 2.20 p.m. when Senator Griffith will speak.
1.45 p.m.

ON RESUMPTION

Mr. PRESIDENT: The sitting is resumed.

SENATOR THE HON. C. A. GRIFFITH: Mr. President, some months ago I had the honour to move the amendment to the Liquor Licence Act. At the time I pointed out that the amendments were just another set of enforcement measures that the Government had contemplated in furtherance of its tax collection efforts as far as delinquent taxpayers, particularly in business, were concerned. This amendment to the Hotel Aids Act is just another of these enforcement measures.

We will hear statements made in defence of the people who have fallen on bad times, and, I must say, fallen on bad times not only because of the existing environmental situation economically, but in many cases due to bad management on their part.

We tend to forget that, in prevailing climates, there is a need for people who think about going into business to appreciate that business is just not a thing of the past where you can just open a door and expect to make a profit. To go into business means that there must be a level of understanding about what business entails; particularly when you go into business where you, in effect, by law, become an agent of a Government entity, you have to recognize that there are certain responsibilities. But it is all right, it seems, in Barbados particularly, for people whenever they run into difficulties to blame the Government for all of these difficulties that they face. They never stop to look at the internal situation.

In respect of the hotel sector, they are no different. We find that people jump at the opportunity of going into this type of business without looking at certain basic rules which must be followed. If you are going to be going into a business which has money — of course, all businesses I should say handle money — then you have to look at the problems of internal control. If there is no internal control, then you will find that all of the

evils that are associated with the business must necessarily follow.

We find that, time and time again, a lot of the business people are using monies collected by them as agents, not only for the Government, but for the union and so on, and using these monies to solve a cash flow problem, when, in effect, these monies should be set aside. They will always run into this problem, because they either do not take proper financial advice, or they do not seek proper financial advice.

It does no good for us every time this happens to get up and attack the Government, whether it is the Barbados Labour Party Government or the Democratic Labour Party Government. We have seen in the analyses that have been done in the past that a lot of the delinquencies transcend the lives of both Governments, so it means that there are problems some place. These problems have not come from any Government measures that were instituted to create hardship for the people in the hotels.

As a matter of fact, the Hotel Aids Act was designed to help the people in the hotels. But, conversely, what we have is the assumption that, as long as you are collecting money for the Government, it is all right if the Government is never paid, or is paid in the last resort. When the Government take steps to ensure that it has to collect the money to do the business of the country, then you start getting a very bad name indeed. A stop must be put to this.

The Government has been cajoling, persuading, asking and entreating people to ensure that they look at these problems as far as the collection is concerned and try to solve them.

We have looked at the Hotel and Restaurant Sales Tax. Everybody knows that when they go into a restaurant or hotel, you have to pay sales tax. Yet, it is never passed on to the Government.

This is one of the reasons why I vehemently criticized the institution of a sales tax in Barbados as a way of revenue measure under the Democratic Labour Party regime. It is a very difficult tax to collect. We all must recognize that, and particularly when you are asking people who are not properly constituted as business entities. I am not talking about properly-constituted in terms of the law itself. I am talking about properly constituted in terms of their own internal management.

When you are asking a shopkeeper to collect five cents on every dollar and then having to account for the five cents in every dollar, you are asking for problems. I believe that the Democratic Labour Party, before they left office in 1976, recognized that difficulty because

they moved the 5 per cent Sales Tax from retail sales and put it at wholesale, in some instances, because of that kind of problem. I have always been against that kind of imposition of a sales tax.

With the Hotel and Restaurant Sales Tax, you will find a similar problem. There are no excuses for not paying National Insurance contributions, PAYE deductions and so on; no excuse whatever. But it all falls in most cases to lack of internal control.

I have been brought into this debate somewhat reluctantly, because Senator Seale made the point about the need for some relief in relation to energy. I believe that Senator Seale only said that because he looked across this Table and saw me here. I could spend all evening reciting what the Government has been doing in trying to help in the energy sector.

2.35 p.m.

We all recognise that the cost of energy is very high, even though we have been hearing recently that there can be opportunities for cheap energy, and I have had to say in the past, and I will say it again and again, that the era of cheap energy has long gone. I wish we could find some formula to bring it back, but I cannot promise anybody that we can have an era of cheap energy again. So let us make that patently clear. Indeed, what the Government has done is to find ways and means of alleviating the problems.

An analysis has shown that 25 per cent of the energy consumed is consumed in the hotels, and that is understandable. You are talking about a hospitality business where the price of a room runs at all kinds of levels. You have to be very careful about trying to install energy-saving systems in some of these hotels, particularly to a level where the customer is paying for what he or she wants, and therefore you have to try to tailor these energy-saving devices to reflect these kind of tastes.

Forexample, if you go into Sunset Crest, in the village, you will find some coin-operated machines which are designed to cut back on the consumption of electricity, and they seem to work fairly well. But I do not believe anybody would expect to go into Glitter Bay or to Sandy Lane and find the same thing. And where people are paying US\$200 and US\$300 per night for a room you cannot expect that you could ask somebody who paid that kind of money to walk with 25 cent pieces — some don't even walk with money — to pay for a cooling system. So you have to look at what kinds of systems you can bring to bear on the kind of business you are involved in.

