

THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1981 - 86

THE SENATE

Wednesday, February 8, 1984.

The Senate met in the Senate Chamber, Public Buildings on Wednesday, February 8, 1984, at 11.05 a.m.

PRESENT

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

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

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

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

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

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

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

Senator H. R. Linton;

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

Senator D. A. C. Simmons;

Senator Miss J. Clarke;

Senator Mrs. M. O. Reece;

Senator E. E. Greaves;

Senator A. W. A. McClean;

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

Senator C. D. Seale;

Senator the Rev. Canon I. McK. Jones;

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

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

Senator O. S. Arthur.

Prayers were led by Rev. Dr. L. A. Crawford.

ABSENT

Senator W. W. Hall (on leave).

LATE OBITUARY SPEECHES

SPEECH RE DEATH OF GOVERNOR-GENERAL, SIR DEIGHTON WARD

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, this is the first meeting of this Honourable Chamber since the passing of Sir Deighton Ward, the second native Governor-General. By this time, I am sure that we have all, as individuals, paid tribute to his memory in one form or another. Publicly, so much has been said, and so eloquently, that it seems almost impossible to add anything of substance to what has already been said.

Sir Deighton, as we all know, was born in Barbados on May 16, 1909. He was educated at Boys Foundation and Harrison College, and at Middle Temple, where he read law. His death on Monday, January 9, brought great grief and sorrow to our entire population. On that day, Barbadians lost a great lawyer, a distinguished judge, a beloved Governor-General, an enthusiastic sportsman, a devoted husband and father, and a straightforward and down-to-earth Barbadian, who loved a simple life and eschewed pomp and circumstance.

In his distinguished career as a lawyer, he has been described as a careful lawyer. He was never hasty to arrive at conclusions. He was always patient, calm, and insistent on examining authorities before stating an opinion. His love for legal research and his love for the law served him well as a member of the Legislative Council of Barbados from 1955 - 1958.

The council, as you know, was the forerunner to this Chamber. He remained a member until he was elected to the House of Representatives of the Federal Parliament of the West Indies. He became a member of that small but distinguished group, which believed in Caribbean nationhood, which drove him to give service at the highest level of the short-lived Federation.

Sir Deighton was made a High Court judge on December 20, 1963. During the 13 years that he sat on the bench, the sympathy and understanding which he displayed is described as coming not from legal text books, but from the warm and human heart, of the man himself. It was that humanity which assured everyone that appeared before him that he was receiving justice. He loved people and, in return, people loved him. For this reason, he was an immensely popular judge and, later, a beloved Governor-General.

In the office of Governor-General, Sir Deighton carried out his duties with dignity and charm, which, by then, had become his hallmark. He earned the respect of Barbadians from all walks of life, and that of visiting dignitaries and visitors alike.

In addition to his sterling contributions as a lawyer, judge, and Governor-General, Sir Deighton will long be remembered as a dedicated sportsman. He was a member of the Spartan Cricket and Football Club, a member of Summerhayes Tennis Club, and Past President of the Barbados Football Association. We all know that he loved his football. He had an extensive knowledge of the game and could often be seen at football matches. Many a footballer speaks of the encouraging words which Sir Deighton often had for players when their spirits had been dampened by some unkind spectators. Such was his warmth.

When he passed away on January 9, Mr. President, all Barbadians lost a friend. He was a man who could identify, and did, with all classes of the society. He moved amongst us with the humility and charm which must have been the envy of many of us, if not all of us. It was this humility which endowed him with the power to communicate with all levels of the community, and which made him a friend of us all.

I now take this opportunity to add my sincerest feelings, and, I am sure, the sincerest feelings of the entire Senate, of sympathy and sorrow to the many already expressed to Lady Ward and the entire Ward family.

Mr. PRESIDENT: Honourable Senators, I feel that everything that needed to be said about Sir Deighton has been said. Very seldom must we have heard such expressions of deserved praise for a distinguished worker and a distinguished servant of the Barbadian people.
11.15 a.m.

Tributes have come from all walks of life and from various countries. Tributes to his dignity, his warm human feelings and, above all, his humility. There was not a touch of arrogance about that gentleman.

I have known him over the years, long before we were members of the Legislative Council. We went together to the Federal Parliament, he in the Lower House, I serving in the Senate, and we both suffered grievously in spirit when the Federation broke up.

Sir Deighton's career as a judge is well known, and some of his warm humanity was as a result not only of something in him, but embellished by his years of experience at the Bar and on the Bench. He developed a feeling of compassion for human frailties, which I observed time and again in my dealings with him, as Governor-General, in the Privy Council and in personal and social life.

I spent many an evening with him and his family at Government House, quite apart from the ordinary social occasions. He loved life, he loved his family, he loved friendship. I was proud to be his friend.

I have a resolution, which I will read to you and ask you to accept, which I am sure you will, in the name of the Senate:

WHEREAS our beloved and revered Governor-General, Sir Deighton Harcourt Lisle Ward, GCMG, GCVO, KA, former member of this Honourable House, a most distinguished son of this our country, died on the 9th day of January 1984:

BE IT RESOLVED that this Senate place on record its appreciation for the outstanding service, dedication and sacrifice of this distinguished Head of State;

BE IT FURTHER RESOLVED that this Senate extend to Lady Ward and his sorrowing relatives its sincerest condolences and deepest sympathy.

Dated this 8th day of February, 1984.

Does the Senate approve of this Resolution?

Honourable Senators replied in the affirmative.

Mr. PRESIDENT: Senator Barrow has another obituary to speak about, and I will leave the marking of respect in silence until after that.

SPEECH RE LATE SENATOR K. A. ROUSE

SENATOR THE HON. N. A. BARROW: Mr. President, on behalf of this Honourable Chamber, I would

wish to say a few words in respect of the passing of our former colleague, the former Senator Keith Rouse.

Mr. Rouse, in a humble and quiet way, gave distinguished service and contributed fully in the proceedings of this Chamber during his short sojourn as a Senator before ill health forced him to relinquish his appointment. At that time, none of us understood how ill Mr. Rouse was, and his death came rather as a shock to us, even as we were attending the party conference when he suffered a stroke.

Mr. Rouse displayed a deep and lasting love for his fellowman, particularly the less fortunate sector of our community, whose interests needed firm articulation in order to balance national development trends with their welfare needs. The former Senator's concern with the development of his fellowman in this nation was most vividly reflected in his contributions on health and social welfare matters. Indeed, his commitment to improving the overall health standards of this country was clearly demonstrated in his efforts as Chairman of the Sanitation Service Authority. It was in that capacity that he initiated the Community Sanitation Scheme.

This scheme, basically public relations in nature, encouraged sanitation supervisors to develop a rapport between themselves and the public so that public complaints, as they relate to sanitation, could be speedily investigated and dealt with effectively through the appropriate Government agency. This kind of liaison between the public and the Sanitation worker has, in fact, led to a major improvement in sanitation practices throughout this island.

The Sanitation Service Authority recently acquired new refuse collection trucks, which, due to their smaller size and flexibility, have proven to be far more suitable to our situation. The acquisition of these trucks was largely inspired by the conviction of Mr. Rouse that Barbados needed equipment more suitable to its road systems if we were to derive maximum benefits from public health expenditure.

Another of his convictions was the need to deal with the unsightly and sometimes untidy public conveniences. After careful analysis of the situation, the Authority has come to the conclusion that these conveniences that have outlived their purpose should be closed, and the Authority is at present on the verge of gradually closing these conveniences, thanks to the dedicated work of Mr. Rouse.

His training in the medical corps of the British Armed Forces resulted in a well-disciplined man, which served well to mould him for a leadership role in our society. This participation in the life of his community was a characteristic of his entire experience. Not sur-

prisingly, therefore, while living in Britain he was a member of the British Labour Party and the Chairman of the South East Leceister constituency branch, a notable achievement for a black person in a primarily white society.

Mr. Rouse's chosen career as a dental technician allowed him to maintain close contact with the common folk and to articulate their health interests at the highest level. His love for the masses never waned, and even in the face of his illness he acted as a true champion of the cause of people. In the passing of the late former Senator Keith Rouse, this country has lost a truly dedicated son.

On behalf of this Honourable Chamber, I should like to extend sincere condolences to his sorrowing relatives.

SENATOR E. E. GREAVES: Mr. President, in joining the Leader of this Senate in paying tribute to the late Senator Rouse, I want to say that I have known Senator Rouse for a number of years. As a matter of fact, he first introduced himself to me, I believe, some time in the 1960s. I remember when he contested the seat in St. Lucy in the 1966 General Election on behalf of the Barbados Labour Party.
11.25 a.m.

In spite of the fact that we were on opposite sides of the political fence, I have always found Senator Rouse to be, first, a human being and, secondly, a politician. The kind of divisiveness which tend to be associated with politics did not seem to enter much into the relationships which Senator Rouse had with members of the Opposition. I am sure that all the Members of the Opposition can speak on this on behalf of the late Senator Rouse.

Like Senator Barrow, I agree that he has played a major role in terms of fighting for the small man in this country. In the 1970s, when the People's Pressure Movement came on the scene, he was a member of the People's Pressure Movement, which first highlighted the issue relating to the increase in the electricity rates in this country and focussed public attention on that particular issue. This has continued over the years to be an issue whenever there is an application for a rate increase by the Barbados Light and Power Company, and in this kind of way I am sure that one can well appreciate the feeling which Senator Rouse had for the small man.

He was Chairman of the Sanitation Service Authority. I have never had an opportunity to relate to him in a labour situation when he was Chairman of the Authority, but from what my colleagues have told me, he had shown an understanding and an appreciation for improving the lot of the workers employed by the Authority. I am satisfied, like Senator Barrow, that in the

passing of Senator Rouse. Barbados has lost a person who could emphasize with the masses in this country, and I would want to join the Opposition in the tribute which has been paid to him here today.

Thank you.

Mr. PRESIDENT: Honourable Senators, in associating myself with the remarks made in respect of the late Senator Rouse, I did not know him as well as honourable Senators who have spoken, but I can speak for his sojourn in this Chamber.

I found Senator Rouse always to be a most courteous and co-operative member. He spoke on matters which he understood, and he spoke in a very simple, down-to-earth way, which indicated his own sincerity.

I attended his funeral and very seldom have I seen such a packed church, which was a tribute to the friends and admirers he must have had from all over the island.

I have a Resolution which I will read and ask the Senate to approve:-

"Whereas the late Keith Lester Rouse, Esquire, a former member of this Honourable Senate has passed away,

"BE IT RESOLVED that this Senate express our regret at his passing and extend our deepest sympathy and sincerest condolences to the relatives and friends of the deceased."

Does the Senate approve of this Resolution?

(Honourable Senators replied in the affirmative.)

I would now ask the Senate to observe a minute's silence as a mark of respect to the two persons of whom we spoke.

(The Senate stood for a minute's silence.)

PRESENTATION OF PAPERS

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

The Civil Establishment General (Amendment) Order, 1983.

The Customs (Amendment) (No. 2) Regulations, 1983.

The Rate of Interest (Exemption) Order, 1983.

The Duties, Taxes and Payments (Exemption) (No. 11) Order, 1983.

The Markets and Slaughter Houses (Amendment) Regulations, 1983.

Financial Statement showing Net Customs and Excise Receipts for 4 months ended 31st July, 1983.

Financial Statement showing Net Customs and Excise Receipts for 5 months ended 31st August, 1983.

The Public Officers Loan and Travelling Allowances (Amendment) Regulations 1984.

The Companies Regulations 1984.

The Annual Report of the Barbados National Standards Institution for the period November 1981 to October 1982.

The Annual Report and Financial Statements of the Barbados Agricultural Development Corporation 1980-81.

The Financial (Amendment) Rules, 1984.

The Annual Report and Financial Statements of the Barbados Agricultural Development Corporation 1981-82.

MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE AND MOVED BY A MINISTER

SENATOR THE HON. N. A. BARROW: Mr. President, today's Order Paper has three Bills down for first reading, and at this stage I would wish to give notice formally that it is our intention to proceed with one of those Bills today, not the Shops Act or the Road Traffic but the one on the Caribbean Financial Services Corporation Ltd. Since Senator Greaves is a bit disappointed, I can assure him that we are going to meet next week, so that we would be able to devote more and fuller consideration to the Shops Bill in particular.

SUSPENSION OF STANDING ORDERS

SENATOR THE HON. N. A. BARROW: Sir, I beg to move the suspension of Standing Order 45 (2) to facilitate our dealing with Order No. 6, which Senator Griffith will be dealing with.

The question that Standing Order No. 45 (2) be suspended so that the Bill might be proceeded with in its further stages was put to the Senate and agreed to.

Mr. PRESIDENT: Record in the Minutes that this Bill has been read a first time.
11.35 a.m.

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

A Resolution to approve the amendment to Resolution No. 41/1980.

A Bill to provide for the imposition and collection of a tax on travel.

Mr. PRESIDENT: Let it be recorded in the Minutes that this Bill has been read a first time as well as the other Bills that appear on the Order Paper today.

PUBLIC BUSINESS

SENATOR THE HON. N. A. BARROW: Mr. President, we propose to do the items as they appear on the Order Paper, with Senator the Hon. O'Brien Trotman taking charge of Order No. 1. For the information of the Table at this stage, when we deal with Orders Nos. 4 and 5, I expect that will be next week, Order No. 4 is going to be taken through its stages by Senator Howell and Order No. 5 by Senator Williams.

THE CIVIL ESTABLISHMENT (GENERAL) (AMENDMENT) (NO. 2) ORDER, 1983

Order No. 1 was called – To move the passing of a Resolution to approve the Civil Establishment (General) (Amendment) (No. 2) Order, 1983.

SENATOR THE HON. O'B. TROTMAN: Mr. President, the Civil Establishment (General) (Amendment) Order, 1983, which passed this Chamber on 7th December last year, provided that Part III of that Order should have come into effect on November 1, 1983.

Part III of that Order deals, in part, with offices in the Government Printing Office. That Order would have reorganised the management structure of the Government Printery by creating a new hierarchy. At present they have one Head of Department, and two deputies of equal status in different divisions.

The new Order sought to create a post of Assistant Manager and Deputy Manager at current levels. When the Order was passed, there were two public officers holding the post of deputy in the Printing Office, and since it has implications for their own future in the Public Service, we could not proceed with the Order as passed the Senate at that time without taking into consideration the persons involved.

It is now desired that the Order comes into effect at a future date in order to give the personnel department an opportunity to make their own arrangements with the men involved before the offices can be altered.

I beg to move that the Senate concur in the Resolution which gives effect to this new Order.

The question was put to the Senate and agreed to.

VESTING OF LAND AT BOTTOM BAY, ST. PHILIP, IN THE ESTATE OF BONNER BOWRING

Order No. 2 was called – To move the passing of a Resolution to approve of the vesting of land at Bottom Bay, St. Philip, in the estate of Bonner Bowring.

SENATOR THE HON. N. A. BARROW: Mr. President, the matter before us is one of some age. It goes right back to a Cabinet decision taken on 4th January, 1973, that an access road and parking facilities should be provided to the beach known as Bottom Bay in St. Philip, and that, to facilitate this project, 36,400 square feet of land should be compulsorily acquired from eight persons. The level of compensation was agreed and the necessary steps were taken, under the Land Acquisition Act, to have the legal processes completed.

Included among the above-mentioned land acquisitions was 9,250 square feet of land from one Bonner Bowring. I shall try, Sir, to deal with the stages slowly. In October 1975, Land Valuation submitted revised valuations, and you have a new valuation, but this valuation is not satisfactory to the owner of the land, and then you have negotiations going on and up to May 1979, with no agreement being reached. But the real bone of contention related to where you put your car park and its effect on the man's enjoyment of his property.

In May 1979 Mr. Bowring informed the Ministry of Lands that he certainly had no complaints concerning the acquisition of the footpath area itself down the cliff and to the Sandy Beach area, but that he was, however, very much aggrieved by the location of the car park area itself, at the head of the road leading down to his property. In order to get to his property, he now had to go through a public car park; and on public holidays and occasionally on weekends, this meant that access to his property was blocked. It also meant, of course that if you had a fire in the house, fire tenders would not be able to get to the house if it was a public holiday.

I believe that there are Senators around here who have seen holiday crowds and where they park to go down to picnic at Bottom Bay, and seen that driveway very effectively blocked. I have certainly seen it, so I think I understand what the complaint is.

This is the background to the reconsideration of this matter, and as a result of the whole re-negotiation, the valuations on the original amount of land were accepted and an agreement was reached for the exchange

of land. The final position is that after a visit, on April 22, 1983, to the area with the Minister of Housing and other officials, at that point it was decided that the car park should be re-located to the south of the existing one, which was what Mr. Bowring had been proposing all along, by means of an exchange of 9,250 square feet of Government land for 935 square metres of Mr. Bowring's land.
11.45 a.m.

What I have done is to seek to isolate what the real problem was, which is, the blockage of the entrance. I believe that it is a matter that is fairly easy to understand. So what is being done here is that one piece of land is being exchanged for another. The facilities which were meant to be provided would still be provided, but they would now be done without blocking the driveway to the house. In other words, it has taken a long time to resolve, but a great deal of satisfaction has resulted in that a reasonable position has now been arrived at.

The original land valuation was accepted, and interest was paid on the outstanding balance for the length of time that had elapsed. In fact, I suspect that it was the whole amount. The car park is to be shifted to the south so that the house would not now be affected in the way that it was previously. That is why we have had to come for parliamentary permission for this exchange.

Under Section 5(1) of the Land Acquisition Act and the Crown Lands Vesting and Disposal Act:

"The Minister may sell, lease, exchange, grant, assign or surrender Government land" with parliamentary approval.

This is the Resolution which seeks that approval so that the exchange of lands can take place.

I beg to move, Sir, that this Resolution be now concurred in.

The question was put to the Senate and agreed to.

VESTING OF CERTAIN LANDS AT CHARNOCKS, CHRIST CHURCH, IN PHYLLIS BARROW

Order No. 3 was called – To move the passing of a Resolution to approve the vesting of certain lands at Charnocks, Christ Church, in Phyllis Barrow.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, a parcel of land 2 781.5 square metres at Charnocks, Christ Church, was acquired by Government from Miss Phyllis Barrow for use in connection with the roundabout at Grantley Adams Airport.

In approving this acquisition, Cabinet had directed that, should Miss Barrow so wish, negotiations for the acquisition of her land would include an offer to her, or an exchange basis, of an alternative portion of land in the Charnocks area. She has opted for that exchange and, as a result – I think there is a plan here – this Resolution is now before us.

As in the case of the Resolution just completed, the Minister can only dispose of Government land by specific authority of Parliament.

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

The question was put to the Senate and agreed to.

CARIBBEAN FINANCIAL SERVICES CORPORATION ACT, 1984

Order No. 6 was called – To move the Second Reading of a Bill to provide assistance to Caribbean Financial Services Corporation Limited to enable that private sector financial institution to develop financial and commercial opportunities within the Caribbean, and to provide for such other matters as are incidental, ancillary, consequential or related thereto.

Mr. PRESIDENT: Senator Griffith.

SENATOR THE HON. C. A. GRIFFITH: Thank you, Mr. President.

This Bill provides for the granting of assistance to Caribbean Financial Services Corporation Limited. I would just like, for the benefit of the Chamber, to give a background to this Bill.

This stems from the activity of the Caribbean Association of Industry and Commerce, which has been acting on behalf of the private sector organizations in the Caribbean. That body stressed that an institution should be created in response to a number of views that were expressed within the private sector in the Caribbean, after it was determined that there were great opportunities existing for the private sector in vital and productive areas within the region.

It was also determined that other financial institutions in the region, particularly the banking institutions, have not been sufficiently active in the private sector. In the opinion of CAIC, they are not properly equipped or oriented to administer to the needs of private, regional enterprises, and it was determined that a new regional financial institution is needed to promote venture capital and financial services if the private sector in the Caribbean is really to develop.

The objectives of the company, which is registered under the Companies Act of Barbados, are:

- to foster economic development in the English speaking Caribbean countries through greater private sector activity;
- to strengthen and widen the region's entrepreneurial base and to act as a catalyst for private sector development.

The company will therefore provide a new source of credit which would address the financial needs of the private sector which are not presently met by the private banking sector. Sources of capital in the initial stages will be from the International Finance Corporation, a private sector arm of the World Bank which is putting in US \$300 000, shareholders who will be putting in US \$2 million and the United States Agency for International Development which will be providing US \$12 million in grant and concessionary funding.

I believe that, on that note, one should just look at the activity of USAID in the region. Only recently in Barbados, at a conference of the Barbados Labour Party, an outstanding American of Barbadian heritage made a speech in which she criticized the United States foreign aid policies of the past. Some people thought that that was ungracious on her part. But I believe that if all of us are to be realistic, we have been making our own noises about the lack of economic input from the United States Government in the Caribbean. And one can point to the events of October 25 in Grenada when people thought that the United States only wanted to come into the Caribbean to carry a big stick and not bring economic assistance.

I am aware of the fact that several representations have been made to United States agencies to do more economically in the Caribbean, not to react when there is a threat to the security and peace in the region, but to provide economic assistance to obviate the threat to peace and security in the region. This has been the stance of the Barbados Government, as enunciated by the Minister of Foreign Affairs in several international fora.

We have been privately stating to the United States Government our interest in seeing more economic activity by the US in the Caribbean. I, myself, remember talking to some of the very senior people in Congress and to USAID personnel about Caribbean needs and what the United States can do to help alleviate the problems, particularly if they wanted countries in the Caribbean to benefit from the CBI. Indeed, in looking at the CBI package, which is a trade aid and investment package, the point has been made by the Barbados Government that it is pointless to talk about trade and investment in

Caribbean countries if there is no assistance to provide infrastructural development.
11.55 a.m.

I believe that this message has gotten home to the American authorities, because only last week I read that they are now investing \$7 million in road construction in Dominica, and that is the first step. I also believe that one should not look at what has happened in Grenada as the spur for this action by the United States, because if we go back long before the Grenada crisis, we find that the Housing Guarantee Scheme, which was alluded to in the Other Place yesterday, was financed by USAID.

But there are other areas which we must look at in the Caribbean and put more pressure on the United States to assist us with, for instance, in helping us solve some of the region's power problems in countries like St. Vincent and Dominica. If these countries cannot get their infrastructure problems solved, they certainly cannot take advantage of the CBI's trade and investment provisions. No investor in his right mind would want to go into a country where he is not sure that he will have secure power generation, proper transport facilities and so on, which are very important elements in any successful off-shore venture.

USAID, apparently, has come around, and I think that they should now be getting a word of praise. Indeed, I do not mind saying that they deserve a word of praise, because they recognise the importance of this kind of activity, providing the economic input for the salvation of the countries in the Caribbean. I believe that their contribution to the venture capital opportunities, by the establishment of this institution, is a step in the right direction, and I dare say it will help the private sector in the Caribbean to move further out.

If you look at the whole area of venture capital and what it entails, it simply means that people are putting money into areas of which they are not sure. Only last week, I believe, an exhaustive report was done in *Newsweek Magazine* where it shows that, particularly in the high-tech industries in the Silicone Valley in California, people have become exceedingly wealthy by putting together capital for investment in areas which were considered risky; in fact, they have become wealthy overnight.

That is not to say that there are certain areas in which you do not lose your shirt. There are some instances where people can lose and have lost everything they have, in providing capital for ventures about which nobody is sure. But I do not believe this will happen in this case.

I believe that the CAIC must be credited for taking the step to help solve the problems of the private sector

in the region. The Government of Barbados, recognising the effort made, has decided to make some concessions, as outlined in this Bill, in respect of income tax, custom duties, and exemptions from exchange control.

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

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

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

I rise to support the Bill. I think that the establishment of the corporation will help the private sector in many islands very much indeed.

This new corporation, I think, was born out of the failure of the Caribbean Investment Corporation, which was established some 10 or 12 years ago by the Governments of the Caribbean in association with the private sector. At that time, the CIC, as it was known, was I think, given a mandate to place something like 60 per cent of its loans into equity, and this was one of the problems — it had too much money in equity, it went down with the projects and there was nothing much in loans. However, I noticed that in this Act the new Corporation will provide venture capital and term financing only.

One of the problems of the CIC, of course, was that the marriage between the public and private was never very smooth. We came upon a situation where we had a bureaucracy that was amazing. I think the CIC had something like 17 governors, 13 directors and six staff, including the messenger. I was a Director of the CIC and that is why I have my information. We had a situation in which travel, accommodation and what have you were the greatest expense of the corporation.

I think it was senseless to carry on that institution, and when the Caribbean Association of Incorporated Chambers tried to restart the CIC, I think the United States people quite rightly said that they were not putting any money there. They suggested that a new corporation be formed, and I think that this new corporation has come from that.

However, the problem here lies in the fact that it is being set up to finance venture capital in various parts of the Caribbean. The only two places I see exempted, although they are not really, because they also add to the private sectors in the other countries within the Caribbean, are the Bahamas and Jamaica. I wonder why. The problem though is that I think only Barbados and Trinidad and Tobago have solvent development banks. I am fairly satisfied that development banks in the other

countries are in a state of insolvency. In fact, in Jamaica I believe that the contamination rate of loans was something like 96 per cent at the Jamaican Development Bank. In Barbados, you may be pleased to know that we are down in the 4 per cent rate of contaminated loans, which I believe is very excellent for a development bank which is lending venture capital.

I am wondering what arrangements are going to be made to ensure that venture capital is loaned to the small islands. I can see that with the base here in Barbados and perhaps Trinidad and Tobago, some of the private sector organisations in these countries are going to get the bulk of the money. While I have no disagreement with Barbados getting its share, I think there should be something in here whereby some percentage of loans should be made to the small islands, so that we can ensure that those countries have money for development. I have not seen it, and I wonder if anything of that nature is going to come about.

I also notice that the Government has been very generous in its decision to give duty free concessions. The Barbados Development Bank has to pay duty on all its equipment and vehicles, but I notice that the corporation here will not be required to do so. This has been most generous.

I also notice that the executives, provided that there are non-Barbadian, will have concessions on income tax. This means that the corporation will be able to offer much larger salaries to many people, and perhaps they will get a better expertise than we have here, because most of our officers are controlled and you are set with high rates of tax. This is generous, but I suppose that we have to be generous in a situation where we want the people to lend money out as venture capital.

All in all, the establishment of the Corporation is welcome from the private sector. I am satisfied that, from what I have heard so far of the management structure that it will be well-managed, and I applaud the Government for bringing this legislation to Parliament.

12.05 p.m.

SENATOR J. C. W. WICKHAM: Mr. President, the language of Acts like this often defeats me, and I am very glad that Senator Seale has drawn attention to the omission of Jamaica and the Bahamas.

I want to ask two questions. One is: whether "other countries within the Caribbean region" refers to other countries in the English-speaking Caribbean region or whether there is any element of non-English speaking membership, or any intention to include them in the future? The second is: are we to understand that the Caribbean Financial Services Corporation, which is incorporated in Barbados, is incorporated in all these other

islands as well. Have they taken any action to incorporate the company as it is referred to in the other islands?

Often in regional arrangements like this we find that Barbados take the first step and does the incorporation, and there is often a lag in the legislation required to incorporate in other territories in the Caribbean.

Thank you, Sir.

SENATOR Miss J. CLARKE: Mr. President, I rise to support this Bill, which I view as another indication of the commitment of the Government of Barbados to regional development and regional integration.

For many years the commercial banks have come under attack for their failure to deliver finance geared to industrial development and so on. We all know that the local or national development banks have been doing their part, but, unfortunately, they do not have limitless funds.

I feel that this private sector bank which, as Senator Seale says, is, in a manner of speaking, replacing the Caribbean Investment Corporation, which also did not have a very successful life, will do much to supplement and compliment what is currently being done in the commercial banking sector and in the various development banks across the region.

As I understand it, the bank will essentially be servicing Barbados, the LDCs and Belize initially; hopefully, over time it will be able to spread its wings throughout the region and probably beyond the English speaking Caribbean. I understand that Jamaica, although its private sector is a shareholder in the bank, will in fact be establishing its own bank, so from this point of view it is likely that this will mean that there will be more funds available for the smaller islands.

I think the regional private sector should be commended for subscribing the sum of U.S. \$2 million towards this venture, and I think, too, that USAID must also be complimented for giving their support. As I understand it, the U.S. \$10 million, which will be made available on a draw down basis, will be on very concessionary terms. It will carry a ten year moratorium and then a ten year repayment period. This, I think, is recognition of the fact that there is need for additional injections of capital into the region.

Now, I think it is particularly significant that the bank intends to be focussing on long term financing which will be geared to the expansion of existing industry as well as to establish new industry, all with a view towards development within the region. It will not, as I understand it, be providing working capital, nor would it be providing working capital for the distributive sector. It is important now that private sector interests make maximum use of this

additional vehicle in terms of moving the development of the region further.

As I said, I believe that the Government should be complimented for taking the step. I would imagine and hope that the other regional governments will do whatever their part should be in order to ensure that this is a success. I think we can learn from the mistakes of the CIC, and I believe that this approach will have a much better chance of success.

As far as the actual incentives are concerned, I think it is fitting that the Government should make these available, but I would imagine that if with the passage of years problems should arise, then appropriate amendments can be made.

So, without hesitation, I support this venture, and I compliment the Government and the private sector, as a regional entity, for taking this initiative.

SENATOR A. W. A. McCLEAN: Mr. President, in rising to support the Bill, I would like to point out that this measure is not going to go far enough towards coping with the problem it is intended to deal with. The reason for that is the limited scope of its operation, by virtue of the fact that it will not be able to compete away resources from commercial banks, and will have, evidently, to rely in large measure on external sources of funding to get monies to lend and to invest within the region.

As such, therefore, we still have to address ourselves to the operation of commercial banks and the local financial system in regard to the mobilisation and allocation of resources within the region. Until that matter is properly harnessed, you will find that businesses will still find that proper financing, or access to proper financial arrangements, constitutes a major bottleneck to their progress.

However, having said that, I must note that the particular provisions here are essentially a step in the right direction. We have an institution which I believe will be less hamstrung than CIC and other similar organisations, and therefore should be able to respond with greater flexibility and creativity as the situation should present itself to them, and as such the chance of success should be greater.

But we should not allow this to divert our attention away from the fact that the present portfolio policies of the commercial banks in the region leave much to be desired. The composition of the loans do not reflect a sufficient bias towards, say, long term lending to the productive sector, so to speak, and there is no good reason for this. The reason for it relates entirely to the history of commercial banking in the region, which comes out of a British tradition, where, as you know, commercial banking goes back to the goldsmiths, when the act of lending out gold and money was seen largely as stealing

a march in lending out other people's resources, so you did it on a short term basis.

That cautious manoeuvre on the part of the goldsmiths has developed into modern commercial banking after the British tradition, where it is seen that you have to relate the maturity of your loans to the period of your deposits. This tradition is not common to all countries in the world. It is not so in Germany and certain other places where financial institutions that equate to commercial banks are rather more venturesome in their loan endeavours.

12.15 p.m.

There is no reason why Barbados must continue to follow the British tradition in this regard. The predominant reason why we do so is because our banks are still largely British or Canadian, because Canadian banks have come out of the British tradition too. But although it is possible, perhaps, for Britain to continue with the type of banking system that they have without the progress of the country being too severely inhibited, that is not so in the case of Barbados.

The reason for the difference is the question of size. Because of the size of Britain and larger countries, you can get more specialization and therefore you can accommodate banks operating like the commercial banks in the region here. In the smaller countries, such specialization is not really viable: A lot of the other specialized institutions would die, or remain insignificant or inconsequential, so the large ones, and the singlemost important ones, the commercial banks, must operate like a financial supermarket and see itself as covering all areas of financial intermediation, so to speak.

I think it is the responsibility of the Government, the Ministry of Finance and the Central Bank all together, to try to help the commercial banks in the right direction in this regard. It is not enough to set up a Central Bank and set up a National Bank if they are all going to relate to the type of tradition which we have inherited. We have to try to influence financial banking practices so that the commercial banks see themselves as having to respond in a creative an innovative way to the challenges as they present themselves, rather than responding in a traditional and high-brow fashion as to how things have been done in the past.

I would like to indicate my general support for the Bill, which gives certain concessions to the new financial institution, and I hope that it will prove to be a success.

I thank you, Mr. President.

SENATOR E. E. GREAVES: Mr. President, in speaking on this Bill, I am attracted to two things. One is a comment from Senator Griffith when he was introducing the Bill, where he indicated that part of the

purpose behind the establishment of this institution is (a) the provision of funds for the private sector, and (b) the strengthening of the region's entrepreneurial base.

I am also attracted to the preamble to the Bill, which talks about developing financial and commercial opportunities within the region, and the other section, on page 2, relating to the second paragraph, where the Association believes that the company will provide a catalyst for private sector development in those countries in which it will carry on its activities.

It is fairly clear from the intention of this Bill that every effort is being made to develop the private sector; the CAIC being a private sector organization. I agree that we need in the Caribbean at this point to really develop and strengthen the entrepreneurial base, what little base exists in the region. For too long I think countries in the region have been looking to Europe and North America for entrepreneurial talent. But within the last 10 years or so, we have begun to see evolving in the Caribbean businesses which have come out of the ingenuity of people residing in the Caribbean and who have a real feeling for development in this particular area. So I am happy to hear that money would not be used for the development of the distributive sector, which really is nothing developmental, but is purely for the purposes of making money on buying and selling.

There is no particular art or expertise which is required in the distributive area; you go and buy something and you add on a percentage to whatever it is and you make money in that way. However, we need entrepreneurs who would seize opportunities to create employment and to really provide the goods and possible services that would bring development to the region, the development of skills.

