

THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

THE SENATE

Wednesday, March 2, 1983.

The Senate met in the Senate Chamber, Public Buildings on Wednesday March 2, 1983, at 11.15 a.m. today.

PRESENT

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

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

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

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

Senator H. R. Linton

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

Senator J. E. D. Williams

Senator D. A. C. Simmons

Senator Miss J. Clarke

Senator A. P. L. Reece

Senator Mrs. M. O. Reece

Senator E. E. Greaves

Senator W. W. Hall

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

Senator C. D. Seale

Senator the Rev. Can. I. McK. Jones

Senator K. A. Rouse

Senator L. A. Ward.

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

ABSENT

Senator the Hon. C. A. Griffith, Senator A. W. A. McClean and Senator St.C. E. Howell.

REPORT OF SELECT COMMITTEES

SENATOR THE HON. O'B. TROTMAN: Mr. President, the Standing Orders Committee met on the 16th and 23rd of February and the Report of the Committee was circulated last week for the benefit of honourable Members. I should point out, Sir, that one member of the Committee submitted a minority report, in which he dissented from all the proposals regarding time limits as recommended by the Committee. I understand that he accepts the other routine amendments which are pointed out in the report.

Briefly, Sir, what the Committee is recommending is that we should move away from our present status where members have unlimited time for a speech, and that we should adopt a time limit system not dissimilar from the one used in the Other Place. We are however recommending even more generous times than the Other Place, because we are suggesting that members be given one hour to speak on the Appropriation Bill, and on other Bills and measures persons can speak for thirty minutes, with a provision that the time may be extended on motion that the person be granted additional time.

The question of the Appropriation Bill is the one which is probably more urgent, since it is our opinion that with the time limit set for getting the Appropriation Bill through this place, if four members spoke for four or five hours, it would frustrate the Senate and we would not be able to get the Bill before the Governor General before 31st March, and therefore we are trying in this proposal to distribute the time fairly, so that all members would have an opportunity to make their inputs on the Appropriation Bill before it is submitted to His Excellency on the 31st March.

11.25 a.m.

I beg to move, Sir, that the Senate do now adopt the Report of the Standing Orders Committee.

SENATOR J. C. W. WICKHAM: Mr. President, I wish to second the motion, and I reserve my right to speak on it in due course.

Mr. PRESIDENT: It is proposed that the Report of the Select Committee on Standing Orders be adopted.

SENATOR E. E. GREAVES: Mr. President, I do not think that I could allow this opportunity to pass without making some remarks on this proposal.

I first want to indicate that, as a member of the Standing Orders Committee, I submitted a minority report expressing my dissent from all the proposals in respect of time limits on speeches and amendment to the Standing Order No. 59, which proposals are included in the report which is now before this Honourable Chamber. I want to again, on this occasion, express my dissent from this proposal.

I think that to use the position which obtains in the Lower House as an indication and as a kind of background for proposals of this nature is erroneous. I think that one has to look at it from the point of view of the history of the Senate, particularly since the existing Standing Orders came into operation.

Senator Trotman, in his introduction, indicated that if all members spoke for four and five hours, then it would be impossible for the Senate to conclude deliberations on the Appropriation Bill in time for it to be sent to the Governor General by the 31st March.

The fact of the matter is that such a situation has never occurred, and I think that tradition is something to which we have to pay due regard. There has never been an incident in the Senate where you have had this kind of situation occurring. Indeed, if one were to relate it to this particular Senate and look at the composition of the Senate, one would find that, apart from one or two Senators who might like to talk a little long, Senators really do not utilise that kind of time. So I do not think we have any particular reason to fear that time would be used in the way that Senator Trotman fears.

I wonder, Sir, what the Government is worried about in this particular exercise. Why is it that the Government finds it necessary to support these proposals, particularly in view of the fact that the Government has in this Chamber excluding yourself, Sir, eleven Members?

Mr. PRESIDENT: Just a minute Senator Greaves. I would wish to make a point clear for all honourable Members. This is a report from the Standing Orders Committee. It is not a government measure. The ques-

tion of whether Government members on the Committee supported it or not is not exactly relevant to the debate, and I would not wish the feeling to go down that this is a government measure.

Actually, if members would read the Minutes carefully, it would indicate that the first suggestion for an amendment to the Standing Orders, in the nature of amendments that have been suggested, came from an independent Senator.

SENATOR E. E. GREAVES: I still ask the question, Sir, why it is the Government finds it necessary to support this? I am not at all suggesting that the idea for limitations, from the point of view of documentary evidence, came from the Government. I am not at all suggesting that; you are quite right that the idea came from Senator Wickham. But the point is that we have a situation where the Senate is composed along the lines of twelve members on the Government side, seven independent Senators and two Senators representing the Opposition party.

In my view, it is unfair to the Opposition to seek to impose time limits on speeches, because if you were to calculate the time which could possibly be used up by the other Senators in a debate on the Appropriation Bill, you will find that among the Government Senators and the independent Senators that there would be a maximum of 20 hours debating time, which this change would allocate to those two groups within the Senate.

I say those two groups, Sir, because one of the very interesting things which the records of this Chamber will demonstrate is that the independent Senators, with very few exceptions always speak in favour of any motion brought here in this Chamber. Let me just say, Sir, that when the history of this Chamber is written, historians are going to be very cruel on those persons who are independent Senators. I will choose my words very carefully — who are supposed to be independent.

Therefore, if you were to look at the maximum time allocated to the Government group and the independent Senators, one would see that the maximum time allocated is 20 hours. What do you have for the two Opposition Members? You have a maximum of two hours for the person speaking first on behalf of the Opposition and one hour for the other Opposition Senator, so between the two of us, we have a mere three hours. And if the Government, or anybody for that matter, can argue that within the particular framework that we operate under at the present time they are unable to put forward and represent the views and the policies of the Government, what then would one expect us to do in this particular situation, as far as this amendment is concerned.

11.35 a.m.

I am making the point, Sir, that at the present moment where there is an open situation, anybody who wants to speak can speak, and if there is some concern about the length of time that people spend on debating certain measures, then this is the nature of politics. I do not see why we should, at this point in time or at any time, be seeking to impose limitations on speeches in the Senate. I know that one should not necessarily anticipate debate, but I know that some argument might properly be brought up to the effect that limitations were imposed during the Democratic Labour Party's regime in the Lower House. That is a fact, but the fact of the matter is that in the Senate the situation was maintained where it was, and there are no limitations, and I think that is crucial.

We have to look at the situation as it obtains in the Senate. If there is concern, Sir, about the length of speeches, — and this is no reflection on you as the presiding officer, or your deputy when he has to substitute for you, no reflection on you — if people are waffling, wasting time, filibustering, this would be a matter for the presiding officer if he is of that view. But that is the only constraint, I am suggesting, Sir, that should apply in this particular situation.

There are rules in this Chamber which govern time wasting, which govern filibustering, or any of the words you would want to use to describe that kind of activity. There are rules governing that, and I do not see why we would want to change a situation like this. I am saying, Sir, that this would be oppressive to the Opposition. This is another attempt to curtail the Opposition, but I think I know why we are getting this kind of move here at this point of time. Senator Trotman in introducing this Resolution has not given any valid reason why we are being called upon to adopt this particular change.

I know I was a member of the Committee and I opposed it. No reasonable or valid reason has been advanced for curtailment of the speeches of members. I will come back on that, because if I were not in here, and I were in another situation.....

Mr. PRESIDENT: Do not say what you would do in another situation.

SENATOR E. E. GREAVES: That is anticipating.

Mr. PRESIDENT: I said do not say what you would say.

SENATOR E. E. GREAVES: You know what I would say; fair enough, you got the message. But I think that this is definitely unfair to the Opposition, and I would like to urge the Senate not to adopt this report.

I believe that the minority in any situation should be given an opportunity to express its point of view as widely as possible. And just as Senator Hall last week paid tribute to you and to your deputy for the way you have presided over this august body since we were here, I would want to say that we have no hesitation in indicating that we certainly recognise the way in which both of you, in your capacity as presiding officers, have allowed the Opposition to present its point of view. But when we come to the Appropriation Bill, which involves a lot of work in terms of the kind of Ministries which are covered — and one finds that Ministries are on the increase, expenditure by Government is rising — the whole Appropriation Bill becomes more and more complicated and more extensive, and if the Opposition is going to be able to do justice to the Appropriation Bill, in terms of making a contribution and in terms of dealing with all of the Ministries with which we have to deal, then we need time, and I am saying, Sir, that two hours would be insufficient for me. Senator Hall, I am sure, will be able to speak for himself, but one hour would be insufficient for him.

Imagine, Sir, one having to go through the Ministry of Education, the Ministry of Information, the Ministry of Transport and Works — and that will get a lot of lashes, the Ministry of Information — and there is a whole range of Ministries and matters that we have to deal with. Can I get a copy of the Estimates?

Mr. PRESIDENT: Why do you want a copy of the Estimates?

SENATOR E. E. GREAVES: To give an example.

Mr. PRESIDENT: I hope you are not planning to anticipate the Estimates.

SENATOR E. E. GREAVES: I would like to get the 1982–83 Estimates. You see, Sir, the first part of the Estimates and the introduction usually takes the form of a general description of the economic situation in the country. It is usually the Memorandum of the Estimates and it has certain financial information which has to be analysed, because it accords trends in revenue collection, trends in expenditure, and, generally speaking, economic trends in the country, and for one to be able to respond in any meaningful way to this debate, quite naturally time will have to be taken up dealing with this aspect of the presentation.

Then one comes to the actual Heads of Expenditure, and there is a whole range of these. From the point of view of the Opposition, we have, as you would realise, divided the Ministries between Senator Hall and myself, so that each of us would have probably about six

Ministries to deal with, and of course now that there is an additional Minister, that would call for additional time.

I do not understand how one could reasonably expect us to deal with these matters in a situation where there is a proposal to limit the time which is allocated for dealing with these matters.

11.45 a.m.

As far Sir as the other proposals relative to other bills and measures are concerned, again one finds that there is a proposal to impose a limitation of one hour on the person speaking first on behalf of the Opposition and 30 minutes for other Senators.

Again, Sir, we certainly cannot agree with that proposal because there are times between Appropriation Bills when important matters come to the Senate, which, of necessity, will sometimes take longer than an hour and longer than half hour. I recognize that there is a Standing Order which indicates that if it is unlikely that a member could conclude his contribution within the allotted time, an extension can be granted to him. But that is conditional, and there is nothing sacrosanct about that. So I would want to make this point: when we are making rules, we have to be sure that they are rules which cannot be twisted, turned, and abused.

I indicated that we have utmost confidence in you, Sir, and in your deputy. But with the mere passage of time, it is certain that neither you nor your deputy will be here presiding over the Chamber.....

Mr. PRESIDENT: It is possible that you may not be here talking too.

Laughter.