I am surprised that Senator Seale would be talking about relief, when, in effect, the Barbados Development Bank, of which he is chairman, has had some funds, from

the Inter-American Development Bank, set aside to be used as 100 per cent financing for retro-fitting in the hotel industry. What Senator Seale should be able to tell us in here is that a lot of the hotels have not taken up this offer, and that the General Manager of the Barbados Development Bank has come to me on several occasions and asked how best we can co-ordinate some promotional effort within the hotel sector to get them to use the funds set aside for retro-fitting.

But there are opportunities for retro-fitting in the hotel sector when you start thinking about the amount of hot water that is being used. For instance, at one hotel on the south coast, which is supposedly very well-managed — and I tend to support that view — when that hotel was being built they brought in over 100 electric water heaters. Now they are turning away from that because of the prohibitive cost of electricity associated with using electric water heaters.

The fuel charge for which Senator Seale is calling for relief for the hotel sector is of concern to me also, and I will tell you why. In 1981, when I first assumed responsibility for Energy, I started monitoring the fuel charge as it related to the cost to the consumer. We found that that fuel charge used to be very much higher than the basic electricity bill. As a result of the efforts of the Government, working closely with the power company, where the Government passed along some of the savings, as recently as this year, generated from the drop in oil prices to reduce the fuel surcharge, we found that the fuel charge itself had dropped significantly, way below 25 per cent of the basic rate.

The fuel charge has gone back up in recent months. I believe that the power company should do its own public relations and explain to the public of Barbados why the fuel charge has gone back to the level it has gone back to. It is basically because that, instead of using the cheap fuel, the Bunker C fuel that they should be using at Spring Garden, they are using the higher-priced diesel.

I think the power company should be explaining this to the public of Barbados and not the Ministry of Energy or the Ministry of Consumer Affairs. They must do their own work.

I also believe that if the hotel sector were to take steps and do some serious retro-fitting by installing solar water heating devices, for which the money is available at the Barbados Development Bank, they would be doing the country a great deal of good. In addition to saving themselves money on electricity costs, they could be generating more employment in the solar water heating industry, which is a mature industry in this country. Indeed, evidence has proven that where the solar water heating has been installed in hotels, like the one in Sunset Crest, tremendous savings have been generated.

This is the kind of thing you must be talking about, rather than talking about trying to get the Government to give you a rebate on the fuel bill.

The Government is doing its best to deal with the whole question of the fuel charge, but the hotel sector must also generate its own efforts and try to solve some of the problems. The Public Utilities Board must be approached. Do not approach the Minister if you want relief from that.

There are people who are very strong advocates on the side of the consumer. We have our dear friend Senator McClean who tries to ensure that the consumer gets a fair break before the PUB. And I must say that his representations are untainted by any political considerations and that they are genuine representations — unlike a lot that I have seen before the PUB, who grandstand just for political gratification and so on.

The Government in its new energy conservation programme, with technical assistance from the World Bank, is continuously looking at ways and means of trying to solve the problem. For one, within the Ministry of Planning, we are looking at a recommendation which was made not by a local hotelier, but by one of the hotels which is foreign-owned and foreign-managed, where they want to buy electrical fittings, the bulbs and the lamps, in bulk and have asked the Government for a tax relief as an incentive to retro-fitting most of the hotels in the industry.

I must say that this has to find favour with the Minister of Finance, because if he say "no", there can be no action. But if the Government would look favourably on that kind of recommendation, where we can have an entire retro-fitting programme in the country, using lights that burn less power, it would represent a tremendous cut in the cost of electricity and the consumption of electricity, and this would be a boon to the hotel sector, and that is why it has merit.

Also in the hotel sector, in a project with the United Nations Development Programme, we are doing some research here on a special energy-saving device which has been known to save some 14 per cent cost in other jurisdictions. Right now in Barbados at the Barbados National Standards Institute we have two young Barbadian boys, neither one of them I doubt has reached the age of 21 yet, who are doing the bulk of the work on this project for the hotel sector.

I must say that I am gratified that the President of the Hotel Association has shown considerable interest. I do not know if the hotel sector at large has shown any interest in it, but I understand that they have done some work in a number of hotels. The object, eventually, is to have these devices made in Barbados by trained Barbadian

hands for use in the hotel sector, for them to cut back significantly on power use. If the hotel sector is prepared to use this kind of device, which has undergone a lot of research, funded by United Nations Development Programme, I am sure, again, that this is one on which they will have some relief.

We must recognise when you are talking about business, particularly the hotel business, you are talking about certain cost considerations. For instance, if you have a low level of activity, you can see that there are costs that will reflect that low level of activity.

2.45 p.m.