There are a whole set of matters which are developmental and which are tied in to this kind of thrust. I would certainly hope that we would not see a failure in this particular area, and that the opportunities which would be created in this new arrangement would be seized.

I would want to agree with Senator McClean about the role of the commercial banks and the way in which they operate within our particular region, and to suggest that very little attention seems to have been paid to the development of the entrepreneurial class within the Caribbean setting.

It is very easy, it still is very easy, for a non-Barbadian who wants to establish a business here to walk in to a commercial bank and, based presumably on his connections overseas, to get assistance from the commercial banks. But the banks have not been particularly kind in this area locally, and one would hope that greater scope would be given to this new institution for gathering

and collecting funds which would be used in the developmental process in the Caribbean.

I think it is very important that we place emphasis on our development on a regional basis. One sees this as an extension of the idea which was planted years ago with the development of the Caribbean Free Trade area, CARIFTA, and then the emergence of CARICOM, and these are inter-related.

But I would like to suggest a further point, and it relates to the whole question of trade within the region. Presumably, not only would we be looking at providing opportunities for businessmen in the region to have access to funds to invest and to develop businesses within the region, so we have to look at the whole question of trade within the region and trade outside the region, and what opportunities are being created for trade within the CARICOM region.

Recent experiences would indicate that all is not well in this particular area. One sees the kind of barriers which are put up by Trinidad and Tobago against imports from outside Trinidad and Tobago. One sees the attitude which has been displayed by Jamaica towards the whole question of the trade of the countries outside of Jamaica. One sees the attitude of Guyana, where they import and do not pay.

All of these are matters which, I am suggesting, ought to be ironed out. If you are going to say that you are going to create opportunities for investment and then you find that people produce goods and the goods then cannot be traded within the region, or where difficulties are being experienced in trade, then we are, as it were, defeating ourselves. So whereas one will tend to regard this as a development in the right direction, one would also certainly want to suggest that we ought to be also concentrating on ironing out whatever difficulties they are and have a true CARICOM spirit existing in this area of trade, where there can be mutual respect and understanding on the part of other countries, and where trade would not meet the kind of barriers which trade is experiencing within the Caribbean region at the present time.

12.25 p.m.

Obviously, we would have to look not only at developing trade within the region, but the whole question of reaching a standard of product which can hold its own on the international market. And our entrepreneurs must be aggressive enough to take advantage of whatever opportunities exist in any area in the region.

I was particularly glad, for instance, in November last year, when I was in Trinidad, to read that a company there has been producing, I think blenders, which product

has made a break on the North American market. I think that this is a useful kind of activity. It was a technique which was refined and developed within the context of the Caribbean and is making a tremendous impact on that area. We hope that entrepreneurs who would be taking advantage of this opportunity which is created would be able to ferret out markets and adopt the kind of approach that would give them the thrust into that area, and thereby create employment opportunities within the region.

All too often, as I said, we have in the past relied heavily on the foreign investors, most of whom are fly-by-night operators, operators who only come into the region to take advantage of the labour force which we have, exploit them, pay little or no wages, make them work in some bad conditions, and then at the end of the incentive period which they have been granted, find all sorts of reasons and excuses for moving out of the region. I think we ought, therefore, to encourage our own businessmen to get into this area and leave the buying and selling to those who are really in it. We want some real people who are going to come in and create employment opportunities.

Thank you.

SENATOR C. A. GRIFFITH: Mr. President, I just want to speak first to one or two points made by Senator Greaves, and then I hope I can address at least one issue raised by Senator Wickham. Now I just heard Senator Greaves on a discourse about the need to get into the extra-regional markets — I hope I am reading him correctly — and talking about the need to have a quality product.

Only a few weeks ago, I believe it was the last time the Senate met, I did talk about the importance of reaching out of the region. I do not believe that we can seriously expect that the present Government would set up an Export Promotion Corporation or agency primarily to export in the CARICOM region. When the outgoing Government did set up the Export Promotion agency and the present Government continued in that vein with the Export Promotion Corporation, it clearly was designed to foster promotion of the products made in Barbados outside of the region.

Why I say it is instructive is because I believe that the shadow spokesman for everything in the Opposition clearly is at loggerheads with his Senate colleague, Senator Greaves. Only recently, when that spokesman tried to jump in, feet first again, as he does on almost every issue, he talked about — I do not want to misquote him — the natural tendency of the local manufacturing sector to manufacture for the region only, and that they were incapable of going outside. The point is that if we are to look seriously at encouraging the manufacturing sector in this country to be short-sighted enough to manufacture just for the region, it is tantamount to encouraging them to

commit suicide, clearly, and also tantamount to encouraging them not to expand in terms of their own capabilities or potential for not only improving products, but also the expansion of business.

There is no doubt about it, the regional market is a limited market. We keep hearing talk about the need to iron out the difficulties. That is a statement that is repeated by almost every senior official in the Government, every senior official in the Opposition, in the private sector and so on. It is much easier said than done.

I, myself, have sat in on several CARICOM meetings where you come up with a position, and then, when people leave, they do something differently. That is clearly what is happening in CARICOM, and you cannot stop individual Caribbean countries from taking steps to protect their own domestic situation.

We may not agree with them. We certainly do not agree with Trinidad in the approach that they have used to stop the flow of foreign exchange from that country. The measures which have done a great deal of damage to trade in the region clearly to our minds were not the measures which should have been taken in the first place, and we are not satisfied that these measures are ever going to be successful. I think that some of the things that the Trinidad Government did recently in its budget, like trying to cut back on the subsidies, would more go a long way towards solving some of the haemorrhage of the foreign exchange than trying to interdict the 6 per cent imports of its total imports from the Caribbean region.

I just wanted to point out that, if we limit ourselves to trade within this region, we are really limiting ourselves in every sense of the word. If we do that, Barbadian manufacturers will never have the opportunity to compete in the markets which are highly competitive.

For instance, if you went into the sophisticated markets in North America, the Canadian market and the U.S. market you may find South Korean goods that are high quality goods being sold much more cheaply than goods that are made even in the United States of America. These are the things that are causing the American manufacturers to cry out for protectionism now, because you are getting high quality manufactured goods out of South East Asia which are competing with American-made goods in terms of quality and in terms of price. Japanese cars, which are so prevalent and so well liked by the American consumer, had been giving the American automobile industry a shellacking until the American automobile industry decided to turn around, recently, and go into the small car manufacturing market. As a result, the industry has been able to bounce back.

But we have to be very careful about this constant talking about ironing out difficulties in CARICOM, because we are trying. At every regional meeting that I attend, and

Ministers of the Government attend, there is always talk about trying to deal with the problem. There are commitments made and then broken. I do not want to divulge some of the things here, but commitments are made and then broken. I can cite an experience I had only last year in June at the regional first CARICOM Ministers for Energy meeting in Trinidad, where a document was hammered out which was ratified by the heads, a confidential document supposedly, which got in the hands of the Shadow Minister for everything, who quoted it as his own source document. That is another matter. The point is that the regional energy action plan was hammered out where people made commitments, and indeed we later found that some of the Caribbean countries are not prepared to stick to that plan. Only recently, for instance, we got word of a proposal to establish another refinery in St. Kitts. Then we talk about rationalisation of refining capacity in the Caribbean.

12.35 p.m.

So when we start talking about ironing out the difficulties, it means that it is necessary for all of us to really make some trade-offs in this respect if we are to ever solve this problem. But the countries are burdened because of the fact that they are all undergoing severe economic dislocation. We could easily look at the situation in Guyana and I dare say that we would want to say, "Write off Guyana," with all the potential it has, if it could ever get its act together; significant potential for the Caribbean and regional development; Jamaica, with all its economic difficulties, and now Trinidad.

It is not to say that we are not trying. I am satisfied that a distinct effort is made on the part of the Barbados Government, and indeed I am satisfied that the Barbados Government is the Government that has been making a significant effort to keep its part of the bargain as far as regional agreements are concerned. I just want to throw that out in response to what Senator Greaves said.

Senator Wickham asked two questions. I am afraid I cannot answer the one related to whether the CAIC had any intention of including countries that are not English-speaking. I believe that answers can be obtained for that, but I do not have an answer to that. I will promise to get an answer for you.

The other question related to whether or not other countries outside of Barbados in the region are committing themselves to the kind of arrangements that we have proposing to commit ourselves to in this Bill. I can only say that the promoters of the company consider that the company will need the support of all Governments in which the company operates, and as such, they are intending to approach all of the Governments for similar concessions as they have asked from the Barbados Government. All that has happened perhaps, in this case, is that the Barbados Government has moved with despatch to meet the request simply because we recognize

the importance of trying to give a spur to the development of the private sector in the region.

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

On the motion of Senator the Hon. C. A. GRIFFITH, the Senate resolved itself into a Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

COMMITTEE

SENATOR H. R. LINTON: Mr. Chairman, I beg to move that the Bill be taken in parts.

The question was put to the Senate and agreed to.

Clauses 1 to 6 inclusive were called and passed.

Parts I to IV inclusive were called and passed.

The Schedule was called and passed.

The Preamble was called and passed.

On the motion of SENATOR THE HON. C. A. GRIFFITH, the Senate was resumed and the passing of the Bill was reported as having passed the Committee without amendment, and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR THE HON. C. A. GRIFFITH, the Bill was read a third time forthwith and passed.

CONGRATULATORY SPEECHES

CONGRATULATORY SPEECH RE Mr. HUTCHINSON, RETIRED LIBRA- RIAN OF PARLIAMENT

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, before I move the adjournment, but even with the score at 97 for 6, I trust that you will indulge me on this occasion, in view of the fact that the Librarian of Parliament, Mr. Hutchinson, has reached the age where compulsory retirement has automatically set in motion his departure from his duties.

Sir, "That writer does the most who gives his reader the most knowledge and takes from him the least time." That is a quotation from Stockford Brooke, which I think is most applicable to Mr. Lionel Hutchinson, for most Barbadians remember Mr. Hutchinson more as a man of letters than as a librarian who, mainly in that capacity, has given service to both Houses of Parliament

for some three decades and a half. He did his duties with devotion and distinction and his retirement will leave us with a void that will be difficult to fill.

12.45 p.m.

Members of Parliament will probably find the words which will adequately express our gratitude for the yeoman service that Mr. Hutchinson has rendered. While we accept the inevitability of retirement, which from time to time bring about the loss of our longest serving and best employees, we must reflect on the unenviable task he had in doing research and providing background material to members of both Houses. He undertook these duties without the very necessary facility of a proper library, and we can, therefore, guess at the difficulties he had, and the difficulties he would have experienced, in carrying out this task, especially since this task was to make life so much easier for honourable Members.

At the outset, I alluded to the fact that Mr. Hutchinson was better-known to most Barbadians as a writer, and he brought his literary background and vast work experience to us as Parliamentary Librarian. He has made an outstanding contribution to the local literary scene, with three well-written novels to his credit. The first, "Behind the Mace" in 1951, was inspired by his work in Parliament: in 1969 came "Man From The People", and in 1970 "One Touch of Nature". He also published one play, "The Minister".

As a writer, Mr. Hutchinson over the years has brought credit to the good name of Barbados, having served as a guest lecturer at several universities throughout the United States, Yale, New York, Brandeis, Texas Southern, and U.C.L.A., to name a few.

In his capacity as Parliamentary Librarian, he represented Barbados at several Commonwealth Parliamentary Association Meetings, and he helped to form the Caribbean Presiding Officers Conference in 1970, at a C.P.A. Meeting in Belize.

In summary, Sir, Mr. Lionel Hutchinson has made a sterling contribution to the efficient and effective functioning of our Parliament. On my behalf and that of the Government, and on behalf of this Chamber, I wish to express our sincere appreciation for his outstanding service to Parliament since 1948, and I wish him a happy period of retirement.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, I move that the Senate do now adjourn until Wednesday, February 15, 1984 at 11.00 a.m.

Mr. PRESIDENT: Before I put the question, I know Senators would wish me, on their behalf, to asso-

ciate myself with the remarks made by the Leader of the Senate and endorse the sentiments that he has expressed.

There is just one little addition, and that is, those of us who were members of the Senate in 1976 well remember that for a short period Mr. Hutchinson acted and performed the duties of Clerk in this Chamber. I found him to be of tremendous assistance.

I join with Senator Barrow in wishing him many happy years of retirement on my own and your behalf.

The question that the Senate adjourn until February 15, 1984 at 11.00 a.m. was put to the Senate and agreed to, and Mr. PRESIDENT adjourned the sitting accordingly. 12.55 p.m.

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THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1981 – 86

THE SENATE

Wednesday, February 15, 1984

The Senate met in the Senate Chamber, Public Buildings at 11.05 a.m.

PRESENT

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

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

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

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

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

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

Senator H. R. Linton;

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

Senator D. A. C. Simmons, Q.C.;

Senator Miss J. Clarke;

Senator Mrs. M. O. Reece;

Senator E. E. Greaves;

Senator A. W. A. McClean;

Senator C. D. Seale;

Senator the Rev. Canon I. McK. Jones;

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

Senator C. Jemmott, B.S.S., J.P.; and

Senator O. S. Arthur.

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

ABSENT

Senator the Hon. C. A. Griffith;

Senator W. W. Hall; and

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

PRESENTATION OF PAPERS

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

The 14th Annual Report of the Barbados Development Bank 1982–1983.

The Barbados Development Plan 1983–1988.

The Annual Report of the Barbados Export Promotion Corporation at 31st March 1983.

The Report of the Registration Office and the Supreme Court Registry for the year 1981.

An Account of the Transactions in Rum in the several Districts of the Island for the quarter October to December 1983.

INTRODUCTION OF BILLS

SENATOR THE HON. N. A. BARROW: Mr. President, I should have risen on the last item to ask that "Motions relating to the Business orittings of the Senate and moved by a Minister" be deferred until later in this sitting, because I would need, first of all, to consult honourable Senators and see whether they would agree to deal with the items, by suspension of the well-known Standing Order, a little later in the day, if all the files arrive.

Therefore, if I may, I shall ask you to give notice to reopen that item later, if consultations indicate that there is any point of so doing.

Mr. PRESIDENT: If necessary, the item under Order of Business, Motions relating to the Business or Sitting of the Senate and moved by a Minister, will be taken later.

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

A Bill to amend the Companies Act, 1982.

A Bill to amend the Land Tax Act, Cap. 78A.

I should make the point that in relation to the Companies Act, this is an amendment which is to come into force, and the amendment of the Land Tax Act is a Budgetary measure.

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

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

PUBLIC BUSINESS

SENATOR THE HON. N. A. BARROW: Mr. President, I wish to deal with Order No. 4 as the first order of the day and Order No. 2 as the second order of the day. Order No. 1 will therefore be the Third Order, and Order No. 3 the Fourth.

RESOLUTION TO APPROVE AMENDMENTS TO RESOLUTION NO. 41/1980

Order No. 4 was called — To move the passing of a Resolution to approve the amendments of Resolution No. 41/1980.

SENATOR THE HON. N. A. BARROW: Mr. President, I do have some plans here. I am not so sure how useful they would be to members, but I am making them available. But all of us at some point or other pass Halls Road, and this Resolution relates to the state of the works which we now see at Halls Road.

By Resolution No. 41/1980 of 18th July, 1980, approval was given for the compulsory acquisition of several parcels of land at Halls Road and Constitution Road, St. Michael, for road improvement. At that point it was not possible to give accurate measurements, and therefore approximations were used, but when the survey work was completed and the final plans produced, it was indicated that the areas of land to be acquired in some instances varied considerably from the areas mentioned in the previous Resolution referred to.

This is due to the fact that it has been decided that in order to have a better alignment of Halls Road and Roebuck Street, and to eliminate the curb at the northern end of Halls Road, it would be necessary to acquire some land on the western side of Halls Road, including some whole properties.

In view of the fairly substantial difference in the areas of some of the parcels of land now being acquired, as against the areas shown in the previous Resolution, mentioned earlier, the approval of Parliament has therefore to be sought to amend the previous Resolution dated 18th July, 1980. In short, Sir, it is a matter of going by estimations which would not be adequate for use now that the real areas of land are known.

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

The question was put to the Senate and agreed to.

THE SHOPS ACT, 1984

Order No. 2 was called — To move the Second Reading of a Bill to repeal the Shops Act and to make new provisions relating to shops.

SENATOR J. E. D. WILLIAMS: Mr. President, for the last decade an attempt has been made to modernise shops legislation. It goes back as far as 1975, when the then Administration brought a Bill before the House to deal with the opening and closing of shops. It is true to say that that Bill at that time ran into criticisms from both sides of the House, and the House of Assembly at the time did not proceed with the matter.

This present Administration, back in 1978, also introduced legislation to relax the opening and closing hours. These are now generally from 8 a.m. to 8 p.m. Mondays to Thursdays and it is extended until 10 p.m. on Fridays and on Saturdays until 1 p.m. Government has given careful consideration to the need of further relaxation.

It is felt, basically, that Barbadian shoppers at large are really asking that a serious look be made at allowing the opening and closing of shops to extend beyond the period which now exists. The Shops Order, which will be made under the present Bill, seeks to abolish the idea of late opening; it fixes the hours from Mondays to Fridays from 7 a.m. to 10 p.m., while on Saturdays the early closing time of 1 p.m. will remain. Shops will not be permitted to close beyond 1 p.m. on Saturdays. On Sundays and public holidays shops will remain closed.

You will remember that it was agreed that shops would be permitted to open in the case where a tourist ship comes to Barbados, except on Good Fridays, Christmas Day, Independence Day and on Saturday afternoons, when, as I said earlier, shops are supposed to close at 1 p.m. Therefore, except on these days, and Saturday afternoons, shops will be allowed to open if a tourist ship is visiting the country.

Last December, for instance, you will all recall that on December 18, a tourist ship came here. That also provided an opportunity for Barbadians to do some shopping

as well, and it proved particularly popular with Barbadians. As a result, Government would respond positively to the relaxation of the closing on Sundays, during the month of December in each year, if there is indeed sufficient demand.

The Bill also makes provision for family shops to be excluded, along with those at the airport, the harbour and hotels. I know that the Barbados Employers Confederation was seeking a clarification from the Minister as to whether or not the situation with hotels still obtains under this present Bill, and it does. But I must add that the working conditions of staff at the airport, the harbour and the hotels will come under Clause 4(3) and Clause 4(5) of the Act.

One of the most important provisions within the Bill seeks to reduce the number of hours per week from 42 to 40. What this is doing is that it is bringing those employees under the same conditions of service as other groups within Barbados.

The Bill also seeks to lift the restriction, which is now imposed on shops, relating to overtime. Overtime will become voluntary. I firmly do not believe, and for that matter neither does Government, that any worker should be compelled to work overtime. I think it is particularly unfair, and I think one has the constitutional right to decide to work or not to work, to work overtime or not to work overtime.

This was a point raised by the Barbados Employers Confederation, and when the Minister met with them, I think it was last Monday, he pointed out that, in future, workers will have the right to work overtime beyond 4 o'clock, or for that matter on Saturdays or Sundays, but only if they so desire.

I think one of the points raised in this connection by the BEC was also the fact that you might have existing agreements between the union and, for instance, the hotel group, which has been represented by the union for a lot of years, and one may ask: "Why this sort of legislation at this stage?" You may also wonder if it conflicts with those agreements.

11.25 a.m.

We do not see this as conflicting, we see it just as a means of ensuring the workers' rights, whether the workers offer or not. And workers, through trade union representatives, are still free to come up with an agreement which can make reference to the working of overtime from time to time.

This section also suggests that extra pay must be paid for the working of overtime. On Sundays and holidays, workers are to be paid at double time rate, and within the week at time and a half. Government is aware

that employers do not like the voluntary nature of overtime and the legal right of the workers to refuse to work overtime. I tend to think that both sides will have to operate in a spirit of co-operation. I believe that, generally speaking, workers want to work overtime. They always see overtime as extra money, whether they are prepared to work or not.

I know one may ask: "Why — and this is the case of the union — suggest that that category of worker be asked to work beyond one particular period?" But in this case we are making it voluntary, and if workers so desire to work beyond their specified time, then they will be paid overtime for it.

I know that when the General Secretary of the Barbados Workers' Union was a Member of the Other Place, he suggested, on the question of extending hours over a long period and using a shift system, that one runs the risk of an employer using the same number of staff and just staggering them over the period, say 8.00 o'clock to 10.00 at night, without employing any more staff. While, in essence, Government is saying that if you extend the opening hours to 10.00 o'clock, for instance, that it could create employment opportunities for other people, should someone decide that he or she is not working beyond a particular period of time, or for that matter if it is found desirable to have a shift system, we honestly believe that the idea that Barbados is filled with unscrupulous employees is not really the case.

But, to be quite honest, the Bill does make provision for penalties in the case of offenders who fail to pay overtime to the employees. Attention should be paid to Clause 6(7), which provides a maximum penalty of \$10 000, or two years imprisonment, or both, for an employer who penalises a worker for refusing to work overtime.

I should at this stage stress the point that if there is one thing we intend to do, it is to follow up this Bill with an Unfair Dismissal Bill. The draft is already before Cabinet, and, hopefully, it should be before Parliament soon. If there are employers who feel that they can take this change in the legislation to exploit workers, I think they should beware.

The Bill also provides for a normal rest period of thirty-six hours for staff, which would usually be from Saturday afternoon, when shops should close at 1.00 p.m., until Monday morning. The exception, of course, is in those cases where workers decide that they want to work overtime over the weekend period.

There will also be improvements in the working environment for shop assistants. At present, seats must

be provided for every three shop assistants. In addition to this, a seat will have to be provided for each cashier, and the workers will have a right, as at present, to use the seats, if their work would not be adversely affected thereby.

The BEC also raised the question of the definition of a cashier, and for the benefit of members, we can all use the definition in the dictionary. But if someone takes a worker from cutting up meat and asks the person to collect cash, for that period of time, he or she is a cashier.

Under existing legislation, adequate rest rooms should be provided and maintained in a clean state. The Chief Labour Officer will have the power to determine the adequacy, or otherwise, of the rest rooms provided. We are saying that the accommodation in the environment in which they have to work should be no different from that which other workers enjoy in other jobs.

They should also be clean pipe water on premises, to which workers should have access. It may appear as though one is labouring on the point, but I think that these are things which should be drawn to the attention of some employers.

The Bill also requires the proprietor to maintain first aid kits, as well as fire fighting equipment.

The Government intends also to enter into discussions with the Chamber of Commerce in an effort to have shops, especially those in Bridgetown, open and close at later hours than the offices do, in order to facilitate workers who work within offices. Such an arrangement will also relieve the pressure on the public transport system.

Right now, there are a number of man hours lost by people who, through no choice of their own — I think they are forced to do it — have to take time off from work to do their shopping because shops close at 4.00 o'clock. It is felt that those employees could be given the opportunity to do late shopping, and, at the same time, rather than everyone having to catch a bus on mornings at 8.00 o'clock, those people who work in a shift system and who are on the evening shift, would travel later. That kind of arrangement would take a lot of pressure off the transport system.

I am really hoping that I do not hear the question: "Why is it that you should ask the shop assistants to make it possible for people in different categories of work to be able to come and shop?" It is a point which was raised before, and I just hope that it would not be raised again this morning.

11.35 a.m.

The only other matter I would want to talk about relates to shops. The Barbados Employers Confederation queried whether or not the hotels would also be excluded along with the airport and Bridgetown Harbour. The answer is "yes".

There is also the question of the definition of "Minister", as defined in the Act. Maybe if they had sought legal advice, they might understand the Interpretation Act. However, when we speak of "Minister", the Interpretation Act states that any Minister charged with the responsibility for Labour is the Minister to whom we are referring.

Voluntary overtime on the part of workers was another issue raised by the Barbados Employers Confederation. I am particularly strong on the matter. I honestly do not think that in Barbados we should be forcing anyone to be working overtime. I am still a worker, but when I had the opportunity to work overtime, or not to work, it was never a problem, I always grabbed at the opportunity to do so. I know as a fact that workers are inclined to work overtime.

If employers are going to complain, you can say that if 4 p.m. comes and a truck driver is in Christ Church and has to bring a truck to town, he could very well say that he is going to leave the truck there and not take it back to the company's office. I do not think that will really arise, because that sort of thing suggests that Barbadians are generally irresponsible people. I do not honestly subscribe to that at all.

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

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

SENATOR E. E. GREAVES: Mr. President, I will start out by saying that I am not in support of this Bill, and I will certainly be abstaining from casting my vote in favour of the Bill. It is true that there are one or two sections of the Bill, for example, the section relating to voluntary overtime, which I am in agreement with, but this, to me, is more or less the soft blow in the context of the wider and more difficult blows which are administered by this Bill on the shop assistants.

There is a long history relating to shops legislation. I believe that the first Shops Act in Barbados was passed in 1955, against a background of tremendous exploitation, long hours, no overtime, very low pay, and a situation, particularly with those shop assistants who worked in the one-door shops, where there were two or three of them with an employer, which meant that it was extremely difficult to get them unionized into a trade union.

To a large extent, where the one-door shop operation still exists with one or two employees, even though the right exists, and indeed is protected under the 1974 amendment to the Trade Union Act, one still finds that there are a number of difficulties which are experienced in the area of unionization. Therefore, we have to pay special regard to the plight of shop assistants and make sure that we offer as much protection as we possibly can in this particular situation.

There was a time when the workers in the hotel industry were also included under this general legislation of shops, because in the 1955 Act, and, I believe, until sometime, in the 1960s, a hotel was designated as a shop. With the advent of unionization in the industry on a broad scale, it meant that the workers, through their trade union, could sit down with management and negotiate their conditions of employment at various levels.

We certainly would like to see a similar situation develop regarding all shop assistants in Barbados. Negotiations do take place on behalf of a number of workers who are shop assistants in Barbados. For those whom the union does not negotiate, I believe that the Shops Wages Council, through its meetings from time to time, at the insistence of the Barbados Workers Union, reviews the wages.

I said that there has been a long history relating to shops legislation. The last time I think Parliament had an opportunity to discuss shops legislation, apart from the Resolution which would have been brought from time to time relative to late opening, was in 1975. The last parliamentary debate took place on December 16, 1975, when the then Administration brought a Shops Bill to make provision for a number of things, which are included in this bit of legislation.

On that occasion, the Bill met with some very stiff opposition from the Barbados Labour Party. They, of course, were following the line which was established by the Barbados Workers Union in its fight earlier in the year, and throughout 1975, against the attempt to bring the legislation, which, in our view at that time, would not have redounded to the benefit of the shop assistants in Barbados. We are still of that view when we look at the overall impact of this legislation. That is why I started out by indicating that I certainly would not be supporting this bit of legislation. But it would be interesting to hear some of the comments which were made on that occasion by the spokesmen on behalf of the Barbados Labour Party.

11.45 a.m.

Senator Williams in his introduction tended to suggest that by this new legislation, additional employment opportunities could be created in this country. I am

saying that the experience which we have had in the past, particularly with late openings, and the experiments which have taken place in this particular area, do not suggest that.

I really beg to differ on that particular point. I do not see that this bit of legislation, by the extension of shopping hours, will create any additional employment in this country. Anybody who attempts to suggest that, in my view, is just either living in a fool's paradise or trying to mislead people.

It is very clear that the strategy which has been adopted, and which has always been adopted in this area, is to stagger the staff. That is what will continue to take place if we talk in terms of late openings.

The other point which I want to react to is the question of opening on Sundays. This substantially changes the existing situation where shops are closed on Sundays. I would imagine that, with the arrival of a tourist ship, the Minister would have power to pass an Order, but now it is incorporated in the Act where the Minister can by an Order fix the hours on the several days of the week, including closed days, during which shops may be opened for business. I do not really see any particular benefits, particularly for people who will have to work on Sundays.

Senator Williams anticipated this particular point; he said that he did not want to hear it in the debate. The fact that some person is going to be paid overtime, as he well knows, does not necessarily mean that it is convenient to the person who is called upon to work overtime, or, indeed, to turn up for work on Sundays or on any of the closed days.

There are only three days under this new Shops Act on which shops definitely will not be open, Good Friday, Christmas Day and Independence Day. The Minister, as I understand the legislation, will not be able to make an Order saying that shops should be opened on those closed days. On all the other days, Sundays, on Easter Day, Easter Bank Holiday, Christmas Bank Holiday, May Day and all the traditional bank holidays we have in Barbados, the Minister can make an Order that the shops be opened. This is an imposition on the shop assistants.

The argument which has been advanced is that this would be done in the event of a tourist ship coming into Barbados. Everything now in Barbados hinges on tourism; whatever you are doing, you are doing for tourism, and you just tag along. If Barbadians want to take advantage of those openings, then this can be done. But under the definition of a shop, it means that not only those shops which are involved in the tourist trade, or which may have a section selling tourist goods, could be opened on

those closed days, but retail outlets, wholesale outlets, warehouses, all of those, can also be opened once the Minister makes an Order for shops to be opened on a particular day. This opens up a lot of possibilities for an employer calling workers out to work on those particular days.

There is no point in advancing the argument that overtime is voluntary. I support the provision which says that overtime is voluntary, and indeed I welcome it, but we have to be realistic. I am not saying that employers are so callous and so wicked, although I could say that; I am not using that to advance this particular argument now, but workers may very well encounter the situation where they are called upon to work overtime, or called out on a Sunday, and they may say that they are not working today because they are going to church, or they have household duties to perform, but having said that, they may very well get the feeling that the employer will hold it against them, and that the first opportunity which he gets at that particular worker, then the heavy hammer will come down on that particular worker for not co-operating, as it were.

Knowing the kind of situation which obtains in industry and in commerce, and in the whole general area of employment in Barbados, there are subtle ways which are being employed to force workers into situations and to do things which, ordinarily, they would not do, for instance, by way of preventing them from becoming unionised. This is well known. But in spite of the legislation which exists on the Statute Book; in spite of the fact that we in the Barbados Workers' Union carry on a continuous campaign of enlightenment, and information to impress upon workers that it is their constitutional right, under Section 21 of the Constitution, to associate freely, to join a trade union of their choice; and in spite of the 1974 amendment to the Trade Union Act, which further strengthens that aspect of the Constitution in terms of their right to become involved with trade unions, yet we have a number of employers in this country, the Intels, the place up there in Wildey, those kind of employers, who openly tell their workers that they cannot join a trade union; and if they join a trade union, they will lose their jobs.

In those circumstances, workers are faced with a situation where they want the job, and they therefore would tend to let certain things slide. So even although we may have a provision in this legislation where overtime is voluntary, workers may very well get the impression, if they refuse, that they could be penalised for that kind of action.
11.55 a.m.

I know that the employers are not happy with this bit of legislation, and I would not be surprised if Senator Seale moves an amendment to this aspect of the Bill here today. At least he told me on Tuesday he was going

to do it. They are not happy with it, and if they are not happy with it, at the first opportunity they get they will penalise the workers who do not co-operate.

We ought to be moving to a situation where we look at this whole matter from a developmental point of view. If, as the argument seems to go, we want to open shops to facilitate the tourist, who may come to Barbados on a particular closed day, I think that it would probably be even better for us to develop a shopping boulevard or a shopping plaza within, for example, the precincts of the harbour. Maybe we ought to be thinking in terms of developing shopping in the Harbour and airport for the tourists who may come here on a closed day and who may need to shop.

I do not have any objection to the hotel shops, the airport shops or the harbour shops opening on closed days, because that goes with the kind of operation which takes place in those areas. There are flights going out and coming in on Good Friday, Christmas Day and on Independence Day. One can also conceive of a situation where ships will come in and leave on those days. So we ought, therefore, to be concentrating on developing our shopping in those particular areas to provide for the tourists who would come to Barbados on those days and who, according to what Senator Williams has said, and what the Government has been saying, do not get an opportunity to shop on those particular days.

I think that that would be one of the major ways of dealing with that particular area of shop legislation. In that way, we would leave the traditional shops, as we know them, to open and close after the 40 hours, as would be provided for in this legislation.

The closing of shops after 40 hours is another area which, certainly, we in the Barbados Workers Union are in agreement with. We have been pressing the Government for a long time to reduce the hours of employment in the shops from 42 to 40 hours. It was at our insistence that the hours were reduced from 44 to 42, and we are glad to see that the Government has again moved to reduce the hours.

Those really are two areas, the voluntary overtime and the reduction of the hours with which I cannot disagree. But the overall impact of this bit of legislation, in spite of those two provisions, would not enable me to support the Bill as it stands.

I recall from looking through the Bill that there is a provision, on page 4, Section 3, on the opening and closing of the shops, which says:

- “(a) fix the hours on the several days of the week, including closed days, during which shops may be open for business.”

Then it says at 3(2):

"An order made under Subsection (1) is subject to negative Resolution."

Let me just take this particular Section 3.

Mr. President, I want to make a particular point on Section 3, but I realise that we are into a general debate, I am seeking your guidance about if I could make the point now or if you would prefer me to make it in Committee.

Mr. PRESIDENT: No, if it is a point of principle, make it here.

SENATOR E. E. GREAVES: Thank you.

This gives the Minister the power to fix the hours on the several days of the week, including closed days, during which shops may be opened for business. That therefore gives him the right to make an Order for opening on Sunday, for example.

It can be argued that serious objections could be raised on an Order to open. There might very well be, for argument's sake, very strong opposition to the opening on a particular day, and the section says that if there is serious objection, you have recourse — some one could bring a negative Resolution to Parliament — to deal with that particular situation.

This provision here is a pure parliamentary manoeuvre. There really is nothing in this to talk about a negative Resolution. Let me just go through a situation. Let us say, for argument's sake, that the Minister made an Order to open the shops on Easter Day and there is widespread opposition, let us say, from the Church, I would hope, the trade unions and workers generally. It might be argued that someone come to Parliament, get a negative Resolution passed, and stop the Order from going through.