SENATOR E. E. GREAVES: That is quite true. But you see, Sir, you might get somebody who may talk longer than I talk, and you might get a presiding officer who might not interpret the rules as flexible as you interpret them. I have been in a situation where I have seen rules abused, sometimes with all good intentions, and there might very well be a good intention here that in a situation where a person cannot conclude a speech within a time, you may extend. But there is nothing that says that extension of time will be granted, and you may have a presiding officer who could be so unsympathetic, who could be so vicious, that he or she would really stick to the letter or the rule of the law and indicate that he is under no obligation to grant an extension, and, therefore, the person would have to curtail his speech.

The point that I am making is that we should not be making rules for individuals, but rules which can stand the test of time, which can stand up to reason and rationality. We have to recognize that what we are

doing here now is not anything that we are doing — at least I would hope not — for this present Senate — I would hope not — but we will be making rules for all times, and it is a particular situation that we would want to see obtaining, and we should never find ourselves in a position where we are passing a rule which would impose a limitation on the speeches of individual Senators.

I think it is a very sad thing that, in this day and age when one talks so much about freedom of speech, we are here today deliberating on curtailing that kind of freedom of expression. We have rules in this Chamber which can take care of any situation if a member appears to be taking advantage of the Senate in terms of long speeches, and the rules should be enforced.

As far as debates in the Committee of the whole House is concerned, again I think this is in the same trend, a development which I am certain the Opposition cannot support.

Now let me just, from the point of view of procedure, indicate where some dangers could develop in this particular section. Sometimes we have fairly large bills, for example, we have the Factories Bill before the Chamber now, and according to this, if this is passed, a Senator could speak for 15 minutes on each clause.

Now again we have to look to custom and practice, because this is where we derive our rules from. We have been in the habit, sometimes from the point of view of speed, of passing legislation in parts, so in order to get through this piece of legislation, the presiding officer may call Part 1, and you may have a debate on Part 1 and you move on in that way.

The thing is that this could now be even more exploited than it is exploited at present, if exploitation does take place. Because I will now insist, Sir, that we will no longer be calling any Bills in parts — I want them called clause by clause, and I will divide on each clause. You understand what I mean, Sir? So if you want to talk about filibustering, nobody can stop me from doing that and we will divide on each clause. You see how ridiculous we can get?

Mr. PRESIDENT: I think we can depend on the Chairman of Committees to stop any ridiculousness, as you may call it.

SENATOR E. E. GREAVES: No. Oh no! That will not be within his power. Because if you are telling me that now we have a right to speak on each clause, what I would think very seriously of doing is insist that we pass each Bill clause by clause and talk on each clause for 15 minutes. I will talk on each clause and then we will divide. And I will be quite within my rights.

11.55 a.m.

You are talking about co-operation. We have never had a situation where members of the Opposition have taken advantage of the Senate in terms of speaking. These are not like the times when the present Attorney-General and the present Deputy Prime Minister were members of the Senate. Senator Hall could talk about that, because he was a member up here, but I understand that they used to talk for seven and eight hours, and that type of thing, and nobody said anything, because the Democratic Labour Party believed that they had a right to speak and it allowed them to speak, no matter how long they wanted to speak, and this is what should obtain, particularly in the light of the fact that there are only two members of the Opposition sitting in this Chamber.

I do not want to hear any argument about the reason why there are two and not any more. That is beside the point. The fact of the matter is that there are two Opposition members and that this amendment will curtail the right of the Opposition to speak at length, and to give the kind of consideration and deliberation to matters which are brought before this Senate.

I cannot support this amendment, in no form, not the amendment as far as time is concerned. I could talk till lunch time, because this might be the last time I might have this opportunity, I suppose, but anyhow I will not do that.

Sir, I am very disturbed that we are here being asked to consider this limitation. At least I would have thought that if there was one place where people would be given an opportunity to express their views expansively and within the rules, and within the procedure of this Honourable Chamber, that it would be in the Senate. I never thought that I would have lived to see the day when an attempt would be made to curtail discussion in the Senate, because that is what it is. The result of this will be a curtailment of adequate discussion on any issue which comes before this Chamber. It is a very sad day in the life of this Chamber. I very much regret that at this point in time we have to be discussing this kind of legislation.

This country, Sir, is faced with very serious social and economic problems. Our time should not be spent now in determining whether or not people should be curtailed from speaking, we should be addressing our minds to solving these problems together, these problems of a social and economic nature which confront this country. The rise in crime, the collapse of tourism, the collapse of the prison service; there is a whole range of problems confronting this country. We should be trying to have a determination and to develop an approach to deal with these problems, not trying with this kind of move.

I think this is a very serious thing, as I said, we from this little corner will certainly be opposing it, and I would hope that the independent Senators would also see this as a very serious infringement of their rights. But that is a matter for them. As I indicated, I know that history will be very cruel to them. I was hoping that this matter would have been debated later on, and if I get the time when Senator Hall is speaking, I will bring some speeches made by independent Senators in here where on every occasion they either start out or end up by saying "I rise to support the Government," or "I conclude by supporting the Government." All I am saying is that if they do not see this as any challenge to them, that is entirely a matter for them.

I have represented the point of view of the Opposition and by inference, and in a little way, have attempted to represent the point of view of the independent Senators, but if they want to go along with the matter, that is a matter entirely for them.

Sir, we cannot support it, and we are going to vote against it.

I want to know, Sir, from a point of view of procedure, if I can ask a question. I have submitted a minority report. I would like to seek your guidance as to what is the approach I should adopt on this particular minority report.

Mr. PRESIDENT: The report that you have put in is merely saying that you dissent from the set of proposals. You are entitled then to vote in the negative when the proposals are put for adoption.

SENATOR E. E. GREAVES: So this then becomes part of.....

Mr. PRESIDENT: That is the report.

SENATOR E. E. GREAVES: Thank you, very much, Sir.

SENATOR J. C. W. WICKHAM: Mr. President, I have a few comments to make, but first I would like to respond to some of the things that Senator Greaves has said. I could do that very quickly, and I hope efficiently, by merely saying that independent Senators, so far as I know, are independent. To lump them all together and try to prove by some mathematical calculation that they voted one way or the other, is, in my view, most illogical.

Another point he made was that history would judge independent Senators by whether they vote for or against Government motions, and that history will be very cruel to them. History is what is written by his-

torians, and any historian worth his name is objective, and since he is writing after the event, his emotions have little play in his judgment, so what he will be judging is not the length of time spent on speaking, but what is said during the time. Therefore, he will be in probably a much better position to come to conclusions about waffling and repetition and filibustering than perhaps we so near to the event can judge. Distance lends enchantment to the view.

When I submitted this proposal before the Standing Orders Committee, it was an effort, feeble I concede, to try and establish some kind of refinement in the debates. I am sure that Senator Greaves will agree with me when I say that there have been numerous occasions when the words have proliferated at the expense of meaning. Judgment cannot be made on the quality of an intervention, but the length of time taken to say it. If in my hope for improving the already high standard of debate in the Senate by introducing some measure which will ask Senators to do their homework, to speak more concisely, to make their points more clearly, then if history is going to judge me cruelly, let it do so.
12.05 p.m.

Senator Greaves made a point about the possibility of abuse of the Standing Orders by the presiding officer. I am very gratified indeed for his compliment to me, since he did not include me in that generalisation. But I will just say that the possibility of abuse of the Standing Orders does not lie only with the presiding officers, but every single member here is capable of abusing the Standing Orders, and some of us have witnessed examples of that abuse. In fact, some of us have even heard threats of possible abuse in the future.

Before I sit, I want to draw attention to Standing Order No. 74, which reads as follows:-

"Any one or more of these Standing Orders may, after notice or believe of the President, be suspended on a motion made by a Senator at any sitting. A motion under this Order shall be decided without amendment or debate".

That simply means, Mr. President as I read it, that if the sense of the motion before us, the quality of the motion, the temper of the House, or of the country, requires the exercise of a judgment by the Presiding Officer that any Standing Order should be suspended, then it can be so suspended.

I really see absolutely no difficulty, nor any infringement of any right to speak, in the motion before us, which, so far as I am concerned, has been proposed in good faith.

Thank you, Mr. President.

SENATOR D. A. C. SIMMONS: Mr. President, I am officially a member of the Standing Orders Committee, but other business prevented me from being here on the last sitting of the Committee. I wish to say at the beginning that I support the report and the decisions that were reached on the 23rd February. Indeed, after about two months in here, I drew it to the attention of the Leader of the Senate that I thought that the Standing Orders were ripe for revision way back in 1981, in the way there have not been revised and amended.

I entirely share Senator Wickham's views, that if members, assuming they are given their papers in good time, would give consideration to what is before us on a Wednesday and think out what we are going to say before we get on our feet, then what contributions we have to make can be made precisely, concisely, succinctly and sensibly, and without offence, in an hour, Sir.

The spokesman for the Opposition has levelled a number of criticisms at the Government and has sought to give the impression that this report proposes something that is oppressive to the minority rights of the Opposition.

In the first place, Sir, it must be clearly understood that, as far as the Appropriation Bill is concerned, the Minister dealing with that in its introductory stages will have two hours to speak. The person speaking for the Opposition has the same time — two hours — even if the Minister speaks for less. The others of us will have one hour. In respect of other Bills, there is again equality in time limit between the Minister proposing the Bill or measure and the person speaking first for the Opposition. To that extent, there can be no allegation of discrimination.

His complaint is, really, based on an *ad misericordiam* plea — "poor us, there are only two of us, help us out" — but it was his party which drew up the Constitution of Barbados in 1966 when they were in power, and gave us, when we were in Opposition, two. The Cox Commission in 1979 reported that the Democratic Labour Party of Barbados did not even submit memoranda inviting an increase in the number of Opposition Senators. He cannot now be heard to say in here that it is unfair. They did not want any more. If the rules of the game are, in the supreme law of Barbados, that an Opposition is entitled to two, they are entitled to two. We cannot feel sorry for them, Sir.

Now, Sir, both Senator Greaves and Senator Wickham have used the phrase "independent Senators". I

have never used it in here, Sir. I disagree with it. That phrase is not known to the Constitution of Barbados. None of those seven persons appointed by the Governor General are known as "independent Senators" in the Constitution.

It is proceeding upon a false assumption, that because they are appointed by the Governor-General, then they must necessarily be classified as "independent Senators". It is not so. Section 36 of the Constitution gives the Governor-General the right to appoint in his absolute discretion seven persons to represent certain interest groups, to represent certain interests in this country. He can put somebody to represent the church who may be a sympathiser of the Democratic Labour Party. Because he is appointed by the Governor-General does not mean that he is independent.

It is wrong and grossly misleading to assume that, because a person is a Governor-General appointee, he cannot be a supporter of one or the other party, and I would like to disabuse Senators' minds, the public's minds, and even the people who think themselves independent Senators, of that. There are not independent, because they are not referred to and defined in the Constitution as independent. They are Governor-General appointees, and it is better for them to be known as that than to be classified as independent Senators.

Now, Sir, I was amazed to hear Senator Greaves suggest that because he may have delivered a minority report, because he may not share the views of the majority of the Standing Orders Committee, that, he has announced his intention in future to call clause by clause, and, I quote, Sir, "divide the House on each clause" and to show how ridiculous we can be.