There are certain fixed costs that will not change, whether you have one guest or 100 guests. There are other costs that will move according to the number of guests in the hotel. If you have full occupancy, of course you are going to have a higher electricity bill. If you have no occupancy or 50 per cent occupancy and your power bill is still the same as when there is 100 per cent occupancy, you have problems with the Power Company. It is not the Ministry of Energy, so deal with them. I think you should put pressure on the Power Company to answer those kinds of problems.

Once you have that level of activity which moves, there are only certain fixed costs that you have to deal with. I believe that these kinds of considerations must be kept in the minds of the people who work in the hotel sector, the people who say they manage the hotel sector. They must look entirely at what is happening in their operation and see how best they can control this type of activity.

There is one final point I wish to touch on before I sit, Mr. President — the honourable leader touched on it — and it is the whole question of water bills. This was raised by Senator Seale and he said they are high.

Everybody is saying they are high, but I must be partisan in this respect. In 1961, for those of us who care to remember the General Elections of 1961, one of the major issues in the campaign was that the Barbados Labour Party Government had brought in water meters to strangle the people of this country. As a matter of fact, I would say that it helped us to lose the election in 1961.

The Dems promised to get rid of the water meters when they were elected. It happened in 1961. And now we find that everybody in Barbados is calling for the installation of water meters. Everybody in Barbados! People are now saying that they can see where those who have water meters are paying less than those who do not have. But we were pilloried in 1961.....

(SENATOR E.E. GREAVES: You were not a BLP then.)

SENATOR THE HON. C. A. GRIFFITH:.....for bringing water meters into the country for the benefit of the people.

And what I would say finally on the question of water bills is that I believe, and I daresay I am sharing the view of a number of my colleagues,.....

Aside.

SENATOR THE HON. C. A. GRIFFITH:.....I believe that it is about time that we move to have the Barbados Water Authority. — Mr. President.....

Mr. PRESIDENT: Senator Greaves, do not let me have to speak to you so often. I have to hear the debate and if you keep carrying on a conversation across the Table, I cannot hear what the speaker is saying. Please observe the Rules and behave. Proceed.

SENATOR THE HON. C. A. GRIFFITH: He does not like to hear the point about the water meters. I know a lot of them do not like it.

I believe that the Barbados Water Authority will soon have to come under the aegis of the Public Utilities Board so that we could seriously look at the kind of water rates that are being charged to the people in this country. That is in addition to the fact that we should have water meters installed in the entire country.

Thank you, Sir.

Mr. PRESIDENT: Senator Linton.

SENATOR H. R. LINTON: Mr. President, in normal circumstances, it would be reasonable to expect Senator Seale to expect me to support him today on the stance which he has taken with regard to this measure, particularly as not so long ago a sister Bill was introduced in this Chamber and I spoke in a similar vein on that measure to that in which Senator Seale spoke today. I hasten to say that I am not supporting Senator Seale today.

Aside

Laughter

SENATOR H. R. LINTON: He has put in an early defence. He has warned me that he was not here on that occasion. I have not checked the Record. I accept his word for it. So it cannot be said that I am not supporting him today because he left me on that occasion like the "boy on the burning deck", except that I was not exposed to the sun, I was exposed to a blistering and mutilating attack by the Honourable Leader of the Senate.

However, Mr. President, I am not supporting him because I differ from him on a more fundamental principle. On that occasion, if I recall correctly, even if perhaps I did not then state it clearly, I was seeking to champion the cause of certain legal and functional entities which exist in this country, whether we like it or not. I was seeking then to champion the cause of the sole trader and the "company" sole trader; that is, the sole trader turns himself and becomes incorporated. I was seeking the assistance of the Senate then in having those particular cases viewed somewhat sympathetically.

I was thinking of the man who is making furniture under the tree and who incorporates, turns himself into a company, the shareholders of which, in fact, are very often his wife, or a child, or even several children, and whose first call upon his income is for food, not the larger company that we are talking about in the form of a hotel.

I was, as it were, begging for clemency for the shopkeepers, whom I think Senator Hall referred to at the time as the salt of the earth. Those are the persons with whom the thrust of my debate at the time was concerned.

That is not to say that I do not hold some sympathy today for Senator Seale's cause. I do. However, I think the diagnosis as enunciated by him is incorrect. And in saying that, I am referring to one particular point, the point about the Land Tax. I would here, too, hasten to add that I do not agree with Senator Barrow when he said that hotel owners refuse, or neglect, or otherwise fail to file objections against their Land Tax assessments because they fear that at some time in the future when Government comes to acquire the land.....

SENATOR THE HON. N. A. BARROW: On a point of order, Mr. President: Evidently, I need to repeat exactly what I said, because that is not what I said.

What I said was that I would need to be satisfied that the hotel had objected to the assessment and I also said that there are people who do not object to assessments — and this is not restricted to hotels — because if at some point Government is going to buy the land, then they are going to link their case to the level of assessment.

I do not think that can possibly be translated as saying that hotel owners do not object. I do not know whether hotel owners object to assessments or not. What I am saying is that there are two known avenues under the law, as far as I know: one is they can object to the assessment and the other one is that they can ask for relief.