In the first place, there is a question of time, as I understand it, because the Order may very well be made on a Wednesday or a Thursday, and you cannot get Parliament to meet on such short notice, except in the case of an emergency. In any event, it is the Government which would call the shots as far as the convening of Parliament is concerned. So that is dead.

If, on the other hand, you were able to get a meeting convened, based on the voting record and the stance taken by a number of the people, even here in this Chamber, it is very clear that you would just be going through the motions, as it were. The Record speaks for itself.

If any argument is going to be advanced that this is a protection for the shop assistants, or for those persons who may want to object on behalf of the shop assistants, that will be sheer nonsense. This is no protection against what the Minister may do in this particular instance.

12.05 p.m.

It is very interesting to note that in 1975, when a similar provision was made in the Bill that was brought down, the Barbados Labour Party raised very serious objections to the power which, they then claimed, was placed in the hands of the Minister of Labour. It is really ironic that we are now, in 1984, less than ten years ago, seeing the Barbados Labour Party Administration, which objected in 1975 to a similar position, coming and putting even more power in the hands of the Minister of Labour.

Hear Mr. Henry Forde on this particular point in the debate of December 16, 1975, at page 5738, paragraph 3!

"I object most strongly as a member of Parliament to the concept of delegation legislation where by delegation legislation a Minister can name substantive Acts modifying an Act of Parliament and only subject to negative Resolution. No Minister has any right to make laws of this wide import. It is not merely regulations which are executive in nature or which have certain administrative intent; this is giving him power to make substantive law in many respects, and it is contrary to the best parliamentary principles and the concept of sovereignty."

This is on the very point I am making on the provision to give a Minister power to make regulations or to make an Order opening shops on particular days.

I hope that I will hear the representatives of the Church in Parliament today raising objection about Sunday opening. I really want to hear the spokesman for the Church, and for the Christian community in this Chamber, make representations on that. But in these days of.....

Mr. PRESIDENT: I think you had better be careful how you put that.

SENATOR E. E. GREAVES: Yes, Sir, because I was really going to come down a bit hard. But I would really hope we hear him, because there are certain principles that we have to live by. This Barbados is still, to a large extent, a Christian community, and even although one may not get that impression, I really think that we ought to respect the teaching about resting on one of the days of the week. And that is part of the reason why I have certain basic objections to the provisions which will allow shops to be opened on a Sunday.

I would like to raise the question of the administration of this Act. I have made some comments, I believe they are constructive comments, constructive criticisms if you want to say that, about the Department of Labour, which has to administer this kind of legislation. (I know in this Parliament we do not recognise strangers, but I think I see the Minister of Labour sitting in the Gallery). The point is that we have to recognise that more and more work is being placed on the Department of Labour. We update, modernise and introduce new legislation relating to labour, but one does not see a commensurate increase, and indeed updating and modernisation in the Department of Labour.

For years now I have been calling for a Department of Labour which is properly staffed, which has an adequate number of Labour officers, who would be able to police the various bits of legislation for which they have responsibility.

We have the Factories Act, which means that wide areas of policing must be done. There are a lot of shops in Barbados, and under this legislation the Chief Labour Officer, and in that context anybody whom he designates, I presume, ought to be visiting shops from time to time to make sure that, for example, the occupier keeps a record for each week, signed by him and showing in respect of every shop assistant (a) the period of employment during each day, (b) the number of hours that the shop assistant works during that week, and so on.

This is work which has to be done, but I am saying that, with the complement of staff which they have in the Department of Labour, this cannot be done, not when you consider the number of shops not only in Bridgetown but all around the place. The few Labour Officers there cannot have the time to go and police this adequately, and this is an area which would need policing.

There was a time when shop assistants were called upon to sign pay sheets and to sign slips for monies which they did not receive, so that in case a labour officer came, the record would indicate that they had received the amount which would be laid down through the Wages Council Order. I believe that, to a large extent, that practice has died out, but, in the absence of our not being able to get those workers organised, we had to be constantly exposing that particular practice. But one could very well say that some of this might still be going on, and it might creep back in.

We have to guard ourselves against a situation where they could be exploitation, even although there is legislation here. We ought to make sure that that department is properly staffed to carry out this particular function along with the many other functions which that department is called upon to carry out.

Those really are the comments which I would want to make on this particular piece of legislation, and I just want to recap. I am really pleading the case for the shops assistants, and I want to suggest that the new Act will not be beneficial to them, it will impose further inconveniences on them. I really do not buy the argument which has been advanced about employment, because I do not think there is anything in that particular argument.

Senator Williams said something about staggering hours with a view to having an easier transportation flow. That is not really the way to deal with a very serious problem which you have in transportation in this country; rather than looking for that particular mechanism to deal with that problem, you ought to look at where the problem is, and that is in the Transport Board, and it relates to the organisation of transport in this country. However, that will be the cause for another debate. I just make that point in passing.

As I said, I recognise that in two areas there is provision for some protection, but apart from those two areas, I think that this Bill is not the kind of Bill which I can support.

Thank you.
12.15 p.m.

SENATOR THE HON. N. A. BARROW: Mr. President, it was not my intention to intervene in this debate at all, and I am, in fact, going to be very brief.

I believe that the patience and understanding of this Honourable Chamber has just been seriously trespassed upon. I believe that if Senator Greaves want to make a point just for the Record, he can be a little shorter than that; but to have to sit through all of that time to hear an exercise in non-argument is really a bit trying.

I am going to get straight to the point raised by Senator Greaves, I am not going to take them as he put them. There is the point about workers being told openly that if they join a trade union they would lose their jobs. I believe it is the duty of a union not only to observe what Section 21 of the Constitution of this country provides, which is freedom of association — you cannot, constitutionally stop people from joining a trade union — but a union has to go further than that — every union, I do not care which one — and sponsor legal action under Section 24 of the Constitution. That section provides a remedy for those who are being denied the constitutional rights which are set out in the Fundamental Rights Section of the Constitution, Sections 12 to 23.

It is my view that if, as Senator Greaves says, people are being openly told.....

Aside

SENATOR THE HON. N. A. BARROW: You cannot tell me now they need witnesses. People being openly told, only means one thing to me — they are openly told. In my view, the thing is either happening or it is not happening.

We know that there is an employer in this country who employs people for a period just under the point where Severance Payment legislation becomes operative, and we know what provision we are making to deal with that. We also understand that there are one or two people who would fire people for being absent because of illness. We know what provision we are making to deal with that.

But there are some things which the individual must help himself in, and in which his union must, as it were, pull him along in the interest of helping himself. I do not think we should cop out and come in here and complain about the thing if people are not really prepared, or if the union is not prepared, to give the lead in that direction.

A fundamental right, guaranteed by the Constitution, Senator Greaves said has been openly violated, trampled on, abridged, whatever words lawyers or other people would wish to use. But I think that there is enough case law on the point, originating in West Indian jurisdictions, to indicate that the courts will not hesitate to entertain an action brought under Section 24 of the Constitution.

The other point to which I want to advert is that Senator Greaves was making the point that while the law, in his view, does good things in two areas, he is against the general casting of the legislation. The general casting of this legislation is, I submit, to protect the shop assistants. It goes from page to page, and section to section, of the legislation, and it deals explicitly with protection for the shop assistant. It is not possible, in my view, for an enlightened trade unionist to oppose this legislation. It just is not! What he is telling us is that, because there are only two sections with which he agrees, it is bad legislation and he cannot support it.

I want to go straight to these two points. He is objecting because this Bill will, in fact, allow for more liberal shopping hours in Barbados. But it does it by protecting the interest of the shop assistant. How can any reasonable person tell me he objects to that?

We are dealing with a society in which people have been complaining for years that the shopping hours in Barbados are extremely inconvenient. If people find them inconvenient, do you mean that the Government is to continue to be deaf to pleas coming from very reasonable people, people like those who work Monday to Friday and then try to get everything done on a Saturday morning — and cannot? The only way they can get the

shopping done is to promise the employer a fair day's work for a fair day's pay, and steal some of his time and go and do it in the week. It is the only way, because if you do not liberalise the shopping hours, what option do you have?

So in dealing with a situation that is crying out for change, we are being told, "that is not in the interest of the worker," as though the people who want to go and shop are not workers, too! We are being told this, as though Barbadians are not accustomed to the concept of working outside an eight-to-four day! Senator Greaves represents a whole heap of people who work all sorts of hours; and when it comes to the sugar industry, they work on weekends, too!

We are either going to get serious or we may as well shut down and go out of business. A lot of the progress which can be made by having a more enlightened attitude in industrial matters, generally, have in some countries been found to be denied by the attitude of the more reactionary elements within the trade union movements. The trade union movement has its own reactionary elements, too, and I am shocked to come in here today and find my friend, Senator Greaves, among the real reactionaries in the trade union movement.

How else can you argue in 1984 that people must not have more liberal shopping hours? Are the shops in Bridgetown to be open Monday to Friday and close half day on Saturday? Indeed, how can you argue that if a tourist boat comes in on a Sunday, you must build some kind of shopping boulevard just outside the harbour so that people from the tourist boats can go and shop, but they must not come any further up in Bridgetown and shop? Am I to understand that the people who would be working in that boulevard would not be workers, so they deserve a lower level of protection than the people who would work in Cave Shepherd or any of the stores further up the street?

I believe that if we examined what Senator Greaves was saying, we must, regrettably, find that he has pitched very short in terms of common sense on this point. I cannot find any reason in what he has been saying.

In terms of staggering hours, Senator Williams expressed the expectation and the hope of the Government that more liberal shopping hours lead to more business and would lead to increased employment opportunities. The answer to that is provided by Senator Greaves: no additional employment would be provided! Now he has also become a prophet!

I do not want to continue, because if I should continue, I would be taking up a lot of valuable time. I would really wish to hear those who oppose this Bill put a case which they explain to us in here today, and give us a chance to find out what it is they are objecting to.

I cannot agree that merely an appeal to the Church is a sufficient objection to this Bill. There is a place for an appeal to the Church, but there is even more of a place for an appeal by the Church to its members. I do not know how we can appeal to the Church on the business of Sunday openings for those who would be working further up Broad Street and tell the Church we do not want to appeal to you on the business of Sunday openings for those who would be working in this shopping boulevard. I do not understand how you can appeal to the Church on Sunday openings generally, but recognize that the Bill itself provides for hotel shops and airport shops to be open on Sunday and do not appeal to the Church about that. The word "hypocrisy" is unparliamentary, and I cannot use it.
12.25 p.m.

Mr. President, there may be things in this Bill to object to; I do not know what they are. I believe that the time has come to liberalize the shops legislation in Barbados. I believe that we cannot continue with this foolishness of shops opening the same time as offices, and then having the impact of the loss of productivity, which that in itself implies. We cannot continue with this business of the shops opening at the same time as the schools and offices and putting the kind of pressure on the Transport system, which that, too, implies.

I believe that Barbadians themselves are going to dictate, under this legislation, what hours the shops will open. If the shops open until 8.00 p.m. and people do not show that they need to have such late shopping hours, the merchants are not going to keep them open until 8 o'clock, because they are not in the business to lose money. If, on the other hand, the demand is there for long shopping hours, we are going to get them. And, if that demand is there, it must create employment, because this very legislation says that you cannot make anybody work overtime. If you want to go long hours, you will have to employ people to go the long hours. That is all I want to say.

Mr. PRESIDENT: I think I caught Senator Howell's eyes.

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

I rise in support of the Bill. I want to say from the very beginning that the Government should be congratulated for having the courage to introduce the Bill as a whole, and in particular the provisions and sub-clauses contained in Clause 6 of the Bill.

I listened to Senator Greaves, who is very experienced in trade union activity, and I was not really surprised that he did not support this Bill. All I can say is that the only conclusion that can be drawn, however,

is that he did not support this Bill now because the union representatives who were in the Other Place in 1975 did not support it then. He establishes consistency, but nothing else. I cannot see a very experienced trade unionist, a leader such as Senator Greaves, not voting for a piece of legislation such as this before this Honourable Chamber.

This Act contains all of the ingredients which will give the workers in shops in this country the protection that workers in shops in other countries have enjoyed for many years. It is high time that the people in this country enjoy those same rights.

I know that it is easy, as a matter of experience, for employers to introduce certain methods and techniques to get at the workers, and I must say that Senator Greaves made a very valid point there. In real life, it is not easy — this is a fact of life; he was on a very good wicket there, the only good one for the day as far as I am concerned — to get the colleagues of workers to come into court and give evidence against an employer who they have to go back and work for. The worker or his colleague who does that must be sufficiently bold to take the risk of being sacked if he does that. In my own experience in practising law for about six years, that does not happen quite often.

I think that the combined effect of Clauses 6 and 7, in particular, of the Bill, would serve to break the last bastion of feudalistic practices in some of the shops. As I said, Senator Greaves is quite right when he says there are many ways of getting back at the workers. But the essence of this particular piece of legislation is to put an end to that.

It is no good saying that it is good and he agrees with Clause 6 of the Bill — I think he called it the soft blow of the legislation, although he did not go on to point out any real defects in this piece of legislation. What will happen is that workers know that Government, as a result of introducing this piece of legislation, have clothed the workers of this country with the right to refuse, and the choice is the choice of the worker — not the employer, not the union, nor the church. The right is now the right of an individual to decide whether at any given period of time he or she would work overtime and earn a few extra dollars, or forego earning that money at time and a half for the days of the week or on Saturday, or double time if it is Sunday, and have some more leisure time instead.

I do not believe in knocking the intelligence of the average Barbadian; it is far higher than a lot of us would like to believe that it is. Ordinary workers in other countries have no difficulty in exercising their choice. Sometimes these workers, even in the absence of a union, say, 'If you want me to work for you on a Saturday or Sunday, I will work for you but I want double time',

and sometimes it is done. Before I was a lawyer, I was an engineer, and I have seen it done. It is a question of choice, both for the worker and the employer. I can see nothing in this piece of legislation that anyone can complain about.

If some of the things which have given Senator Greaves cause for concern are correct, it would appear that the time has come when the Barbados Workers' Union may have to think of employing a full time lawyer and do away with the part time consultancy, no matter how competent that consultancy may be. I think the time may well have come when they will have to say to the people they represent: "You have a right to work, and you have the right to say you do not want to work. If the employers get nasty, be prepared to take them to court and fight a case". This will be particularly so if the worker knows that all he will have to do is to pay a few cents. It would hardly be anything, because most of these matters will be dealt with in the Magistrate's Court, and the cost of instituting procedures would be minimal.

12.35 p.m.

I think that is something the union may have to do. They may have to think about paying out some money to give the people real representation as far as enforcing the rights of the workers is concerned.

I do not think I can reply at any great length, because, as Senator Barrow has said, I think that Senator Greaves really tried very hard to fault a piece of legislation that is almost faultless. I feel that the workers in Barbados employed in the shops would feel good to know now that, in the first place, their hours of work will be reduced from 42 to 40. I also feel that they should take comfort in the fact that the employer cannot say: "You did not work on Sunday, so do not worry to come on Monday." If that is done, the employee has a right to go to court, all the more so for the union to employ a full time lawyer to see that the cost of going independently to seek legal advice would not cause that worker to forego his right and just simply look for another job.

Thank you, Sir.

SENATOR C. D. SEALE: Sir, I have to declare an interest. I am an employer and, as such, this Act governs what I do. However, before I was an employer, I was an employee, and I know about working overtime, bank holidays and Sundays, early mornings, late nights, and I have never yet found that working on bank holidays, Sundays and what have you was anything injurious to my health. I found it was helpful to my pocket, so I am one who does not worry over overtime, so long as some payment is there.

Reading through this Act, I get the impression that the Government is expecting more than what they will

get. I cannot support the view that it will liberalise shopping hours. All I can see in this Act is that it is going to reduce the number of hours an employee works from 42 to 40, but we still have the archaic system in which we must have an early closing day on Saturday. Why should we have this? This is why we are not going to be able to liberalise the working hours, because of this early closing day legislation!

We are going to open from 8 o'clock now till 8.00 p.m., so you stretch it two more hours to 10.00. Who wants to open on Broad Street between 8 o'clock at night till 10 o'clock? Nobody! But everybody in the retail business would certainly like to be able to open on Saturday till afternoon, and to get this I think the Government should have legislation here which says we have a five day working week with two consecutive days off, so that we will have a situation in which the worker can take the two days, either on Saturday and Sunday or on Sunday and Monday.

I am supporting that Sunday should be a closed day. Therefore, the five days would have to operate between Monday and Saturday. However, because we must have two consecutive days off, we would either have now Saturday and Sunday or Sunday and Monday.

I get the impression that a lot of women in this country would relish having a Monday off to do certain women's jobs around the house. Barbadians do not really think about washing clothes on a Saturday, they know about washing clothes on a Sunday or on a Monday. Therefore, we can have the Sunday off and these people would work on Monday; they will have a much better time, and therefore a lot more business would be done. I would support an eight hour day, five days, and I think then we would have the hours of shopping liberalised in Barbados.

On the question of overtime being voluntary, I will support Senator Greaves in his comment. I am an employer, and if one of my employees told me that he was not going to work overtime — under the Act he has that right — I am going to confess that he would be a marked man. Therefore, sometimes, maybe at Christmas time, when what the former Prime Minister used to call "largesse" is being given out, he may find himself a little short because he has been refusing to work overtime.

I believe we should have a clause in there in which no shop assistant would be required to work more than four hours' overtime in any one week. After the four hours, he may come to you and say that he was working overtime Monday, Tuesday and Wednesday and ask for a break that evening. You could see with him then.

Take, for instance, last Friday in my company. Our electric company decided they would close off the power

for the whole day. If I did not work overtime between 4.30 and 5.30, my supermarkets might not have had a number of items to sell, because we package, and the machines cannot work without electric power. These things happen. You can have things close down on you and then you find that you may be forced to do an hour, and if the employee says he is not working, you would be out of pocket, so I believe it has to be a little give and take.

As Senator Williams said, the fellows like overtime, so I do not think there is any big row. But I think the safeguard should be in there for not more than a certain number of hours in a week.

Regarding seats for cashiers, we all know we want seats, but there are cashiers and cashiers. When we go to Grantley Adams Airport and we have to pay the departure tax, and the airline collects it, can we really put a seat for an airline clerk to sit on just to collect \$12 from each passenger? That same clerk doubles and does other things as well, so it cannot really be policed too hard for a cashier. We either will have to spell out cashiers, and where they are, or otherwise, because we have a little cash taken by people and it is not always practical to have seats for them, there will be problems.

There is a section regarding the notification on tourist ships. I think that seven days is a little burdensome. I do not see why we could not really make it three days. Senator Greaves said we have to do everything for tourism, we have to earn the tourist dollars, and I am with him. If we get a boat diverted from somewhere, we would need a little less than seven days notification, and I think that three days would be a fair and reasonable time.

Senator Greaves reminds me, though, of a comment that I keep hearing coming through in this island all the time, that this Government is a Government of the classes. When I start to read the labour legislation we have had in the last seven years, I know that is a very erroneous statement. We have moved from two and three week holiday periods to three and four. We have had a reduction in the work week from 44, I think it was, now to 40. We had employment levies put on and we had unemployment levies put on. We now have to provide seats for workers, we have to provide good space, we have to have lunch room facilities — all these things — and we have to tell them everything. I do not recall having these before 1976, so I really want to congratulate this Government, because it is showing here, without a doubt, that it is a Government of the masses and not of the classes, because all these things are provided at a great expense to employers.

On the subject of opening and closing hours, I have a suggestion for the Government. I would like to see

them introduce punch time clocks in the Government offices so we really could see that they are working their 40 hours. Presumably, the Government Service has a 40 hour week too.

I called a Government office at a quarter to 12.00 and was told the gentleman to whom I wanted to speak was at lunch. I called back sharp at 1.00, the gentleman was still at lunch. I called back at a quarter to 2.00 and the gentleman was still at lunch. I have never called a Government office at 8 o'clock and found anybody, and I cannot find anybody after 4.00 either. So really and truly, you need some punch clocks in Government departments so that we will start having productivity in his country.
12.45 p.m.

We really are not working too long. Yesterday I called on a few Government places and all I heard was: "At cricket, at cricket." These things go on.

Our country is now on what you might call a precipice. Right now in Barbados business recession is in such a way that at any time we might topple. Things are really rough. I would not like to get away with any illusion that out there is nice, and we are going to have a big growth in our economy and what have you.

I am afraid of 1984. We are in the balance. We have a bankrupt sugar industry, we have a near bankrupt tourist industry, and we have manufacturing shivering, so we are in trouble. I think that we have to stick together now and, rather than worrying about reducing the working hours to 40 hours and cutting out overtime, and virtually telling the employees to go home, we have to start telling the employees to work, start to improve and start to produce, so that this country can go forward.

We have gone into a state of complacency. We have to wake up in Barbados now, because we are heading for rough times. We are a very well-managed economy, an exceedingly well-managed economy; and when it comes to comparisons with other places in the Caribbean, we are a star. But we are starting to get a little too affluent, and we have to return to the sweat and tears.

With those comments, I am going to support the Bill. It is no big thing to me, but I believe that some consideration should be given to the amendments.

I thank you.

SENATOR A. W. A. McCLEAN: In rising to support this Bill, I would like to suggest that it may be appropriate at some stage during the debate to allow Senator Greaves to rise and indicate why he is not supporting the Bill. In listening to him, that point did not come across very clearly to me; except that it sounded

as though the union was making common cause with the employers in objecting to the Bill. But listening to an employer, it does not seem to me as though he is objecting to the Bill in any great measure; it only seems that he wants it to be just slightly more liberal in certain respects.

There are a few points that I would like to comment on very briefly. One relates to the question of the impact of inducing more liberal legislation and whether or not it would conduce to an increase in employment.

Quite evidently, in the short run there is no reason why a shop should go out and employ more people if it wants to adjust its working hours to make them work longer. So in terms of the direct effect, there should be no such impact; the level of employment will relate to the amount of business done by the shop. But to the extent that we are moving to a situation where the workers in Barbados, not only within the shops but elsewhere, can now do their shopping out of their normal working hours, if the businessmen respond to the provisions of this Bill, and where the employees in the shop can conduct their other affairs, even their shopping outside of their working hours, one would expect that productivity in Barbados should go up.

Right now people take time off from work during normal working hours to do their business. This conduces to a considerable loss in working hours and, evidently, productivity. So to the extent, therefore, that it would enable us now to organise our affairs more efficiently, one can anticipate that, eventually, there should be some positive impact on the level of output within the country; and this would, in my view, ultimately result in increased employment, if not in the shops, somewhere within the economy.

It was suggested by Senator Seale that we should not anticipate a lot of liberalisation of working hours. He indicated that Saturday would be the day he would have more interest in, rather than the late evenings. But looking at Section 4, subsection 2, which indicates what is meant by an early closing day, it seems to me as though the Bill would give the Minister the authority, so to speak, to specify an early closing day, but I am not so sure that it binds him to specify an early closing day.

I speak subject to correction, but it seems as though, within the Bill as it is presently framed, it is entirely possible to have a situation where no early closing day is specified for a particular shop, and the shop is free to open on normal open days, days other than Sundays, bank holidays, Good Friday, Christmas and the others.

If that was the intention behind the drafting of the Bill, I think it is appropriate. Because although I can

agree in general terms with the idea that businesses in general should be able, if they want to, to open on Saturday full time for 8 hours, or even longer in the normal way — if they can agree with their employees in terms of who would work on Saturdays and have their off day on a Wednesday, or Monday, or Tuesday, or whatever — one should anticipate a situation where you may find a Saturday where none of the workers would want to work beyond the half day on Saturday.

The Minister, in that circumstance, would say, that that shop, based on the preferences of the employees, should close half day on Saturdays. In another instance, he might say, based on the preferences of the employees, that a shop should close half day on a Wednesday, and in relation to a third one, he might say that the employees and employers seem to have come to a mutual understanding, there is no need for me to impose an early closing day on this shop. If the intention behind the provision is to give the Minister that flexibility, I see nothing wrong with it.

A point was raised by Senator Greaves in relation to Section 3(1) and (2). It seems to me that Senator Greaves misconstrued that section when he spoke about a negative Resolution. If you look at the things involved in 3(1), they do not relate to a decision say, to open a shop on a particular Sunday. These are more general orders, which would persist over a period of time, like the number of hours per week and the number of hours that the shop assistant can be employed — not a one-time thing, which is left to the Chief Labour Officer, to permit a shop to open on a particular day to accommodate a tourist boat.

The things specified in 3(1) are quite appropriate for consideration by way of a negative Resolution of Parliament. I may be wrong, but I think that Senator Greaves is mistaken in thinking in terms of the specifications in the clause.

Asides.

SENATOR A. W. A. McCLEAN: It seems as though Senator Greaves is directing my attention to a particular section, Section 3(1). This is fixing the hours, not indicating that you should open on the closed day. The Minister can say that if you are going to open on a closed day, you can open between 8 o'clock and 2 o'clock. But he is not going to say open on Easter, 1984, he is going to say, if you are going to open on Easter, you can open on Easter during X hours, and then the Labour Officer would make a determination about whether you can open on a particular Easter.

So, this is still a general provision, which would persist over a time and could be subject to negative Resolution. Any request should be made in good time to permit such. The fellow who acts on short notice

would be the Chief Labour Officer, who would say "yes" or "no" about opening on that closed day.

As I said, I was trying to listen to Senator Greaves very carefully, to identify exactly what he found wrong with the Bill. Senator Barrow suggested that he was objecting to liberal working hours as such. If that is so, I could not at all agree with Senator Greaves.

As I indicated earlier, one of the problems which we have in our country is the absence of flexible working hours. I would hope that businessmen and the owners of shops would take full advantage of the provisions of this Bill, and indeed that they would go not only towards having staggered hours, but they would also permit workers to have what is now called in other places "flexi hours," and discuss with their employees when they would like to work.

12.55 p.m.

People have personal circumstances which, sometimes, would make fitting into rigid working hours very difficult. If you want to get the best results out of these people, you may be able to achieve this by trying to be sympathetic to their family situations and trying to understand when they would like to work. Although the Act stipulates that he cannot work for more than 4½ hours without a break, you should not insist on 4 hours and then another 4 hours or 4½ hours and 3½ hours. If the worker says he will work two hours, then three more and then another three because of his circumstances, you should permit that, if you can in the context of your particular business.

I would hope that we will see this as opening the door to a new and creative way to organise our business in the general interest of the wider community.

I thank you.

SENATOR THE REV. CANON I. McK. JONES: Mr. President, I am rising to make some observations on this Bill. I am very glad to hear that hotels do not fall within the scope of the definition of "shop" in this Bill. The impression I had was that they did, and I was a little worried about that. I thought that the hotels were under the supervision of the Barbados Tourism Act and the Hotels and Apartments Regulations of 1982, but now I understand from Senator Williams that the hotels do not fall under the definition of "shop".

Not being an attorney and not having to be trained in law, I must confess that some of the wording of this Bill eludes me. For example, I would like Senator Williams, or some person on the Government side, to explain to me what do you mean by those words on page 3 under "shop", where it says:

"shop"

- (a) means any premises or place in which a person conducts, manages or carries on business for the sale of commodities whether by wholesale or retail, and whether or not such business is conducted, managed or carried on to the exclusion of, or in addition to, any other business."

I do not understand that wording, and I would like some explanation of that.

The other thing that struck me about this Bill is that it seemed to me that the powers of the Minister were inordinately wide-ranging. It seems to me that he can do almost anything that he wants to do, extend the hours, do not extend them or whatever. It would seem to me that some consultation was necessary with some labour officers, or with some employers, before this section of the Bill could be finalised.

You can say what you like, as soon as you give anybody, I do not mind if it is a Minister or who else, too much power, you are asking for trouble. It is said that "power corrupts and absolute power corrupts absolutely." I believe that, so I do not like to see anybody with too much power, as in education. The Minister in that area, in my view, has too much power too.

On page 8, Section 7, it says:

"An occupier who dismisses or otherwise penalises a shop assistant for refusing to work overtime is guilty of an offence and liable on summary conviction to a fine of \$10 000 or imprisonment for two years or both".

That, to me, seems much too stringent and severe. I really could never subscribe to that kind of penalty for a person who dismissed a shop attendant for refusing to work overtime.

What about fire alarms in every shop? Certainly there are some shops so small that I do not think a fire alarm can get inside. I do not think that every shop owner would be able to afford these fire alarms; some of them are fairly expensive. It seems to me that fire alarms should be in shops that deserve to have that kind of equipment. It would seem to me an unreasonable imposition on a one-door shop to insist that they must have these fire alarms.

The last thing I would like to speak on is this thing about shops opening on Sundays. Quite categorically, speaking for myself, I am entirely opposed to shops opening on Sundays. People always like to use arguments when it suits them, and politicians are wonderful at that when it suits them. Sunday is a holy day for them when it suits them.

Asides

SENATOR THE REV. CANON I. McK. JONES: I am no politician; I never have been. They have their meetings on Sunday mornings and they have them on Sunday evenings, too, just at the time when people would want to be going to church, and they do not think about that then; but if a shop is going to open, they would be thinking about that. It is a wicked thing for people to do this or to do that on a Sunday, but they go and watch cricket on a Sunday.

Asides

SENATOR THE REV. CANON I. McK. JONES: Not me. I have never been on a Sunday to watch a game of cricket, and you know that, too.

It would seem to me that we need flexibility. I, as a priest, do not believe that Sunday means you must not have a game or anything. I personally am not going to do it, but it would seem to me that, so long as you have done your bit and gone and worshipped in whatever way you want to worship, the rest of the day is yours. It is a rest day, but it does not mean you have to be lying down in bed, so I am not opposed to a game.

I am definitely opposed to the opening of shops and people making money or commercialising on Sundays. I do feel that there must be, and by nature there has got to be, a rest day. If you do not want to make it on Sunday, you can make it on Monday, Tuesday, Wednesday or Thursday, but there has got to be a rest day; and as Sunday is the day that we rest, I would like it to remain so.

I, myself, would be opposed to shops in town opening on Sundays as a general rule. But if a tourist ship arrives here on a Sunday, I personally can see no objection, no valid argument, why a shop cannot be opened on a Sunday to deal with those people who can only be here on that Sunday. It would seem to me that one has got to be flexible on these things.

I support the Bill, though, because I think it does do a great deal of good for a lot of working people in this country.

Thank you.

Mr. PRESIDENT: I have seen indications that a number of members would like to speak, so I think possibly we had better not continue for now, and when we come back I will call on Senator Arthur.

Just before I suspend the sitting, and in case he disappears later on, I would like on your behalf and on

my own to say a word of hearty congratulations to our fellow Senator Simmons on his recent admission to the Inner Bar.

We know of Senator Simmons' qualities in this Chamber, we know that all his contributions have been very lucid and very comprehensive. We are sure that he has taken those qualities with him to his work in the courts, and I am personally very pleased, as I am sure you are, that he has received due recognition.

On your behalf and on mine, I congratulate him, and wish him very much more success in the future.

Cheers.

SENATOR D. A. C. SIMMONS: Mr. President, I should like to thank honourable Senators through you for the kind sentiments expressed, and I will give the assurance that, as I have done in the past fourteen years, I shall continue to uphold the noble traditions of the profession which I have the honour to belong to, and to do my work fearlessly and fairly.

Cheers.

SUSPENSION OF SITTING

Mr. PRESIDENT: This sitting will be suspended until 2 o'clock.
1.05 p.m.

ON RESUMPTION

Mr. PRESIDENT: This sitting is now resumed.
Senator Arthur.

SENATOR O. S. ARTHUR: Thank you, Mr. President. Mr. President, I join the debate to make two quick and modest contributions.

First, I welcome the legislation as part of that wider framework of legislation seeking to improve the conditions of workers at the work place. In this respect, I think it fits naturally within the wider scheme of things which encompass the Factories Act and the proposed legislation pertaining to the examining of grievances in cases of dismissal.

But I think that, amidst the self-congratulation, Government has to be aware of a larger consideration. This consideration is that perhaps the finest way it may protect and advance the conditions and rights of the workers at the work place is by putting the nation back to work. I hope I am not straying beyond the limits of the relevance of this particular legislation. Indeed, the finest way by which we can improve conditions at

the work place is by guaranteeing the workers access to a permanent and a steady income, and I cannot help but recognize that this particular legislation is being enacted against the background of unemployment, which has reached unprecedented levels in this country.

More pertinently, however, I do believe that an Act such as the Shops Act can only have its real effect if there is a volume of activity within the economy as a whole to justify businesses wanting to liberalise the working hours. Unless the Government puts the nation back to work by way of generation of employment in tourism and manufacturing, then the importance and effect of the Shops Act would have been entirely lost.

I join with Senator McClean in the view that the immediate impact of the Shops Act may not necessarily be felt so much in terms of increased employment in the short term. If there is an increase in productivity, one hopes that the immediate impact may be felt in terms of a slight reduction in prices particularly if the distributive sectors are now able to cover their fixed costs and their debt charges by a larger volume of transactions. So I do not expect that in the short run the Act will yield any substantial increase in employment; rather, I am hopeful that the beneficial results may be felt in terms of a reduction in prices.

My second issue is of a more developmental character. I rather think that this debate has been specious and unnecessarily contentious in some respects, because we refuse to put the matter of a Shops Act within its proper development perspective.

Our economy is a small economy, and it lacks the range of resources on which one can mount broad-based commodity production. As a result, the development of services constitute a very important aspect of the development of this country. And within services, the development of a capacity in a distributive sector to meet the distribution needs of both the local and foreign entities, represents a very valuable asset that a country should have at its disposal, and should seek to promote.

I see this Shops Bill as being an integral aspect of that developmental strategy, whereby we can go about the business of converting Barbados into a service economy. I see it as having implications not only for the stimulation of domestic trade, but our emerging as a very substantial centre for re-exports to the rest of the Caribbean.