He has said that he intends to be ridiculous. In other words, he is a ridiculous person, or in future he intends to reduce this Chamber to the level of ridicule. His own word, "ridiculous". I copied his words carefully. I hope that when the heat has subsided and Senator Greaves has given mature thought to this issue, that he would consider that even though one may not share the views of a majority, as far as I know in this country our principles have led us to accept a system in which we are bound by the decisions of the majority even though we may not like them. He himself, as a member of the Opposition, is bound by the decisions of the electorate in 1981, which voted in such terms as to give the Barbados Labour Party seventeen seats and them seven or ten. They got a lot, and in here, Sir, they have two.

I do not feel, Sir, that the imposition of a time limit is in any way an abrogation of the right of freedom of speech, which is constitutionally enshrined. All freedoms have to be circumscribed in one way or other. We

have freedom of speech, but Senator Greaves knows that he will never be so stupid, sorry, Sir, ridiculous as to go into the public domain and use seditious language or deliberately slander a person. He knows he is circumscribed by the laws of defamation and the laws of sedition to speak not in a manner as to be seditious or slanderous. That is no different, Sir. There is a circumscription upon the extent of what you can say and the nature and degree of it.

In here, after mature consideration, I am satisfied that the majority of us are of the view that we can all get across our respective points of view and make our contributions to debate in the time that has been allocated. In the Lower House, where the Members of the House are more directly the representatives of the people and the agents of the people, and have to articulate the feelings of the people, they have time limits as elected representatives of the people. We are pure nominees. When Senator Greaves was a Member of the Lower House his party introduced Standing Orders in 1973, I believe — Senator Greaves was then a member of the House — setting down time limits, and he got by quite happily with them, I cannot see how he can come up here and now find that in some way or other what is being proposed today is oppressive and restrictive of his freedoms.

I feel, Sir, that honourable Senators will vote massively in favour of the recommendations of the Standing Orders Committee, and I trust that this proposal today, when passed, and of which I am certain, will have the effect of making the speeches of all of us more relevant and to the point that hitherto.

I am obliged to Your Honour.

SENATOR W. W. HALL: Mr. President, Senator Greaves says that this is the last play I will get, but I shall be very short, because words cannot express my sorrow today, therefore I shall not inflict it upon you and the other honourable Senators.

I have had the great honour to be a member of this distinguished Chamber between 1971 and 1976 as an independent Senator, and nobody in Barbados or indeed the world can challenge that. I learned from Senator Simmons what an independent Senator is. In fact, there is no independent Senator. I am quite sure that everyone in this Chamber would have to thank him for educating us, because as far as I am concerned, independent Senators speak on matters that concern them directly or that they have great knowledge of. We have seen great evidence of this. Sometimes having spoken in areas that affect them directly, or in areas where they have expert knowledge, it is alarming to see that in some matters that affect the whole community, they are silent.

As far as Government Senators are concerned, Sir, I do not truly expect them to do anything else but to make their contribution and support the Government. Fair enough. I have seen that happening before. I have no real quarrel with that, but I would just like to say, Sir, that limiting the speeches of Senators in this distinguished Chamber is, to my mind, regrettable.

I wanted to listen to Senator Wickham, because he was the one that was responsible for the proposal, and he said that there is a need for refinement. Perhaps there is a need for refinement, but I must say, Sir, that when one scrutinises the speeches made in this Chamber and in the Other Place, I think if there is a need for refinement it should be down there. I really feel so, and therefore I think perhaps someone should set out to do that.

He said that one should speak concisely. I agree, although we may admit that not all of us have the facility with words as an eminent journalist like Senator Wickham. You must admit that, but that goes not only for the Opposition, that goes for the Government benches as well, and I dare say with the independent Senators. We are not all that versed with the English language.

He also said that you should make your point clearly. That is true, but I ask you, does speaking for one hour or half an hour instead of four or five hours make you make your point more clearly? I am submitting that one can speak for two minutes and still have your verbs colliding with your nouns, so let us be frank about it. That is the way I feel about it.

We will now have ten Senators who will speak for one hour on the Appropriation Bill, the Minister for two, so that will be twelve hours. There will be seven independent Senators who can speak for one hour, and then, Sir, the Opposition Senator that speaks first will be allowed to speak for two hours and the second one for just one hour, three hours in all.
12.25 p.m.

Having scrutinized the debates in this House, Sir, and looking back at my files of the work that we have done in this Honourable Chamber from the time that we have been in here, when we have discussed things like the economy, sugar industry, the vagaries weather doing great damage to it, Sir, crime, drug abuse, treasury bills, the Defense Force, the Companies Act, Termination of Pregnancy Act, it is obvious that we have done our work.

What is important is that at times you can have the Minister getting up, like the Leader did last week or two weeks ago, and for two hours he expounded on the Termination of Pregnancy Act, in a very expert way, Sir. His expertise on that matter was phenomenal. Then again, you will get something as fundamental and as important as the Factories Act, and on that Senator Trotman only

spent 5 minutes. What else do you expect me to do but talk for a long time and ask him a lot of questions?

Of course, in the Termination of Pregnancy Act, Senator Barrow was at pains to say that the Opposition said nothing, and then, Sir, he replied for one hour and thirty minutes. Yet they said nothing. One would have thought that having said nothing, having heard nothing, there was nothing to reply to.

But, Sir, sometimes in this Honourable Chamber people listen but they do not hear. That is a fact. They do listen but they do not hear anything so therefore they would not know that there is any content.

Some honourable Senator said something about content. I agree that there is no point in going on and on. But, Sir, you have the honour to guide the destiny of this Honourable Chamber, and I dare say that if any Senator seems to go off the track, I am quite sure Sir, that you, as you have done in the past, will put him back on the right track. I am confident of that, therefore, there is no problem.

As I have said, Sir, in all the work that we have done here in the past year and a half or so, there is no evidence to suggest that anyone has taken advantage of the situation. I, however, vividly recall last year's Appropriation Bill. Perhaps that is the crux of the matter. Perhaps that is the reason why we have to speak on this motion today.

But, as I said, I sat in an independent chair over there for many years, Sir, and heard some very long speeches. They did not come all from the Government benches, Sir, they did not all come from the independent benches. One year in particular, as I said before, the present Attorney-General was in great form Sir, not to mention the present Deputy Prime Minister, Sir. I recall him going in like a great batsman in form, went to lunch, had a good lunch and had a good drink, and came back to counter-punch harder than Muhammed Ali. Anytime that anyone said anything to him, Sir, he was in great form.

Aside.

SENATOR W. W. HALL: I said Muhammed Ali, who is a boxer, not a batsman. The honourable Member does not even know his sport.

Asides.

Laughter.

SENATOR W. W. HALL: So you see, Sir, for many hours we had to sit and listen. That is not to say that the content was not good.

I must say that last year in the Appropriation Bill, you would recall that after Senator Greaves had gone for five hours and you inquired if any honourable Senator would like to speak, not one of them touched that button to indicate that they would like to speak, and forced me into action. That is what happened. That is the truth of the matter Sir. Sir, it was late in the evening and if I talked for two hours and I came back in the morning, took guard and then proceeded to bat fluently, there was nothing wrong with that. The point is that Senator Williams and some of the Government Senators were not able to speak because the Leader of the Senate wanted to rap up; and of course, he did that, quite eloquently indeed, Sir. But we do not have to think that, in terms of this year, that will happen again. Why do we feel that this will happen? Why do we need to — I would not even say silence — minimize the speeches made by the Opposition?

Sir, as we look through the debates again, there are not many speeches made over an hour. But I feel that if Senators really look at it seriously, they will see that in the Appropriation Bill, where you have something like 44 to 45 Heads and thirteen Ministries, the Opposition Senators will probably have a 7 — 6 situation. Do you mean to tell me, Sir, that if I am going to talk on six Ministries, that you are going to give me just an hour, just ten minutes each, approximately Sir? I do not think that is fair.

I understand the level of intelligence in this Honourable Chamber is very high and therefore I can see that you may not take too kindly of people saying the same thing over and over again, or you may not take too kindly to people not making a relevant point. But good heavens, Sir, I am saying that you have the power to decide when any honourable Senator is going off the track and, therefore, I see no reason why we should have a case where the Opposition Senator must only speak for one hour.

It is true, Sir, that in this Honourable Chamber we do not get a full gallery. We do not get sixty people coming in here listening to the debate. It is a pity, Sir. But we do not get it; never do we ever get that Sir. What is more, you will find that in the Other Place you have to lock out people, so many of them want to get up there. You would not believe that we are debating the same Bills. This is an indication of the quality of speeches, because we are debating the same Bills, but you see, Sir, there are no fireworks.

Sometimes I go into the dining room during the debates in the Other Place, Sir, and good heavens, I tell you that it is a serious thing. It is an experience, and maybe that is why people flock down there. But up here there is no need for that chopping and changing. I am quite convinced that in the two days that we have to

deal with the Appropriation Bill, all Senators can make their contribution, Sir, and do so adequately, concisely and do so with clarity. All those things we can do if we all do it sensibly, and I believe that this has happened.

There is no reason why we cannot go another day to do the people's business. We do not get salaries as such that one would think that the more you work, the more money you would get. If we came back tomorrow, Sir, there would be no increase for any of us, so there is no reason why we could not do that in the case of an Appropriation Bill when we have to discuss the people's business, Sir.

If we have to go three days instead of two, why not Sir? Why are we here? Are we here because we are good looking, or are we here because of our sonorous splendour? I say, "no." I say we are here to do the people's business, and if it means that we have to go another day, let it be so. It is simple, Sir.

I do believe that it is — I do not want to say nonsense, Sir; I believe that it is ridiculous when you have something like 40 Heads to discuss to be telling the honourable Senator that he only has an hour. One only has to look at the Estimates and see that sometimes you have to spend a week trying to understand some of the terminology, and the pages are white, green, yellow, blue — the whole lot, Sir — and you do not even know the significance, and you have to think in terms of settling down and doing some research and getting the people's work done.

12.35 p.m.

I am not one who would believe that you should come up here and skylark or waste people's time, but I do feel that the Opposition, particularly, should have a bit more time. I know Senator Simmons said that the Democratic Labour Party is the one that put two seats here, Sir. That is true, but we did not limit the time. People could speak for as long as they liked and as long as you allowed them to speak.

I have seen you in this Honourable Chamber tell Senators that what they were saying had no bearing on the Resolution and that you would appreciate it very much if they would keep away from that line. They have all said, "Thank you very much." I have had the privilege to be guided by you. Am I to assume that in the future you will not guide me? Am I to assume now that I must talk for an hour willy nilly? No, Sir. I feel I should be able to talk, as long as I can do so with clarity and as concise as possible, and be guided by you. Whenever I go astray, then you could use your good offices and direct me.

Sir, that is all I have to say. It is not a nebulous issue, it is one where all Senators should be in a position

to speak. I know that if you read the debates of this Honourable Chamber, you will see that some honourable Senators have not spoken at length, some have not spoken at all. This has upset some people. It would upset me if I put them there and they did not talk, but at this time it is wrong, because, of late, we have seen a desire from honourable Senators to get up and talk. That is good, because it means that we are getting to grips with the situation, so at this time it is not necessary.