SENATOR H. R. LINTON: Mr. President, without even referring to what Senator Barrow said, although I think I recall what he said correctly, I do not think that any sensible businessman would refuse to object to an assessment because he fears that at some time in the future Government is going to acquire his land. It is not sound financial business practice, it is not logical and it does not conform with anything that happens in the world of commerce.

I do not think that hoteliers or anyone else are motivated by that when they refuse, or neglect, or otherwise fail to object to assessments which are imposed upon them. I do not think, Mr. President, that is the argument to Senator Seale's point at all because it is widely known that Government is notorious for undervaluing properties. Consequently, if — to give the example Senator Seale gave — his hotel is being asked to pay \$100 000, then the value on that property is much, much more. He could, in fact, have been asked to pay \$200 000 or \$250 000, because Government is known to undervalue properties. I am not saying that they are not too high — as a land owner, I feel them, too.

But the point I am making is that if as a result of the Government's valuation the hotel in which Senator Seale has an interest is called upon to pay \$100 000 a year, it means that that hotel is grossly undervalued. And if it is grossly undervalued and it cannot pay the taxes, rates of the lower valuation, then here I agree with Senator McClean where he said that something is wrong — I think he said with the capital structure, except that I would say something is wrong with the corporate structure. That was the gravamen of my submission when we last spoke here on the sister Resolution.

2.55 p.m.

In Barbados, we have a situation where, to put it frankly, there are too many private companies. We have a situation where two people get together and do what we call "float a company", incorporate themselves, turn themselves into a company with limited liability. Today a man is under a tree — a shoemaker, a furniture maker, a cabinet maker, a man making hot sauce, a barber — somebody tells him that there is some benefit to be gained from a corporation, and he goes and gets a lawyer or some other competent person, a Chartered Secretary, to incorporate him and he turns himself into a company.

There is nothing wrong with that. There are certainly definite advantages to be gained from the act of incorporation. But here is where the problem arises: some of them, Mr. President, are successful, some of them are very successful. Sound management training ought to tell them that it is at that point, where they begin to become successful, that they ought to consider turning their company into a public company.

I would venture to say that I do not pretend to be in a position to lecture to Senator Seale about the internal or external workings of any company in Barbados or anywhere else. He has done it for too long, and too successfully. He knows about it, so I am not lecturing to him.

I am speaking objectively, and I am saying that too many people in Barbados do not realize when they have arrived at a point where they need to turn their private company — that is a company which they formed between themselves and their wives, children, and what have you, with the issue of two shares, two subscribers to the Memorandum and Articles of Association of the company, you put on the stamp and you have a company — into a public company. They need to be taught that there is a point at which they should go to the public.

I strongly suspect, Mr. President, that when the machinery for the Stock Exchange is put into place and the new Companies Act is brought into being — early next year, I understand a lot of these problems will be alleviated. It will, in fact, be easier for companies to go public, publish a prospectus and invite the public to subscribe.

As I said, the problem has been aptly and adequately pinpointed by Senator McClean. At the root of the problem is the lack of capital or equity. What happens is that when those companies are formed and they begin to reap success, they go to the commercial banks and they borrow money — at 14 per cent interest, 21 per cent interest, all fancy rates of interest — and the profits are eroded in interest payments.

A proper examination of these companies will show that a large part of their income goes toward the payment of interest. If, on the other hand, they had an injection of capital by means of an issue of shares — the Barbados Light and Power does it, and the Telephone Company do it as well — ordinary shares, preference shares, or what have you, so that you do not pay interest on those you pay a dividend if you make a profit that would make it much easier for them to exist; and they would be able to cope with the payment of the land taxes, electricity rates, and water rates.

I do not accept Senator Seale's argument, even though it could be truthfully said that within the last three years or so there has been an unusually inordinate rise in the cost of public utilities, that the hotels or any other business industry in this island had not planned for the particular increase. If they do projections, which I know, for sure, that some of them do, then they plan for these increases, even for increases of an inordinate size. Certainly, those public utilities which have to answer

to the Public Utilities Board know in advance what they are asking for, and they plan for them.

So I do not think that, on the question of the electricity and water rates that argument holds any water. I think the answer lies in the solution suggested by Senator McClean, which is really and truly a re-capitalization and injection of funds and capital into the particular industry.

While I am on my feet, Mr. President, I want to take this opportunity to reply to Senator Greaves, who talked about certain statutory corporations which are delinquent in the payment of their National Insurance collections. He referred to an entity called Parks and Beaches, which I think is a misnomer for another institution with which I may have some connection. If, indeed, that is the position, I wish to state that the National Conservation Commission is not really delinquent. It is in breach of the law in that for a little while...

Asides.

Laughter.

SENATOR H. R. LINTON: It is in breach of the law for the simple reason that it has not paid in its collections as they were collected.

As I understand the reason for this legislation, it is aimed at entities that collect the funds and spend them on other projects. But if we are talking about entities that are just slow in paying in because they have not got the paper work done, then that is the category within which we fall. We are not delinquent in that we spend the money, or that we have refused to pay because we do not have the money. We have not got our paper work done.