I welcome the legislation with guarded feelings; I say "guarded" because I recognize that the liberalisation of shop hours will not have the intended impact unless the Government moves to put the nation back to work to make it worthwhile for businesses to want to liberalise their hours. But at the same time, I see it as forming part of a natural course of long-term development which everybody in Barbados should seek to support.

Thank you, Sir.

Mr. PRESIDENT: Senator Lynch.

SENATOR Mrs. E. M. LYNCH: Mr. President, in some ways I echo what has been said by previous speakers, in that I think that we should see this Shops Bill as moving towards the idea of a flexible working week.

We remember the introduction of the 40 - hour week, which had some repercussions in the society which were not all beneficial. There were institutions, for example, at which people had to be taken care of right through the week, and whose workers, who had worked beyond 40 hours, now all wanted their weekends free. The result was disastrous for at least one institution, with which I had some connection. The 40 - hour week demanded an increase in staffing. That increase was not given, and the result was very unfavourable indeed. We also had situations such as patients who had to have injections every day, and, of course, the weekend intervened.

In a community like ours, which is supposed to be moving towards being a service-oriented society, and having a tourist industry, I really wonder why we should close our post office all day on Saturday. There are some countries where post offices are opened all day, every day of the year. I am not saying we would need to do this, but I really feel we ought to look at the wisdom, or lack of it, of having our post office closed on Saturday, when many people have only that time to do business.

This sort of arrangement has led to increased absenteeism. Add to that the fact that people like solicitors, lawyers and other professions work only during the week, and it means that a teacher has got to have time off from school to go and do business, because it cannot be done during the weekend.

Flexibility in working hours also affects our family life. We are all concerned about weakness in our family life, and we really should do more than talk about it. Many more women are working, and women need to have a flexible working week if the family is not to suffer. The family is suffering from the mother having working days which do not permit her to see the children off to school and things of this sort. So in making laws that concern workers, we must remember that many of these workers are women, and that the way in which their working day is arranged does affect the quality of their family life and their ability to handle all the jobs they have to handle efficiently.

I feel a bit saddened sometimes when I listen to my colleague who leads the Opposition in this House, because he is responsible for the education programme

of the trade union movement in Barbados. I would like to draw to his attention that, while it is true that Barbadian trade unionism owes a great deal to the ideals of British trade unionism, our trade union leaders must bear constantly in mind that this is a small country with a fragile economy. We cannot afford the destructive, restrictive practices of British trade unionism. The results of that are there for us all to see — the collapsing ship-yards, the fact that, much as we might love a British car, we must buy a Japanese one.

This causes us to focus our attention more sharply on the need to bring trade unionism forward to meet the requirements that the 21st century in our kind of developing community. We cannot afford the wasteful practices of trade unionism in some of those large, developed countries. We must be productive.

It is also time that we break through the false idea, the unreal concept, of the employer and employee being enemies of each other. The American worker understands that when his firm makes a profit and is doing well, it is better for him. But sometimes, he is willing to surrender some of his wages in order to keep a job, because he understands the problems of the industry and of the employer.

2.15 p.m.

We need to have the more enlightened attitude of this century, that the relationships between the employer and the employee need to change. They are working together for the same purpose. The trade union leader need not to be ashamed that he has agreed with the employer on some issue, he need not apologise. They do not have to get in the same bed, but they can make reasonable negotiations.

The fact is, an employee is often also an employer; the distinction is not that clear-cut. Also, workers have the opportunity, through co-operative organisations, to be owners of capital and create jobs for themselves and others, and not see themselves always as waiting for some kind of mythical capitalist. "Capitalist" is not a bad word, because, as a developing country, we realise that there is no development without capital.

I think that we should not be merely passing these laws saying; "People are going to be working shorter hours." I think that we should be going rather deeper into the developmental aspects of what we are attempting to do.

I know that there are workers who do not join trade unions because they are perfectly satisfied with the conditions they have under their employer. It is not always that the employer says that you cannot join a trade union.

Sometimes the worker does not have the courage of the first trade unionists. People like Sir Mencea Cox and Mr. T. T. Lewis often lost their jobs. There was no legislation to protect them, but they believed in trade unionism, and they did get trade unionism — without the protection of legislation. The legislation came after they had got into the House of Assembly, but somebody had to fight for it. So the workers themselves have to stand up for the conditions they wish and have the courage to exercise the rights which the Constitution gives them.

I, myself, have had experience of workers who paid no attention to the communications that came to them from their trade unions. I saw to it that they got the communications, but they felt that their interests were being looked after, they felt happy. They did not mind, for instance, moving furniture if they mowed the lawn, and they did very good work; but they did not seem to feel that they needed to join a particular trade union.

It is not always the employer who is to blame. Rather, I think that the trade unionism in Barbados has got to take into account the type of community which they are serving, the times in which we are living, the harsh economic realities which we face, and the need to think in terms of human values.

I happen to know, for example, that Dr. O'Neal had the idea of a workers' co-operative. I went there as a girl myself to see what it was like. As far back as that there was somebody thinking that our workers should have a co-operative, and I am very happy to know today that the Barbados Workers Union have now got to where Dr. O'Neal was and have now started a co-operative. All of these are directions in which, I feel, we might profitably move.

No Bill is perfect. I myself feel strongly about Sunday being a day for people to rest and take a good look at the spiritual aspects of their lives. But the Bill does not say that any place of business *must* open; it says that "it may." The volume of business will decide whether it opens or not, and Barbadian Christians, therefore, will have it in their hands to decide whether Sunday business will be profitable or not.

I note that while we have the long weekends and can go to cricket on Sunday, cricket was played on Sunday, and from what I heard on the radio, the attendance was not large. The fact there are Sunday activities only means that those of us who have certain ideas about the Christian view of life must not be ashamed of them. We have a choice, convention no longer protects us; we have to choose what we know to be right — the law does not compel anybody to do what is right. I think the issue really lies in our own hands.

I want to again stress the tremendous importance of the quality of contributions which our trade unions have made and to appeal to trade unionists. I was one myself; in fact, I was very interested in seeing the beginning of trade unionism. I was there in the building taking part in debates in the days when it was thought perhaps strange that I should be there, so I am not hostile to the trade union movement.

I do feel that it is not only employers who need to go forward in their attitudes, but the trade unions must meet them half way, and let us have an atmosphere in Barbados which is sensible for a society such as ours, one in which the worker and the employer understand that they are working together towards the same end, a well-developed society with as many jobs as we can get. We are one of the most densely populated places in the world. We cannot afford to have anymore unemployment.

Mr. PRESIDENT: Senator Simmons.

SENATOR D. A. C. SIMMONS: Mr. President, I think this Bill repealing the previous Shops Act is a very good and practical example of the difference between capital and labour, and shows us the way in which the present Government, in harmony with its own political philosophy, have firmly come down on the advancement of labour. I think that is creditable, because the Barbados Labour Party has prided itself on being a democratic socialist party.

I believe that I have gone on record in this Place, and in the Other Place, in saying, like Senator Seale, that perhaps the biggest failing of the Barbados Labour Party as a Government, even though it has a very important instrument of communication, the Government Information Service, and interests in the broadcasting station, CBC, yet it seems unable, in terms of its capacity available, to handle its public relations in such a way that the general public, in whose interest it operates the company, is kept well-informed, not only of the facts of legislation, but of the content and the ramifications of legislation.

2.25 p.m.

Any close analysis of the legislation passed by the Barbados Labour Party Government between 1976 and the present day will show clearly that, for the most part, that legislation has been in the wider interest of the mass of people of this country, rather than in the interest of any select elitist group. And still in Barbados, but perhaps more particularly abroad — in Canada, America and England especially — the Government is perceived as a reactionary, right wing, conservative Government. I say they have themselves to blame for it.

I cannot understand how Senator Greaves, upon reading this legislation, from his own stance as a

representative of labour, can feel himself bound to abstain. I would have thought that he would have taken a principled stand in support of the legislation, especially in view of the fact that his party in the Lower House, to the best of my knowledge and information — from newspaper reports — did not oppose the legislation, certainly did not abstain from giving support to the legislation. I find some incongruity in the positions of Senator Greaves up here and his brethren in the Lower House.

I do not believe that Mr. Maurice King, for example, who is the attorney for the union, abstained or refused to vote in support of this legislation. I do not believe it would be true to say that the union was not consulted on this legislation, because, in keeping with Government's usual practice on matters like this, the union, to the best of my information, was adequately consulted. Furthermore, the Employers Confederation on Monday had a four-hour meeting with the Minister of Labour on this legislation, and has endorsed it, subject to one or two minor queries — not even amendments.

I think it behoves anyone who has the interest of labour at heart to support this legislation. It is something that has been needed for a long time. Only a few months ago, when we were discussing the price support for sugar, Senator Greaves was making a call then, which was acknowledged and answered by Senator Ward, for the conditions of people in the agricultural sector, particularly in sugar, to be improved almost in the same way as the conditions of shop assistants are now being improved. This is where I find the inconsistency at the level of principle in Senator Greaves' position. He was asking for nursing staff in the sugar industry, and shelters for the people who are working in the hot sun, and yet when you get the shop assistants, he is not able to support it.

I do not understand Senator Greaves' position, when it is remembered that the port workers, the Telephone Company workers, the Light and Power workers, most of whom are represented by the Barbados Workers Union, work Saturdays, Sundays, Mondays, bank holidays — anytime. The Union does not find it possible to withdraw support from that category of worker, but it finds it possible not to offer support in respect of the category of worker known as shop assistants. It seems to me that something is wrong with the thinking, or the principles, which guide the union, or at least one representative of the union, in making these decisions.

I think that there can be no quarrel with the conditions of employment of shop assistants — giving them seats, a fixed period for rest, first aid kits, proper drinking water. These are all matters which we as human beings take for granted, but in the scheme of things, certain sectors of the society have been denied, and it is

to Government's credit to ensure that they are now provided for.

What I want to point out to Senator Jones in respect of Clause 6, subclause (7), is that even though the fine of \$10 000 appears harsh, before that fine there are the words: "Liable on summary conviction to a fine". That is to say that it would have to be an extreme case, where, I suppose, the court found that what the employer was doing was the equivalent of forced labour, which is, of course, unconstitutional under the present Constitution of Barbados. It would have to be a case like that for a Magistrate to impose the maximum fine.

This means that he can impose from one dollar, let us say, to \$10 000, and the more heinous the facts, the heavier would be the penalty. I do not think we need to bother about that. If we have a fine marked down as \$10 000 maximum, that probably is to get across to the shop owners the seriousness with which the legislation was introduced, and the seriousness with which transgressions would be visited by penalties.

I have a few queries in respect of specific sections of the Bill. The first one relates to Clause 14 (1) which reads as follows:

"The Chief Labour Officer or a member of the Police Force may at any time enter and inspect any shop for the purpose of ascertaining whether this Act is being complied with."

It is probably too late to do anything about it now, but my suggestion there is that this, as I see it, should be part of the legislation dealing with factories, that massive Bill which we dealt with last year upgrading the facilities in factories. We have provided for factory inspectors. I cannot understand why we now go back from factory inspectors, all of whom would be within the purview of the Ministry of Labour, to members of the Police Force.

I think it would be tidier if you had a corps of people who were factory inspectors, shop assistants, and so on, probably under the Price Control Department or something, but certainly I do not think it is an area for the Police Force. Perhaps the Ministry of Labour would give thought to bringing the inspectorate within the province of the Ministry of Labour, let us say, as extensions of the factory inspectors, but certainly I do not see this as an area for police intervention — not if you are going to upgrade the factory inspectors and train them properly.

They have powers of prosecution, you could even train a couple of them, or recruit some senior policemen who have been prosecuting and transfer them over, just as you have done in Immigration. Some policemen who were dealing with the passports were transferred into the new and separate Department of Immigration. If that is done, I think this would streamline the Bill a little more.

2.35 p.m.

I did notice that there is provision for certain of the clauses of this Bill, I think clause 6 to clause 10, to be brought to the attention of shop assistants, and to be placed in a conspicuous position, so that the shop assistants can have access to them. I congratulate the Government and the Ministry on that, but I think they need to go a little further.

If we are going to have a complete overhaul of labour legislation, as I hear rumoured that we are going to have Unfair Dismissal legislation and Equal Opportunity legislation, then I think we have forgotten that one of the essential matters that should be advertised by the employer, and brought to the notice of the employees are, in fact, the conditions of employment, the terms of the contract.

In England, since 1963, in the contracts of employment it is obligatory of an employer to display in the work place certain basic information, hours of work, wages, holiday entitlement such things — I think it is under Section 3 of that Act — in a prominent place so that all employees know their conditions and terms of the contract of employment. We have not provided for that yet in Barbados, and I do not think this Bill goes far enough.

This Bill is limiting display to the conditions of employment of shop assistants. It does not cover general workers, those in the factories, in the electronic industry and some of the garment factories. I would really hope that the union would find it possible to call for such legislation.

I know of a case where in a factory at one of the industrial estates, something, which is dealt with specifically in this Bill, was sought to be avoided by an employer. The employer wanted a woman to work overtime every evening for five evenings a week, four hours, to 8.30 p.m. She objected, and they fired her and I told her she had a good case.

I do not know what she has done about it — she is seeing another lawyer. But I thought that I gave her good advice. She had a good case, because it was a question, as it were, of duress, vitiating the contract.

If I have a fixed period of work, and that is my contractual term, I can agree to work within that period, say, from 8.30 a.m. to 4.30 p.m. Anything outside has to be negotiated, and I am not obliged to accept it. If I am forced to do it, then you are asking me to break my original contract, or to do it certainly on undue influence or duress and I am glad that this has been provided for in this legislation. I think when that lady goes to court she will get damages.

As regards Senator Jones' query about the definition of shop, in the definition section,

“shop”

- (a) means any premises or place in which a person conducts, manages or carries on business for the sale of commodities whether by wholesale or retail, and whether or not such business is conducted, managed or carried on to the exclusion of, or in addition to, any other business.”

The essential thing is the question of the sale of commodities, it is not the sale of services. So that if you have a hotel, which is selling services, but next to that hotel you have a mini-mart, which is selling knick-knacks for the guests, the mini-mart would be classified as a shop, because it is selling commodities, and it would be subject to the terms of this Bill.

Asides.

SENATOR D. A. C. SIMMONS: Probably a bar and restaurant too, if you treat liquor as a commodity.

Many Senators have spoken about the need for flexibility. I think that the Bill has recognized that. It has allowed the Minister to have some flexibility in the declaration of days.

Personally, I have no strong feelings about opening or closing on Sundays. If anything, I think if we have services to sell, I am not saying that we must prostitute ourselves as a country, but I think that we must offer our facilities, since we are in a competitive world. Even in the Caribbean, we are competing against Jamaica, the Bahamas and other places for the tourist dollar, so I do not see any harm in shops opening on Sundays.

I wonder how many of us can truthfully say that we have visited New York and failed to shop on a Sunday. We go abroad and shop on a Sunday, and be thankful, very often, that the shops were opened on a Sunday so we could make a few purchases. But yet, we are going to object to that in our own country!

We are talking about moving the country forward, being progressive and getting in line for the tourist dollar, but at the same time, we do not want to expand the areas that presently restrict us from giving our fullest competition to other countries!

I would support any decision to allow shops to be opened on Saturdays and Sundays. It is for management to determine how it is going to roster its staff, within the terms of the Bill.

As Senator Arthur says, this Bill is not going to see an immediate generation of employment. It is not a Bill that says that, as from tomorrow 2000 new jobs will be

created. The Bill has provided the framework within which our entrepreneurs and shop-keepers can operate with a view to expanding and giving greater and wider service to Barbadians and visiting communities.

In the recent past, I think last weekend, I have been seeing shops on Broad Street open because there were tourist boats in. What is the big argument about it, really? People cut canes on Sundays. I have known factories to work on Sundays. Do you mean a shop cannot open on a Sunday?

Let us look at the logic of it. There really is no serious logic. There may be religious objections and I recognize the religious objections – I am not saying that I agree with them – for what they are. But there really can be no serious objection to shops being open on certain days.

People are complaining about Sundays. What about the Seventh Day Adventists? Saturday is their day. There has to be a balance in recognition of the competing interests of the various religious denominations. One side does not like Sundays, and the other side does not like Saturdays. So I think that it is good that the Bill has got this flexibility built into it, so that the Minister can deal with it, I am sure, always paying due regard to the various interests, in particular the religious interest and any representations made by the unions.

2.45 p.m.

I wish to commend this legislation and I will give it my whole-hearted support. Any objections that there are I think are temporary, just as when two years ago, I think, when I was in the Other Place, there was legislation to allow supermarkets to be open up to 8 o'clock at night. That initially met with resistance. Now it is a boon to everybody, everybody is so happy. You can work, you can go home, you can have your dinner at home, have a shower, and in your own time go to the supermarket at 7 o'clock. But when that legislation was first introduced, for the sake of opposition it was opposed, and I see a similar attitude among certain people in respect of this Bill. Really, the objections to it are not substantial, and I am grateful that honourable members have all, with the exception of one, decided to support it.

I am obliged to you, Sir.

SENATOR C. E. JEMMOTT: Mr. President, it is with pleasure that I support this Bill and congratulate the Government in bringing down such a wide piece of legislation in relation to the shop attendants in this country. I am one who know about the hard days when shop assistants used to go to work at 6 o'clock in the morning and come out at 10 o'clock at night. I have seen them coming out Christmas morning when other people were going to church.

I am surprised and worried this afternoon to see that Senator Greaves is not prepared to give this piece of legislation his support, and the thing about it is that he has not indicated if he is going to vote against it or is going to abstain from voting. I think, as a matter of principle, he should stand up and say "I will vote against it", and not go out and let it be said that he has abstained. He is a trade union leader, and, as such, I think the workers should be able to see that their representative, the second in command, is voting against the legislation. I think there is a bit of fear in not letting them know what he has done.

I am happy to see that there is now going to be a 40-hour week for these work people, but there are one or two things that I would like to see with all this legislation. We do not have the people to carry out this legislation, and there is where we fail. I do hope that the Ministry will see to it that the Labour Department has inspectors to see that this bit of legislation is carried out.

I am happy to see that provision has been made for a rest room for females. I do hope that the Government, in itself, would take note of this, and that in some of the offices they will find rest rooms for the women. I have seen in some offices that women do not have anywhere really to rest.

Let us be realistic. We are all grown-up people in here, and there are times, as you know in your profession, Sir, when women are taken up in certain areas and where they must have somewhere that they can be private. I must say that a lot of places in Barbados are not seeing to that aspect.

I was also surprised to hear Senator Greaves talking about the difficulty of prosecuting people for not carrying out the legislation. I know there is a big business place in town which, it is rumoured, his party supports very much. They do a lot of wrong things where the workers are concerned, and up to this day nobody has seen fit to go to prosecute them, or to see that they carry out the legislation that has been made. I hope that, as from today, he will make an effort. I think it was Senator Howell who made the point that they should have an attorney on hand who would be able to take up these things so that the workers will not suffer, as he seems to think they would.

I would appeal to both employers and the unions. For this legislation to be successful, they are going to have to be able to work with each other. Let us face facts. Barbados cannot afford to have labour and employers pulling apart — we are too small a place. With a fragile society, as it is, where the economy is concerned, I do not think that we can have these rows that we see at times brewing up, and I am appealing

to the employers and the unions, in the interest of the country — because if the country succeeds the workers must succeed, and if the workers succeed, the employers will succeed — to see that this legislation is truly carried out.

I would like once again to compliment the Government on this piece of legislation. As Senator David Simmons has said, it is carrying out the policy which the party has been carrying out over a period of 40 years. Unlike what some people may seem to think, the Labour Party is a party which champions the causes of the small people. I have been associated with it for many years, and I happened to be an Assistant Secretary of a branch when it was moving in the old days, so I know what I am talking about, I know what the party has done.

To accuse the party of not being a party of the people is to be dishonest, because those of us who know, and I think Senator Greaves can pass this back to his boss, will remember when the two of us used to walk about trying to get people to join the union — under great strain, with the risk of either being locked up or losing their jobs. So the Labour Party always champions the causes of the masses, and I do not think that it is true to say that this legislation is something against the working people.

I would like Senator Greaves to declare his vote here this afternoon, so that all of us would know where he stands, rather than abstain.

Thank you, Sir.

SENATOR MRS. M. O. REECE: Mr. President, I rise in support of this Bill. A lot has been said, but I cannot help but add my piece to it. I am surprised to see that Senator Greaves does not find it possible to support this Bill. I wonder which hat he is wearing this evening. As Senator Simmons said, in the Other Place his party did not vote against it, so I do not know if he is voting now as a trade unionist or as a member of the Democratic Labour Party.

As was the case with the Factories Bill, I have some concern about the inspectorate. I would hope to know, and to see, that proper inspectors are appointed, and that these shops are inspected, and maybe have some certificate stating that they have passed the inspection.

Like Senator Seale, I too feel that some of these places cannot carry this fire-fighting equipment, but at least they can carry some small fire extinguishers. There is need for fire drill in the big shops. It is something new to this country. There are fire extinguishers in a number of businesses, but I do not know if anyone knows how to operate them.

The other thing I am concerned about is the working of overtime. As Senator Williams said, I do not believe that there is any quarrel about working overtime — it means extra change in your pocket and people look forward to working overtime. The grouse I have is with the employers.

We still have unscrupulous employers who would wait until 4 o'clock in the afternoon and tell the employee "I need you to work overtime". I believe these are the employees who have been unionised, and I believe the unions have in some of their clauses that the employer must notify the employee at least four hours beforehand if they want them to work. This is not always done. I have seen people go through the door and called back to work overtime. Unless there is an emergency, this should be avoided.

I am in favour with staggering working hours. Senator Greaves mentioned the Transport Board. If we have to work and stagger our working hours to make life easier to get home on evenings, I see nothing wrong with that. We are all one people in one nation supporting this nation, and if it means that I go to work earlier and come off earlier, and you go a little later and come off later, then the Transport Board would not get the crowd it has in the bus stands on evenings with people fighting and pushing and trying to get home.

Where I work, unfortunately, and everybody knows where I work, our hours are 8 a.m. until 5 o'clock in the evening. There are people who live in St. John, and they only get home sometimes at half past seven or 8 o'clock at night. We have to be merciful sometimes and tell them to go a little earlier and see if they can get home. 2.55 p.m.

The only place they can shop is in the fish market, which is the nearest place, or on the other side of the street, at Furniture Ltd. In order to shop, they have to come to town on Saturday mornings, and push between 8.00 a.m. and 12 o'clock noon to do their business. The post office is not open on that day, the National Insurance does not open on that day — Payments do not come early, so they have to go in there — and Government departments are closed.

I believe that if work hours were staggered, employees would enjoy a better life. I believe that the union should think carefully about the Bill and support it. It means that you are supporting the workers, and making life easier for them.

I am a Christian; I have no grouse with opening on Sundays. I pass Broad Street on Sunday mornings, and it is difficult to get up there with the two lanes of traffic. On the right hand of Broad Street, I do not know what happens, if the police are off duty or what, but there are

cars parked on that side the whole length of Broad Street on Sunday mornings, and I do not think they are all buying drugs. I have been in to one or two of the drug stores down there and there are toiletries, biscuits, cookies, all kinds of milks, a number of things being sold. They are supermarkets or mini-marts that open next door to hotels, and if you go into one on a Sunday, you will see that the people there are locals, not tourists. If we can cater for the tourists, then we can look out for, and cater to, our own people.

Sir, with those remarks, I support the Bill.

Thank you.

Mr. PRESIDENT: Senator Williams.

SENATOR J. E. D. WILLIAMS: Thank you, Mr. President. Mr. President, generally speaking, there was support for the Bill from both sides of the table, with the exception of Senator Greaves. I am particularly saddened, because Senator Greaves has left me in a state of flux as to what his true position is on the matter, and, at the same time, who, indeed, he is representing.

My reason for saying that is that the Bill which was introduced in 1975 shows a great similarity with the one that we are looking at now, and a lot of the things that were contained in that Bill are also contained in this one. What is even more interesting is the comment of the Hon. F. G. Smith in his contribution on December 16, 1975. I dare say he was speaking on behalf of that Administration at that time, the Democratic Labour Party. On page 5728 of the House of Assembly Debate of December 16, 1975, he said:

"..... I have seen shops opening and shops closing, and I think that if Barbados wants to get into the 20th Century, then it is high time we pass legislation in this country to permit the opening and closing of shops without restriction."

He goes on:

"The Trade Union's duty is to look after, to recruit and get workers to join their organisation, and I support it, and if workers who do not join it suffer, it is their fault. I am a strong advocate of trade unionism and I feel that any worker in the 20th century who is in danger or fears he is going to be exploited or that advantage will be taken of him, must join the union."

He went a little further. He said:

"Here is where I find there can be a difference between the Government and the Trade Union. The Government governs for the entire community; the trade union is concerned with the interest of those who have joined it, ..."

And he went on and on.

The Democratic Labour Party had the opportunity only a few days ago to look at this same Bill, and they gave it their full support. They even went further and made suggestions as to how the Bill could be liberalised more. So I cannot say, from what I heard from Senator Greaves, that he was speaking on their behalf.

I then said to myself that maybe he is speaking on behalf of the trade union movement. But then I began to look closer at what has taken place. When Government recognized there was a need for us to really modernise the existing shops legislation, we sought an input from the union. Correspondence was sent to the union, and a subsequent reminder was sent to the effect that we wanted an input from them, and if I am correct, I think there was even a further piece of correspondence asking that some kind of representation be made to the department as to what the union's position was. I think it is fair to say that, so far, I have seen no correspondence setting out what was the union's objection to this particular Bill.

Senator Greaves went on and on about shop assistants being asked to work on Saturdays and Sundays. Senator Simmons dealt, I think effectively, with that point. I used to work at Cable and Wireless and I worked on Saturdays and Sundays. It was part of the agreement we had between the company and the union. The union also negotiates with companies like the Telephone Company, the Light and Power, hotels and the port, and workers at all of these places are asked to work on weekends. There is basically no difficulty.

I do not think that I can stand up and say that workers are exploited as a consequence of those contracts. I think it is only fair to say that the contracts — and I can speak specifically of the contract for Cable and Wireless — have been honoured by both sides of the table — the company has honoured its commitment to the contract, as well as the union and the workers, and there is no difficulty there.

If, for instance, like the Hon. F. G. Smith was saying in 1975, a worker believes that he is going to be victimized or taken advantage of, he ought to seek the assistance of the union by joining the union. And, of course, it is the union's responsibility to represent him and look after his interest. So I do not see any difficulty there.

Senator Greaves indicated that he saw nothing wrong with the idea of moving from 42 hours to 40 hours. He would have found it extremely difficult to tell us that he was not in favour of that provision, as well as those that mandate that the conditions of service of the shop assistants ought to be improved, in terms of seating accommodation, the provision of fire equipment and escape routes, medical kits. I am really at a loss to understand why he finds it difficult to support the Bill.

This side is not averse to somebody putting up a logical argument as to why there is a lack of merit in this particular proposal. We are prepared to listen. The Employers' Confederation, for instance, recently raised a number of matters with the Minister on this Bill. I think a number of answers were given, and, generally speaking, they are happy. If the union has a difficulty with the Bill, then the union ought to come out and clearly state what the difficulty is. As was the case, with the Factories Bill, when we dealt with amendments at the eleventh hour to accommodate recommendations from the union, we are prepared to hear anything they have to say. So if the union has a difficulty with it, then let them bring it. But at no time have they made any representations saying that they have a problem with an area or areas.

Asides.

SENATOR J. E. D. WILLIAMS: They were invited! The union was asked on a number of occasions to make an input, to send a written document making their suggestions and setting out the difficulties that they had with the proposal as was put to them. I cannot see Senator Greaves putting the point for the union.
3.05 p.m.

The point is that the workers do not object to working overtime, and any accommodation which allows the workers to work overtime, they would be particularly happy with it. I do not think that Senator Greaves, basically, wants to deny workers the opportunity to work overtime if it is their choice, or, for that matter, to get better working conditions, as set out in the Bill, or to work for 40 hours, as set out in the Bill. I honestly do not think that he is objecting to that, and nothing else remains in the Bill. I am really not so sure what he is objecting to.

One or two of the other points that were raised I think were dealt with effectively both by Senator Simmons and Senator McClean along with the Leader of Government Business.

I, personally, say that Barbados at this stage is becoming an extremely productive sector in terms of the retail trade; in the retail industry, we have over 10 000 workers. There are a lot of people who come to Barbados for only one reason, and that is to shop. And Senator McClean made the point that, while in short term we may not see benefits in terms of employment generation, should the industry itself expand — and, of course, it would expand from a tourist aspect, because people would come to shop on weekends; they would not be restricted from Monday to Saturday — there is indeed a great possibility that further jobs will be created in that sector in the long term.

Senator Simmons summed up the Bill succinctly in his opening remarks that Government has come down on

the side of the advancement of labour. I think the Bill is a piece of legislation which both political parties of Barbados recognise is long overdue.

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

The question was put to the Senate and agreed to, Senator Greaves abstaining.

On motion of Senator J. E. D. WILLIAMS, Mr. PRESIDENT left the Chair and the Senate resolved itself into a Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

SENATOR St. C. E. HOWELL: Mr. Chairman, I beg to move that we take the Bill as follows:

Clauses 1, 2, 3 to 5, 6 to 13, 14 to 15, 16 to 20, 21 to 26, and the Schedule.

SENATOR E. E. GREAVES: I would appreciate it if Senator Howell would please repeat that?

Mr. CHAIRMAN: The motion is that the Bill be taken in groups of clauses as follows:

Clauses 1, 2, 3 to 5, 6 to 13, 14 to 15, 16 to 20, 21 to 26 and the Schedule.

The question that the Bill be taken in Clauses was put to the Senate and agreed to.

Clauses 1 and 2 were called and passed.

Clauses 3 to 5 were called.

SENATOR J. E. D. WILLIAMS: I beg to move that Clauses 3 to 5 stand part of the Bill.

SENATOR E. E. GREAVES: Sir, I just want to make a brief intervention under this section, 3 to 5. I want to respond to Senator Williams, who made the winding up speech on behalf of the Government on this Bill, indicating that he was not sure of the position of what I am proposing in this Bill. This seems to be the general criticism of the contribution which I have made by Government members who made a contribution to the debate on this Bill today.

I just want to repeat that, at the outset, I said that the objection which I have to this bit of legislation has to do with the giving of permission to open shops on Sundays and public holidays. That is my position, and it is very, very clear; I have said that over and over again.

That is a point which I have consistently maintained. If Senator Williams would have read the Record,

which he alluded to, of the December 16, 1975, and if he were to refer to the Record of early March, 1975, when the Bill first came out — it was sent to a Select Committee and then it re-emerged in the House in December, 1975 — he would see that that is the position which I took. I want this position to be noted very clearly. This is the base on which I am objecting.

There are some other areas that I would want to refer to, but I think these will come in the next section, "Conditions of Employment for shop assistants". I think there are a lot of misconceptions which are being brought into this debate.

The question that Clauses 3 to 5 stand part was put to the Senate and agreed to, with Senator Greaves abstaining.

Clauses 6 to 13 were called.

SENATOR J. E. D. WILLIAMS: I beg to move that Clauses 6 to 13 stand part of the Bill.

Mr. CHAIRMAN: It is proposed that Clauses 6 to 13 stand part of the Bill. Senator Greaves.

SENATOR E. E. GREAVES: Listening to Senator Simmons, Senator Jemmott, and Senator Williams, one, who does not know would get the impression, to use Senator Simmons' words that: "for the first time, we are having a Shops Act where provision is made for sanitary conveniences". Get the record; it says: "for the first time!"

Mr. CHAIRMAN: Senator Greaves, it is essential that we keep to the subject matter of the clauses under consideration. Do not attempt to make a second reading speech.

SENATOR E. E. GREAVES: I am not doing that.

Mr. CHAIRMAN: Can you make a specific reference to the clause that you are dealing with? Do you have an amendment to it?

SENATOR E. E. GREAVES: No, I do not.

Mr. CHAIRMAN: The Rules prevent you from making a second reading speech.
3.15 p.m.

SENATOR E. E. GREAVES: I am not making a second reading speech, I am just drawing to the attention

Mr. CHAIRMAN: If you do so as a means of clarification, please do it quickly.

SENATOR E. E. GREAVES: The idea which has gone out from here this afternoon is that the Government, for the first time, is making provision for seating accommodation for shop assistants, fire escapes and sanitary conditions. I am talking about the things you mentioned. Senator Jemmott even made mention of a rest room. This is being projected as though this is something new, something which is being provided for the first time.

I just want to draw members' attention to Part III of Cap. 356, where there are provisions made for the welfare, safety and health of shop assistants. These deal with the regulation of hours, of time of employment of shop assistants, which has been changed from 42½ hours to 40 hours, provision of seats for shop assistants, provision of rest rooms for female shop assistants, no change, safe means of access to work, safe means of escape in case of fire, sanitary conditions in shops. All of these are provided for in the original legislation, so do not let us get carried away by trying to establish what cannot be established. Indeed, what this Act has really done is that it has repeated — revised, maybe recast — but the general idea of the 1969 legislation is here, with some amendments in terms of hours, which I said I support, and a provision where overtime is now voluntary, which never existed in the Act and which I support.

My objection, as I said, has to do with the question of opening on the days I have mentioned.

Mr. CHAIRMAN: Thank you.

SENATOR THE HON. N. A. BARROW: I am very glad Senator Greaves has said that, Sir, because, bearing in mind the objection, the Act also contains at Section 16:

"Subject to this Part, the Chief Labour Officer may, on the application of the proprietor of any shop, grant a licence in a form approved by the Minister responsible for Labour to such proprietor authorising him, on the occasion of the visit to Barbados of any tourist ship, to open his shop for business during such period, but subject to such conditions as may be specified in the licence."