Senators can now talk, on both sides. I can only say on both sides, because Senator Simmons said there are no independent Senators. I am assuming that those independent Senators that are for the Government, they too; and those for the Opposition, they too – I have not seen any, Sir, but they too – will speak. My opinion is that it is not a fact. I prefer to think that they are independent Senators. I know they are. I suppose the independent Senators would have to take Senator Simmons up on that. I believe they are independent Senators; if I am wrong, they will have to tell me.

Sir, I am sad, because I do feel that it is not necessary. I feel that the only time during the year that we have had to come to grips with the situation is during the Appropriation Bill debate. Money Bills do not come here, Sir, so we do not get the opportunity to really get into the situation.

Mr. PRESIDENT: Money Bills do come here.

SENATOR W. W. HALL: Sir, you know what I am saying. Were I at the negotiating table I would have said that is a moot point. You know what I mean, I mean that they do not come here like they go down there. They do not come in the same form. It is a moot point, but it is a point nevertheless. What I am saying is that we do not deal with measures that way.

As I have said before, Sir, I am very impressed with the quality of speeches in this Chamber, and I do not feel that there is any great necessity for us to curtail speeches in this Honourable Chamber. We have done well, and I see no reason to suggest that anything would be amiss in the future. Because of that, I do feel that the honourable Senators should think twice, perhaps three times, before they attempt or even agree to this. I think that they should look at it seriously, and when they come to vote, I think they would have to let their consciences again be their guide.

Thank you, Sir.

SENATOR THE HON. N. A. BARROW: Mr. President, I made my notes before Senator Hall spoke, and I would like to thank the Almighty for not having to add to them, except in one particular case. I do not believe that Senator Hall was paying the Deputy Prime

Minister a compliment, although I think he intended to, when he said that he went into lunch after batting like a batsman in great form and came back out punching like Muhammed Ali. I believe that is what they call mixed metaphors, and I think we can just put it down to that.

The points which have been made in this debate so far, and which I want to advert to, are basically two. One is a constitutional point which has not been adverted to by anybody yet, – oh it has been, it was adverted to by Senator Hall when he said Money Bills do not come here. I think he means money Resolutions, so we will deal with the constitutional point in a minute, Sir.

But I want to deal with the political point first. It is simply this, that there is no legislative chamber I know of that can expect to operate, or indeed operates, without rules which permit for the closing of debate within a reasonable period of time. Whether these rules are onerous or not has to be determined by the amount of time which is provided for debate on the particular issue.

Because the Appropriation Bill is, in fact, the most important Money Bill for the whole year, we have before us a formula which is a little different from the formula which applied to other Bills. It is not only the most important Bill, but the most important Money Bill for the year, and if we look at what it says, Sir, it says that a total of 23 or 24 hours – I think it is 23 hours – is allocated to debate on that Bill.

I would like to remind honourable Senators, Mr. President, that that is three days of debate, so when the Senators on the other side talk about why we cannot meet for a third day, these rules envisage indeed the same maximum meeting time which Senator Hall seems to think desirable. If he is saying we can meet for three days, the rules are saying, "Yes, we can meet for three days," but, in fact, under rules which allow everybody a fair opportunity to talk. That is what these rules reflect.

The second point which I want to make is this. Senator Greaves made much of the point that under the Democratic Labour Party there were limits put on the time one could speak in the Other Place, but that the Senate was left without limits.

12.45 p.m.

Now, I could perhaps make the point, reflecting on my own experience here, that the Senate, when the Democratic Labour Party was the party in Government, was not a place where Government Senators spoke at all. I therefore believe if you wanted a Senate debate to last longer than half an hour, you had to have a system of rules in which the independents – and the independents, in fact, did not speak in my days either. I am talking about 1966 – 1971. Independent Senators did not speak and the Government Senators did not speak. It

was Ronald Mapp and I who had to talk when there was any talk going on in the Senate, and in 1971 – 1976, the Government side did not speak and the independents did not speak – and Senator Hall was an independent, and I am very glad to see that Senator Hall has learnt to speak since then.

SENATOR W. W. HALL: Sir, I must object to that with every fibre in my body. Is the honourable Leader alluding to the fact that between 1971 and 1976 I did not speak in the Senate? Sir, I am telling you he is misleading the Honourable Chamber, because he knows better than that. As a matter of fact, if he reads the debates, Sir, he will see that Senator Hall was one of the most eloquent speakers in this Chamber.

SENATOR THE HON. N. A. BARROW: Sir, there was a Senator with the initials "W. W." who used to speak often, but I thought that was W. W. Blackman.

The point, Sir, is that the Senate, prior to 1976, was not a place in which Senators, other than the Opposition Senators and the Minister introducing the particular Bill, spoke. This is something we have to recognise. You will find that in the Constitution Debate of 1974, for example, you will find that contributions were made by Senator Hall and Senator Blackman, and there were other debates on important issues which took place when, on occasion, you would find Senator Hall and Senator Blackman would speak, but you did not find speeches as a rule coming from the other Senators.

I believe, Sir, I can speak from personal experience in the 1966–1971 period and from close observation of the 1971–76 period. The business of the independent Senators getting up and making the kind of contribution which has been made since 1976 – let me use "independent", because that is generally the accepted term – perhaps I should say the nominees of the Governor-General – generally speaking, is a post-1976 phenomenon.

What has happened in the debate in the course of the Appropriation Bill debate, is that a lot of time has gone by and there are persons who would like to make a contribution, who, in the interest of having the debate concluded within a reasonable period of time and also, Sir, because of sheer fatigue from the repetitive contributions of some Senators – sheer fatigue – are unable to speak. I do not think, Sir, that people who speak for five hours understand what they do to the other people – but let us not go into that – but because of that, a number of persons are effectively debarrd from making contributions in the Appropriation Bill.

What I would like to congratulate the Standing Orders Committee on Sir, is that the Standing Orders

Committee has sought, and in my opinion they have found, a formula which gives Senators ample time to make their contributions effectively and, as Senator Simmons said, sensibly – I do not think we should overlook that – sensibly – within a reasonable period of time. That is what they have come up with.

I believe, Sir, that if Senator Greaves wished to look at this seriously, as a Committee member he could have put an alternative of perhaps limiting debate to a certain total number of hours, after which the guillotine would be applied and therefore debate would come to an end at that point, whether or not everybody who had wanted to speak would have had a chance to speak.

Now, while it would not be as fair as these proposals coming from the Committee, it would mean that the Senator recognised the need for the business of Parliament to be conducted in some kind of order and with some kind of efficient despatch. But I could not find that Senator Greaves has taken that position. What I do find is that the Senator has simply rejected out of hand any proposals for change.

I am not dealing with the slur on the Governor-General's nominees, whom he described as "supposedly as independent Senators". I think that Senator Wickham has put that to rest once and for all.

Senator Greaves again put a lot of confidence in the rules that deal with time-wasting and filibustering. According to him, at present there are adequate rules in the Standing Orders to deal with that.

But Senator Greaves is forgetting that – at least while we have had two presiding officers that we now have – these presiding officers recognise their duty to be lenient with non-governmental members and give them more scope than governmental members. Otherwise, Sir, there are many times that the Senator would have risen to speak and be put down in about five minutes, because the rules of relevance, if applied to Senator Greaves, would have thwarted his every attempt to speak in this Chamber.

There is a point which Senator Simmons adverted to, and that is the position of the party which Senator Greaves represents, in relation to the number of Senators which the Opposition should have. Senator Simmons stopped at 1979 with the Cox Commission Report, but there is a statement on record since then, by the present Leader of the Opposition, to the effect that the Democratic Labour Party will not agree to any change in the Constitution to give more membership to the Opposition. Consequently, we are now to be told that we are to be held up by a situation where one man, because he feels

he has to monopolise the Press — and he can only do it by speaking long, since he cannot do it sensibly and short — must speak for five hours — because in that five hours he must say something that must be reported — when we could have had more members, had the work properly distributed, and had more sensible contributions made all around. You cannot have your cake and eat it too.

We do have a direct interest in seeking to increase the membership of the Opposition, and yet this is where the proposal is coming from. They, themselves, refused it, and then complain that two of them have to work to analyse twelve Ministries or something like it. This is absolutely preposterous.

Much has been said about free speech, that this proposal represents a curtailment of freedom of speech. Imagine that coming from a representative of a Party that passed a Public Order Act! Nothing in Barbados has ever so devastatingly and completely curtailed free speech as legislation which said that you could only hold a meeting between certain hours, up to 11:00 o'clock at night, which was most certainly not the political practice of the day, and that you had to apply to the Police, get permission and so on. And the Public Order Act, which eventually passed —

(SENATOR GREAVES: You agreed to that.)

SENATOR THE HON N. A. BARROW: No, I voted very definitely against it.

Even though the one which eventually passed had been modified substantially as a result of suggestions coming from members of this party in the Other Place, it was repressive legislation.
12.55 p.m.

The point I am making is that there will always be supporters in the society of the Public Order Act, there will always be people who do not like it, but the fact of the matter is that you cannot be the author of legislation of that sort and then, when sensible proposals for regulating the length of debate in Parliament are put before us, talk about curtailment of freedom of speech. I believe it smacks of hypocrisy.

Senator Simmons has already dealt with the fallacy that long speeches are essentially good. I believe that having heard Senator Wickham and Senator Simmons, and having heard Senator Greaves and Senator Hall, one is, I believe, quite entitled to make the judgment that we heard two good speeches and two long speeches.

The Constitution of Barbados, Sir, says at Section 50(1):

“Subject to the provisions of this Constitution each House may regulate its own procedure and for this purpose may make Standing Orders.”

Now the context in which these Standing Orders were made in relation to Bills is reflected in Section 55 and Section 56, and I am referring to that specifically because if we listened to Senator Greaves, we believe that we have a duty to do things in a particular way, which means dotting every “i” and crossing every “t” and so on, but if we look at Section 55, the Constitution clearly says that if a Money Bill, having been passed by the House of Assembly and sent to the Senate at least one month before the end of the Session, is not passed by the Senate without amendment within one month after it is sent to that House, this Bill shall unless the House of Assembly otherwise resolves, be presented to the Governor General for his assent notwithstanding that the Senate has not consented to the Bill.”

Now that is extremely important, Sir, because you do not have the power to reject a Money Bill. You have the power to hold it up for a very, very short time, and therefore it is clear that the debate on a Money Bill ought to be, if it is going to be constructive debate, must be directed to looking at the policy issues and other issues raised by the Bill, and you must make your contribution by criticising and making what proposals you deem appropriate.

It is nonsense for anybody to advocate that because it is called an Appropriation Bill, and because the Estimates are debated in detail in the Other Place — where historically, as we know, elected Chambers always have the power of the purse and have a responsibility to go through these things in that particular way — to believe that a review Chamber is supposed to approach that Bill in the same way and spend three and four days debating it with people taking five and six hours. It is a waste of everybody's time. What people ought to do is to prepare themselves properly so that when they look at the Appropriation Bill, when they look at the Estimates, they say that these reflect this, that and the other policy on behalf of the Government, we consider that the public money ought to be spent much better if we did X, Y and Z, and in that way we would get far better contributions in this Chamber during the Appropriation Bill.