That is no joke. The Senate may laugh, but only about four week ago, another member of the Commission, whose name I would not put into this debate, and I were detailed as a sub-committee to go up to the Accounts Section to find out why they were behind in remitting the contributions to the National Insurance Department.

We found out that the system that they have is cumbersome. As a matter of fact, we are taking advice now as to whether or not we should computerise the department or not. The system that they have is so cumbersome that the time allotted to them during the week for the preparation of the payroll, the collation of the figures and what not, does not permit them to collate the figures related to National Insurance contributions and, therefore, they are really behind hand.

They regard it as a staff problem. But we think that it is a problem to do with the volume of work within the department. The department has grown considerably over the last five years and there has not been a

commensurate improvement and growth in the level of staff within the department. That explains why the National Conservation Commission is sometimes slow in paying in their contributions.

It is not unknown, because I have it on good authority that a certain union is also slow, sometimes, in paying in theirs, too. I would not speak much about the union, because that brings me to another point, Mr. President.

I wish to join with Senator Seale in congratulating the Tourist Board, because I remember clearly that on the last occasion on which I spoke on tourism, I was fairly vitriolic in my comments on the Director of Tourism, and also with the union having a representative on the Tourist Board. I know now that the union does not have a representative on the Tourist Board. I know also, however, that its performance has improved. Whether the one ties in with the other, I do not know. I am not going to say anything less in Sunday's newspaper, in "The Union Speak", they castigate me once again.

So I would like to take the opportunity to join with Senator Seale in congratulating the re-constituted Tourist Board with respect to its improved performance in the tourist industry. I hope they can sustain it. I trust that it is not just a swallow we make in the summer.

I do think, though, that they have moved in the right direction. I am glad that they took my advice and removed the union representative, even though I was castigated for it. It seems, after all, that he was the fly in the ointment on that Board.

Mr. President, I thank you.

Mr. PRESIDENT: Senator Howell.
3.05 p.m.

SENATOR ST. C. E. HOWELL: Just a few brief remarks in my reply. First of all, I would like to thank Senator McClean, the Leader of the Senate, Senator Barrow, and my colleague, Senator Griffith, who have replied quite effectively to matters that I would have been called upon to reply to, and, therefore, have made this task rather easy.

Sir, in the course of the debate, unfortunately a couple of phrases have been used which, as far as the inputs to this debate is concerned, makes me a little unhappy. Earlier on, in an entirely different matter, the term "strong-arm tactics" was used in relation to a Government measure introduced today, and in relation to the measure which is now before the Honourable Senate. I think it was Senator Seale who was of the view that Government was insensitive in introducing this measure at this time.

I do not at all agree with this sort of terminology. Here we have a situation in an industry where, from the inception, as a result of the combined effect of Sections 11 to 13 of the principal Act, you can apply for the licence and get substantial privileges in the existing law. Then, on completion of the laying of the last brick, there is a 10-year grace period; and then, when the hotel actually goes into business, you get a third stage where expenditure relating to the Income Tax Act, can be set off.

These are considerable privileges, Sir, to my knowledge not enjoyed by any other industry in the country. I may be speaking subject to correction, but I do not see it as being correct to say that Government, by introducing this measure at this time, is being insensitive.

We are only saying that, in an industry where such privileges are enjoyed, it is only reasonable to ask the operators in this industry to do their legal as well as their social duty and to pay the taxes to the appropriate authorities. I want to make it quite clear that Government is not insensitive to this industry, or indeed to any industry which is doing its best to make this country a better place to live in.

Only this week we had a meeting with the Barbados Hotel Association. They did not complain about any of the things I heard talk of today. They have raised another matter with me, which I am considering. I will discuss it with the Minister of Finance. But I would like to make this clear that, from my understanding, and reading between the lines, the Association itself does not condone these practices.

I think the matter was quite well put earlier this year, I think it was April 28, in an article in *The Nation*, when this problem was examined. This was not a politician from this side, but a newspaper that said that what is actually taking place in the industry is the non-payment of tax. It really goes further than simple evasion, because it means that person in a position to pay are opting out of their duty.

They are looking for all of the benefits. These benefits have never been withdrawn. All we are saying is that the benefits are still there for you to use; but in so doing, pay your taxes. It is a two-way business, and that is the only way this country can go forward.

Mr. President, I am grateful to the Leader of the Senate who has drawn one point to my attention, something that I have mentioned in another place, where I described them as "the salt of the earth".

There is a certain view by some people in Barbados, who, to my mind, have quite deliberately twisted the whole scenario of this tax payment and collection. They use the small man, the rum shop man, as the example of

the person who must pay his Land Tax bill if he wants to eat the following week.

I have said, I am on record in places other than this place, that the evidence which has been available before me and the entire task force of this country does not reveal that these people present any problem. The evidence does not reveal this. These are the people who pay. It is the people who are in a charmed and privileged position to float large companies in tax havens, in foreign countries, then float the management companies here, enjoy all of these privileges, from the laying of the foundation to the last brick, who are the main defaulters.