This already allows shops to be opened on a Sunday.

The question that Clauses 6 to 13 stand part was put to the Senate and agreed to.

Clauses 14 and 15 were called and passed.

Clauses 16 to 20 were called and passed.

Clauses 21 to 26 were called.

SENATOR J. E. D. WILLIAMS: I beg to move that Clauses 21 to 26 stand part.

SENATOR E. E. GREAVES: Sir, I am glad that this section of the legislation has brought to the fore and has repeated what is already contained in the 1969 legislation relative to access to shops, regardless of race, colour and creed. I think at this time in Barbados this is a very serious matter, the question of people being refused, from what I gather, entry into certain places because they might not be of a particular pigmentation.

I am glad that this matter has been incorporated and I would hope that it would be highlighted, and that we will be able to see that particular matter in another area dealt with in a very firm way. I think that we ought to recognise that we have to ensure that whatever facilities exist in this country, exist for all people who live here, both to enjoy and participate in.

Thank you.

SENATOR C. D. SEALE: Sir, under section 26, this Act comes into operation on a day to be fixed by proclamation. I would like just to suggest that at least three months' notice be given before this comes into operation, because if you really want the Act to work, business houses will have to rearrange some hours and times, and workers are going to have a few things changed, and I feel it should not be rushed on them. I wonder if you could give them a notice which says it will come into force on May 1, or June 1.

I just put that out as a suggestion. We have been waiting, I believe, for about nine years for this Act, so three more months would not matter.

The question that Clauses 21 to 26 stand part was put to the Senate and agreed to.

The Schedule was called and passed.

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

On separate motions of Senator J. E. D. WILLIAMS, the Bill was read a third time forthwith and passed. 3.25 p.m.

ROAD TRAFFIC (AMENDMENT) (No.2) ACT, 1984

Order No. 1 was called — To move the Second Reading of a Bill to amend the Road Traffic Act, 1981-40.

SENATOR St.C. E. HOWELL: Mr. President, apart from the Transport Board, the operation of public service vehicles in Barbados can at present be divided into three

categories, namely, self-driven vehicles, taxis and mini buses.

The Objects and Reasons of the Bill currently before the Chamber is to amend the Road Traffic Act of 1981 to make a further provision in respect of public service vehicles. This amendment relates to a fourth category of vehicle, which will be known as a "maxi-taxi."

The Bill will also limit the definition of "taxi", as it appears in Section 2 of the principal Act, and also the definition of "hackney carriage" and "motor cab" which all have the same definition under the Definition Section.

Very broadly speaking, the effect of the amendment to section 2 would mean that "taxi" would mean a vehicle carrying a maximum of 5 passengers, and in the case of a maxi-taxi, the carriage would be between 6 and 10 passengers.

Under the existing provisions of the Road Traffic Act, the definition of "taxi" means, among other descriptions, "a vehicle, whatever its form of construction, which is used for hire or reward in the conveyance of not more than 10 persons".

A number of licenced taxis operating in Barbados are capable of carrying more than 5 passengers. There are cases where there is evidence that some of these taxis, known sometimes as 'Z' vans, also ply the routes that are reserved for minibuses and the Transport Board, therefore creating a form of unfair competition against the minibus operators and the Transport Board, and robbing both of them, accordingly, of needed revenue.

Observation has shown that of the 1 200 permits which have been issued for the operation of taxis, 162 out of them are capable of carrying more than 5 persons, and that at least 50 of these operate these routes that are reserved for the Transport Board and minibuses.

It is in an effort to regularise the position of this new type of vehicle, and to put an end to the illegal operations of these vehicles, that Government is seeking this amendment to the existing legislation.

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

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

SENATOR C. D. SEALE: Sir, I am always amazed that when Government goes into business, it tries to ensure that it has no competition. Because of some enterprising young men with a taxi that can take 10 people, who, when they do not have enough work, they are doing a little moonlighting on the Transport Board routes, we get this legislation coming.

Our whole transport system needs a close look. I recall that in a debate on the Transport Board about a year or two ago, I made mention that if anybody is running a distribution system, you must have various sizes of vehicles, and it is quite obvious to me that if the travelling public are using these 'Z' vans, maxi-taxis or what have you, they prefer to drive in these, maybe because they are taking them closer to home. Now to force them by this legislation to use the vehicles of the Transport Board, which I do not think we can call "efficient", is hard.

These are hard times, and I am surprised that we are now going to deny 50 taxi owners, which are all small men — I do not get the impression that any of these fellows are from any big garages or big groups or anything like this, I think these are individual workers — we are now going to deny them the opportunity of earning a few dollars on the way home or a few dollars out there.

I honestly cannot support this amendment. This is a free enterprise country, and I feel that this piece of legislation is trying to force out competition, with the Government being the leader here in this.

I thank you.

SENATOR A. W. A. McCLEAN: Mr. President, if my information is correct, the people who are particularly concerned about the operation of the maxi-taxis at the moment are not so much the Transport Board, but the minibus operators. The minibus operators' grouse is that they operate like minibuses, but they pay a lesser licence fee than the minibus.

In terms of the question of competition with the Transport Board, I am not so sure that that is the particular preoccupation which has brought about this amendment. But I would say that, to the extent that we have a system of minibuses operating, we would never ever in Barbados have an efficient Transport Board system, because minibuses operate in such a way that they effectively, what you can call, forestall the Transport Board buses.

You have Transport Board buses running to a schedule. The minibus man knows when the Transport Board bus is going to come up the road, and he goes ahead, picks up the passengers and leave the buses empty. There is no way you are going to have an efficient Transport Board system running alongside the minibus system that we have now.

To go a bit further, there is no way that the minibus system, if left to operate alone, could render as good a service as the Transport Board if it was operating alone. And if Barbados is ever to have a truly efficient public transport system, the minibuses would have to go. You cannot have an efficient transport bus system with the Transport Board trying to compete along with the mini-buses.

The Government must find some way out of this dilemma. The country deserves, in the long run, a proper Transport Board system, which can never emerge, if you have any regard to cost effectiveness, in the context of the minibuses forestalling the Transport Board buses and making them run empty, inefficiently, and at a considerable loss.

I think that the essential purpose of this amendment is to make sure that the 'Z' buses cannot operate as minibuses and pay a smaller licence fee. The amendment, in my view, seems to meet some of the objections that the minibus operators have at the moment with the way in which the 'Z' vans are operating.

I thank you.

Mr. PRESIDENT: Senator Jemmott.

SENATOR C. E. JEMMOTT: Mr. President, unlike Senator Seale, I do not think the Government has brought this piece of legislation to protect themselves. I think they brought this to protect the minibus people, who were complaining day and night of these pirate people, as they call them, those with the 'Z' vans. 3.35 p.m.

In the area where I live, there are no less than about four of them, which operate like any other minibus, day in and day out. It is not to say, as he said, that the operators are just going home and picking up a few people on the way. They run to a schedule, and, as a matter of fact, in my opinion they seemed to be doing better in some cases than the minibuses. Obviously if they phase out the minibuses, Government buses must suffer also.

I do not agree with Senator McClean in eliminating minibuses to any great extent. What I think is needed with the minibus people is to have them properly controlled. They have no control whatsoever. It hurts me to see that every day the president is making demands on Government for this and for that, but the minibus people, on the other hand, seem to think they are a law unto themselves; they have no respect for the people who use the roads, whether they be pedestrians or whether they be drivers.

I have had the experience, and I suppose many of you who drive your cars know that if you are not careful you would be in accidents with them all the time. Minibuses go just around the bend, stop and turn back, so if you are following them through, when you get there on the bend he is turning back on you. They turn anywhere, they stop anywhere, and if by chance you look a little vex, they abuse you a little, and you know the abusing is not what the Canon would say in his prayers. So I think what is needed is the control of the minibuses.

There is one aspect which I think we should deal with, that is, to make these people pay a little more. I know Senator Seale would not agree with unfair business deals, not for him to put up his business and for me to come next door to withdraw from him, when he has spent so much money, with my little one-door shop. I do not think it is fair to the minibus people, even though I criticise them, for them to pay a high rate of taxation and have these "Z" buses, paying a smaller rate, doing more business than they are doing. People are prepared to travel with them before they would travel on the other buses because they are not as crowded as the minibuses.

I think this is a relevant piece of legislation, and I am pleased to see that it has come. I hope that the time will come when the minibus people would be controlled a little more in relation to their whole attitude and behaviour, and that the president, instead of criticising Government for this and for that, would get them together and make them have a little more discipline, both in their driving and their mannerisms.

Thank you, Sir.

SENATOR ST. C. E. HOWELL: Mr. President, I am really grateful to my colleague, Senator Jemmott, and indeed to Senator McClean for the observations they have made. They are at one, except on the point of view, as Senator Jemmott has pointed out, that the minibus operators ought not be eliminated.

My understanding of the matter is that, according to a study which was completed as recently as last year, the Government acknowledged that there is still a place for minibuses and that there are definite advantages in having them in operation. One simple factor is that there are some roads which are simply not suitable for the operation of the prototype or traditional large omnibus. There is also the argument in support of the maintenance of minibuses that on some routes, although there are some passengers, there are not sufficient to run a viable or economic transport service.

It is interesting to listen to my friend, Senator Seale. I know he is an entrepreneur at heart and, therefore, he would stand his ground on any measure which appears, in his opinion, to be against free competition. I do not believe that this Administration can be said to be one which has a record of trying to restrict competition in areas where it has an interest.

Senator McClean was right when he stated that the main complainant leading to this amendment was not really the Government. As far back as 1979, Government had been listening to complaints and taking a badgering from the minibus operators, and the public as well, and it is interesting to look closely at what was actually taking place.

There were three types of complaints. First you got the complaints from the minibus operators, who complained of being harassed. Harassment, in this context, as I understand it, meant that they wanted to be at liberty to run on any route, the most lucrative, without permits and with a total disregard of all the existing laws; and if the police said a word to them, both the police and Government came in for severe criticism. That, to my mind, is unfair criticism.

Then we had, quite rightly, what I think can be described as fair complaint, a complaint from those minibus operators, I think there were about 67 at the time who were actually paying a fee to operate and had been assigned to certain routes, who said that the present practice by the illegal operators was creating unfair competition for the legal operators, because they themselves had to pay a fee and their colleagues were muscling in on their routes without paying the same fee. Again, Government came in for criticism.

Then you got the commuters, who wanted to get to work early and get home early after a hard day's work, and who were grumbling because of an inadequate transport system. But I do not think that it is fair that Government should be blackmailed into taking the blame for all of the ills that happened on the highway.

There are cases which, from my own experience, will show you that it is all well and good to talk about a few young men doing moonlighting, which means, as I understand the term, doing a bit of overtime, doing a different job than they do normally and making a few dollars. Government is not against people earning extra money. If this country is to progress, we must encourage people to work hard and work long hours, and earn money by the sweat of their brow. It is the type of thing that happens when buses are operating illegally. The minibuses complain because they all now pay their fee and they get these large units, carrying 10 to 15 and sometimes more people with "Z" on them, not paying anything; and they are taxis, so by law, there is nothing to stop them from operating anywhere they like. This cannot be fair to the 1 200 minibus operators at present.

There is a more sinister aspect to this. There are a number of cases where, in the process of operating illegally, many of them do not carry the mandatory passenger liability insurance coverage. That is very serious. I, myself, have had a number of cases involving very serious injury in which decent people, doing a bit of moonlighting, find themselves not covered by the appropriate insurance passenger coverage, and cannot pay to compensate a particular breadwinner who may be out of work for a number of weeks or months, as the case may be. Indeed there is one case which has been brought to my attention where one such operation resulted in a fatality.

3.45 p.m.

It is a very serious business when a loved one, particularly a loved one who is a bread winner, loses his life in this way, and the operator says: "Sorry as I am, I cannot afford to pay you any compensation." So I think that we have to be realistic about this, and that Government is quite right in bringing this sort of legislation to regularize and normalize the situation.

In developed countries some people's job can depend on their getting to work on time, and after a hard day's work, you would like to get home. But I honestly do believe that the time has come in this country when commuters must be more discriminate in their choice of public transport. I think that they are not at all doing themselves any good to jump in any minibus. They may be quite safe in minibuses, but they may jump in a 'Z' van which does not carry the appropriate insurance, as a minibus is required to do, then to discover that there is a fatality, or a person is seriously maimed, maimed for life, and that the person responsible for the accident is what is known in judicial practice as "a head and belly man," he is sorry that he cannot do a thing.

I think that the travelling public owe it to themselves to be more discriminative and choose the appropriate transport on which to travel, and lobby Government and lobby the minibus people too for a better and more effective service.

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

On the motion of Senator StC. E. HOWELL, Mr. PRESIDENT left the Chair and the Senate resolved itself into a Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 to 6 inclusive were called and passed.

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

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

TRAVEL TICKET TAX ACT, 1984

Order No. 3 was called — To move the Second Reading of a Bill to provide for the imposition and collection of a tax on travel tickets.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, it seems as though we keep running across the

effect of August 9, 1976, when Parliament was dissolved and some things, which are only now coming to light, got suspended.

At that time, there were several matters; for example, one which had not got to Parliament and would probably not have gotten there, I am referring to the decision taken in 1976 by the previous Administration to set up an offshore medical school in Barbados. So it is with this Bill, which represents a more modern version of a Bill for a travel tax.

Asides.

Mr. PRESIDENT: Order, order, please!

SENATOR THE HON. N. A. BARROW: There is nothing really for anybody to be nervous about.

The idea of a travel tax, of course, is not new to the region; prior to 1982, such a tax existed in Guyana, St. Lucia and Antigua. As I said, in August, 1976, a Bill was introduced into Parliament seeking to impose a tax of 10 per cent on travel tickets. That Bill was caught by the death of Parliament, by dissolution, on August 9, and now we have this Bill before us for consideration.

The other matter to which I referred, I am sure will be ventilated in good time, but I think that that decision on the medical school in 1976 is relevant to this. I cannot draw on it, Sir, I am sure you would not let me, but it is a very interesting topic.

There are two considerations on which this tax is based. The first factor is that those persons using the facilities at the Grantley Adams International Airport should contribute in some small way to its upkeep. It is not readily appreciated that, apart from the cost of construction of the buildings and ancillary facilities being approximately \$60 million, there is an annual recurrent expenditure on maintenance, supervision of customs, immigration and security services, of the order of some \$12 million annually, including the cost of transporting staff, and the cost of fire protection.

Last year there was a review of airport fees for this very purpose, and the imposition of the travel tax.

Barbadians — and this is the second point — spend some \$43 million annually on foreign travel, including the cash which they take with them. Although this represents a significant outflow of funds from the country, it is still not Government's intention to restrict the freedom of movement of persons wishing to travel, but rather, the point is that if we can afford to spend that amount on foreign travel, then we can also afford, by a tax on tickets, to contribute to the cost of the upkeep and operation of the airport.

3.55 p.m.

The first time around, at Budget time, it was indicated that the tax would be applied to tickets with respect to journeys originating in Barbados. There has been a great deal of discussion on this, including discussions with travel agents and airline officials, and it was decided that the tax should be also applied to tickets purchased or issued in Barbados in respect to a journey commencing anywhere.

The coverage is widened so as to prevent persons purchasing tickets outside of Barbados in any large scale, since such a development would result in a loss of revenue to Government and business to local travel agents or airline operators.

Secondly, it is necessary to prevent persons from staying in Barbados and purchasing tickets for journeys elsewhere, even though the journey would really be starting in Barbados.

The example given is the purchase of a ticket reading St. Vincent-Barbados/London-Barbados and then the person travels from Barbados to London and back without paying the tax, since, according to the ticket, the journey originated in St. Vincent. But, of course, the person does not enter St. Vincent at all; all he does is at the end of the journey cash in the St. Vincent portion of the ticket.

The Commissioner of Inland Revenue is to collect the tax, and it is on every ticket purchased or issued in Barbados in respect of a journey commencing anywhere, and every ticket purchased or issued in respect of a journey commencing in Barbados. The travel agency or airline which issues the travel ticket is responsible for paying the tax to the Commissioner of Inland Revenue not later than the 20th of the month following the collection.

The tax in respect of persons travelling on chartered tours is \$15 per person. In respect of persons on the farm labour programmes in the United States and Canada, the tax is \$25 per person.

The travel agents and airlines, on the 1976 Bill and again on this Bill, made representations that there should be a flat rate. This has been thoroughly examined, and the result of the examination is that there will be a percentage rate, but that there will be a cut-off point. So if your ticket costs more than \$200, the cost to you in terms of the tax will be the same \$200 as if the ticket only yielded a tax of \$200. In other words, you pay 10 per cent or \$200, whichever is less. That is what the tax is

Aside.

Provision is made for the following exemptions:

(a) persons travelling on Government business.

- (b) persons exempted from the payment of direct tax on any agreement to which Barbados is a party. (That of course, will cover the diplomatic community.)
- (c) persons connecting with flights in Barbados. (If it is a genuine connection, you do not attract a tax.)
- (d) such persons or other classes of persons as the Minister by order specifies.

The original estimate of yield is \$2 million in a full year. At January 31, 1984, collections amounted to \$1.678 million, and, therefore, the indications are that in a full year, the estimate of \$2 million will probably be surpassed. Certainly by March 31, 1984, which is less than a full year, it is confidently expected that the tax will bring in the \$2 million.

That is important, because at the base of the points being made by the travel agents and airline operators were that you might, by such a tax divert business from Barbados. It is clear on the performance figures that this has not occurred.

I have seen a document put out by the Travel Agents Association and addressed to the Commissioner of Inland Revenue, and copied to certain Senators. What it constitutes, again, is this business of trying to get the tax changed to a flat rate, that you should have "a flat tax with an alternative of a prescribed percentage of the fare in respect to the journey to be performed, with application of the lower amount."

In fact, we do have a percentage or a flat rate, and all that remains, I believe would be to argue although it is not stated in the document, that if the rate is as high as \$200, then that would be probably so high to run business away. But this has not proven to be the case and, therefore, I do not think there is anything for the association to agitate about.

In looking at the document, I have not seen anything which does not meet any other point raised. The legislation clearly seems to meet the point of criticism of the previously drafted legislation, that it would allow someone to purchase their tickets elsewhere, or come here and purchase a ticket to another destination and then buy the rest of the ticket elsewhere. It seems that the Bill, from the collections, is working. I do not know, but I have not been hearing much by way of comment; I have not heard any adverse comment on it.

I should say that one travel agent in particular did quite an analysis at the beginning of May 1983, which Government has had the benefit of, and in that

analysis he adverted to all of the difficulties. That document has been of great influence in shaping the Bill which is before us. In that document he made the point that whereas the United States has a flat rate tax for international travel, there is a basic percentage rate for all tickets bought for domestic travel. He went on to deal with the possible loopholes and suggested how they could be plugged, and even made available to Government the relevant forms which could guide us in having this matter properly done.

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

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

SENATOR C. D. SEALE: Sir, I have no objection to the imposition of tax on tickets for travel. I think, in fact, that it is a very painless way of getting some money out of taxpayers, and I congratulate the Government in this matter. However, I still have some reservations about the method of collection.
4.05 p.m.

Before coming here, and listening to the travel agents, I was not aware, and I am certain they were not aware, and I was not aware, of the fact that you would have an upper limit set of \$200, a flat rate. I am very pleased to hear that. I think that would rest a lot of the fears of the travel agents, because they worry about their long haul travel.

Let us assume that somebody is going to go to Australia, and I think you have to go via London, you could very well pay for your Barbados-London/London-Barbados ticket and pay the tax here, and then buy your ticket London-Australia/Australia-London. You can get foreign exchange in this island reasonably easy, we are not too hard, I believe, in the conversion of foreign exchange, and I think that is a wise move too. I think if we were to put very heavy controls on it we may find ourselves like Guyana, Jamaica and perhaps like Trinidad. However, perhaps \$200 is more or less 10 per cent of a London fare — I think the fare is \$2,000.

But I believe that the Government will have to be watchful, and take in the travel agents, because the problem is that when the Government loses the tax, the travel agents are going to lose their commission as well, and they may lose business. Right now we are in recession, and I believe also that there are a few more travel agents than we need. The pie is a little on the small side. Nevertheless, they are creating employment and doing a good job for Barbados as well, so I do not think that we want really to pass legislation to reduce their turn-over. I would caution the Govern-

ment to review the operation of this Act after a short while to see whether travellers are buying their tickets elsewhere.

There is one thing I am wondering about, and that is the collection. How are you going to collect? It says here "purchased or issued anywhere in respect of a journey commencing in Barbados." When a travel agent in London issues a ticket to somebody travelling from Barbados to London and back, he is the person who is supposed to collect the 10 per cent, so how is he going to pass it over to the Commissioner of Inland Revenue in Barbados?

I think the Commissioner of Inland Revenue in Barbados is the person responsible for collecting the tax, but this tax would have been paid in England, or would have been collected from the traveller in England, so I am wondering how you would get that filtered back here. I can see very well all the tax collected by local travel agents staying and being paid over, but I just wonder about travel agents in another country. How we are going to expect to get back our money? I do not think that is going to be very workable.

As I said earlier on, I support the travel tax. Barbadians do a lot of travel and there is nothing wrong with giving the Government a few cents in this way. I think it is a good way of collecting, a good way of getting revenue to pay for our very smart airport, which is very efficient and which is very smartly kept, as I said before.

There is only one criticism I have about the airport in Barbados. I regret to say that it takes something like four hours to receive air cargo in Barbados, but it takes something like five days to get it out of the warehouse. This is because the Government has not yet seen it right and fair to have customs facilities to clear cargo at our airport. This is something that needs correcting, because if we have the finest terminal south of Miami, I do believe that we should have all the facilities there, so that when air parcels arrive, we can clear them immediately.

Thank you.

Mr. PRESIDENT: Senator Wickham.

SENATOR J. C. W. WICKHAM: Mr. President, I have a small point of worry. This Act is supposed to have come into operation on May 16, last year, and Clause 10 there are penalties. What happens to those people who have breached this law between May and now? Are they going to be expected to be penalised? Retroactive legislation is always filled with a number of briars, and it seems to me a little bit hard that they should be paying a penalty when a law, in fact, did not exist.

Mr. PRESIDENT: Senator Arthur.

SENATOR O. S. ARTHUR: Mr. President, I must confess that I was one of those Senators who the Travel Agents Association sought to consult on this matter, and I must further confess that many of the concerns and considerations raised have been clarified by the exposition of Senator Barrow. But there is one particular issue which seemed to have been uppermost in their minds, to which Senator Barrow has not adverted, and I am wondering whether he could give clarification to the matter to be raised.

This has to do with the fact that the implications of Section 4(1) (a) of the proposed Act, that the tax is to apply to travel tickets purchased or issued in Barbados in respect of a journey commencing anywhere. This issue was raised in a specific context by the travel agents.

As you are aware, Sir, this country is rapidly becoming a service centre, the location of a large number of business organisations and the like. Apparently, it has become very serviceable for a number of these organisations to purchase tickets in Barbados for journeys commencing elsewhere as a means of conducting business with travel agents with whom they are familiar. The imposition of a tax on such a transaction in Barbados, the travel agents are saying, can have the effect of causing these international business organisations and the like who bring people into the country, whether for seminars, conventions or whatever, to locate that business elsewhere, perhaps in Miami, where a tax of similar incidence is not in effect.

I am wondering whether the Ministry which is responsible for the drafting of this legislation is mindful of that consideration, and whether it is within the discretion of the Minister, as set out in the various parts of the legislation, to take this matter into consideration.

Thank you.

Mr. PRESIDENT: Senator Greaves.

SENATOR E. E. GREAVES: Sir, I really just want to make a brief contribution on this whole question of retroactive legislation, which is part of this Bill, as I understand it, because Section 25 of this Bill says "this Act shall be deemed to have come into operation on the 16th day of May, 1983."

As I understand it, usually with budgetary measures there is provision for collection of taxes under the Provisional Collection of Taxes Act, which my information suggests operates for a four month period. This seems to be outside of that particular period, and I just want to impress upon the Government that we ought to get our legislation tightened up to such an extent that we can really come within that particular period.

It is really a bad thing to be passing validating legislation. I think we ought to be able to come home within that particular period, and if the Government feels that a four month period is too short a time within which they can get the budgetary legislation completed, then amend that and extend the period for longer than four months, but I do not particularly like this kind of arrangement. 4.15 p.m.

Mr. PRESIDENT: Senator Simmons.

SENATOR D. A. C. SIMMONS: I just want to ask a few questions of the Minister before he replies. I got the impression that, in his introduction, the Minister was saying that there is now in the Act a provision that no tax would exceed \$200.

Asides.

SENATOR D. A. C. SIMMONS: I say it is going to be in the Regulations. I searched the Act feverishly trying to find it, and could not.

I have to declare an interest, as a shareholder and director of a travel agency. I know that the travel agents have been very concerned about this legislation, and indeed about the Travel Services Act, 1982. It seems fairly clear that some of the smaller travel agencies will shortly be going out of business as a result of these two pieces of legislation, particularly the first one.

There are, I believe, about 18 or 19 now, and there are not many that are surviving; many sprung up in the last year and some of them are tottering. One or two of the older ones and the stronger ones will hold on, but, without calling any names, I am sure that, from discussions with people in the travel business, a few of them are going to go under this year because of the stringency of the provisions of the Travel Services Act.

One can appreciate Government's interest for legislating in this area, in controlling the operations of businesses in the private sector. But I think that Government has been misguided, and has been very stubborn.

What happens in a lot of these cases is that they do not have the expertise within the various Ministries as to how businesses operate in fact, on a day-to-day basis. Nobody in the Ministry of Trade ever bothered to come to Gems Travel, for example, to see how it is operated, how the computers work, how monies are paid, taken, receipted and sent to the bank. But they introduce a piece of legislation saying you must set up trust accounts — for a transaction which, very often, takes five minutes; somebody pays for a ticket and travels within a day or two. It is at the level of ignorance of the mechanisms

within the travel agencies that has led to a lot of that sort of provision, and, I think, is contributing to the demise of certain of the travel agencies.

I wonder if Government is satisfied that a person cannot, let us say, travel to England, buy a ticket from here to St. Lucia, spend two days, pay the \$210, or whatever it is, and 10 per cent on that, and then buy a ticket in St. Lucia and go from there to London without paying any additional tax. I wonder if that situation is covered in the legislation.

Asides.

SENATOR D. A. C. SIMMONS: I probably picked a bad example. St. Lucia has a tax and I believe most of the islands in the Caribbean are going to be moving towards this kind of legislation. Trinidad certainly has, and St. Lucia has, 5 per cent I am told. I am not sure about Antigua.

It is cheaper to go to Miami, let us say, by BWIA and get a British Airways from Miami to London, than in fact going from Barbados to London at certain times of the year. It is substantially cheaper, so what would happen in a situation like that? You can go to Miami, you shop around for a few days, and then you buy a ticket from Miami to London.

There is foreign exchange that would leak out from a transaction like that, and I do not believe that this is Government's intention. Would it not be preferable, instead of having a flat rate over a limit, to have a flat rate offered for certain tickets; say, up to \$1 000, \$50, 5 per cent, and between \$1 000 and \$2 000, whatever flat rate that can be agreed between the travel agents or the airlines and Government. It would seem to me that that would be a better disincentive than the present legislation as it is proposed.

I am going to abstain on this, especially because I have an interest in a travel agency. It is something that is bothering us in the travel agency business. I know that there has been correspondence with the Commissioner of Inland Revenue on behalf of the Travel Agents Association. I think the Minister did allude to some interest being taken on the representations. But, perhaps, they have been brushed aside.

We in the travel business feel that this tax, as presently envisaged and structured, will almost certainly result in a flight of capital, a leakage of foreign exchange and, thirdly, will have an adverse effect on some of the smaller travel agencies; if not directly, certainly contributing together with the Travel Services Act and the impositions in that piece of legislation.

The travel agents in Barbados, for the most part, have had a fairly successful time, and a time that has been free from fraud. There is only one travel agency, I believe, which went out in circumstances that could cause any public disquiet, and that was the ABC Travel. The general public did not suffer in that, the people who suffered really were the airlines, BWIA in particular. The general public were always protected.

That case was dealt with in the High Court last year in open court, and it was clear that no ill effects attended ticket consumers in Barbados but rather one or two airlines might have suffered in terms of their revenues. I think BWIA lost over \$30 000, and I think that was the biggest.

Where Government has got to be careful is in relation to tour operators from overseas. I would want to see legislation brought down to tighten up the operations of these persons from abroad, who may have local agents and who can, I am not saying that in every case it happens, with the collusion of local people, perpetrate fraud — I use fraud not necessarily in a criminal sense but in a very wide and loose sense — upon the travelling public. We would like to see legislation brought down to tighten up that area. That is all I want to say on this one, Sir.

SENATOR THE HON. N. A. BARROW: Mr. President, if I should take the last first. As I listened to Senator Simmons it struck me that except for his reference to the flat rate, and also to the possibility of purchasing a Miami-London-Miami ticket, he was really addressing his remarks to the Travel Services Act.

I am aware of the disquiet among travel agents, particularly about the bond. Therefore, I understood what Senator Simmons was talking about, but I have no brief on the matter, and I could not honestly say that I know at what stage there may be discussion or what have you on that matter, I am aware of the disquiet on that point, but entirely unofficially.
4.25 p.m.

In relation to this Bill, let me take Senator Simmons' point first. The point about the flat rate is that it discriminates against the person who is buying a cheap ticket. If you get so many people as do business, or have relatives, in the neighbouring islands paying at a flat rate, it would hurt, because the tax on travel to the islands is not a lot, it is not biting.

What has happened is that the cut off point of \$200 is chosen, Senator Seale actually saw it and got to the point, in relation to what is the one-way ticket to London. So in theory and in practice, it seems to be working out that if that is the maximum, it is not much

of an incentive to people then to go to take all sorts of steps in getting around paying the tax.

As to the point about the purchase of tickets for Miami-London-Miami, at certain times of the year that happens anyway; it is bound to happen, I would think.

I do not think it is fair either to suggest that representations being made to the Commissioner of Inland Revenue are being brushed aside. I do not know again if Senator Simmons was talking about the other bit of legislation, and I cannot tell you what is happening in that case. I have no official information, but on this one I do not think that would be a fair comment, and I think I have said enough really to indicate that certainly it is not so.

The provision in Section 14 provides the scope to take care of the point raised by Senator Arthur, where the Minister may by order designate those who may be exempt. For example, if you have an off-shore regime you are trying to develop and there is a lot of travelling in connection with this, that clause provides scope for the Minister to give relief to such deserving situations, but the scheme of the legislation will not allow locals, me, you, everybody living here, travelling privately to escape. That is really the point.

On the question raised about how you collect the tax when the payment is made abroad, again I am not aware that any difficulties are being experienced, I mentioned that one travel agent has been particularly helpful and it was on his suggestion, for example, that the whole scheme of collections was worked out where you collect direct from those who issue tickets. There are ticket formats, which I have here on file, and in them you will find that provision is made so that you can fill in what the tax is on the ticket.

Now the safeguard at the other end is this, the responsibility ultimately rests on the airline. If Government does not get its tax, Government can deal with the airline on the matter. I think Senator Seale is very well aware that in the same way that if immigration laws in a country require that you have a valid visa to travel to that country and you do not, the airline that takes you to that country will at its own expense bring you back and incur a fine, if the law of Barbados is that a ticket has a certain tax on it, the airline that likes not to observe the law will pay. We have no difficulty with that.

Finally let me come to the business of the lateness of the Bill. Senator Wickham raised the point, and I thought that Senator Greaves, after a particularly bad day, decided that there was a good point he could make and latched on to it rather enthusiastically.

I have recently had to apologise to this Chamber for bringing down a Bill out of time. I am in the same position today. The Provisional Collection of Taxes Act provides that budgetary matters may have immediate effect, but allows for a period of four months, and in that time it is anticipated that the legislation, where it is necessary to have legislation to give continued effect, will be brought down.

I have gone carefully through this file, because when once I recognised what it was, it seemed to me that we were again in an unsatisfactory state. The time which was spent in preparation of this legislation by the Ministry of Finance and its departments was spent on a great deal of consultations, and except for a period when one department had the file for comment and kept it for a period of two months, there did not seem to be any unreasonable delay in handling this matter.

This sort of delay has brought us to the position where the Attorney-General has been asked to look at the Provisional Collection of Taxes Act, because it is now clear that, with the amount of legislation which has been flowing out of budgets in recent years, the time lag of four months is no longer adequate. Therefore, Mr. President, I have to ask that honourable Senators bear with us on this point again.

We have recognised that it is an unsatisfactory situation. There is no intention whatever to treat Parliament in an insulting manner, but it is now clear to us that four months is certainly not enough time, and therefore I think we can soon look forward to amending legislation for the Provisional Collection of Taxes Act, because we do wish to observe not only the spirit, but also the letter, of the law.

I trust that members will feel inclined to bear with me on that point and to accept my assurance that Government certainly intended no discourtesy.

As to the point about what happens to persons who have breached this law, whether any penalties would be incurred, I would like to respond to Senator Wickham by saying that I would like to duck that one, because it is really opening a hornet's nest. The fact of the matter is that if the Provisional Collection of Taxes Act says four months and we are outside the four months, had I not been taught that you do not give an opinion without adequate research, I would suggest that there could be no offence.

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

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

SENATOR StC. E. HOWELL: Mr. Chairman, I beg to move that the Bill be taken in groups of five.

The question was put to the Senate and agreed to. 4.35 p.m.

Clauses 1 to 5 were called.

SENATOR THE HON. N. A. BARROW: I beg to move, Sir, that Clauses 1 to 5 do now stand part.