It is not, Sir, as though I want to tell anybody how to speak, or what to say, because no matter how you carry a horse to water, you cannot make him drink. On the other Bills there is a delaying power for a longer period. That is Section 56. I do not intend to worry about going into that one because the important thing, Sir, is that here we are looking at a Constitution which envisages limits on the time we have to deal with some-

thing, and we are being told that we cannot ourselves impose time limits on the time we are going to take to deal with it. In other words, we are to continue a situation in which it is theoretically possible for a Money Bill to come into this Chamber for Senator Greaves to start to talk, to talk, to talk and to talk some more, and the time should pass for which the Money Bill, if it has not been dealt with, will not have to be referred to the Governor-General for his signature, and the Governor-General is signing and Senator Greaves is still talking.

In other words, the situation with the Standing Orders as they are now is a ridiculous one. It is because Senator Greaves likes ridiculous things, if I remember what he said and what Senator Simmons quoted back to him, that he likes these rules. As far as he is concerned, opportunity must always be there for him to hold this Chamber up to ridicule, but serious men and serious women cannot believe that a set of rules should continue to exist in which, without making a point at all, a Senator is allowed to stand up and talk and inflict his voice on the ears of other Senators for hours on end.

I believe that when we look at these proposals, we should consider that an hour is enough time for me to make my point, make my contribution and get out of it. The best speeches I have heard in here, Sir, generally speaking, have not been an hour. I have heard Senator Lynch with absolutely magnificent commentary on the educational system in this country and not taking an hour to do it. Long, loose, making no point, is usually, Sir, the way in which one would have to describe the longer speeches.

The question that the Report of the Standing Orders Committee be adopted was put and resolved in the affirmative, the Senate dividing as follows:

AYES: Senator the Hon. N. A. BARROW; Senator the Hon. O'B. TROTMAN; Senator H. R. LINTON; Senator K. A. ROUSE; Senator Miss J. CLARKE; Senator J. E. D. WILLIAMS; Senator Mrs. M. O. REECE; Senator A. P. L. REECE; Senator D. A. C. SIMMONS; Senator J. C. WICKHAM; Senator Mrs. G. G. READER; Senator Mrs. E. M. LYNCH; Senator Canon I. McK. JONES; Senator C. D. SEALE and Senator L. A. WARD — 15.

NOES: Senator E. E. GREAVES and Senator W. W. HALL — 2.

Mr. PRESIDENT: In accordance with what has been stated in the report, the amendments will be incorporated into the Standing Orders and in due course, a formal motion will come from the Senate to adopt the amended Standing Orders.

1.05 p.m.

INTRODUCTION OF BILLS

Mr. PRESIDENT: Senator Barrow.

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

A Bill to amend the Town and Country Planning Act, Cap. 240.

A Bill to enable companies to carry on exempt insurance business from within Barbados.

A Bill to provide for the establishment of a cultural foundation for Barbados.

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

PUBLIC BUSINESS

SENATOR THE HON. N. A. BARROW: Mr. President, Public Business today should consist of the completion of the Factories Act, and I had requested last week that members of the Senate agree to doing the Bill for the establishment of a cultural foundation for Barbados. I have not had any indication that there is any disagreement, so, at the appropriate time, we will suspend Standing Order 45(2) in order to take that. But before we do Public Business, Sir, we would wish to proceed to Orders 3 and 4 under Private Members Business, and then take the Public Business after lunch. Orders 3 and 4 stand in the name of Senator Clarke, Sir.

Mr. PRESIDENT: If there are no objections, the Orders under Private Members Business will be taken at this stage. Please call the first order.

PRIVATE MEMBERS BUSINESS

THE BARBADOS CHAMBER OF COMMERCE AND INDUSTRY ACT, 1982

Order No. 3 under Private Members Business was called — To move the Second Reading of a Bill to repeal and replace the Barbados Chamber of Commerce (Incorp.) Act, 1868.

SENATOR Miss J. CLARKE: Mr. President, the Barbados Chamber of Commerce, as it is presently constituted, derives from an organization which was originally known as Commercial Hall, and which was established in 1825. The organization was incorporated by an Act of Parliament on August 11, 1868 and is therefore a vintage organization, now being in its 158th year. In 1909, the Act was amended to change the name of the organization from Commercial Hall to the Barbados Chamber of Commerce. The Bill which is before us today is attempting to

recognize the change of time and to move from a 1868 position to a 20th century and 21st century position.

The Act of 1868 stipulated four basic objectives of the Chamber, and it was felt some years ago that the time was right for this to be modernized. For the benefit of those who may not be aware of it, since the original Bill is no longer published among the volume of the Laws of Barbados, the four objectives were as follows:

- The promotion of measures calculated to benefit and protect the trading interest of its members in relation to the general trade of the Island;
- The undertaking by arbitration or otherwise of the settlement of disputes arising out of trade, commerce and industry;
- The promoting, supporting or lawfully opposing of legislation or other measures affecting the aforesaid interest: and
- The doing of all such other things as may be conducive to the extension of trade, commerce or industry or incidental to the attainment of the above objects.

In addition, the Act limits the Chamber to property ownership to the extent of 10 000 pounds, which I am sure honourable Senators will agree is very unrealistic given today's values, etc.

The Chamber is not perhaps the most vocal organization in the private sector. It is not often given to catching the public's eye and tends towards a principle approach on matters of public interest in recognition of the fact that, when all is said and done, this is our country and the economic life of the country is important to all of us and not just to a few.

I think it was in 1975 that steps were taken to have the Act rewritten, and we are today debating the Bill which, hopefully, will come into effect without too much delay. Now although I said at the outset that the intention is to modernize the existing Act, I would like to suggest that the four objectives which I have read are still meaningful today, and, in fact, one of the things that the new Bill seeks to do is to expand these and make them more clear for the general public and for the members of the Chamber.

One of the criticisms which has been leveled at the Chamber over the years has been that it is only capable of representing, or that it only represents the distributive trade. This is far from the truth. In fact, a survey was done some years ago, I think it was about five years ago, which revealed that about one-third of the Chamber's membership was drawn from the manufacturing sector.

Some people have gone so far as to say that the Chamber cannot represent industry, but I do not believe this is true in any sense of the word. We therefore see in this Bill an attempt to clear the air on that issue once and for all and let it be known that the Chamber is most definitely interested in industry and all that it involves, and we have every intention of playing a meaningful role in that sector.

The Chamber, like any voluntary organization, has its limitations, and because it is based on voluntary support, it is not always able to act in a timely and determined manner in the interest of the wider community, or, indeed, in the interest of all of its members. The Chamber nevertheless recognizes the responsibility of its role and seeks to perform as adequately as it possibly can.

In 1976, the Chamber convened a one-day seminar on the matter of unemployment because of the deep concern felt by the council and members of the problems related to unemployment. This seminar was not restricted to Chamber membership, but all sectors of the economy were invited to participate. Following on that, we decided to turn our attention to this matter of unemployment, which is a matter of concern to all thinking Barbadians. I should mention that I was at the time very involved in the Chamber and to that extent, I have an interest. 1.15 p.m.

We all know that unemployment is not a problem which lends itself to easy solution. I believe it was stated somewhere recently that Government ought to embark on crash programmes in order to alleviate unemployment, and I would like to suggest that it is fairly well acknowledged that crash programmes do not produce any lasting or beneficial results.

On the 14th August, 1979 the Chamber presented a paper on unemployment to the Minister of Labour. The paper included certain recommendations geared towards the possibility of alleviating the problem. This was done in the interest of the country as a whole, and certainly in the interest of the young people of this island. In relation to this, I should mention that in April of 1979 the Chamber presented a paper on furniture manufacturing to the Minister of Industry, because again we had been concerned for some time with the means by which industry could be expanded and improved in order to be truly a generator of new jobs and also in order to be able to export effectively, not just within the CARICOM market, but within the international arena.

I mentioned unemployment and I mentioned furniture as an indication of the kind of concern which the Chamber has demonstrated over the years, even though it is not always known by the wider community.

The new Act, the Bill which we are considering, as I have already said, seeks to expand the objects and functions of the Chamber, seeks to clarify the issue, and therefore seeks to let it be known that the Chamber not only is involved, but it is interested in all matters related to the economic life of this country.

I do not propose to speak for any length on this Bill, Mr. President, because I do not believe that it is a Bill which is difficult to understand. Honourable Senators have now had it in their possession for a few weeks and they therefore had opportunity to familiarise themselves with the contents. It simply is an effort to modernise the functioning or functional character of the Chamber and to bring it into line with what is happening around us locally, regionally and internationally.

I should also mention, before I sit, Mr. President, that this Bill has already been debated in the Other Place as well as in the Senate, and it would have been law by now were it not for the fact that a period of time intervened between the date the House was prorogued in 1981 and the date the Bill was sent to the Governor General for signature. As a result it has been necessary for it to go through both places again, and therefore it is a fairly straightforward matter which I hope will receive the support of all honourable Senators.

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

SENATOR H. R. LINTON: I beg to second that, Mr. President.

SENATOR E. E. GREAVES: Mr. President, I wish to indicate that I do not think that this matter is in any way controversial, and I think it is useful to see, from the comments which Senator Clarke made, that the Chamber of Commerce as it was formerly known, is seeking to legally extend its area of coverage, so that there can be no doubt about what the aims and objects of the Chamber as will be constituted under this new Act, the Barbados Chamber of Commerce and Industry Act, 1982, will indicate.

However, I just want to draw to the attention of Senator Clarke and to the attention of this Chamber something which I detect to be somewhat contradictory on page 3 under the functions of the Chamber. I am referring to clause 4(d) which says:

"to encourage and assist manufacturers in Barbados in the use of efficient and modern methods of

manufacture and the maintenance and proper standards of safety, labour relations, employees welfare, public relations and advertising."

I say it seems to be contradictory, because here it is we are talking about an Act, the Barbados Chamber of Commerce and Industry Act. This particular objective in my view should apply not only to manufacturers, but also to people in commerce, because there is no other reference under the functions of the Chamber which would in a similar way apply to people who are in the commercial area. In short, what I am saying is that whereas the Act covers both commerce and industry, and it is now called the Barbados Chamber of Commerce and Industry Act, we have one of the objectives paying specific attention to just an aspect of the Act, and it seems to me to be somewhat of a contradiction.

I do not know if Senator Clarke would agree with me, but I think there is need to widen this maybe to encourage and assist manufacturers and commercial operators and what have you in Barbados in the use of efficient and modern methods of manufacturing and the maintenance of proper standards. Because in the second part, whereas the modern methods of manufacture would apply to manufacturers, are we suggesting that people in commerce do not have to maintain proper standards of safety? Are we suggesting in here that people in commerce do not have to maintain proper standards in the area of labour relations, or employees' welfare, or public relations, or advertising?

Merely to say that this is encouraging manufacturers, I think is contrary to the spirit of the Act, and I would suggest that another look at it be taken with the view to making an amendment that would make this very clear, and which would also include people in the commercial sector of the operations of the Chamber.

Moving on to page 4, under objectives and functions, it is interesting to note that the Chamber has as one of its functions, to promote, support, or lawfully oppose any measures affecting the interest of the Chamber.