Mr. President 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 St. C. HOWELL, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 – 5 inclusive were called and passed.

SENATOR St. C. E. HOWELL: Mr. Chairman, I beg to move that the Senate do now resume and that the Bill be reported.

Mr. CHAIRMAN: Before I put the question would Senator Seale say when he wants his dissent recorded.

SENATOR C. D. SEALE: No.

The question was put and agreed to; the Senate was resumed and the Bill was reported as having passed the Committee without amendment, Mr. PRESIDENT in the Chair.

3.15 p.m.

On separate motions of Senator St. C. E. HOWELL, the Bill was read a third time forthwith and passed.

THE STAMP DUTY (AMENDMENT) ACT, CAP. 91

Order No. 5 was called – To move the Second Reading of a Bill to amend the Stamp Duty Act, Cap. 91.

SENATOR THE HON. C. A. GRIFFITH: Mr. President, since I regard all human activity as an educational process, I was very satisfied to learn today that there is a new definition for delinquency.

In moving the second reading of this Bill, I should like to give a brief background on the proposed amendment. Primarily, it is designed to give the Controller of

Customs the authority to refund Stamp Duty in the same way that he has this authority to refund Customs Duty under Section 131 of the Customs Act. The insertion of Sections 7A, 7B and 7C after section 7 of the Stamp Duty Act is to make allowance for the same kind of situations in respect of Stamp Duty as obtains for Customs Duty under Sections 38 and 39 of the Customs Act, Cap. 66.

At the present time, refunds of Stamp Duty have to be sanctioned by the Minister responsible for Finance, and, as we know, this is a very tortuous process. What the amendment hopes to do is to speed up the process so that refunds of Stamp Duty can be made without delay to the claimants.

The Schedule to the Principal Act is also amended to give effect to the 1983 Budgetary Proposals made by the Minister of Finance in Parliament on April 27, 1983. These proposals were to increase the rate of Stamp Duty from 2 per cent to 3 per cent on C.I.F. value of imported goods, to increase the fixed rate of Stamp Duty from \$5 per Bill of Entry to \$10 per Bill of Entry on those categories of goods exempted from the payment of the *ad valorem* rate of Stamp Duty, and to introduce a rate of \$10 Stamp Duty on all exempt insurance documents.

The effective date for the increase in Stamp Duty from 2 per cent to 3 per cent and from \$5 to \$10 is April 28, 1983. In the case of the exempt insurance, the date is October 4, 1983, the date on which the Exempt Insurance Act was proclaimed.

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. C. A. GRIFFITH, Mr. PRESIDENT left the Chair and the Senate resolved itself into Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clause 1 was called and passed.

Clause 2 was called.

SENATOR THE HON. C. A. GRIFFITH: Mr. Chairman, I beg to move that Clause 2 stand part.

Mr. CHAIRMAN: Before I put the question, I would like to draw your attention to Section 7B, Clause 2, where in the fourth line it reads: "stamp duty on goods loss or destroyed". The word "loss" is a grammatical error, but it is also a typographical error. It should, of course, be "lost".

The question that Clause 2 stand part was put to the Senate and agreed to.

Clauses 3 and 4 were called and passed.

On motion of Senator the Hon. C. A. GRIFFITH, the Senate was resumed and the Bill was reported as having passed the Committee, notice being taken of the spelling correction in Clause 7B, Mr. PRESIDENT in the Chair.

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

THE PLANT PEST AND DISEASE (ERADICATION) (AMENDMENT) ACT, 1983

Order No. 6 was called – To move the Second Reading of a Bill to amend the Plant Pest and Disease (Eradication) Act, 1983.

SENATOR THE HON. N. A. BARROW: Mr. President, on February 23 this year, when we debated the legislation which is now being amended, one member of this Chamber was responsible for our giving some attention to whether or not the Bill then before us went far enough.

The honourable member to whom I am referring is Senator Ward, whose points rather quickly gathered support from many other Senators, and may I at this point take the opportunity to congratulate Senator Ward on his recent honour, since I was not here at the time when congratulations would have been more properly done.

3.25 p.m.

The Senator at that point argued that the legislation before us, as he saw it, did not go far enough; in that the nuisance could emanate from premises other than farm premises, and these were not covered in the legislation.

I remember at that time arguing, and indeed being advised later in the meeting to this effect, that, in Regulations made under the Health Services Act, there existed the requisite power for the mischief to be met. But, as I said then, we were quite prepared to take the matter back and have it properly and more thoroughly examined, and, in the event that it was found that I was wrong and Senator Ward was right, then we would bring legislation down to remedy the mischief. I need not say who was wrong and who was right, since we have legislation before us.

I would like to say that it reminded me of a previous occasion in the Senate of 1966–71, when there was legislation before the Senate dealing with medical malpractice, and what had crept into the Bill was a provision which would have seriously limited the plaintiffs' rights. On that occasion, I argued, much as Senator Ward did on this occasion, and Attorney-General Senator Smith, as he was then, asked leave, withdrew the Bill and brought it down later, much improved.