Mr. CHAIRMAN: It is proposed that Clauses 1 to 5 stand part, of this Bill. Senator Simmons.

SENATOR D. A. C. SIMMONS: Sir, I just wanted to indicate that I would like my abstention recorded in respect of all the sections.

The question that Clauses 1 to 5 stand part of the Bill was put to the Senate and agreed to.

Clauses 6 to 10 inclusive were called and passed.

Clauses 11 to 15 inclusive were called and passed.

Clauses 16 to 20 inclusive were called and passed.

Clauses 21 to 25 inclusive were called and passed.

Senator Simmons abstaining on all clauses.

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

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

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move that the Senate do now adjourn until Wednesday, February 29, 1984 at 11.00 a.m.

The question was put to the Senate and agreed to and Mr. PRESIDENT adjourned the Senate accordingly. 4.40 p.m.

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THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1981-86

THE SENATE

Wednesday, February 29, 1984

The Senate met in the Senate Chamber, Public Buildings on Wednesday, February 29, 1984, at 11.20 a.m.

PRESENT

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

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

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

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

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

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

Senator H. R. Linton;

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

Senator D. A. C. Simmons, Q.C.;

Senator Miss J. Clarke;

Senator E. E. Greaves;

Senator W. W. Hall;

Senator A. W. A. McClean;

Senator C. D. Seale;

Senator the Rev. Canon I. McK. Jones;

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

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

Senator O. S. Arthur.

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

ABSENT

His Honour Senator J. C. W. Wickham;

Senator Mrs. M. O. Reece; and

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

PRESENTATION OF PAPERS

Mr. PRESIDENT: Senator Barrow.

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

Statement showing Net Customs and Excise Receipts for six (6) months ended 30th September, 1983.

The Betting and Gaming Duties Order, 1984.

The Annual Report and Statement of Accounts of the National Petroleum Corporation for the year 1983.

QUESTIONS TO MINISTERS

Mr. PRESIDENT: Senator Linton.

SENATOR H. R. LINTON: Mr. President, I beg to give notice of the following question:

To ask of the Minister of Health:

1. Is the Minister aware that certain employees of the Ministry of Health did not receive their wages for the week ending Friday 17th February, 1984 on Friday 17th February, 1984?
2. If the answer to the above is in the affirmative, will the Minister state why these employees did not receive their wages?

STATEMENTS BY MINISTERS OR PARLIAMENTARY SECRETARIES

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, I am asking leave to have this item taken later in

the day as I am aware that the Minister of Health intends to make a statement.

Mr. PRESIDENT: This item is deferred until a later stage in the sitting.

MOTIONS RELATING TO THE BUSINESS OR
SITTINGS OF THE SENATE AND MOVED
BY A MINISTER

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, as has been circulated to honourable Senators, it is our intention today to seek to suspend Standing Orders 45(2) and (3), which deal with both first readings and notice provisions, in order to proceed with the Health Services (Amendment) Bill in all its stages.

I beg to move that Standing Orders 45(2) and (3) be suspended.

The question was put to the Senate and agreed to.

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

INTRODUCTION OF BILLS

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

A Bill to amend the Income Tax Act, Cap. 73.

A Resolution to approve the compulsory acquisition of land at Station Hill, St. Michael for extension of Glendairy Prison.

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

PUBLIC BUSINESS

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, the order of business is reflected on the Order Paper. I will be managing Order No. 1 and Order No. 3, and Order No. 2 will be managed by Senator Griffith. The Health Services Amendment Bill, to which the first reading has been given, will be managed by the Minister of Health.

11.30 a.m.

It is my proposal that we take Order No. 2 as the first order of the day. If the Minister of Health is here at that time, we will take the Health Services Bill as the second order of the day. The others will be taken in the order in which they stand.

COMPANIES (AMENDMENT) ACT, 1984

Order No. 1 was called — To move the Second Reading of a Bill to amend the Companies Act, 1982–54.

Mr. PRESIDENT: Senator Griffith.

SENATOR THE HON. C. A. GRIFFITH: Thank you, Mr. President.

The purpose of this Bill is to make certain amendments to the Companies Act, 1982, and I would just like to give a brief indication of what some of the amendments intend, because they are very comprehensive indeed.

In Clause 2 of the present Act, a change has to be made simply to correct a grammatical error. In Clause 3, a change has to be made so that a missing noun can be inserted.

There are a few amendments which really are not substantial in nature, but, if left in the present Act, would create certain difficulties. It is for that reason that the Government has sought to clarify the existing Act of 1982.

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

The question was put to the Senate and agreed to.

Mr. PRESIDENT: I have to draw to the attention of the Senate that the Deputy President, who is Chairman of Committees, is not present, and it will be necessary to appoint a temporary Chairman of Committees.

APPOINTMENT OF CHAIRMAN OF COMMITTEES

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move that Senator Linton be appointed Chairman of Committees for today's sitting.

The question was put to the Senate and agreed to.

On the motion of Senator the Hon. C. A. GRIFFITH, the Senate resolved itself into Committee on the Bill, Senator H. R. LINTON in the Chair.

Clauses 1 to 29 inclusive were called and passed.
11.40 a.m.

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

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

COMPULSORY ACQUISITION OF LAND AT
BRIGHTON, BLACK ROCK, ST. MICHAEL,
FOR ROAD IMPROVEMENT

Order No. 1 was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Brighton, Black Rock, for road improvement.

SENATOR THE HON. N. A. BARROW: Mr. President, in February, 1981, the Government acquired several parcels of land in the Brighton/Spring Garden/Black Rock area, and the subject of this Resolution is land belonging to Mr. Vinson Alleyne.

All that the Resolution seeks to do is to regularise use that has already taken place. Therefore, although there are plans of this and a lot of other lands in the area, unless members wish, there does not seem to be much point in circulating these plans on this occasion.

The road project was completed, and then it was discovered that, during the course of construction of the road, the Government utilised more of Mr. Alleyne's land than it had originally intended, an additional 952 square metres. What has therefore arisen is the need to regularise this by the formal acquisition of that additional piece of land, and to compensate the owner for it.

It is a very direct and straightforward Resolution, and I move that the Senate concur in this Resolution.

SENATOR E. E. GREAVES: Mr. President, I just want to make a short contribution on this acquisition of land by the Government, and the utilisation of such land, particularly in the context of the policy of the Government in these land acquisitions.

We have had over the past couple of years Government coming into Parliament and seeking approval for the acquisition of many areas of land in Barbados. Lots of complaints have been made, by people whose lands have been acquired, about the whole question of acquisition and the attitude which the Government has displayed towards payment for acquired lands.

I want to find out from Senator Barrow what is the position relative to Mr. Alleyne, whose lands have been acquired. I want to know whether payment has been made as yet, and the cost of the acquisition in terms of the cost which the Government is paying for this particular acquisition, because I know acquisition has caused, and is indeed causing, a number of problems around the island.

In connection with that, I want to raise a matter in the whole context of the general acquisition of land and payment for such land, and the kind of experience which people have had at the hands of the Government. I raise

the matter relating to lands which have been acquired in St. Lucy for the construction of the Arawak Cement Plant, which is a problem which has been going on for a long time.

We have a situation in which, yesterday, people were served with notices by the Arawak Cement Plant to give up the lands which they occupy by March 31, 1984, failing which they would be ejected by the Arawak Cement Plant. The notice, which I am prepared to make a document of this House, reads as follows:

"We, Arawak Cement Company, demand and require you to quit and deliver possession of the messuage, land and premises situate at Checker Hall in the parish of St. Lucy in this Island now in your possession on the 31st day of March, 1984."

Mr. PRESIDENT: Just a minute. I am well aware that if you are debating a question of land acquisition you can speak in general terms of the policy regarding land acquisition, but I think it is a fairly different matter to particularise and read something to do with land acquisition that is not in the question before the House.

I think I have to be more careful to try and keep the debate along proper lines. If I were to allow this sort of latitude, people would start talking about all sorts of land acquisitions all over the place. A general statement on policy is appropriate, but not the particularising of things that are not related to the issue before us.

SENATOR E. E. GREAVES: Yes Sir. The point I am making has to do with the whole question of acquisition and the policy of the Government towards acquisitions. Let me use the Checker Hall situation as an example. I want to know what is the policy about payment. People's lands have been acquired, and they have not been compensated for those acquisitions.

11.50 a.m.

People are told they have to leave the land and look for other property – and no attempt has been made by the Government to settle the outstanding matters! Five families are going to be dislocated on March 31, because the Government, obviously, does not have any reasonable policy towards the question of acquisition!

Do you think it is fair for a Government to come and take away people's lands, do not pay them, and then they are served with notices indicating that they have to get off their land and look for somewhere to live, and have nobody raise a question about that?

The people must be concerned. People have been living on this land, one person for 65 years, and now they are called upon to find, in a month, somewhere else to go and live.

There has been no money from the Government for the land which the Government has taken away from them. This cannot be fair. It is inhuman, it is callous! This is arbitrary on the part of the Government! Why does the Government not settle and try to give the people reasonable compensation for their lands?

Do you know what they are doing? The Government has acquired Checker Hall Plantation. They have come and acquired other lands. One person was offered 65¢ per square foot for his land, a person next door was offered 30¢, and another person was offered 40¢ — for the same area of land! The only difference that I could see is political. It is nothing to do with the land at all, which is all part of one plantation.

I think that we are in a very serious state in this country, a very serious state, when these lands can be taken away, pushed off without any kind of compensation being settled, and people now have to go and look for somewhere to live. We are going to find ourselves in a mess.

I believe that in these circumstances, the Government ought to take it upon itself, should feel it is morally bound, to acquire some portion of land in the same Checker Hall area where the people can be resited. I really hope that the Government, in an attempt to deal even-handedly with this matter, would try and do something to rescue these people whom you are treating so shabbily.

I am very concerned and upset about this. The families, who are going to be dislocated and who have suddenly found themselves in this position, are without any money at all. They are very upset and they are very concerned.

I hope that the Government would show some sort of humanity. I am appealing to the Government to show some kind of humanity in this particular regard and do something to allay the fears of these people. I would not be surprised if some of them get heart attacks, because they do not know where to go. The Government is just "dilly-dallying" and "pussy-footing" with people's lives and people's feelings in a very callous and inhumane manner.

You are going to hear a lot more about this, because it is the height of irresponsibility on the part of the Government. The Government does not care. Once they get the cement plant up, that is all they are concerned with. It is that they wanted the land around there, they acquired the land and now it is "get off the land". They do not care anything at all about the people who are going to be dislocated. Do you think that is the attitude which a Government should display towards its citizens? I say: "no!"

I want to find out if you are doing the same thing with Mr. Alleyne in Black Rock. Have you compensated Mr. Alleyne? If you have compensated him, I want the Minister to indicate to me what is the rate at which the land was acquired. I hope the Minister would be able to answer that. What is the position? Did he have to move? Was it land on which there was a house, was it land which was lying fallow, or was it land for building purposes?

It may be a different situation from this particular one where people not only use the land for their residence, but for cultivation, so that people's livelihoods are going to be upset and put in disarray because of the attitude of the Government in this particular matter. I think it is very bad, and the Government ought to do something very urgently to make sure that the five families who are affected by the eviction notices are taken care of. I hope that we would see some positive action on the part of the Government as far as acquiring some suitable area of land nearby.

Colleton Plantation has a lot of land for sale. There is some at Bath; some all around Barbados. The Government could acquire some land and make arrangements to resite the people. I think the Government has a moral responsibility as far as this is concerned.

Thank you.

Mr. PRESIDENT: Senator McClean.

SENATOR A. W. A. McCLEAN: First, I would like to comment on road improvement, to which this Resolution pertains, in particularly drainage.

As you know, there is a roundabout linking Black Rock and University Drive to the Spring Garden Highway. When rain falls, this turns into a terrible pond, and I think that something must be definitely wrong with the planning of the drainage system for that to occur.

It would seem to me that the drains, which are supposed to take the water away, are far too small. Even when they are cleared, when you have heavy rains the water cannot be taken off with enough facility, and, evidently, they also become blocked rather early. This seems to be a problem which is not only peculiar to the Spring Garden Roundabout, but to many places in Barbados.

It would seem to me that the engineers in the Ministry of Transport and Works must pay close attention to the adequacy of the drainage system, which would not only relate to the location of the system in relation to the land, but also to the size of the drains. I think that in Barbados, in many ways we think in mini terms — we build everything small, and sometimes we build things below the critical size for an efficient service.

There are two points to which I would like to direct attention in relation to land acquisition. The first one also relates to highway improvement.

Highway improvement can influence the value of land, and Government recognizes this in many ways, in terms established in development areas — the Spring Garden area is one now. If land appreciates in value, as indicated by the sale price of that land over a particular interval, the owner is expected to pay some part of the capital gain into the Treasury. But road improvement can also lead to a depreciation of certain people's properties.

I think that, in all fairness, the entire aspect of the effect of road improvement on land value, be it upwards or downwards, should be taken into consideration, and just as Government would expect that people should not benefit unduly from appreciation in their land because of road improvement, they should not suffer unduly because of depreciation in their land values because of road improvement. Maybe that is something which might need some type of legislation, or maybe it can be handled in the context of existing legislation, but I believe that it is something which should be looked at.

The third point relates to the question of acquisition, and I want to raise it at the level of general principle. This arises out of a case that was drawn to my attention. This was where Government, let us say, acquired land for some project which Government may or may not be involved in, and in the interim, before that person was able to relocate, the project starts, and the person involved suffered damages of a type for which one would normally be expected to be compensated. Even without going to court, the company has recognised that it really has discommoded the individual and have damaged the person's home, and if he wanted a house, they would give something in consideration of that.
12.00 noon.

But you have a complication. Let us say that the land is no longer the person's as from the time it is acquired; it is now somebody else's land — so, in a sense, they are not really on property that belongs to them. But they cannot go anywhere yet, because (1) they have not been paid, or (2) maybe Government is in the process of identifying a lot for them. So they are still there, technically living on Government land or somebody else's land, and that type of point is then raised as answer to a suggestion that they should be compensated.

I believe that point might be somewhat akin to the point raised by Senator Greaves, and I think it is something deserving of careful consideration, I think that even if, strictly within the law, the person went to the court that they would not be able to succeed from the point of view of equity, so to speak, something should be done.

Let us say you lived in a house and your house is damaged, or even your health, by virtue of the fact that you are forced to live in close proximity to what is effectively a nuisance. Construction work or some such thing is going on, but you cannot move yet because either you do not yet have the money from Government or Government has not made a lot available to you. So you are still living where you used to live before, but the order for acquisition has gone through. It is not your land then, it is Government land, and you are told, "We cannot compensate you because really you are a squatter, so to speak. It is not your property so we cannot compensate you for what is not yours." That is the type of situation I am talking about. Effectively, what would have happened is that the individual would have suffered, and would not have been in any position to avoid the damage to himself by virtue of the way in which the transfer of the land took place, and the way in which they are put in a position where they can move off compulsorily acquired land.

Those are three points which I think can be looked at. Two of them arise, as I said, out of specific instances, but they really relate to general principles which can arise.

I thank you very much.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, let me deal with the relevant point raised by Senator Greaves first. From what I observe on the file, not only does Mr. Alleyne seem to have been paid for his land, but there is a cheque for \$4 456, in addition to what he was paid as agreed compensation, due to the loss of certain trees which were destroyed during construction work on the parcel of land. Damage to crops is a known ground for compensation.

Asides

SENATOR THE HON. N. A. BARROW: Damage to health, too, I agree.

The other communication on file which I would refer to is a note that Mr. Alleyne is prepared to accept \$25 337.89 for this piece of land. The figure is based on that which was accepted for the first acquisition. I presume that gives a number of answers in one, because it suggests he had got his money and it also suggests that they were seeking on both sides to apply the same principles to the new land as to the old land. I hope that answers the questions.

I take Senator McClean's point about drainage. I had not myself observed the example he gave, but there are places further up on University Drive which suffer from poor drainage. I believe that one of the worst

examples of drainage, where you have a veritable pond, is from Pleasant View across to the old Wanstead House. There is obviously a great deal to be done in respect of drainage works.

The point that land values can appreciate as well as depreciate is a point which cannot be denied, and this is not something that Government is unmindful of. Indeed, if in the purchase of a property there is any chance that we would interfere with the capacity of the vendor to enjoy to the fullest satisfaction what is left, in other words, if the amenities of life are being affected in that instance, then Government will tend to buy the entire property rather than reduce the size of the property to such an extent that the person really cannot enjoy what is left of his property.

These are not new considerations. I cannot tell you that the odd occasion will not arise where somebody has a legitimate grievance. This is why Senator McClean can talk of one case. I have no doubt there will be the odd case. That is in the nature of things.

I trust that Senator McClean is not referring to whatever is going on up the hill at Lodge Hill and so on. Because as people begin to feel that they are getting within the twenty-four-month period or the thirty-month period of an election, they have to get out there and get some practice, and one of the ways of getting practice is for people, whom the constituents have not seen much since the elections, to make themselves very obvious and very active and very visible. Consequently, you will get cases put in here for the people of Checker Hall, when we know that the only thing Senator Greaves wants to do is to resite the people out of Checker Hall. That is what he wants to do!

There is no way that you can look at election statistics year after year, when Senator Greaves leaves Josey Hill and Pie Corner and comes down to Checker Hall, Crab Hill and Half Moon Fort, and believe that Senator Greaves could be seriously making any kind of case for anybody in Checker Hall. He does not want to see them, and they do not want to see him!

If he wants to know what is going on in Checker Hall, what he should do is what the rest of us do — go to the representative and ask him what is going on. He knows the people do not see him, but the representative lives in Checker Hall. Senator Greaves does not know what is going on in Checker Hall, and that is really the fact of the matter.

What Senator Greaves must do, if he is talking about the inconvenience which people are suffering and

about heartlessness, is to tell his friend Mr. Gilkes to stop throwing Barbados Labour Party supporters off the land he owns in Speightstown when he discovers which party they are supporting. That is what he must do in the interest of justice and fairplay!

There is an old lady down there, 75 years of age, who has recently had a stroke, if you talk about people getting sick after the amount of pressure she had suffered from Mr. Gilkes over this time. Her name is Gwendoline Gilkes. You may know her as Elise Russell. She is known by both names.

If you want to be concerned about people being dislocated, about the pressure they are being put under and whether they can fall ill, then Senator Greaves would do us all a favour if he would simply ask Mr. Gilkes not to do that. He knows Mr. Gilkes, because his key man, Mr. Vin Phillips, who works at Plantation Limited, and Mr. Gilkes worked together for years. He knows how to get the message to Mr. Gilkes to tell him to stop harassing people for supporting the Barbados Labour Party! Do not come in here and pretend you are so interested in the people in Checker Hall!

I am sure that Senator Greaves knows that if there is anything that Mr. Roy Brathwaite can possibly do for anybody, he will do it for the people of Checker Hall. Those are the people he has to rely on. The first day he begins to slip an inch in Checker Hall, he will no longer be in the House of Assembly, whether he is succeeded by Senator Greaves or not.

Sir, as far as I can see, those are the questions asked.

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

SENATOR THE HON. N. A. BARROW: Mr. President, may we take "Statements" at this point.

Mr. PRESIDENT: The Item "Statements from Ministers" will be taken now.
12.10 p.m.

STATEMENTS BY MINISTERS
STATEMENT RE OPERATION OF THE ST.
GEORGE'S MEDICAL SCHOOL IN
BARBADOS

Mr. PRESIDENT: Senator Trotman.

SENATOR THE HON. O'B. TROTMAN:

Mr. President,

During the past few weeks, The Barbados Association of Medical Practitioners and Her Majesty's Legal Opposition have raised several questions regarding the operation of the St. George's Medical School in Barbados.

The School was dislocated during the intervention in Grenada in October last year, and it sought, and was given permission to operate in Barbados on a temporary basis. That permission, was granted within the framework of the policy of the Barbados Labour Party. That policy was clearly laid down in a decision of the Cabinet on 1977-08-04.

The following is an extract of the Cabinet Minutes:

"The Cabinet concluded that in principle there should be no objection to applications made under the International Business Companies legislation for the establishment of a private Medical University or any other technical institution in Barbados to train students for export to the U.S.A. or any other country outside of CARICOM.

The Cabinet further concluded that a Committee should be set up to examine in detail the terms and conditions under which a private Medical School or other similar technical institution could be established and operated in Barbados; and that representatives from the following Ministries should comprise the Committee:—

The Ministry of Finance and Planning

The Ministry of Health and National Insurance

The Ministry of Education and Culture

The Ministry of Caribbean Affairs, External Trade, Industry and Tourism."

The St. George's University School of Medicine has since applied to be permanently sited in Barbados. The University is interested in establishing its main campus in Barbados but its campus in Grenada will continue to function, even though with a reduced number of students. The Barbados campus will gradually be built up into a University Centre.

The St. George's University School of Medicine was created in 1976 by an Act of the House of Representatives of Grenada following a two-year feasibility study, which highlighted the beneficial nature of such an institution to Grenada and its neighbours in the Caribbean area. The first class convened on January 17, 1977. The administration, faculty and student body were drawn from throughout the world, including the United States, Canada, Nigeria and the United Kingdom as well as Grenada.

In 1978 the Kingston Medical College in St. Vincent became affiliated with the University. The University is listed with the World Health Organisation and is fully recognised and approved to confer the Degree of Doctor of Medicine to students who satisfactorily complete the nine semester curriculum.

On May 24, 1981, the first students graduated and one hundred and twenty-seven (127) students began residency programmes in the United States of America in July 1981. The second graduation – sixty-six (66) students – took place at the United Nation in New York, on July 23. The remainder of the second class graduated on November 14, 1981, in St. Vincent.

The first international measure of the quality of the medical programme was the performance of its American students in Part I of the National Boards. Not only did St. George's University surpass the rate of many American schools, but four of the students scored in the 99th percentile and one of those shared with ten (10) American students, the honour of achieving the highest score. In the Medical Science Knowledge Profile examination in July 1981, two students scored perfect scores of 72, which were the two highest scores in the examination's two year history. St. George's University graduates have achieved a 98% pass rate on the Educational Council for Foreign Medical Examiners examination.

The courses of study within the four semesters of basic medical sciences use well-equipped, modern teaching laboratories in Anatomy, Neuroanatomy, Histology, Microbiology, Pathology and Pharmacology.

The disciplines in medical education is headed by professors who have been drawn from graduate and medical programmes in the United States and United Kingdom. The full-time faculty is supplemented by visiting professors from the United States and the United Kingdom who teach specific units during one to three week visits.

The clinic experience begins during the basic medical science programme. The five (5) clinical semesters begin with the emphasis on the core rotations of Medicine, Surgery, Gynaecology/Obstetrics, Paediatric and Psychiatry prescribed in the Caribbean. The University utilises the medical facilities of Grenada, St. Vincent and the Grenadines, and St. Kitts, comprising seven hundred (700) hospital beds, house staff physicians, registrars and University faculty physicians. There are also Visiting Professors. The University has followed the medical education patterns of the United Kingdom and the United States of America.

The University is affiliated with the University of Barry in Florida and its graduates are now practising medicine at hospitals and other health care institutions in various parts of the United States of America.

The University proposes to start its training programme in Barbados with about one hundred and seven (107) students in medicine, and will later expand it to include nursing, the maintenance of medical equipment etc. About two-thirds of the University's present enrolment is from the United States of America; others are from Nigeria, Grenada, St. Vincent, Canada and Barbados.

The School had at an earlier date indicated an interest in using the health facilities at the Queen Elizabeth Hospital. I have made it clear to St. George's that neither the Queen Elizabeth Hospital nor any other Government health facility will be available to the school for training purposes. This has been acceptable to the School.

The School is presently situated at the Villa Maria Convent within the compound of the St. Joseph's Hospital. The St. Joseph's Hospital is of no clinical value at present as there are not enough beds; about ten (10) to fifteen (15) beds per student are required. Consequently, only pre-clinical work is being done in Barbados, and only pre-clinical work will be done in Barbados.

If the University is established permanently in Barbados the students will go to teaching hospitals in the U.K. for their clinical exposure.

I met with a delegation from U.W.I., headed by Pro Vice Chancellor Leslie Robinson, and we discussed the establishment of the School. The University representatives feared that the St. George's University could be critical to the existence of U.W.I., whose role was meeting the training needs of the region.

I pointed out that for several years Barbados was servicing the education of non-Barbadians in other subject areas and that we had no difficulty in adding medicine to the subjects being taught in Barbados. I gave a definite assurance to U.W.I. that neither the Queen Elizabeth Hospital nor any other public facility would be available to the St. George's Medical School since Government had a definite commitment to the U.W.I.

Meeting with Barbados Association of Medical Practitioners

During January the Barbados Association of Medical Practitioners met with me and raised the following concerns:

- “(1) We wish to state that this school and other off-shore Medical Schools are in the Caribbean because they cannot/are not prepared to meet the standards and provide the facilities for their operation in the U.S.A.
- (2) In order to successfully train their Medical Students the St. George's University Medical School must have good teaching clinical facilities.

This is their main attraction to Barbados. If access is ever allowed to any of our teaching facilities BAMP foresees:--

Overcrowding of these with a deterioration in the standards of health care.

Less well-trained regional doctors as the U.W.I. Faculty of Medicine and the St. George's University compete for over-used facilities.

- (3) The question of registration of graduates of the St. George's University Medical School is a very serious matter. The Government does not have control of the quality and standard of training at the School. Their clinical teaching and exposure are unknown and questionable factors. If there is automatic registration of graduates, it is the *worst* of these students that will not get into the United States of America and will have no choice but to seek work in Barbados.

Barbados Association of Medical Practitioners foresees some seventy-five such doctors per year being registrable in Barbados from 1987. The consequences of this are obvious.

Barbados Association of Medical Practitioners urges the Minister to seriously re-examine all aspects of a permanent campus for this off-shore Medical School in Barbados."

I again gave an assurance that neither the Queen Elizabeth Hospital nor any other public institution would be available to the St. George's Medical School since the Government of Barbados was committed to the University of the West Indies.

The Barbados Association of Medical Practitioners delegation noted that:

1. the school has an impressive written curriculum;
2. the quality of the students is high;
3. the library facilities are good;
4. the students have the opportunity to obtain the theoretical knowledge;

but it will be difficult to monitor the clinical exposure of the students.

Mr. President, Barbados is a country of little natural resources. We have some agriculture, some manufacturing and some tourism but if we are to make a real assault on unemployment in this country, we must look to other service industries, whether in off-shore banking or other disciplines.

The Ministry of Health has taken note of the concern expressed by the Barbados Association of Medical Practitioners and the University of the West Indies but does not agree that the permanent establishment of an off-shore facility for the teaching of preclinical medicine will

adversely affect the University of the West Indies, the teaching of medicine in Barbados, nor does the Ministry consider that the existence of such a facility will have any ill effects on the Health Institutions of this Country. If, however, an off-shore school were to be established, there would be some benefits for Barbadians in general. We would expect that:—

- (a) operating expenses of the school, approximately U.S.\$5 million, would be injected into the economy of the country through the acquisition of goods and services;
- (b) students will each spend approximately U.S.\$2 000 a year in the country. With an initial class of say, 200 in the first semester, approximately U.S.\$400 000 will be injected in the economy and the figure will increase as the school expands;
- (c) the tourist industry would benefit significantly as the parents of students spend vacations with them, and professors visit the island from United States of America, Canada, England and Ireland twice a year. About 2 000 people would visit the island annually;
- (d) the University will offer direct employment to more than 100 Barbadians;
- (e) if the St. Joseph Hospital is developed for use with clinical clerkships, the school would pay the hospital a fee of U.S.\$2 000 per student per year. With approximately 100 students doing clerkships, a fee of U.S.\$200 000 could be realised;
- (f) the school will offer scholarships to a certain number of Barbadian students recommended by the Government and approved by the University to study medicine. These scholarships will cover all tuition costs, books and a small stipend;
- (g) fee-paying Barbadian nationals would have their tuition fees subsidised by the school.

Mr. President, the Government has avoided making too many public statements on this matter because we have been negotiating with the School. However, the Ministry of Health will be inviting the Cabinet to make a decision on this matter at its meeting tomorrow.

My Ministry has given deep thought to the question and our conclusions have been made only after a proper examination of all relevant and available facts.

The history of off-shore medical schools wishing to set up in Barbados did not, however, begin during the life of the present Government; and in view of recent comments attributed to former Ministers in the Democratic Labour Party Administration and the Barbados Association of Medical Practitioners, it has become necessary for the facts to be revealed so that Honourable Senators and the public may judge for themselves.

Serious negotiations for the establishment of a medical school in Barbados took place during 1974, 1975 and 1976. Indeed, the first recorded contact between the Government of Barbados and United States promoters of such a scheme was on 31st May, 1973, when a Dr. Merliss wrote to the Ministry of Health and Welfare seeking to establish a Medical School in Barbados.

Subsequent to that date there were no less than six meetings between the Minister of Health and Welfare and the United States promoters of the scheme and three submissions to the Cabinet.

By 27th June, 1975, matters had proceeded to the point where the promoters submitted a preliminary report and required of Government agreement in principle before detailed planning for the establishment of the school on 30th November, 1976, could go further. November 30th is Independence Day and that day in 1976 represented the 10th Anniversary of our Independence.

On 27th June, 1975, the promoters met with the Minister of Education, and then with the Minister of Health. At the conclusion of this meeting with the promoters, Dr. Caddle, then Minister of Health and Welfare, assured them that he would give to the Prime Minister a copy of the report on that very day and discuss the matter with him. On 2nd July, 1975, a letter was issued from the Ministry of Health and Welfare conveying to the promoters Government's agreement in principle.

The speed with which approval was given is not perhaps surprising when one considers that Dr. Caddle, at a meeting with the promoters on 23rd June, 1975, was in a position to inform them that he and Dr. Merliss had met with the local Manager of the Bank of America to discuss financing for the school, and that the Bank was interested in financing the scheme if the overseas group acquired "the land and other real property" which would be required. It was at that same meeting, on 23rd June, that he asked for a firm proposal to be put to Government, and this proposal came in the form of the Preliminary Report which he undertook to take to the Prime Minister on 27th June.

The Preliminary Report was made available to the then Associate Dean of the Medical Faculty of the U.W.I., Dr. Frank Ramsay, who made a number of cogent comments as indeed did Dr. Drayton of PAHO. It was also made available to BAMP. Among the proposals in that Report was one for an Organisation Committee to comprise the Ministry of Health, the Ministry of Education, BAMP, the QEH Directorate and the promoters of the scheme, the International Medical Foundation (IMF). There is not on record any of the sentiments now being expressed by BAMP.

By August the Minister and the promoters were meeting again. A meeting took place on 19th August and the Minister advised the promoters that the school could be incorporated by Act of Parliament. He assured them that public facilities would be available for their use. The promoters for their part

were concerned that local income tax might make it difficult to recruit staff from the U.S.A. if measures were not devised to offset its effect.
12.30 p.m.

In the event that there is any doubt as to what was meant by public facilities, the following quotation from an IMF Report dated August 25, 1975, is instructive –

“The clinical stage of the education would in this interim period still require co-operation on the part of the Q.E.H., but since such co-operation had been agreed to in principle, we feel that this presents no problem.”

Elsewhere, the files reflect agreement as to the use of the St. Michael's District Hospital, other District Hospitals and indeed the Out-Patients Clinic in St. John, the constituency of the then Prime Minister.

At this point, too, the promoters were proposing to purchase property for their operation by way of a 71% mortgage from the Chase Manhattan Bank, with the remaining 29% being financed by the Government of Barbados.

By September, however, the tide began to turn. On September 2, they again met with the Minister of Health. They reported that they could not raise the money for their scheme; they enquired whether a Government guarantee for a loan from a commercial bank could be secured for them to make the down payment on the property; they wished to become incorporated with Codrington College to take advantage of the provision in the Charter of that Institution which would seem to allow the establishment of an autonomous medical school. They were then directed to the Ministry of Finance and Planning to discuss these issues.

They also reported on the 5th of September that they would have to abandon their search for funds in the U.S.A. until the school was legally incorporated, and informed the Minister that the Draft of the Bill for the school's incorporation would be ready in 4 to 6 weeks and would be introduced into Parliament as a Private Members' Bill. Then came the Cabinet Reshuffle and the new Minister decided that there was nothing more to do at this stage other than await the proposals resulting from the discussions between the promoters and the Ministry of Finance and Planning.

Negotiations continued, and the promoters even met with representatives of BAMP in the new year, but then the initiative shifted from the new Minister of Health to the Prime Minister. On the 26th February, 1976, at about the time of the St. Philip bye-election, the Minister expressed himself as ready to give consideration to a firm proposal. Then, on the 2nd April, he directed that a brief be prepared for the Prime Minister, and the Cabinet Note of 22nd April reads as follows –

“The Prime Minister informed the Cabinet of exploratory discussions which a group of medical men from the U.S.A., led by a Dr. Merliss, had recently held with him and Dr. the Hon. R. B. Caddle

about establishing a medical training school in Barbados. The proposal envisaged the use of the St. Michael District Hospital as well as the other District Hospitals at a later date”.

The Prime Minister took the matter to Cabinet again on the 29th April and the Note reads —

“The Prime Minister informed the Cabinet that he had received a draft letter of agreement from the United States group who wished to establish the medical training school, and that he would refer the draft agreement to the Minister of Health and Welfare.”

The matter next surfaced in Cabinet on the 27th July, 1976, when the Minister of Health presented a paper in the nature of a progress report showing what agencies were being asked to study the most recent plan. These were — the Ministry of Finance and Planning, the Ministry of Education, the Hospital Director and BAMP.

It is perhaps worthy of note that his instructions for the preparation of the Cabinet Paper were immediately preceded by the despatch to him by the Prime Minister of a letter from Dr. Merliss.