1.25 p.m.

It is clear that the Chamber is an interest group, therefore it has an interest to protect, and I do not think that one would necessarily want to disagree with them, or indeed criticize them, for having this particular objective. My only comment on this, vis-a-vis the kind of attitude which is demonstrated by certain groups and certain persons in society when other interest groups in pursuance of their objectives take certain lines of action, whether it is opposing any measure or having to resort to methods which are used to promote a particular interest is that you hear some political leaders talking about people

undermining the society, people being disloyal and all of that kind of nonsense.

I am saying that any interest group has certain interests to protect, so one cannot disagree with that, but certainly when the trade union, in the pursuit of a particular objective in its interest and in the interest of its members, I would hope that we would not hear any more nonsense about people trying to overturn the Government, people are being disloyal and the kind of language which is used when the Union takes a particular line on a particular matter, because the Chamber itself is indicating that one of its objects would be to lawfully oppose any matter affecting the interests of the Chamber. The operative word, of course, is "lawful", but I do not think that it can be said that the trade union, in another context, does anything outside of the law; it just fulfills its role within the context of the law.

Those are the two comments I would want to raise. I hope that Senator Clarke has taken the point which I have made on the first one, and I would just want to say it is not a controversial matter.

Thank you.

SENATOR Miss J. CLARKE: Mr. President, I am very glad to hear Senator Greaves agrees and state that the Bill is not controversial. As regards the two points he made, with particular reference to Section 4(d), I appreciate what he is saying, but I think that we can consider the point covered under the other subsections.

I would like to repeat that the main focus of this Bill has been towards industry, and, therefore, the fact that the points are set out so explicitly in regard to manufacturing should not be taken to mean that this excludes commerce. For instance, under Clause 4(b), reference is made to arbitration and trade disputes in commerce and industry, and under 4(d) reference is made to labour relations, and I would like to suggest that if you were to extend Senator Greaves' arguments, then perhaps we should remove labour relations from Clause 4(d).

The fact that manufacturing involves the use of machinery and therefore carries greater risks than commerce where safety is concerned, is, I believe, the reason why the draftsman spelt out the matter of safety so specifically.

I know that safety, and all that that involves, is very dear to Senator Greaves' heart, and I think that it is a concern for all of us, but I would like to suggest that anything which might have been missed in specific terms under the functions of the Bill, can be taken care of under (p) which permits the Chamber to do such other things as may be conducive or incidental to the attainment of any of the purposes of the Chamber in the

exercise of any of its functions. So I do not think that there is really a basic weakness which would require specific amendment to the Act at this time.

As I said, I appreciate the point he is making and the only explanation I can give for the fact that safety and some of the other points made under Clause 4(d) are not specifically spelt out in relation to commerce, is that it is taken as being understood.

As far as his comment on subsection (j) is concerned, I fully take his point that any voluntary organization, indeed any citizen of this country, has the lawful right to oppose any measures which affect their individual or collective interests. But I would like to suggest that the problem which he sees may stem from the fact that some people may go about things the wrong way, or some people may interpret the acts of others more rigidly than they do in other situations.

The fact that the Chamber, as an organization, can lawfully oppose measures which affects its interests, does not in any way say that the Chamber must have the right to do this and other people's rights must be infringed. I think at times people act unwisely in the way they seek to represent themselves and, therefore, bring down criticism on their heads, but I believe that if we act in a responsible manner as we seek to protect our interests, whatever they may be, then there is really nothing for any group to fear.

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

The question was put to the Senate and agreed to.

Mr. PRESIDENT: Under the Standing Orders, after the Second Reading of this Bill, it should be referred to a special Select Committee. If my interpretation is correct, I think what we will do at this stage is to suspend the sitting and I will ask the members.....

Order, please.

It has been suggested that as there is another Private Member's Bill which will have to undergo the same procedure, perhaps if the House merely suspended further discussion of this Bill, then the question of the Select Committee could study both Bills. Does that meet with the approval of the Senate?

1.35 p.m.

SENATOR E. E. GREAVES: Mr. President, I am just seeking your guidance. If we are talking about speed and expedition, I am wondering if I can make the suggestion that when we return from lunch we could not make a motion to turn the Senate into a Select Com-

mittee so that we can deal with the Bills and get them out of the way, because I don't think there is anything particularly controversial about them.

Mr. PRESIDENT: I may draw attention to what is in the Standing Orders, the same Standing Orders that you are very serious about. I think Senator Barrow has something to say.

SENATOR THE HON. N. A. BARROW: Sir, in view of the point raised by Senator Greaves, I think we need to point out that Section 75 also requires a certain kind of recital in a Private Members' Bill, which to me is not immediately obvious in this Bill, and therefore it would be better for the Committee of Selection to meet later this afternoon, appoint a Select Committee which would deal with both Bills, and they can be dealt with quickly, but I think we ought to have legal advice at the Select Committee dealing with that.

Mr. PRESIDENT: Do I take it then that the House agrees that further consideration of this particular Bill be postponed and we can deal with the other Private Members' Bill, and at the relevant stage the special Select Committee can be appointed by the Committee of Selection? Is that agreeable? Well, call the second one.

THE BARBADOS AGRICULTURAL SOCIETY (AMENDMENT) ACT, 1982

Order No. 4 under Private Members' Business was called – To move the Second Reading of a Bill to amend the Agricultural Society Act, 1890–3.

SENATOR Miss J. CLARKE: Mr. President, like the Chamber of Commerce Bill, this Bill had also passed both places, but because of the timing problem we have to do it a second time.

Now the Agricultural Society was founded in 1845, and apparently there was a second organisation which bore some relationship, which was known as the Reid School of Practical Chemistry. I am not sure when that one was founded, but the Agricultural Society apparently was founded in 1845 and in 1890 the members of the two organisations petitioned the Governor to merge them into one body, and consequently the Act of 1890 established one body coming out of the two.

The Act was very simple and one of the constraints which still exists is the fact that the organisation is only permitted to own real property to the value of £2 000, which, in this day and age, is most unrealistic.

I think the work of the Agricultural Society is very familiar to all of us, and in recent years it has taken on a new energy, a new image, which augurs well for the future. The Bill which is before us therefore seeks to

change the name of the organisation to the Barbados Agricultural Society and to remove the limitation on the value of real property.

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

SENATOR H. R. LINTON: I beg to second that.

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

Mr. PRESIDENT: In accordance with what appears to be the position from the Standing Orders, the Bill will be referred to a special Select Committee, and, as we agreed before, the special Select Committee will deal with both Bills. The members of the Selection Committee are requested to meet during the luncheon interval to appoint members to be approved by the Senate to sit on the special Select Committee.

SENATOR THE HON. N. A. BARROW: Mr. President, may I at this stage formally move that the previous Bill on which consideration was suspended be no longer suspended, but that both that Bill and Order 4 under Private Members' Business be now stand referred to a Select Committee, so that when we meet the same Select Committee can be named for both. What we now have, Sir, is a situation in which the Bill which has been dealt with now stands referred to a Select Committee whereas we have suspended consideration of the Bill we dealt with before, and therefore I would like to move that both Bills should stand referred to Select Committee. Everything is automatic from there on.

Mr. PRESIDENT: What we agreed before is that both Bills be now referred to a Special Select Committee to be appointed by the Committee of Selection. I hope the members of the Committee of Selection remember who they are. They are the President, Senator Barrow, Senator Griffith, who is absent, Senator Greaves and Senator Linton. I would be grateful if we can meet during the interval and make recommendations for a Special Select Committee.

SUSPENSION OF SITTING

Mr. PRESIDENT: This sitting will be suspended until 2.45 p.m.

On Resumption

Mr. PRESIDENT: This sitting is resumed. At the last meeting we had been dealing with a Bill called the Factories Act. We had concluded the second reading of that Bill. I presume that the Minister would like to move on at this stage.

FACTORIES ACT, 1982

On the motion of SENATOR THE HON. O'B. TROTMAN, the Senate resolved itself into Committee on the Bill, SENATOR J. C. W. WICKHAM in the Chair.

Mr. CHAIRMAN: Senator Clarke.

SENATOR Miss J. CLARKE: Mr. Chairman, I would like to beg to move that the Bill be taken in Parts.

SENATOR Canon I. McK. JONES: I would like to second that Mr. Chairman.

The question was put to the Senate and agreed to.

Part 1 was called.

SENATOR E. E. GREAVES: Mr. Chairman, I had submitted some amendments which would have fallen in this particular section of the Bill, Part 1. I recognize Sir, that the amendments would be extremely far ranging in terms of their application since, to some extent, the proposal would have the effect, I suppose, of violating one of the major principles of the Bill, which, unfortunately in my view, is still too limited in that it confines itself to a factory and to those areas of operation which fall within the definition of the factory.

I made the point in my presentation on the Second Reading that even though the Bill has a number of shortcomings, it is an improvement of the 1956 Act. I would therefore want to make my position very clear, not that I agree with the limitation which is imposed on this section of the application of this Bill, but in the interest of time and what have you, I want to withdraw the amendments which I have suggested.

I hope that in the not too distant future, Sir, the Government would find it possible, after the advice and the recommendations which have been submitted by I.L.O. Multi-disciplinary Mission which came to Barbados late last year and after due consultation with organisations, trade unions and employer's organizations who have an interest in this Bill, that we could come to a stage where we could have the kind of Bill which would in its area of coverage would cover workers in every area of economic activity in Barbados.

Before I take my seat, from the point of view from the kind of impression which is given to people and the kind of example which has to be set in this area of safety and health, I want to refer to an incident which took place, I think, on Friday and which was covered on television, which to some extent, arouses a certain amount of laughter and which would lead serious minded people to question really if the Government is a Government by example.

We had a situation on Friday last week where the Cabinet, as I understood it, visited the site of the Cement Plant and where the Prime Minister was making a quite valid point that workers should wear the safety equipment that is given to them, because you are on a construction site which is expansive both in terms of width and height. It is a fact that at some stage there were a number of workers down there who did not have adequate safety equipment because management did not issue the equipment to the people. But since the intervention of the Barbados Workers Union, as the negotiating body at that plant, we have been able to get the employers to issue helmets, boots, and what have you, to people who are working there. But we had the rather ludicrous situation where the Prime Minister was chastising workers for not wearing their safety equipment on the site, and the Prime Minister and Ministers, not one of them I submit was wearing a safety helmet. The Prime Minister was dressed in a hat like "J.R."

In any other country besides Barbados, where people visit an industrial site of that nature, where you are trying not only to impress upon the people the importance of safety — remember this is what he is talking about, the importance of safety, you are trying to impress that upon people — suppose he had gone under one of the buildings and a piece of steel had dropped and hit him on his head.

Mr. CHAIRMAN: Senator Greaves, I appreciate the need for you to expand your point in view of the fact that you are asking the Government to have a continuing look at this legislation. But the details about what would happen...

SENATOR E. E. GREAVES: Fair enough. I am only making the point that here it is we are talking about safety, the Government is talking about safety, the Prime Minister is talking about safety, and at the very time that he is talking about this they are violating a particular principle which they are expounding. This is the point I am making.

Mr. CHAIRMAN: I think your illustration is an excellent one. Senator Simmons.