On that occasion, in those days when Joe Broome was the sole reporter for the Senate, the whole thing transpired without my getting even a word of credit in the Press for having put plaintiffs in a much better position. I hope, Sir, that Senator Ward would be far more fortunate today than I was on that occasion.

The fact is, Sir, that as we look at the Bill, we would see that it is a very simple piece of legislation. What it does is to extend the ambit to include premises other than agricultural premises, so it meets very directly the point made by Senator Ward, I think it was Senator Ward, who on that occasion said that some of the worst examples of what we were dealing with could be found at a certain police station.

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

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

SENATOR L. A. WARD: Mr. President, I rise to support this Bill. I have nothing much to add, other than that it rectifies what it was that was causing me concern. I am very pleased to see that the legislation has come back, and I support it.

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

On the motion of Senator the Hon. N. A. BARROW, Mr. PRESIDENT left the Chair and the Senate resolved itself into a Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 to 7 inclusive were called and passed.

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

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

CABLE AND WIRELESS (WEST INDIES) LIMITED (AMENDMENT) ACT, 1983

Order No. 7 was called – To move the Second Reading of a Bill to amend the Cable and Wireless (West Indies) Limited Act, Cap. 275.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, the legislation before us is here because of certain

decisions along the way to the development of a new company which will be running our telecommunications services come April 1, 1984. I think it is a matter of public information that Cable and Wireless and Government have been negotiating, and that in the new company, the Government will have 25 per cent of the equity, Cable and Wireless will continue to have the majority interest, and that some equity will also be made available to private and institutional shareholders locally. I should add that would include staff of Cable and Wireless, such staff as are willing to invest and can, at the time, do so.

The present position is that we have moved a fair way from the arrangements by which Cable and Wireless, enjoying a monopoly position in providing external telecommunications service in this country, and the Barbados Telephone Company, responsible for the internal telecommunications of the country, operated as though they were two bodies poles and poles apart. If there were an apt application of Kipling, then I think it would have been found in the attitude of the two bodies, "East is east and west is west and never the twain shall meet."

But what we have seen since November last year, when both companies had to sit down and get their heads together, under the aegis of the consultant whom ITU provided the Ministry with, is the companies come to a working arrangement which makes sense. So gone are the days when there would have been bickering as to whether it was fair for Cable and Wireless to pay the Telephone Company 30 per cent, 35 per cent or even 40 per cent. 3.35 p.m.

The present position is that it is now recognized that the two companies are so heavily inter-dependent, one upon the other, that the growth in overseas calls business, for example, would be impossible to the extent to which it has taken place had there not been an efficient, extensive internal service to buttress the installations of Cable and Wireless; just as the placing of overseas calls at all would have been impossible had there not been the efficient service established by Cable and Wireless itself. The two are interlocked. So the sharing is on a 50/50 basis.

This has impacted on the average telephone company subscriber. It means that the telephone company does not, and will not, certainly not before 1988, need to go to the Public Utilities Board to ask for new rates, because as the telephone overseas traffic grows, as long as that business originates in Barbados, then the local telephone company has a 50/50 stake with Cable and Wireless in the revenues.

This is why we are able to have a telephone service which is not only the envy of the Caribbean, but compares with any service anywhere you go, but at a cheaper

rate than any other telephone service rate that I know of. Telephones in Barbados are cheap, the service is efficient, and I hope that both will remain exactly that way for a very long time.

The reason I have led off by saying that is not only that what actually exist reflects the commitment of this Government, that there shall be, in so far as Government action can ensure, cheap and efficient telecommunication services in this country, but these are important for social intercourse, and even more important for economic activity. These are important in that there is a whole lot of business potential involved in making Barbados the communications center of the Caribbean, which is an expressed aim of my Ministry and of the Government of which I have the honour to be a member.

These are important if we are to take advantage of the opportunities being opened as a result of the revolution and information technology with the marriage of the computer technology and satellite communication technology. If people want to set up information-based industries, data processing, for example, we must be, with our highly literate population, easily-trained work force, and up-to-date, modern, efficient telecommunication system, in the forefront of countries which can get that kind of business.

I mention this, Sir, because the legislation which we have before us, hangs on the Act 1980/69, which introduced new Sections 22, 23, and 24 into the Cable and Wireless (West Indies) Limited Act, Cap. 275. The effect of those new sections was: Section 22:

"To require the company to keep records and books of account containing such information as is necessary to enable the amount of revenue earned in Barbados and in particular revenue derived as a result of overseas telephone services to be determined".

It goes on but that is the burden of the section.

Section 23:

"Empowering the Minister responsible for Telecommunications to determine by order what percentage of the gross revenue accruing from overseas telephone services vest in the company, and what percentage of that revenue is payable to the Barbados Telephone Company".

Section 24 was a penalty section.

We now go further, and in this legislation we are inserting a new provision after Section 15. Section 15 says:

"The rates of charge which members of the public may be required by the company to pay for the transmission of messages shall not exceed such rates as the Minister may from time to time determine".