This was the Paper that Cabinet noted.

The only item of interest thereafter is the Minister's response to the letter of the 16th August, 1976 which stated the promoters readiness to get the scheme financed “subject of course to a Charter being granted by the Barbados Government”, and enclosing a copy of the Articles of Incorporation. The promoters also sought a meeting with the Minister.

Parliament had been dissolved on August 9, 1976 and Elections announced for September 2, 1976. The Minister's response dated 20th August, 1976 reads —

“I have taken note.

I am unable to meet with Mr. Hunte at this stage. The matter may be resubmitted after September 2, 1976”.

It is signed “L. E. Sandiford.”

SENATOR E. E. GREAVES: Mr. President, I just want some information. Will Senator Hall and myself be entitled to a copy of the Minister's statement in the same way as all those Senators over there have copies?

Mr. PRESIDENT: The Statement will be laid in the House, printed and circulated to all members. I myself have not seen the Statement.

HEALTH SERVICES (AMENDMENT) ACT, 1984

Order No. 4 was called — to move the Second Reading of a Bill to amend the Health Services Act.

SENATOR THE HON. O'B. TROTMAN: Mr. President, the Health Services Act Cap. 44, in Section 10 gives the Minister of Health, subject to negative resolution, the power to make regulations for the proper carrying out of the Health Services Act.

The amending Bill before the Chamber seeks to extend the areas which may be regulated by the Minister. 12.40 p.m.

This became necessary because of the present operations of the St. George's Medical School in Barbados. Section 10(u) gives the Minister power to make regulations for the transportation of the bodies and the regulating of the internment of the dead.

When the St. George's Medical School went to Grenada in 1976, it was after two years of discussions and two years of feasibility studies. The Government in Grenada was therefore in a position to pass what in their laws is known as the Disposal of Deads Act, I think it is, and in Jamaica, when the University of the West Indies was about to start teaching medicine, the Jamaica Government was able to pass an Anatomy Act for the control and use of dead bodies for the teaching of anatomy.

We were not so fortunate, because the school came here under strange circumstances, which resulted from the military intervention in Grenada last year. Because of that intervention, and the disruption which that intervention caused in the school's programme, the school came here hurriedly on a temporary arrangement. The Government of Barbados was therefore in no position to enact any legislation which would be necessary for the control of cadavers to be used in the teaching of anatomy.

Indeed, when the school first sought to bring in cadavers here, they were not properly advised as to the formalities they should have gone through, and as a result of bad documentation, in fact even wrong documentation, the cadavers were stopped at the airport by the Ministry of Health.

The Minister of Health took the stand at that time that there were certain basic documents which would

have to accompany the cadavers if they were to be allowed into Barbados. Since the customs broker for the school could not produce the documents, the Ministry of Health said the cadavers would have to leave Barbados.

At that time, the Ministry of Health was under the impression that regulations could be made under the Health Services Act to regulate the dissecting of cadavers for the teaching of anatomy. We therefore said to the St. George's representatives that we would ensure that legislation was passed, because we were thinking of writing regulations which would not have to come to Parliament, except for the negative resolution, and that this exercise would take a couple of days and they could proceed with their business.

We then had conflicting legal advice as to how the enabling legislation should be handled. At one time we were advised that the correct legislation was that we should write a completely new Act. Eventually, we had this amendment to the Health Services Act drawn up.

In the interim, the school's programme was disrupted, and they sought to bring the cadavers back to Barbados. And in circumstances in which the Government was unable to reach the original arrangement to have regulations written, they brought the cadavers back under certain conditions: they made it clear that they would operate at the Convent in the same way they would operate if the regulations were written. The Ministry of Health inspected the premises and the Ministry of Health is satisfied that the St. George's Medical School is handling the cadavers for the teaching of anatomy in a decent and approved fashion.

There is therefore no health threat to Barbados, and there has never been any health threat to Barbados. But we believe that even though the St. George's Medical School is operating as good operators would do, they are not trying to take advantage of the fact that there are no laws to prevent them from cutting up cadavers, it is still necessary to have legislation enacted to empower the Government to control St. George's, if they do not stick to the standards, as well as to control other persons who might have cadavers at some future date and who might not necessarily live up to the same high standards of the St. George's Medical School.

As it is now, anybody in Barbados could import and dissect cadavers and there is no law against it. Unfortunately, there is no Offshore Law School to teach the President of the Bar Association that fact. If there is no law restricting a person's movement, then he cannot break a law that does not exist. That is my understanding of the law as interpreted by the lawyers.

We have not only to control St. George's, but to control any other person who might wish to bring cadavers to Barbados. It is for that reason, Sir, that we

have amended that section in the Health Services Act. The regulations are already written, and they will be signed as soon as the Bill is passed in this Chamber and in the Other Place.

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

Mr. PRESIDENT: I note that Senator Greaves would like to speak. I am keeping an eye on the time, and I am wondering whether, if you have a long contribution to make, you would prefer to come back after lunch.

SENATOR E. E. GREAVES: I have a contribution of about three hours, Sir.

Mr. PRESIDENT: You would not be allowed to speak for three hours. You know that perfectly well. Let us act in a proper way. I am trying to get the feeling of the House as to whether we will continue the debate now or whether we will come back after lunch.

SUSPENSION OF SITTING

Mr. PRESIDENT: I propose to suspend the sitting until 2.45 p.m.
12.50 p.m.

ON RESUMPTION

Mr. PRESIDENT: This sitting is resumed. Senator Greaves.

SENATOR E. E. GREAVES: Mr. President, in introducing this Bill just before we went out for lunch, Senator Trotman indicated that it had to do with the confusion which arose in this country, the importation into this country of cadavers by the St. George's Medical School. Prior to that, we had a long statement by the Minister of Health which sought to give some indication and some background to the approach by medical schools to respective Governments of Barbados for establishment in this country.

It would be difficult for me to separate the statement, which the Minister made prior to the introduction of this Bill, and the Bill itself. I see the two as inter-related and I will therefore have in the course of my address to make reference to some of the things which the Minister made in the statement to the Chamber here today.

The problems which have arisen in this country within recent weeks over the St. George's Medical School and the illegal importation of dead bodies into Barbados came about as a result of a decision by the Government of Barbados to grant permission for the St. George's Medical School to operate in this country. We would

have to ask ourselves the question, when we examine the legislation which we are looking at here today, whether or not this is another bit of retroactive legislation, the kind of retroactive legislation with which this Chamber has become so familiar within recent weeks.

Things are done and then the Government comes to Parliament to put wrong things right and what we are doing here today in discussing this Health Services Bill is clearly an attempt by the Government to put right the bungling and incompetence which was demonstrated by the Minister of Health, Senator Trotman, in the handling of this particular matter.

Let us just examine St. George's Medical School for what it is worth, since the Minister admitted in the course of his statement this afternoon – and you will notice that I did not say this “cadavernoon”, as Senator Linton would say – that the St. George's Medical School is an offshore operation like an offshore bank. In that context it is bringing foreign exchange to this country.

The St. George's Medical School is indeed an offshore operation; it is a profit-making venture. There is no difference between the way in which it is set up and how it operates and any of the factories in Newton Industrial Park, the Harbour Industrial Park, Grazettes or Wildey. It is an offshore enterprise seeking to maximise its profits in the same way that these factories seek to maximise their profits when they come to a place like Barbados to establish their operation. Such schools have little regard for the students, the community in which they operate, or the Government of the country in which it is operating. The arrogance which was displayed by the St. George's Medical School in its dealings with the present Minister of Health is an indication that they have little or no regard for him, or for the Government of this country, or for the people of this country either.

The school is financed, as we understand it, by people who want to launder money. It is a laundering operation, a Mafia outfit! Are we going in this country to be caught up, through greed, ignorance, ineptitude and callous disregard for the people, by a Government which obviously does not think that it should take the people's feelings into consideration? I say “no!”

As I said before, it is clear that the objective of the school is profit-making and not really the training of doctors to any acceptable level of medical competence or proficiency. But listening to the Minister of Health this afternoon while he made the statement to this House, one would have thought that he was putting a case for the medical school, in a way in which I do not believe the St. George's Medical School could put for itself.

Here it is you have a Government still negotiating with, for that matter, an investor, the negotiations are not completed, according to the Minister, but yet a case is made out and he is singing the praises of the St. George's Medical School!

The same statistics which the Minister used are the statistics which the St. George's Medical School used in their advertisements in newspapers in the United States of America to show that they have a higher rate of passes than for example, the University of the West Indies. It is clear that the Government is so committed to the St. George's Medical School that they can no longer be rational, that they can no longer see clearly. They are blinded by the St. George's Medical School. I hope that nobody from the St. George's Medical School has given medical advice to any of the members of the Government, because the quacks, which I am told that that kind of school turns out and would want to let loose on this society, would really have the Government in a very pathetic situation.

2.00 p.m.

The Minister indicated in putting the case that in 1977 a committee, or sub-committee, was set up to consider the establishment of a medical school in Barbados. Who were the members of that committee? Which ministries were represented? As I recall, he mentioned the Ministry of Health and National Insurance Department. Was the Ministry of Education mentioned?

(SENATOR THE HON. C. A. GRIFFITH: Yes.)

SENATOR E. E. GREAVES: I did not hear him mention the Ministry of Education. I was listening to hear that particular department. I was certainly going to ask about the role of the Ministry of Education, if this were an educational institution. But if he mentioned the Ministry of Education, I will take that point.

We have not been given any information about the conditions under which the school will be established in Barbados. We would like to hear about the conditions which the school wants. For instance, they do not want to pay any income tax; if they apply for a work permit, they want to get that work permit within a matter of two or four weeks; and if the work permit is not granted, they feel that people should be allowed to work until the matter is clarified — a whole range of things! These are things that ought to be put fairly and squarely to this Chamber and to the public of Barbados.

The Minister outlined the discussions which were held between operators of the various medical schools, whether it is the International Medical College and the Democratic Labour Party Administration or the St. George's Medical School and the Barbados Labour Party. But in all of this, one thing is very, very significant. The

Minister failed, and I would challenge the Minister to show this Chamber, the Press, or anybody, where a decision was made by the Democratic Labour Party Cabinet to establish a medical school here in Barbados.

The last Minister of Health was Mr. Erskine Sandiford. What did Senator Trotman say that the last Minister of Health did? He said the Minister's response on the proposals relating to the articles of incorporation was that:

"I have taken note. I am unable to meet with Mr. Hunte at this stage. The matter may be re-submitted after September 2, 1976."

The point is that as far as the last Minister of Health was concerned, this is where we would have to look at. No decision was taken. He took note of the application. That is the position of the Democratic Labour Party on this matter.

The point is that the decision to establish the St. George's Medical School was taken by the Barbados Labour Party Administration. Do not try to drag the Democratic Labour Party into it. That should hang you.

It is a bad decision and you know that. But you are trying to say now: "If it is a bad decision, at least in some way the Democratic Labour Party was associated with it." Take whatever praises you can get from it for yourself and also take whatever licks you are going to get from it. It was a bad decision, and one about which the people of this country are very disturbed and concerned. I am sure that if you were to take a poll amongst the people of Barbados relative to the establishment of the St. George's Medical College in this country, you would find that the majority are opposed to the establishment of the school.

The United States Government itself, as we understand it, is having a second look at the kind of graduates who are coming out from these medical schools, with a view to taking decisions relative to their non-admission to practise in that country. They are very concerned about the level and the quality of training which is being done. After all, who are the people who go to these off-shore medical schools? A person who would have presumably tried to get into one of the medical schools in the United States of America, but who could not pass the exam, and who could not qualify to get into those schools.

Let us come to the importation of the cadavers into Barbados. When these were brought into this country and it was exposed by the Democratic Labour Party, the Ministry of Health gave this country the solemn undertaking that no dead bodies would be imported into

Barbados until the proper legislation was in place. As a result, the dead bodies were sent back out, as we understand it. But within a matter of hours, they were brought back into Barbados — and you had the Minister doing a summersault — acrobatic as ever, as big as he is — and saying there was nothing he could do, and that the St. George's Medical College was bending over backwards to accommodate the Government.

When I saw the Minister on television making that statement, I felt ashamed to be a Barbadian. I cannot imagine a man who is Minister of Health, holding the portfolio of probably one of the most important Ministries in this country, making that admission, that there was nothing he could do and, further, that the school was bending over backwards to accommodate the Government.

Is this the quality of person that we want to have holding a prominent position in this country? A man who is so incompetent, so weak, as even to suggest that he is a beggar, that we in this country are beggars? We so need to have the St. George's Medical School that whatever they do, they can walk all over us, take advantage of us, ignore our laws and we do nothing about it?

He has no personal pride, no national commitment. He has made people in this country laugh at him, and people outside of Barbados laugh at Barbados and Barbadians. And, in the face of all of that, we have a Government which is supporting this weakness and incompetence. I wonder why this is so.

Senator Trotman, in the interest of this country, and if he has any pride in himself should resign. He has bungled this matter. He ran away from it and then came back with an arrogance which is unbelievable in the given circumstances. He has embarrassed all Barbadians and he should go. He should have the pride to resign, or the Prime Minister should fire him.
2.10 p.m.

Of course, the Prime Minister was the person who gave the people the permission to stay here. I have a note here from the Prime Minister, as Minister of Health, to the Ministry of Health, giving them permission and instructing the Minister of Health to allow the St. George's Medical School to come to Barbados:

"I am directed to inform you that the Prime Minister, as Minister of Health, has made the proposal of the St. George's University School of Medicine to establish a campus in Barbados be accepted."

This is what we are dealing with, and yet we are hearing about the school being established temporarily. No way! The school has been established permanently in this country, not temporarily. The school will not

go. The proposal is to establish the headquarters of the school for the region in Barbados. Do not come and tell us about it being a temporary thing. A lot has gone on, and we know about it.

I believe that we have to really get very serious and examine this whole nasty affair — that is not unparliamentary — in the context of what this means for Barbados and the University of the West Indies. I think that this is a very serious thing.

There is no doubt that the University of the West Indies has trained doctors, and that the training is excellent. It has established a reputation around the world that is beyond question. We know that the University of the West Indies needs to expand its training facilities in the medical field. But I think that it can be said that the recent move by the Government of Trinidad and Tobago, in co-operation with the University of the West Indies, to establish the Mt. Hope Medical complex, at the cost of, I understand, of \$1 billion, is a significant development, and certainly will increase the capabilities of the University of the West Indies to turn out a larger number of doctors.

We ought as a Government and a country to be working within the framework of the establishment of the University of the West Indies, and its expansion, to make sure that we produce graduates and doctors who will be a credit to this society. What do you expect the Trinidad Government to think of this Government, when it appears that, everything the Trinidad Government does, the Government counters? Where is the co-operation that the Government talks so much about? When this is established here — and we have on record that the Jamaica Government too, is looking very seriously at admitting an offshore school in that country — it is going to adversely affect the whole development and character of the University of the West Indies. Time will tell!

We have to be very concerned about our educational standards and standards of training. The hallmarks of excellence should always be our guide. In the light of that, we are at one with the Barbados Association of Medical Practitioners in this as far as students are concerned. We are saying that the establishment of the St. George's Medical School, which will be granting degrees which will be recognized by the Barbados Government, will unleash on this country a quality of a medical practitioner who will contribute to the very serious deterioration of the delivery of medical care in this country. Just wait and see!

It seems as if the Government sees the establishment of the medical school in terms of dollars and cents: "one hundred jobs will be created", "two thousand additional tourists will come to Barbados"; "U.S. \$5

million will be brought in." Questions of medical training are seen by the Barbados Labour Party Administration purely in terms of dollars and cents! That is the rationale which the Government is using for the establishment of this medical school!

The Government is not looking at the other side of the coin, which is more important, the question of the standards and quality of training which these people will have. And it is a fact that for the Government to have the school function here, it will have to recognize the degrees offered by that school. And once they have recognized the degrees offered by that school, they cannot then stop the quacks and the half-trained doctors, who will come out of that school, from practicing here on our people. That is the concern of the Democratic Labour Party and the people of the country.

The Minister has given the undertaking to the Barbados Association of Medical Practitioners that the school will not be allowed to use the Queen Elizabeth Hospital or the polyclinics. In normal circumstances, I would tend to accept the Minister's word — but I cannot accept it any longer, particularly since his somersault on the question of dead bodies. He gave his solemn word to this country when he said that no dead bodies would be imported into this country until legislation was in place; and then he made the somersault that is unbelievable! I am suggesting that with that kind of behaviour on the Minister's part, we can very well find ourselves in the position where, after the Minister, having given that solemn undertaking will come back and say that he did not say that or that circumstances have changed and they will be allowed to use our medical facilities.

2.20 p.m.

This is a very serious matter, Sir. The Labour Party is very famous for making statements like "over my dead body bus fares will not be raised". But the next week the bus fares go up.

Aside.

SENATOR E. E. GREAVES: Do you want me to repeat the point I am making? You said that dead bodies will not come in here until legislation was in place, and yet they came back in and no legislation was in place. We are discussing the legislation here today, and there are dead bodies here. I believe there are 15 dead bodies here.

The point is that we have a Minister now who says that he has given the undertaking to the Barbados Association of Medical Practitioners that the school will not be able to use any of our medical facilities. I am very glad to hear him say this, but what I am saying is that I cannot trust the Minister, because the Minister's behaviour in this matter is such that we cannot trust anything that he says on it.

I thought that the Minister would have been giving us an indication of when the Government would be bringing down an Anatomy Act as called for by the Democratic Labour Party. Instead, he is talking about amending regulations relating to the importation of dead bodies. Since we are into this arrangement, and since it is clear that the Government has already given the St. George's Medical School permission to operate here, we are saying that an Anatomy Act should be drafted and should be brought to Parliament without delay.

The amendment to the Health Service Regulations is only a rushed, botchy, patched-up job, just like the kind of job that the graduates from the St. George's Medical School would do on a patient. The Anatomy Act which we are thinking of should provide for the following:

A certificate of death;

Certification that the body can be lawfully and ethically used for dissection purposes;

Certification that the body is free from contagious disease;

Delivery of the body to an Inspector of Anatomy who is specifically trained to deal with such matters;

Certification by the Inspector of Anatomy that all the above provisions are met and that there is no evidence of foul play;

A legal order by the Inspector of Anatomy for the delivery of the body to a licensed anatomist for dissection in a Department of Anatomy which is opened to inspection by him;

Certification by the undertaker that this is done;

Certification that the Department of Anatomy has adequate space, facilities and storage to handle the bodies with propriety and safety and without hazard to public health;

Certification that all parts of each body are kept together in an appropriate manner;

Certification that on the completion of dissection the body and its parts are put in a single coffin and not mixed with any other body, and delivery of the body to a clergyman of the faith of the deceased for Christian or other religious burial, and the furnishing of a certificate by the Inspector of Anatomy that this is done.

SENATOR THE HON. N. A. BARROW: On a point of order: I would like to know whether Senator Greaves is prepared to make the document from which he is reading available. I am not objecting to his reading, I think he needs all the help he can get. I am just wondering whether he would make it a document of the House to enable those of us who at least think we understand a little about the things he does not understand to see whether the law provides for these things already.

Mr. PRESIDENT: Senator Greaves, are you quoting from any law in the area or in any of the countries that we recognise, or anything like that? I am asking this to assist me in this thing.

SENATOR E. E. GREAVES: No, Sir. This is just a proposition by the Democratic Labour Party.

I think that this amendment to the Health Services Act is one which concerns not only the Democratic Labour Party but all citizens of this country. We are very concerned about this. The people are scared about the loose way in which the Government has operated in this matter. The Government cannot be trusted to give proper protection to the people of Barbados.

We will be unable to give our support to this amendment to the Health Services Act which we have here before us. We cannot give our support to this. In the circumstances which we have outlined, it is a botched up, hastily prepared bit of legislation which is trying to make right something which was wrong. We would prefer at this stage to be discussing an Anatomy Act containing the kind of proposals which we have made, and which we would want to see as legislation in this country.

We are satisfied that the Minister has failed in his attempt to tie in the Democratic Labour Party with this; he has fallen very flat. It is very clear from the last recorded statement of the Minister of Health of the Democratic Labour Party that no decision was taken by the Democratic Labour Party Cabinet relative to the establishment of a medical school in Barbados.

Thank you.

Mr. PRESIDENT: Senator Jones.

SENATOR THE REV. CANON. I. McK. JONES: Mr. President, I would like to begin by agreeing with Senator Greaves that if, say, this morning there was a referendum to find out from Barbadians who would like to have the offshore medical school here or not, he would win. I believe the majority of people would have disagreed with having this offshore medical school here, and I would have been one of them too, but I certainly am not one of them now.

The impression one got was that this offshore medical school was an institution that was second-rate or third-rate, and that the Barbados Association of Medical Practitioners and the Democratic Labour Party's members were entirely opposed to it. But what I heard this morning, read by the Minister of Health has put a completely different construction on all that has happened before. Someone would really now have to come from above to convince me that the members of the Democratic Labour Party were not interested in an offshore medical school, when they spent three years debating it, and when it went to Cabinet three times. 2.30 p.m.

If they knew that the school was no jolly well good, why would they spend such a long time discussing it? And why would the subject go to Cabinet three times? That seems very strange to me.

Then, you would have felt that the Barbados Association of Medical Practitioners knew nothing about it. Yet, I see, from what we are reading here now, that they were called in and they made some comments on the matter.

They did say that they thought it would not be in the best interest at first. But they also went on to say that the Barbados Association of Medical Practitioners notes that:

- “(1) the school has an impressive written curriculum;
- (2) that the quality of the students is high;
- (3) the library facilities are good;
- (4) the students have the opportunity to obtain the theoretical knowledge; but it will be difficult to monitor the clinical exposure of the students”.

That would make me feel that BAMP was not entirely opposed to it either.

I have learnt further now that offshore medical schools began simply because the medical faculties at the universities in the United States did not accommodate all the students. That does not mean that the students are of an inferior quality academically; all it means is that there is not adequate space for the number of people they have.

I am told, for example, that when doctors go away to do their FRCS, it is known that a certain number would pass, and, however brilliant you are, if you do not get in that number, you have failed. That does not mean that you have failed the exam, but you have

failed to get the diploma. It is nothing to do with people's intellectual qualities, so this idea that you have a second-rate-thing, in my view, is not true.

I was also informed, only yesterday, that there are two doctors in this country now practising, and with high qualifications too, who are two members of the offshore medical school. I am not calling any names, but two names were given to me this morning.

I do agree with Senator Greaves that the question of the medical school, in my view, was not properly handled either. The statement was made that no cadavers would come here until the appropriate legislation was passed, and I was really worried about that myself, but I understand now that there was a lot of legal tangles and that the Minister was put on the spot.

I am not holding any brief for the Minister; in my view, I think it was mishandled at that point. But because a person makes a mistake or does something wrong, you cannot crucify him forever because of one mistake.

Senator Greaves said that the doctors who are produced by the University of the West Indies have a high reputation in all parts of the world, and I agree with him. I understand that the Dean of this same St. George's Medical School is going to be Professor Cruickshank, who was also Dean of the University of the West Indies. Now, does that mean that Professor Cruickshank is wearing two hats, a hat of excellence when he is dealing with the students of the University of the West Indies and a hat of mediocrity when he is dealing with the students of the St. George's Medical School? That does not make sense to me.

This idea of downgrading these people, who were not able to be accommodated simply because there were no places, is no argument at all. As I said, I agree with him that if a vote had been taken this morning I would have voted on that side but certainly not this afternoon. I thank you.

SENATOR THE HON. C. A. GRIFFITH: Mr. President, I have been shaking at the bit for a long time. I really expected a certain standard of input from the chief spokesman for the Opposition, but I felt that the more he talked, the more he demonstrated his ignorance of what happens as far as education is concerned, particularly when it comes to specific areas.

We heard a rehashing this afternoon of the same old statements, headline-grabbing words that really meant nothing to anybody. I would have expected that, in dealing with such a matter, we would have had a more scholarly approach to the whole question of education in Barbados. But, of course, we have learnt, after hearing

this morning about the infelicities of the Democratic Labour Party Administration, what to expect in this kind of exercise from people associated with the Democratic Labour Party.

I wish I had a long time to speak on this, because I believe that I can really talk at length about some aspects of this matter. But I have to deal with it within a certain context, and the context within which I want to deal with this subject is to look at the statements that have been made and let us deal with some of the hypothesis that has generated from this issue.

We heard about BAMP saying that the health services of the country would be affected. They have not said why. They have not been able to point out how the health services would be affected. We hear from the Vice Dean of the University, Professor Walrond, who has a very good public image in Barbados — and we have to do something about unmasking that too — about how the university is not yet registered. We heard from old Branford Taitt, a product of an American university, how he would kick them out. We heard from Dr. Erskine Simmons, a product of an American university, how rich kids are being trained and they will go back to their rich neighbourhoods in the States and that he has asked the doctors at St. Joseph Hospital not to allow the students to touch their patients. We heard all of these statements.

I am going to deal with Professor Walrond, BAMP, Taitt and Simmons. I cannot deal with Senator Greaves because he has not said anything for anybody to deal with. He has not said anything that anybody can chew on. But I want to go back and I want to talk about the *Nation* newspaper, and its responsibilities too, in this regard.

On October 26, and I am speaking with authority, because I had the first meeting with the people as Minister responsible for Planning, there was a meeting held in my office. Senator Greaves would have copies of the minutes of the meeting, which were passed around by Professor Walrond to everybody in the Democratic Labour Party.

At that meeting was the Permanent Secretary in the Ministry of Health, Mr. Daniel, and Dr. Harney, who is the Chief Medical Officer. I called them in because I wanted to ensure that we had the best professional input. That meeting was called because the people were following up on the meetings held before, back in February, 1983, about the possibility of establishing campuses here. At the time they were seeking the Government's permission to relocate temporarily in Barbados because of what was happening in Grenada.

After that meeting, on October 28, I wrote a letter to the Prime Minister, who was acting Minister of Health, that I was recommending the school for temporary operation here and I supported, and I still support, the permanent establishment of a campus of the St. George's University in Barbados for several reasons. My support was made on the conditions that the people of Grenada, who were benefitting from the presence of the school there in terms of jobs and the contribution to the economy, would not be discomfited and that this would not be seen as a move to permanently remove their operation from Grenada.

2.40 p.m.

The Prime Minister, in his capacity as acting Minister of Health, then minuted the Permanent Secretary, and we heard about the note that is in Senator Greaves' possession.

On November 2, a minute was sent to Professor Walrond, as University of the West Indies Vice Dean, from the Permanent Secretary of Health with documents attached, all of the documents from the Ministry's file, including the draft minutes of the meeting held in my office on October 26. These documents were passed to him in his capacity as a member of a committee which was established to look at this whole question of offshore medical schools — and the next time we saw any of them were in the *Nation* newspaper.

The *Nation* published a letter written by Professor Walrond attacking Tony Best, the North American Editor of the *Nation*, for being partial to the establishment. Tony Best was in my office as a person who had done research on offshore medical schools and who had written extensively on offshore medical schools, and the school brought him down to make their point for them. He was attacked.

The draft minutes of the meeting that was held in my office were published verbatim by the *Nation* newspaper, without even reference to me. I am satisfied that those Minutes were passed by Professor Walrond and BAMP to the *Nation* and *VOB*. Now they were not passed to the *Advocate* or *CBC*, they were passed to the agencies that are masters at sensationalism. From then the Government was forced to react, because there it was that this information was passed to people who were in a fiduciary capacity, and the next place you saw it was in the newspaper. The same proposals that have been made public in Barbados, are the proposals from the St. George's Medical School!

Now there are only proposals. The Minister of Health passed proposals to Professor Walrond, the Pro Vice-Chancellor and other people from the University of the West Indies, and the same day they were passed to these people, a copy turned up in Trinidad. The rest were

distributed down by Pelican Bar, where Professor Walrond, Dr. Brathwaite and Branford Taitt meet every Friday afternoon. The same proposals appeared in the *Nation* last Friday.

Now these are only proposals. They were not accepted by the Government. These are the university's proposals, but yet still we hear how the Government has not taken the people into its confidence. We forget that, for three years, the Democratic Labour Party, through the then Prime Minister and Minister of Health, were negotiating not only to bring the school here, but to use the savings of Barbadian taxpayers to lend money to a fledgling institution to obtain property here, which property was going to be used as collateral for borrowing more money to operate in Barbados; and not only that, but using the public facilities. BAMP was a party to that, the same BAMP which has now been saying that we are going to let them use the Q.E.H.

We have said that we are not going to allow these people to use the facilities of the public that the taxpayers pay for; if they want to be serious, let them come here and bring their own money. That is what they are prepared to do. On that basis, the world can know I support it, because I am satisfied that there are benefits for the people of Barbados.

If you want to look at it seriously, go back to Grenada. In 1979, when Maurice Bishop took over in Grenada, the school was already operating there for two years, and Maurice Bishop himself went personally and asked them to stay in Grenada. Maurice Bishop, with all his anti-American rhetoric and anti-capitalism, said he wanted them to stay in Grenada and went on the campus and asked them. I have a copy of their bulletin. There is a picture of Maurice Bishop at the campus itself.

So when we start to talk about the medical school, let us get serious about what the real issues are. The real issues are those of hypocrisy and the efforts to try to embarrass the Government and the Minister of Health, and I will defend the Minister of Health. I am satisfied that, based on what BAMP has done and based on what Professor Walrond has done, I would have difficulty placing confidence in them.

Let me say something about Professor Walrond. You know his wife is shaping up now to be a DLP candidate, and we have to remember Phyllis and Bernard. I would have little confidence, and the world can know this, in dealing with Professor Walrond or the people in BAMP.

Let me tell you about BAMP now. BAMP is supposed to be this institution which is made up of doctors. In this world, how unfortunate it is that if you

were to ask people the two callings which are most respected, you would hear about doctors and priests? Because, of course, the priests make intercession with God for man and the doctors are supposed to stop you from going to see God too early.

We have never yet in this country, or in any of the small countries, unmasked what can happen to doctors and priests, because doctors are human beings and priests are human beings. We have never yet seriously looked at what bad characteristics exist in some doctors.

I worked in a medical institution, as an administrator for four years and I have had to deal with doctors. I have found that a lot of them had to have psychiatric counselling because of alcoholism, sexual deviance – all kinds of bad things. So we must de-mystify this thing about doctors.

We want BAMP to do a serious introspection to see if they do not have some of the people with those characteristics in the institution. We also want to ensure that BAMP does look and see if there are doctors of that association who have applied, and I know whereof I speak, to the St. George's Medical School for jobs. Let BAMP ask that question of its membership. Let BAMP also ask a question about who in that institution was pushing the idea to have an offshore medical school here last year and the year before.

Let me deal with some of the substantive issues surrounding the schools. I can say, without any fear, that I got into several altercations when I was a representative of the Government in New York about this whole question of offshore schools. A lot of them are fly-by-night schools, and I was adamantly opposed to them. But when I examine the records of the St. George's University, I am satisfied that it is the kind of school that can do very well in Barbados.

I have before me, as I have been doing some research on this thing, about 17 different newspaper clippings from the United States of America with comments on the St. George's Medical School. Anybody can see them. In 1982, when the students took the examination of the Educational Commission for Foreign Medical Graduates, (ECFMG), they were third behind one university in Israel and one in Belgium. The St. George's University Medical School was third, yet we hear it is a fly-by-night operation.

The school has indicated its interest in bringing money into Barbados – not to borrow money from Barbadian banks, but to bring its own money into Barbados to invest. We hear this talk about the St. George's Medical School is a fly-by-night and profit-making operation. If anybody understands anything about

education, they will appreciate that most universities are profit-making operations. We have the notion of a public university in the Caribbean because we have the University of the West Indies, which is supported by public funds. But most universities in the United States, I know for a fact, are private universities, and they either get their money because they have large real estate holding investments, or because they have very wealthy benefactors who make large contributions, and corporations make large contributions to them too. But they are all profit-oriented, and the fees that are paid to the universities clearly cannot support the operation.

2.50 p.m.

I will give you a classic example. At Georgetown University School of Medicine now, for first year you have to pay US\$20 000. The St. George's Medical School, I understand, charges US\$10 000, and this is one of the reasons for the hostility against St. George's by the American Medical Association, among other things. If you do not understand what the American Medical Association is about, just take up any New England Journal on Medicine and read it.

The American Medical Association is hell-bent on restricting the number of doctors who come into the system. It has always been that way. They are always applying pressure to try to restrict people who study offshore from coming into the United States to take the exam.

I want to get back to the ECFMG. This is a body which, in effect, says that, as far as the Americans are concerned, all medical schools which are not on US soil are offshore. It is as simple as that, because every graduate who does not graduate from a United States-approved school must take the ECFMG exam. Whether they come from Britain, India, Australia or the University of the West Indies – from Mona and Barbados – every last one of them must take the exam. That must tell you that, as far as they are concerned, all these other institutions are offshore schools. So let us start at that.

There is one in Guadalajara, Mexico, where we have Barbadians graduating. I want to know, in spite of all the talk that has been going on, what happens to Barbadians who have gone to Guadalajara – and I know some have graduated last year. I know some personally – and graduated? When they take the ECFMG, are admitted to a residency programme in the United States of America, have finished that and they passed the board exams, and they come to Barbados, are we going to tell them that they cannot practise here if they have a New York State Certificate?

I want to hear about that from the people who are against the St. George's Medical School students, because we already have people who are practising in Barbados with a New York State Licence. One is Dr. Erskine Simmons. Special arrangements were made for Dr. Erskine Simmons to come back to Barbados and practise in 1969.