SENATOR D. A. C. SIMMONS: Sir, I have noticed a few things in Part 1 in the definition section, Clause 2 on page 2. As I understand Senator Greaves amendments, he was putting up the phrase, "agricultural purposes".

Mr. CHAIRMAN: Excuse me, Senator Simmons. Senator Greaves amendments are not now before us. He has withdrawn those amendments.

SENATOR D. A. C. SIMMONS: I missed that part of it, Sir.

Mr. CHAIRMAN: He has withdrawn those in view of the Government undertaking to have a continuing look at this legislation.

SENATOR D. A. C. SIMMONS: Sir, as one more skilled and expert in the English language and grammar and syntax than I "agricultural purposes" includes — that could mean the phrase as it appears. Is that right, Sir?

Mr. CHAIRMAN: I really do not think that there is any violence to syntax.

SENATOR D. A. C. SIMMONS: And similarly the phrase, "building operations" means. I understand the phrase. Now Sir, tell me if there is any violence here now Sir, in: "(a) the construction, structural alteration, repair or maintenance of a building (including repointing, redecoration and external cleaning of the structure)". I never heard of that yet, Sir, on page 2. Are you repointing a building or do you mean repainting?

Mr. CHAIRMAN: The text that I have says "repainting."

SENATOR D. A. C. SIMMONS: I have repointing in mine. I can only say what I have.

Mr. CHAIRMAN: The text that I have is repainting. I would think that repainting is an accurate one. But there is a way you can repoint bricks. When you lay bricks they are pointed, so repointing would also do no violence to this.

SENATOR D. A. C. SIMMONS: This is why I had to consult the human dictionary, Sir. I have repointing and some Senators have repainting, so I do not know which is correct.

Mr. CHAIRMAN: It is repainting. Yes, in the context of redecoration.

SENATOR D. A. C. SIMMONS: I thought in the context it meant repainting, Sir.

Mr. CHAIRMAN: The question is that Part 1 stand part of the Bill. Senator Greaves, please feel free to intervene.
3.00 p.m.

SENATOR E. E. GREAVES: Sir, just before the resumption I had taken up a matter with Senator Trotman and I did not realise it came in Part I. As a matter of fact, I was looking over my notes and it eluded me.

Mr. CHAIRMAN: Go ahead.

SENATOR E. E. GREAVES: It affects page 10 and Part XII. I wanted to know if we could recommit Part I and just let me make the point.

Mr. CHAIRMAN: I will use my discretion, because the question has not been fully put yet.

SENATOR E. E. GREAVES: I had indicated in the proposed amendments on page 10, relevant to safety committee, that this should be expanded to health and safety committee. The reason why I am saying this is that safety has a particular connotation. That has to do with machinery, injury and what have you. The fact that there is in the Bill specific reference to situations involving machinery and then distinct references to situations involving chemicals and substances, and hence a clear distinction made between safety and health, then I am submitting that a safety committee does not meet all of this particular need, and that an amendment which would include health, that is, a committee called the Health and Safety Committee, would be much more appropriate in the circumstances of this particular Bill. I am submitting that as an amendment.

I would like to move that we amend Safety Committee on page 10 to read Health and Safety Committee.

Mr. CHAIRMAN: It is my understanding that the Bill is going.....

SENATOR THE HON. O'B. TROTMAN: In fact, Mr. Chairman, the change in the definition is not one of real substance, and I would implore Senator Greaves to let it stay as it is. We have looked at it, and, as he has pointed out, it does affect other parts of the Bill and would call for a redrafting again of certain sections.

SENATOR E. E. GREAVES: I do not think it would call for any major redrafting. All I am suggesting is that if we change this committee to Health and Safety Committee, and then we come to page 153, the only other change you would have to make is under Part XII where you have safety organisations, and you entitle that Health and Safety Organisations to make it make sense, because it would then really reflect what is contained in the various sections of this. That is all it entails, you do not even need to consult the lawyer on that.

SENATOR THE REV. CANON I. McK. JONES: Mr. Chairman, I do not quite agree with that argument, because to me that seems to be making a mountain of a mole hill. You have here on page 153, Section 102(1)(a) — "consult with his employees or their representatives for the purpose of developing measures to promote safety and health at such factory." You already have it there, so I do not see just putting health and safety organisation makes any difference to what you already have incorporated in the law. I do not see any reason to change it.

SENATOR E. E. GREAVES: Sir, this is the very point I am making. It is not a big thing with me, I am only try-

ing to indicate that from the point of view of a logical position, if as Senator Canon Jones has indicated, which is true and which is the point I am making, that in 102(1) you have every employer of a factory shall consult with his employees or their representatives for the purpose of developing measures to promote safety and health at such factory, this would be enough argument to support the point which I am making. It does not talk about promoting safety and health and ends there, it talks about safety and health, and all I am saying is that the organisation you are talking about is a health and safety organisation.

SENATOR THE HON. O'B. TROTMAN: Mr. Chairman, we are prepared to concede the change in the definition. On page 154 the amendment would have to be made wherever safety committee is mentioned.

SENATOR E. E. GREAVES: If I may just say this, this is just what I suggested. If you look at the amendments which I put here, in Part XII wherever "safety committee" is used replace with "safety and health committee." Apart from the heading there are two other places in this section where "safety committee" is used. Further down on page 153 you have meetings of the safety committee under (2)(a) where you can substitute "health and" there, and on page 154 in three places and wherever "safety" is used you could add "health" to it and it is not going to do any violence to the Bill.

Mr. CHAIRMAN: I think that Senator Trotman appreciates Senator Greaves' urge for tidiness in the drafting. I will now put the question.

The question that Part I as amended stand part of the Bill was put to the Senate and agreed to.

Parts II to V inclusive were called and agreed to.

Part VI was called.

SENATOR THE HON. O'B. TROTMAN: Mr. Chairman, in Part VI, Clause 67(1)(d) there should be a correction. It is circulated on the sheet of corrections. In the second line of paragraph (d) "clear" should be deleted and the word "clean" should be substituted therefor.

3.15 p.m.

SENATOR E. E. GREAVES: Sir, looking at Part VI, page 101, Section 66, in my amendment I had proposed that the words "no woman or young person" should be replaced by "no person", and when one looks at page 102, Section 67(1), I think you will see the rationale for that.

The whole idea, Sir, is that if one can argue that work is dangerous for a young person or a woman, particularly this kind of work, because it involves the use of lead, for example, which has very very serious effects on a person's health; if it is dangerous for a young person or for a woman to be exposed to these kinds of substances, I am submitting, Sir, that it is also dangerous to expose a man to these substances.

I am saying that this section is discriminatory. It discriminates against a man. I am quite serious about this, it discriminates against men. I was talking to Senator Trotman about this during the luncheon break, and whereas he was making the point that some ILO Conventions do make that distinction, the point is that there is a move away from that now, and if you take the more modern conventions, they completely eliminate the use of certain substances, and they are moving to a situation where if a particular substance is dangerous for people to handle, then it is "no person" and not just "no young person or woman."

I would like to suggest, in accordance with Section 67(1), where we have a situation where it is "no person" that Section 66 should be amended to include "no person" rather than "no woman or young person." I think that this is a matter of equity and justice.

Thank you.

SENATOR THE HON. O'B. TROTMAN: Mr. Chairman, I take the point raised by Senator Greaves, but the fact is that, already on our Statute Book, there is a chapter which comes before the one we are amending, Chapter 346, The Employment (Miscellaneous Provisions) Act, and in Part III of that Act, the law specifically sets out the conditions under which young persons should work, and Part IV deals with the employment of children, and I am sure that that same Act, Sir, is the one which incorporates the ILO Convention.

The point is that the law does recognise that young persons, children especially, and women need a little more protection than other adult males who, we believe, can take care of themselves better.

Section 67, the one following the section to which the Senator drew attention, spells out the specific conditions under which persons may work, and it gives some protection for those persons. But the point of Section 66 is that we think that young persons and women should not be employed at all in these undertakings. To say that no person at all should be employed would, in fact, close down the whole business.

Asides.

SENATOR THE HON. O'B. TROTMAN: Well, we could also close down coal mines, because it is dangerous work. We do not think that there is need for an amendment at this time.

SENATOR E. E. GREAVES: Sir, I really do not accept the position which is being put by Senator Trotman, because, obviously, in the course of his rebuttal, he realized that he was on weak ground and he shifted, I do not think that he gave any particular convincing justification, if indeed he did give justification for that.

My point is, Sir, that if you look at Section 66, the substances here which are used, particularly lead, have been established as very dangerous ones. If I can get the Occupational Diseases Notification Act, it comes just before the Factories Act, you will see at the end of that a list of occupational diseases and substances which should not be used, and I am sure that lead is one of those substances which is mentioned there. I am positive about that.

It is established that lead and lead compounds pose particular problems. If, for argument's sake, lead has to be used, then there would be conditions under which it would be used, but the thing is that it has been established as being dangerous to the human body, whether it is a young person, male or female, and I am saying that this section discriminates against men. If you are going to exempt women and young persons from handling this substance, then I am submitting, Sir, as we have done in Section 67, that we should change it to "no person". To follow the line of argument of comrade Trotman,....

Asides

SENATOR E. E. GREAVES: I agree, we could never be comrades. Comradeship should involve a certain fraternity, common interest and what have you. We are on opposite poles, so we could not be comrades. Forget that statement, I think it was rather unbecoming of me.

To follow the argument of Senator Trotman, where he suggested that we would have to close down businesses dealing with the substances described in Section 66, the same thing would apply for 67(1).

3.25 p.m.

Let me just put it another way. If you say "no" and you lay down certain conditions for persons under 67(1), then I am submitting that we should have in 66 "no person" and put down the same conditions as you have in 67(1). Do you want me to go over that? If you are saying that by having 67(1) worded as it is, there are certain conditions which have to be fulfilled for the protection of persons, then you should change 66 to the

same wording as to "no person" as in 67(1) and put the same conditions as you have under 67(1) to cover that so that you would have a logical development, no person, no person, with the conditions which you have put down in 67(1).

SENATOR THE HON. N. A. BARROW: Mr. Chairman, we have just been advised on a point. Young persons are more susceptible to harm in these circumstances than an adult normally would be, so that is the point of distinction between young persons and adults. In relation to second distinction, between women and men, the point is that we cannot rule out industry with lead, but what we need to do is to ensure that there is a certain level of control and that where it is necessary for anybody to work in those circumstances, we neither expose the unborn child to the danger nor young persons whose susceptibility to injury is greater than that of adults. Therefore it is a justifiable clause.

SENATOR E. E. GREAVES: Just for the sake of the record, since Senator Barrow indicated that I was wasting time, let me waste a little more time. This is important. I had passed the point, but since it was suggested....

Mr. CHAIRMAN: Senator Barrow's remark about wasting time was addressed to the Chair, in the nature of an aside.