We are inserting a Section 15A, which deals with the fees which the company shall pay in order to enjoy the rights of operating under license.

Part of our agreement last November was that the Telephone Company and Cable and Wireless would each pay the same fee. The fee applicable to Cable and Wireless from 1967, I think it would have been, because it is a 15-year licence, used to be \$15 000 a year. While we were working out the negotiations, we had that raised to either \$100 000 or \$150 000, and at the end of negotiating what the new rate should be, we also brought in another thing, which is that the two companies would pay the identical license fee.

The Telephone Company was at the time paying \$500 000 in licence fee, and that, as of January 1, 1984, has been raised to \$750 000. Similarly, that of Cable and Wireless has been raised to \$750 000. So in the fifteen years of the previous license, we will have got something like \$225 000. We have moved to a stage now where the license fee will bring in \$750 000 per year.

Let me add that telecommunication has been described as the fastest growing industry, and the unknown creature is a company that sets up in that field and fails to make money. So it is just not the matter of peeling off. The fact is that what Government is making available to the operators is an extremely valuable license, and, consequently, the fee attached to the license has shown some reasonable increase over the last couple of years.

The legislation, therefore, is designed to give legal authority to the arrangement for fee-charging, just as the 1980 legislation gave legal authority to the arrangement by which the Minister, by order, would prescribe what share of the overseas revenue would go to the Telephone Company and what share to Cable and Wireless (West Indies) Limited.

In closing, I just will repeat that we consider it of the utmost importance that we continue to maintain our reputation for cheap, efficient telecommunication services. We have them now and we intend to keep them.
3.45 p.m.

We consider that a great future lies for us in the field of telecommunications. When the new company is formed, it will give expression to our own confidence of our future in this area, and to our view that, while it is not necessary for services of this nature to be nationalized, it is absolutely necessary that the national interest be reflected in these services, by way of not only certain kinds of controls, but substantial equity participation.

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

The question was put to the Senate and agreed to.

On motion of Senator the Hon. N. A. BARROW, Mr. PRESIDENT left the Chair and the Senate resolved itself into Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 and 2 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 amendment, 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.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move that the Senate do now adjourn until Wednesday, December 21, 1983, at 11.00 a.m.

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

CONTENTS

PAPERS

SENATOR THE HON. N. A. BARROW 38

The Law Revision (Rectification of Omissions)
Order, 1983.

Statement showing Net Customs and Excise
Receipts for 2 months ended 31st May, 1983.

Statement showing Net Customs and Excise
Receipts for 3 months ended 30th June, 1983.

Annual Report and Financial Statements of
the Board of Tourism for the year ended
March, 1983.

INTRODUCTION OF BILLS

SENATOR THE HON. N. A. BARROW 38

A Resolution to approve the guarantee by the
Minister responsible for Finance of the pay-
ment of the principal and of interest necessary
for the redemption of the bond issue in the
sum of \$10,000,000 under the Sugar Industry
(Support Price) Act 1982.

PUBLIC BUSINESS

HEALTH SERVICES (AMENDMENT) ACT, 1983. 39

Senator Trotman, 39, 47; Senator Greaves, 40;
Senator Barrow, 40; Senator Seale, 41; Senator
Linton, 41; Senator Jemmott, 43; Senator
Mrs. Reader, 44; Senator Jones, 44; Senator
Ward, 45; Senator Mrs. Reece, 46; Senator
Griffith, 46.

EXPATRIATE PENSIONS (AMENDMENT) ACT,
1983. 48

Senator Williams, 48, 49; Senator Greaves, 49.

POLICE (AMENDMENT) ACT, 1983. 49

Senator Trotman, 49; Senator Linton, 49;
Senator Seale, 50.

HOTEL AIDS (AMENDMENT) ACT, 1983. 50

Senator Howell, 50, 62; Senator Seale, 52, 55;
Senator McClean, 53; Senator Greaves, 54;
Senator Barrow, 54, 60; Senator Griffith, 57;
Senator Linton, 60, 61.

STAMP DUTY (AMENDMENT) ACT, 1983 63

Senator Griffith, 63; Mr. Chairman, 64.

PLANT PEST AND DISEASE (ERADICATION)
(AMENDMENT) ACT, 1983. 64

Senator Barrow, 64; Senator Ward, 65.

CABLE AND WIRELESS (WEST INDIES) LIMITED
(AMENDMENT) ACT, 1983. 65

Senator Barrow, 65.

SUSPENSION. 57

ADJOURNMENT 67

SPEAKERS IN THIS ISSUE

BARROW, Hon. N. A.

GREAVES, E. E.

GRIFFITH, Hon. C. A.

HOWELL, St.C. E.

JEMMOTT, C. E.

JONES, Rev. Canon I. McK.

LINTON, H. R.

MCCLEAN, A. W. A.

READER, G. G.

REECE, M. O.

SEALE, C. D.

TROTMAN, Hon. O'B.

WARD, L. A.

WILLIAMS, J. E. D.