SENATOR E. E. GREAVES: It will go in the records, so I speak for the records now. I am saying that my suggestion is not a time wasting suggestion. It is a suggestion which is made in the interest of protecting workers in this country from exposure to lead, lead compounds and dangerous substances. I recognise that, as Senator Barrow has said, with young persons and women, there are special arguments which have been advanced, but arguments have also been advanced, and convincing arguments, about the exposure of persons who are not young persons and who are not women to the dangers of these substances, and I would hope that in the future, some consideration would be given to this particular thing, because in a lot of industrialised countries there are substances which have been totally excluded from industry, but you find that in developing countries like Barbados, there is still too much accommodation.

Now I recognise the problem is jobs and a whole set of considerations, but what I am saying is that we have at this point in time to be concerned with people's health, and economic considerations sometimes should not override people's health in these circumstances. That is the point I am making.

SENATOR THE HON. N. A. BARROW: Since Senator Greaves adopted to take the point in that light,

Mr. Chairman, let me make it clear that what we are talking about here is provision in the Bill designed precisely to protect the health of the worker, so I do not think the Senator ought to be allowed to get away with appearing to be more concerned with workers' health than anybody else, because that is exactly what we are all concerned with here, and it is not as though we are allowing ourselves to be used or abused because we need to create jobs.

What the Bill clearly seeks to do is this, Sir, recognise those circumstances in which, and those are in Section 67, there should be a total ban on employment, and in 66 to recognise those circumstances in which certain persons will be more susceptible of injury, whereas the ordinary adult person should not be susceptible to injury. And therefore when I made the point about wasting time, although I did not make it in any serious way, I understood from Senator Greaves' response as I was speaking that he was well seized of the fact that this was a valid distinction between the two sections and that both sections had a place in the Bill, and therefore, to that extent, I made my comment.

But I don't think the Senator should really behave as though he alone is interested in workers' health. Last week, after all, when the matter came up we got very clear support when on this side one Senator did misunderstand the full import of section 102, and we gave him support on the point he was making, that you couldn't very well go and talk about dismissal or possible dismissal of workers in circumstances where the representations concerned their health. We are, if anything, Sir, more committed in the business of workers' legislation than anybody else, including the party that Senator Greaves represents. The record is there. It speaks for itself.

The question that Part VI stand part was put to the Senate and agreed to.

Parts VII and VIII were called and passed.

Part IX was called.

SENATOR THE HON. O'B. TROTMAN: Mr. Chairman, in Part IX there is a proposed amendment to Clause 76(2). It is found on page 115 for quick reference. The proposed amendment is that we delete in subsection (a) the words "where they are used in common by employees of more than one factory occupying the building" and at the end of the paragraph after "clean state", at the end of the page, add the words "except where they are used in common by employees of more than one factory occupying the buildings". So the section will now read "relating to sanitary conveniences hoists, lifts, etc."

Mr. CHAIRMAN: Except where they are used by more than one factory.

SENATOR THE HON. O'B. TROTMAN: The amendment is "Except where they are used in common by employees of more than one factory occupying the building".

There is a question of English then, because after "state" there is a full stop. I think we would have to delete the full stop and insert a comma, otherwise the sentence would be incomplete.

The question that Part IX as amended stand part, was put to the Senate and agreed to.

Part X was called and passed.
3.35 p.m.

Part XI was called.

SENATOR THE HON. O'B. TROTMAN: In Part 11, Clause 94, the proposed amendment is that we will delete the first four lines of subsection 2, where it reads:

"Notwithstanding subsection (1) where the circumstances so require, the Chief Labour Officer or the Chief Medical Officer may, with the approval of the Minister"

and substitute therefor:

"Notwithstanding subsection (1), where the circumstances so require, the Chief Labour Officer with the approval of the Minister or the Chief Medical Officer, with the approval of the Minister responsible for Health, may".

In Clause 101, on page 151, Sir, delete subclauses (2) and (3), at the end of the page, and substitute the following: "(2) Notwithstanding subsection (1), an inspector or other person referred to in that subsection may disclose information respecting any process carried on in a factory,

(a) in the case of a person injured while engaged in employment at the factory, to:

- (1) an attorney-at-law representing the person,
- (2) the injured person or any relative or friend authorised by the injured person,
- (3) any trade union representing workers in the factory, and
- (4) the personal representative of the deceased in any case that results in death.

(b) to an attorney-at-law representing the occupier of the factory.

In paragraph (3) Sir, 101.....

Mr. CHAIRMAN: As I understand it, Senator Trotman, Subsection (2) will therefore have "a" running from 1 to 4 and a "b", and now Subsection 3.

SENATOR THE HON. O'B. TROTMAN: Subsection (3) will be:

"No person shall disturb, alter or remove any evidence that is likely to be of any assistance to an investigation of an accident in a factory unless authorised to do so by the Chief Labour Officer."

and (b) by adding the new subclause, that is subclause (5):

"(5) any person who contravenes subsection (1) or (3) shall be guilty of an offence and liable on summary conviction to a fine of \$250 or imprisonment for six months or both."

I believe, Sir, that these are the amendments which originated with the representatives of the workers' unions, and which Cabinet accepted.

Mr. CHAIRMAN: Just for convenience sake, let us say, 101 now therefore reads 101 (1), (2), 2(a), 1 to 4, (b), (3) (4) and (5), and (4) reads as it is.

It is proposed that Part XI stand part of the Bill.

SENATOR D. A. C. SIMMONS: You have got me in trouble today. I do not have any of this in the copy of the bill that was sent to me. You can check it, Sir. Perhaps I am anachronism. They have on the back of this the Second Session of 1976-81. I did not pick it up; it came through the post or Mr. Best brought it home. I have the wrong one. I do not have all of these 101s, subsections and all of that, Sir. I am butting about like blind Elder, so I am going to swipe, and the House will have to pardon me if I swipe and even score some runs.

On the amendments as circulated by the Minister, I wonder if any thought has been given to subsection (3), Clause 101(3), which appears on page 2 of the amendment. I am concerned about this part that says,

"No person should disturb, alter, or remove any evidence that is likely to be of assistance in the investigation of an accident at the factory unless authorised to do so by the Chief Labour Officer."

Sir, I wonder. If a person meets his death in an industrial accident at a factory, I would like to suggest that the Chief Labour Officer has no power, not even here, to order the removal of that body, let us say. It says, "alter, remove or disturb any evidence" — and that would be evidence. The only person who can order the removal of a dead body is the coroner. I believe that

this subsection may well be reposing unusual power, and illegal power, in the hands of the Chief Labour Officer.

Now what about this? Suppose the police are in a situation and the police are there before the Chief Labour Officer, and there is evidence which the police may want to have in their custody with a view, at an early stage, to a criminal prosecution later on. Suppose it is murder and the police finds a knife. Do they have to wait on the Chief Labour Officer?

I believe that, as presently drafted, this subsection may unreasonably hamstring the powers of the police and of the coroner. I throw it out, Sir.

As I said, what I had as the Bill, Sir, was an ancient piece of paper, so I am only now guessing. But I would like to hear the Minister's response to those.

Mr. CHAIRMAN: Before the Minister responds, Senator Simmons, I am not a lawyer, but I would think that a murder is not an accident.

SENATOR D. A. C. SIMMONS: Is not what, Sir?

Mr. CHAIRMAN: In subsection (3) you quoted, "is likely to be of assistance in the investigation of an accident."

SENATOR D. A. C. SIMMONS: You never know if it is a murder. You never know if it is an accident. But suppose somebody pushes a man off a platform and he falls in the factory. You would not know that it is a murder. It may appear to be an accident at that stage, and you would not know if it is a murder until the investigation got going. Suppose the police come and they hear that the man was pushed down.

Mr. CHAIRMAN: Senator Trotman.

SENATOR THE HON. O'BRIEN TROTMAN: Mr. Chairman, Sir, I am not from the same profession as Senator Simmons, but he seems to be on a fairly good point and, quite frankly, I am prepared to concede the point and seek the advice of the Attorney-General before continuing this particular subsection, in which case I beg to move that the Senate be resumed and progress be reported.

The question was put and agreed to, and Mr. PRESIDENT resumed the Chair.
3.45 p.m.

SENATOR THE HON. O'BRIEN TROTMAN: Mr. President, I beg to report progress of the Committee and seek permission to sit again.

The question was put to the Senate and agreed to.

Mr. PRESIDENT: I assume that means at a later stage of today's proceedings. Possibly? It seems that the Minister has to get some advice on a section.

SUSPENSION OF STANDING ORDER

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move the suspension of Standing Order 45(2).

Mr. PRESIDENT: The question is that Standing Order 45(2) be suspended so that the Bill which was given First Reading today may be dealt with in all its stages.

SENATOR THE HON. N. A. BARROW: Mr. President, the Bill which I rise to introduce is the Bill to provide for the establishment of a cultural foundation in this country. I shall endeavour not to be lengthy in my introduction.

Sir, if you agree, I will just hold on a bit, because it seems as though at least one Senator has not got a copy.

Mr. PRESIDENT: It is not here in my papers either.

SENATOR THE HON. N. A. BARROW: Mr. President, at least two Senators have not even seen the Bill. How that could be is something I do not understand, but it must reflect massive incompetence on the part of the staff of Parliament. Last week before we adjourned I made sure that I asked members if they would be good enough to come this week prepared to take the Bill. The very least that the staff of Parliament could do was to ensure that a copy of the Bill was got into everybody's hand.

A little while ago, before getting up to speak, I discovered that in my file prepared here by the staff of Parliament there was no copy of the Bill. I know that it is easy for the staff of Parliament to put the blame on the Printery. That is what they are accustomed to doing. At this stage they have not got any Printery to blame and I wonder who they are going to blame. We made things easier, Sir, by agreeing that they would do one printing for Parliament instead of printing for the House and then coming back and printing for the Senate and duplicate the work. It seems as though our

making it easy for them is making it impossible for us to get on with the business of the country.

In the circumstances, I have no option but to take this matter next week as the first item rather than to continue seeking to deal with it because it cannot possibly be fair to Senators to deal with something they have not seen. I am sorry about any inconvenience to this Senate, but unfortunately this is not an institution in which we can get rid of the incompetents as easily as they should be got rid of.

Mr. PRESIDENT: I must interject here to say that I certainly received a copy of the Bill with previous papers that were circulated, and when the Minister made reference last week to his wish to deal with it in this meeting I referred to the fact that this Bill had been circulated, and I am assured by the Clerk that this Bill was sent around to all members. There seems to be some discrepancy somewhere. I take it that there are members of the Senate who have not received copies of this Bill. In that case, it cannot be proceeded with.

APPOINTMENT OF SELECT COMMITTEES

Mr. PRESIDENT: I have to inform the Senate that the Committee of Selection met and appointed for the purpose of considering the two Bills which were to be referred to a Special Select Committee — the Chamber of Commerce Bill and the Agricultural Society Bill — Senator Clarke, Senator Linton, Senator Mr. Reece, Senator Greaves, Senator Seale to be members of the Special Select Committee to deal with these Bills.

I direct that this Committee meet on Wednesday next, the 9th, at 9.30 a.m. My understanding is that their deliberations need not be very long, so that it will probably not interfere with the ordinary meeting of the Senate if the Senate adjourns to that date. The Committee will appoint its own Chairman.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move that the Senate do now adjourn until 11.00 on Wednesday morning, March 9.

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

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