(*ASIDE: Special arrangements?*)

SENATOR THE HON. C. A. GRIFFITH: Yes, special arrangements! The Simmons have had a lot of favours done for them by the DLP Government, so you know he would go up on the platforms and talk foolishness for them all the time now! That is what has happened in this country, and yet we hear the hypocrisy!

Here in Barbados there are not enough places for people who are interested in going to medical school, as in the United States of America. Last year we had two Barbadians who went to Moscow because they could not get into the University of the West Indies. Do not mind all of this talk you are hearing. They could not get into the University of the West Indies, and they are now in Moscow studying. In Moscow. God knows what else they would have to bring back here when they come back as doctors — if they would let them come back.

There is a proposal to give Barbadians scholarships, and the university is insisting that they will come in on their standards, which are very high, as even BAMP has agreed. Their standards are very high, because you must have a 3.5 grade point average and an undergraduate degree and so on.

What I could visualize is that these Barbadians after graduating from a four year programme at St. George's will have to go to the United States, take the ECFMG, get into a residency programme, and when they get their certificate, come back here. That is what, in effect, it will turn out to be if they are not allowed to come into Barbados and work as graduates of St. George's.

But we have all of this chicanery, all of this nastiness, going on by the Opposition, all this talk about cadavers. The *Nation* newspaper carried a big headline, "FIFTEEN DEAD BODIES" playing on the fears and emotions of Barbadians. Not one doctor in Barbados has come out and said what Barbadians should understand by the meaning of cadavers.

We are led to believe that, with cadavers, there is a connotation of putrefaction and bad smells. But doctors will tell you they sit down and eat their lunch while they are cutting up cadavers, and if a cadaver is left exposed, there is little chance of decay and its causing any offensive smell, because of the way it is chemically treated. This is a fact of life.

But the Democratic Labour Party has done worse than that. When the first fifteen bodies came into Barbados and the over zealous young person, whoever it was, called Dr. Richie Haynes and told him that they were trying to sneak the bodies in here — because you know, as I said, he is the Shadow Minister of everything. The Opposition's Shadow Minister of Health has not said a word yet; he cannot say a word — they started a whispering campaign within the Democratic Labour Party that they were all black bodies. I only want to use this point to illustrate the nastiness of the whole thing.

And do you know where they got that from? When the fellow opened one of the steel caskets and he saw all black shrouds, he thought they are all black bodies, and he then picked up that to run with it. I had to stop Richie Haynes from going to the Press with that. I must confess that. I could hear Keith Simmons walking about with it. Imagine the Democratic Labour Party talking about all black bodies, because they saw black shrouds. That is the state of the emotionalism that has been brought in this issue concerning the medical school.

The Government has not yet made an agreement with the St. George's Medical School. We have said they can come here temporarily. I support that. I made that recommendation, and I stand by it. I am supporting the recommendation that on the basis of what we see we should give them an opportunity to establish permanent facilities here.

I heard about an Anatomy Act. Somebody passed the Jamaica Act for the Senator there to read.

Aside.

SENATOR THE HON. C. A. GRIFFITH: They have copies of everything. They want to talk about an Anatomy Act, because that is what they want to copy from the University of the West Indies and bring to us. But we decide what will go into the Act, not the Opposition. You could support it. We do not trust you to support anything.

Asides.

SENATOR THE HON. C. A. GRIFFITH: You came out and said you were supporting the Grenada intervention. And look what happened! Look what Barrow did afterwards! We cannot trust you!

And do not tell us about bringing anything here to be debated first. The Government has not been given a chance to treat this matter with the seriousness and the circumspection it demands, simply because of the infelicities of people, who decided that they wanted to get it in the Press first, so we will deal with it in the Press.

They wanted to sensationalize and embarrass the Government. That is what they wanted to do.

Mr. President, I do not know how much more time I have.

Mr. PRESIDENT: You have until ten past.

SENATOR THE HON. C. A. GRIFFITH: That is a lot of time. I believe I can deal with Taitt and Simmons. Dr. Simmons is supposed now to be the darling of the Opposition. He is the new man on morality. But I tell you, when the campaigning starts, we are going to take off all of that. I am going for him.

Think of this. He says:

"You know these rich kids from the neighbourhoods would come here and study, use our facilities and go back to the States and practise."

When Branford Taitt was Consul-General, he said that he was opposed to all of these things. Branford Taitt sat in the Cabinet between 1971 and 1976; according to him, he was Deputy Prime Minister. According to him, he said to a class in New York in 1971 that he was coming to be Deputy Prime Minister.

But Branford Taitt sat in Cabinet with Dr. Caddle and the then Prime Minister, Errol Barrow, and not one word was said in opposing what was being proposed by a fledgling institution, appropriately called the IMF. Not one word from Taitt was mentioned. But now Taitt comes out, as President of the DLP, to upstage Richie Haynes, and says: "We will send them back." It is on the whole front page in the *Nation* last Friday, "We will send them back."

Here is a man who got his start in university education at the cost of the American taxpayers — this is what is hypocritical about him — at Brooklyn College, where he did not have to pay any school fees, where the school was supported by tax levy, the same place I went to school. He never worked to contribute anything to the American system, he never gave anything back, because he worked for the Barbados Government from 1962–1971. He benefitted from the largesse of the American taxpayer, and this is how he is showing his gratitude.

3.00 p.m.

It is the same thing with Erskine Simmons. Erskine Simmons went to Howard University, the biggest black university in the United States, and then went to New York to do his internship programme. As soon as he finished, he left and came back to Barbados. He never gave back anything.

These are the people who are saying that the Americans are coming here, taking what we have and leaving with it. These are the same people who enjoyed American hospitality and American facilities! Now, all of a sudden, the Americans are big, bad people; they are coming here to use and leave!

As far as I am concerned, if they come and use our facilities, they will leave something here, and they will create jobs here. I can say now that since the first semester in November — December, when the school first came here, it has spent US\$500 000 in Barbados — in transportation, paying workers, renting facilities; all kinds of things. Sunset Crest is alive now. People who are supporters and member of the Democratic Labour Party, and who own apartments in Sunset Crest, have students renting from them. This is the hypocrisy. The students are renting motor cars, and I am satisfied that they may be using car rental agencies that are run by Dems.

I know of one lawyer, who used to be a Democratic Labour Party advisor from the United States, who has ten students in his apartments at Sunset Crest. He is very dismayed at the statements people like Dr. Haynes and Senator Greaves are making. It is all hypocrisy.

Let us deal with the thing dispassionately. Let us sit down, as we are doing — we will not be dictated to by people like Senator Greaves, who does not know what is happening — and look at this thing dispassionately. When we are finished and we are satisfied that it meets what the Barbados Government wants, and that the people will benefit, we intend to make sure that they benefit.

As I wind up, I just want to touch on this whole question of medical schools in the Caribbean. There was a CARICOM Health Ministers Meeting in 1979, at which it was agreed on the issue of medical schools — because this thing was hanging fire, raging, in the United States in 1978 and 1979 — that a committee made up of the CARICOM Health Desk, the Ministers of Health from the appropriate countries, and people from the University of the West Indies would sit and look at these applications extensively. Nothing has been done, and I know for a fact that you have schools in Montserrat, Dominica and Antigua — and the Antiguans were trying to get another one too; they were trying very hard to get this one, but asked for too much money — there is one in St. Kitts called Ross University, I saw the structure myself, and one is also in St. Lucia. These are all in the Caribbean, and the representatives of these countries are the same people who sat down and agreed that there would be a committee.

All the leaders of the governments said: "Bring them, and we will take all you can bring." But here we find that the Government of Barbados has been getting

lashes on a non-issue, because to me it is a non-issue. The Opposition wants to make it an issue, because they are looking for issues. If Branford Taitt ever has the temerity to get them out of Barbados, that is when the issue will come. We have been taking our blows on this because the Minister of Health had the decency to say: "I am going to bring in the University of the West Indies on this. I am going to bring BAMP in on this". All he has had in return is a lot of nasty attacks on his character and his person. Senator Greaves should be ashamed that he has the same documents that are in the Ministry of Health files — he has a copy of every document — and quotes from them. Let him get up and tell us how he got those documents. And he would want to say that the Minister should resign! He has no power to tell anybody to resign!

Mr. PRESIDENT: I can just give you one minute.

SENATOR THE HON. C. A. GRIFFITH: I want to end with a quote, and it is my favourite quote, from Shakespeare: "To thine ownself be true, and it must follow as night the day thou canst not then be false to any man". I want the Democratic Labour Party to be true to itself and the people of this country. Do not come with any kind of foolishness like medical schools. As they say, "dead men tell no tales" — but we have some closed files which will.

Mr. PRESIDENT: Senator Hall.

SENATOR W. W. HALL: Mr. President, it has been a long time since I have had the opportunity, and indeed the privilege, to speak in this august Chamber. I must confess that this Bill was not on the Order Paper that was circulated to me last week, and even when I had a few cordial words with you last Friday in the Public Buildings' yard, you intimated that the orders of the day would be rather slight, since there were not many great pressing matters. But subsequent to that, the Leader of the House stated that this Bill would be forth-coming and discussed in all stages. It was then that I knew that today might have been a very important day.

Minister Senator Griffith said that he thought the presentation by Senator Greaves would have been more scholarly. He then proceeded to annihilate, to my mind, members of the intelligentsia like him. That is what happens in Barbados. The intelligentsia all fight, and what is more important is that they forget the most important people, the average man-in-the-street. They are fighting, the brilliant ones, the ones from the universities. He is talking about the Walronds, Taitts, and Simmons, and he is talking about scholarly approaches. What I would prefer to think is that the approach we should take on this is the approach which the ordinary man-in-the-street would understand.

I happened to be in India and Australia a few months ago; I have just returned, as you know. Certain

things happened while I was away. There was an invasion in Grenada and, I regret this very much, the death of the late Governor-General. At no time were we able to get reports on something like the invasion of Grenada, because in India, where we were, we found that they were rather sensitive about invasions. When one looks at their history, and see that in the last eight or ten years, they were invaded by Pakistan and other people, you can understand why they should think in terms of it as being a very serious matter.

In Australia, we heard about the death of the late Governor-General. Indeed, as you intimated to me, the death of the late Governor-General — God rest his soul — stopped you from coming over to see some pretty good cricket. We never heard of even the death of the Governor-General until two weeks after he died. Even the High Commission in Australia seemed to have been told by letter, because we did not know.

But I will say this. When the question of cadavers hit the road, it was like the hit parade — we heard of it within seconds. It shows that this is not a nebulous matter.

3.10 p.m.

People get the impression that they must get rather emotional, and they feel that they must get up and talk about scholarly approaches and things like that. To my mind, that sort of thing is just in the realms of semantics. I think that is what has happened even within this august Chamber.

Senator Jones said if he had to vote this morning, he would have voted against this Bill, but he said that, having read this statement, he has changed his mind. I must confess that it is a good thing it was circulated to him. Somebody took up mine, or stole it, or something like that, but I just managed to get another one.

(SENATOR THE HON. N. A. BARROW: Perhaps you gave yours to Sandy).

SENATOR W. W. HALL: I gave it to Sandy? The Leader of the House must not accuse me of doing these things. I did not give it to anyone. I am only stating that I do not see mine.

Senator Jones said that, having read it, he now has changed his mind. I must confess that because mine was not in its place, obviously I did not read it, and therefore I had to depend on the statement as read by the Minister. All I can say is that the statement was thoroughly researched — full points! — but it was badly presented and badly read. I had difficulty in discerning what really was the Minister's own contribution in this case and what,

say, were the extracts he was reading from the Democratic Labour Party's tenure of office.

One must recognise that the extracts the Minister would bring in here today would be carefully selected to prove his case. Fair enough. But if that is the situation, one must make available the transcript of all the Minutes, so that we lesser mortals will be able to judge for ourselves and not necessarily get the ones that are carefully selected. Not that it proves anything, but at least Senator Jones was rather impressed about it.

The Minister said that there was no health threat. Let me say that I recognise that the Minister is quite entitled to make his statement. If he feels that the time has come when he must clear the air, as it were, because people have not understood what was going on, then he should clear the air. As I said before, and I have no apology for saying it again, I do not think he succeeded. It was rather poorly done.

But if there is no health threat, then we must, of necessity, try, as good Barbadians, to ensure that there is indeed no health threat, and the only way we can really get to understand if there is a health threat or not is to find out about the acquisition of these cadavers. We have to know where they came from, we want to know who they are. I am not going to be racial like Senator Griffith and say whether they were white or black. Whether they were white or black, to my mind they are dead.

Let me counsel Senator Griffith, because he is an ambitious young man. He talks about universities in the United States which he attended. Thank God the Americans never had anything to do with Combermere. That is as far as I went, and I have no brief for them. He feels you must give back something to America. Good for him. He said that doctors — not recognising that you are a great doctor, Sir, not realising that you are looking over your shoulder with contempt at this young man who did not understand what he was saying — are supposed to stop you from seeing God too early.

I am submitting to Senator Clyde Griffith that you can never see God too early. Any time you see God, it is the right time. How can one get in this Honourable Chamber and talk about seeing God too early? God decides when we see him. The reason why Senator Griffith is so upset about seeing God is that he knows he will not see him, so he is not going to be very complimentary today.

We have to worry about who these cadavers are. We have to worry about certification, we want to know what they died from. If you had to cut up a dead man, you cannot tell me that you would choose anybody. Common sense would prevail and you would have to be a little

apprehensive. What did they die from? We have to worry, since there is no death threat.

The Leader is laughing. He knows why he is laughing. This is a serious thing.

People talk about people being dead. There are a lot of people walking around Bridgetown

(SENATOR THE HON. O'B. TROTMAN: Dead?)

SENATOR W. W. HALL: They are like you, Senator Trotman. Do not confuse me. I wanted to be easy on you, and now you interfere with me. They are walking around breathing, but dead mentally.

Mr. PRESIDENT: Address the Chair, Senator Hall.

SENATOR W. W. HALL: I am very sorry, Mr. President. I did not interfere with Senator Trotman, I alluded to the fact that this situation is analogous to a good batsman on an innocuous wicket playing a lot of shots and getting away with it, and then finds himself on a sticky wicket and continues to play the same shots. I think Senator Lynch was telling us about a great West Indian player. He continues to play the shots, regardless of the situation, and then finds that he must adhere to the rudiments of the game.

Senator Trotman, in this situation, should be keeping quiet, but he wants to interfere with me. I say that there are some people walking around all over this planet like you, Senator Trotman, through the Chair, mentally dead; breathing, but mentally dead. I was not going to interfere with you, but you interfered with me, so I had to tell you that.

One might get the impression that the Democratic Labour Party is calling for an Anatomy Act and, therefore, we are going to come in here and shout about an Anatomy Act from Jamaica. Senator Trotman said these words: "Grenada had an Anatomy Act." He said that this really could not happen here, because the school came as a temporary arrangement. He went on to explain that they were not properly advised and, as a result, there were a lot of dead people at the airport. The Senator then explained that they were assured that legislation would be passed.

If you are going to assure people that legislation would be passed, and one assumes that this is now the legislation, why not have an Anatomy Act? It follows, so it is not a nebulous issue, as I said. It is not that we are getting up and shouting and following Jamaica. We are saying that, because of the course of events, it is sensible to have one.

You will find that the average man in the street will be rather anxious to find out about these cadavers. Some people call them by other names, some people call them cavaliers and things like that, but the point I am making is that people are interested in this issue and you must do everything to make sure that the average man-in-the-street not only understands what the Government wants to do, but you also have to let him see that you are doing something for his betterment and for the betterment of the country. That is what he would like to know. It is not a matter of opposing just for opposing's sake.

3.20 p.m.

We hear talk. In fact, it has been said that Dr. Caddle was committed to this issue, but what is unequivocally clear, judging from the notes read by the Minister today, is that Mr. Sandiford, the then Minister of Health, made no commitment. He made no commitment. It is clear that he acted properly.

I feel that we must not really be induced to enter into these arguments simply because we are on one side or the other. What we have to do is to make inputs into this issue and let the people know what is happening. That is why I say that, according to the statement read by the Minister, I have not found any evidence to suggest that the Minister, Mr. Sandiford, made a commitment to have a medical school here. As I said, he acted very properly in this situation.

I feel that on this entire issue, we must get to the people. There is a discussion on tonight in which this whole question of the St. George Medical School will be discussed, and one would think that you would wish to have it discussed by people who should know; for example, doctors, priests, morticians and educators, and the average man-in-the-street.

Do you know that this is such an explosive issue that people are not prepared to come out in the open and discuss it, for fear that what they had to say would be widely reported and it would be held against them?

All that has happened, as far as I am concerned, is that Government just decided to do something, and in order to justify what they are doing, they went and dug up something saying that the other fellow did it. That is the criteria: the other fellow did it so we can do it. That might be all right for the intelligentsia. Perhaps that is all right for you scholarly people, but I warn you that that is not all right for the man-in-the-street.

The man-in-the-street wants facts, he does not need opinions. If you bring the facts and you put them to the people, they have enough common sense to understand what is going on. You cannot get a doctor, a mortician, an educator, a priest, any of them, to discuss

the issue, but you would get the average man-in-the-street to put in his two pence worth quite willingly, because he is interested in the things that are going on around him. That is why I ponder at the wisdom of honourable Senators in here talking about a scholarly approach and referring only to people who have had the great opportunity of going to a university.

We on this side feel, in fact, we know, that this whole matter is a very serious one. We know that, although there is no mention of the St. George's Medical School in the Bill that is before us, it is obvious from the statement, and indeed from the comments coming from that side, the Government-side, that this Bill, which provides for the handling and dissecting of dead bodies and all that goes with it, is more or less the forerunner to the establishment of a medical school in this country. As a consequence, we feel that we cannot, in all seriousness, with all of the facts before us, in a case which is punctuated by reversals — my learned friend calls them somersaults — and denials — and then when the real truth comes down, there is doubt — support this Bill.

There is doubt in people's minds, and what you have to do is to clear that doubt with facts. You do not clear the doubts of the populace with inflammatory terminology: "wait until the election campaign is started and you will tear him up", and that sort of thing. It only shows that you believe that there are gullible persons out there who need to hear those sorts of things. But I suggest that what people really need to hear are facts, and that is what you should come in here and give. You should come in here and give facts that people would understand, not the type of language that tend to suggest that you are a gladiator.

Those are the things that I have to say. I really had no intention of getting up to say anything this afternoon, but I think it would be remiss of me if I did not make a contribution to this very important piece of legislation. I hope that independent Senators would give us the benefit of their experience and let Barbados know, let the Minister know, let the Leader of the House know, exactly how they feel on it. I think that if they are of the same conviction as I, I feel the Government will rethink this matter. If they are not, it means that the normal thing would happen.

Asides

SENATOR W. W. HALL: Sir, Senator Jemmott is an elderly man whom I respect, and for that reason I would refrain from being in any way disrespectful to him. Therefore, I would ask you to let him know that when I am speaking, do not join the multitude to do evil. He knows better. He is a fatherly figure, and he must not do that. I know you will tell him that at dinner.

All I am saying is that we need to look at this whole situation very seriously. I look forward to hearing some of the comments from Independent Senators.

SENATOR THE HON. N. A. BARROW: Mr. President, I sought to get in now because there are just a couple of points which I really want to deal with. The points really do not concern particularly anything that was said just now by Senator Hall, except that he said the Minister of Health, Mr. Sandiford, made no commitment, and from that it is clear that he acted properly.

Senator Hall also said earlier that what we have heard in here would have been carefully selected, and that he would like to have a look at some of the others. I am quite prepared, incidentally, in the course of my short presentation, to refer to a couple of other things, such as the letter written by Mr. K. R. Hunte to Mr. F. G. Smith, Q.C., who said he knew nothing about this matter. He has made his comments to dismiss the whole thing, and yet on the file there is a letter which was written at the end of March, 1976, which starts:

"As requested, I am forwarding a copy of the development plan for the establishment of a medical school in Barbados."

3.30 p.m.

Paragraph 2 says:

"Your secretary has given me an appointment to see you at 10.30 on the morning of Friday, April 2. I shall be in your office."

The final paragraph goes on to say:

"I have recently had discussions with the Prime Minister concerning the establishment of a medical school in Barbados, and he has assured me of his knowledge that there are many Americans who cannot get into medical schools in the United States and who would be willing to come here to go to medical school."

That is "Sleepy" Smith.

I have no doubt that, when it came to Cabinet, "Sleepy" did not know about it, because I know "Sleepy" personally. He is a very ignorant man; he does not know anything about anything. But he challenged me after the comment I made the other day and I thought I would at least give a little attention to that because it is as if he is so high and above it all. Just remember the time when the cheques hit. "Sleepy's" position down in there in the back row was "I know they ain't got anything on me." But this time he was not without knowledge.

What I was going to say though, is that, in relation to what Senator Hall said, he must not tell people that the quotes are being selected, and then say that Mr.

Sandiford made no commitment, he acted properly. I would then select the rest of it and say that Dr. Caddle made a commitment, he acted improperly. That is the corollary. It was Dr. Caddle's Ministry from which the letter was issued, on July 2, saying that the Government agrees in principle.

You all cannot overlook that. There is no way that we can discuss this matter and overlook the sequence of events, starting with the first meeting on August 14, 1974, going to the second meeting of June 23, 1975, at which Dr. Caddle is saying: "Give us a firm proposal to put to Government", going to the third meeting of June 27, 1975, at which Dr. Caddle takes a report and says:

"I will give a copy to the Prime Minister this afternoon and I shall discuss the matter with him" and five days later his Ministry writes and says: "Government agrees in principle," and from there it rolls.

There is no point telling me to talk about 1976, because to talk about 1976 only makes the matter more revealing. Because when the Minister of Health, Mr. Sandiford, was dragging his feet on it — you know Mr. Duffus said all roads lead to Barrow — Mr. Barrow, the Prime Minister at the time, called for the matter, and Mr. Sandiford then had to get the brief prepared and sent to him. That happened on April 2, 1976. And Mr. Barrow did not send it back to the Ministry of Health he went straight to Cabinet with it on April 22, and as though this were not enough, he — not the substantive Minister; he the Prime Minister, the Leader of you all — then went, on the 29th, to Cabinet and said: "Now fellas, we have a draft agreement."

These are the people who, in the words of Branford Tait, were "so disgusted by the whole idea." It is something he would never hear of! He was revolted by it! I cannot quite remember the words he used. But there has to be some revolt in this. I cannot call it revulsion, because it cannot fit. People are revolted by something they are sitting down with in Cabinet three times in three months!

Mr. President, I have been in Cabinet for just over five years and I do not believe that I have ever seen a matter that we were in favour of have to come to Cabinet three times in three months, and I certainly have never seen one that we would have nothing to do with come twice in six months. These are the things we have to look at. We have to look at the facts and ask: "What do these facts mean?"

We are not saying that the fact that the Democratic Labour Party had something to do with this sort of exercise provides us with justification. The Minister in his statement put the positive side, saying exactly where the Government stood on the matter — and that is what

we stand by. What we are saying is that the public of Barbados is entitled to know that they are a bunch of hypocrites out there who are misleading the public, who have absolutely no conscience, and who have no sense of truth. They are walking around telling lies, and that is what we are saying, and we believe that the public is entitled to that information. That is what we are talking about when we refer to the Democratic Labour Party.

We would normally have gone through this exercise without reference, but for one moment, to the fact that the Democratic Labour Party had had anything to do with an offshore medical school. But if they are going to go out and posture and seek to mislead, to bamboozle and to hoodwink, then we, as responsible citizens, have a responsibility to let the people know that we are dealing now not with honest-to-goodness, down-to-earth, straightforward politicians, but, indeed, with a pack of liars! That is what our responsibility is!

I am also going to deal for a moment with certain rumours that have been put abroad — in my view, deliberately.

Aside.

SENATOR THE HON. N. A. BARROW: If we need to get the dates of the meetings in case it would help our friends, August 14, was the first meeting, June 23, the second; June 27 the third, August 19, the fourth; September 2, the fifth, and September 5, the sixth. Look at the closeness! Look at that span between June 23 and September 5! Five meetings!

Mr. President, I have to be forgiven for hearing Senator Greaves' question, but it is the way he is asking. This is not the first time he has asked "What year I am talking about?" The question is coming so often as to suggest that he, at this point, wishes to take the responsibility to wash his hands entirely of Dr. Caddle. But this is not only Dr. Caddle, this is the then Prime Minister every bit as much as Dr. Caddle. I have no doubt that the way the Cabinet functioned in those days, if I follow what Mr. Duffus said, that when they took it to Cabinet, the others had no say. And as people who had no say, they came out forgetting what they discussed and what they had probably given consent to.

I am not annoyed with them. If that is the way they function, that is good enough for them. Those of us who do not want to function in that way will not associate with that kind of leadership. It is very simple.

There are people who are going around the place giving the impression that the standards of the school are such that these people will not be able to practice in the United States, and will end up having to practice in

Barbados. That stigma seems to be coming from certain medical sources in this country.

3.40 p.m.

I believe they have a duty to point out that the only way people can practise medicine in Barbados is clearly stated in the Laws of Barbados, Cap. 371 where we find the Medical Registration Act. Section 3 of this Act establishes a Council which shall be a body corporate, and in the Schedule, it says who the members of the Medical Council shall be:

- (a) the Chief Medical Officer ex officio;
- (b) three medical practitioners appointed by the Minister;
- “(c) four medical practitioners appointed by the Minister on the nomination of an association of medical practitioners” which is BAMP
- (d) “one medical practitioner appointed by the Minister on the nomination of the Dean of the Faculty of Medicine of the University of the West Indies.”

That is a total of nine. One is ex officio, three are the Minister's appointees, one is the appointee of the Dean of the Medical Faculty and the other four are BAMP's. When you look now at Section 6 of Cap. 371, it says:

“Any person who after the commencement of this Act applies to the Council to be registered as a medical practitioner and who satisfies the Council —

- (a) that he can read, write, speak and understand the English language;
- (b) that he is qualified to be so registered; and
- (c) that he is a fit and proper person to practice medicine in Barbados;

shall upon compliance with the requirements of this Act and on payment of the appropriate fee be entitled to be registered as a medical practitioner.” And it goes on:

“(2) For the purposes of subsection 1 a person is qualified to be registered as a medical practitioner who holds any diploma, degree, fellowship, membership, licence, certificate or other status or form of recognition granted by a University, College or body empowered to confer authority to practise medicine by the law of the country or place where it is granted and which in the opinion of the Council is evidence of satisfactory medical training.”

“(3) For the purposes of subsection (2), a qualification mentioned therein which the holder has obtained from the University of the West Indies shall be deemed to be evidence of satisfactory medical training.”

"(4) An application for registration shall be made in the form approved by the Council."

"(5) An applicant for registration shall furnish to the Secretary —

- (a) evidence of his qualifications;
- (b) proof of his identity"

and so on.

The point is, if you come from anywhere except the University of the West Indies, then, it is only the application of objective standards — we hope they are objective standards — by the Medical Council, of which, for all practical purposes, BAMP has the majority, that can get you permission to practise medicine in Barbados. So if it is BAMP who is putting out this story, then BAMP can only say that X or Y can practise in Barbados if they are satisfied that the standards evidenced in the programme of training which X or Y has undergone is sufficient to enable X or Y to practise in this country.

I would like to disabuse people's minds at this stage of any underhand plot for anybody to register anybody to practise in Barbados. They have effective control of registration. It is BAMP that you have to talk to about registration, if you are not satisfied, not the Government of Barbados.

There is the additional point, which has to do with the point being harped upon by those speakers for the Opposition about an Anatomy Act. Senator Greaves read out all the things, about certification of death and so on, which they would like to see in such an Act.

What this legislation here says is that if you look at section 10, which gives the power to make regulations for certain things, it at present does not include the power to make regulations regarding the dissecting and disposal of bodies used in the teaching of anatomy.

The lawyers at first thought that a full scale anatomy Act was necessary. The lawyers then, having properly researched the matter, recognized that all that you needed to do was to widen the scope of Section 10 of Cap. 44 of the Laws of Barbados in order to include within the ambit of that section the dissection and disposal of bodies used in the teaching of anatomy. In other words, they discovered that, whereas you can try to make regulations under the law, as it stands now, it is not envisaged under the law that you can make those regulations for that purpose. And regulations which are made wider in purpose than the statute on which they are based are obviously void; consequently, you need to amend it to allow such regulations to be made, and this is what is before us. It is as simple and straightforward as that — widen the ambit of the law and then the regulations can be made.

It is only a hopelessly bad lawyer who will argue, when there is a simple and straightforward procedure of that sort available, that you then go and overburden the Statute Book with legislation. I have absolutely no doubt, Mr. President, that this insistence that we have an anatomy Act reflects, fully, the legal knowledge and training of one Dr. Richard Christopher Haynes. It is nonsense of the order that an intelligent layman should not be capable of.

There are just a few other things which I wish to refer to in all this. I noticed that one of the first people who rushed out and said anything after there was some publicity given to the information discovered in the files was Mr. Cameron Tudor, and I am always amused when he writes on questions of morality. I was amused by Senator Hall's contribution this afternoon, which I must say was good fun, of a very high order. It taught me, if you have nothing to say, exactly how to do it. He was not offensive, he was not even overly long; he only spent twenty minutes of the allotted half hour. In contrast to his colleague, he did not make any attempt whatever to try to use up the time. He found the time too much, and he accepted that, and that was that. But it was good, clean fun. He did it very well.

But Senator Hall can never amuse me as much as when I see Cameron Tudor writing on questions of morality. And I always wonder why, when the checks hit, Cameron Tudor never said anything. Up to now, he has never said anything! But he is going to involve himself in a discussion on the moral issues of a medical school. I always find that a picture of fun. Not good, clean fun like Senator Hall's, but fun all the same.

Asides.

SENATOR THE HON. N. A. BARROW: Senator Hall is well aware that I do not lose my stride so easily. I am well aware of what it is he wants me to hear him talking about.

What I want to advert to concerns the fact that while the politicians in considering this matter were looking at it entirely as a matter of the American students, there was a very sane note introduced into the whole proceedings by Dr. Ramsay and Dr. Harry Drayton. The Minister's Statement refers to the comments which went really fundamentally to the whole exercise, the comments made particularly by Dr. Frank Ramsay.

The essence of his comments was that it was our duty — I say "our", because I am saying "our", the Government's duty — but he is saying it was the duty of the Government to look first to the interest of Barbadians. 3.50 p.m.

What he argued was that the IADB and the University of the West Indies had done a study, which made recommendations, in 1971, to the effect that a centre for medical training ought to be established in the Eastern Caribbean. Now that I have said that and made it clear that there is indeed high ground which may be occupied in all this, I am sure that the two members of the Opposition are now sorry that the Opposition did not take another position before, instead of saying: "You should not be doing it", adopt the other one and say: "We should have medical training in the Eastern Caribbean, but you are doing it the wrong way."

But, obviously, if they do not do some serious homework, they would not know which way to go when they want to be opportunistic. In any event, it is wrong to have Dr. Haynes lead them. If it is one thing that shows he is not qualified to succeed Mr. Barrow, it is the way he jumped into this issue with both feet and brought the rest of his colleagues crashing down with him.

The point Dr. Ramsay was making was that it is incumbent on Government, if it is going in this, to look at the thing if we are talking about your people being trained in it. Because remember; at all times — at all times! — in the other scheme, there was always the concept that there would be places for Barbadian students to go into that college — and at some time the Government was going to have to put up the money — but then, towards the end, they backed out on that one. But at all times we are talking about Barbadian students, too.

Dr. Ramsay made the point that if you are talking about that, then you have to look and see what kind of training you want your doctors to have. And it is significant that it is the same Dr. Ramsay who said: "I believe I ought to tell you up front that I have tried to check out the bona fides of the International Medical Foundation and I am unable to establish anything." In other words, if you want a true comparison, this Government happens to be dealing with an institution with a track record, whereas all that furious negotiation going on under the Democratic Labour Party was going on with, perhaps, a spectre. I do not think you would call it a cadaver.

At no time in all those negotiations, including when they agreed in principle to these people establishing a medical facility here, did they establish that they were true and proper persons, competent to do what they claimed they were doing, and worthy of any kind of confidence such as that Government reposed in them. Indeed, in the files you find that at one point Dr. Merliss says: "We have to separate ourselves from Mr. Pishotta and Mr. Amos, and try to correct some of the damage done by the 'Chicago Two'". That is how Dr. Merliss referred to Pishotta and Amos, as the "Chicago Two". It is very clear that the reputation of that whole group of people with which the Democratic Labour Party was dealing was shady in the extreme. So if

Senator Hall wants us to quote from other sections of the file, that is one reference.

There are some important questions I would like to ask. I would like to ask you who was the lawyer who was drawing the Bills, but it really is not my business. I would really like to ask how much Mr. J. C. King, the high priest of the Academy of Politics, a high official of the Democratic Labour Party, with an influential brother and MP on the other side, was getting for the nine acres of land that he was going to be selling to the people. I have a feeling that a lot of the nastiness which has been suggested in relation to this Government's dealings, must indeed reflect the fact that those who had knowledge might well have had clean heads but not clean hands. I believe that it is time to clear up these matters. But never mind, there will be time. It will all hang out.

Mr. President, I believe that I have about three or four minutes. Is that correct, Sir?

MR. PRESIDENT: You have four minutes.

SENATOR THE HON. N. A. BARROW: The other aspect that I want to touch on is to refer to a gentleman who Senator Griffith referred to a little earlier. I cannot regard either Professor Walrond or Mrs. Beverly Walrond as nuisances. I cannot, because it is people like Beverly Walrond who helped, in their earnest and fanatical support of Michael Manley, to pull Manley and Jamaica down to where they are today. I feel people like Beverly Walrond has a duty to help and pull it back up and not come here to confuse us. I recognize the same sense of mission when I read her in the newspapers as I recognize in the PNP left. So I do not regard her as a joker — I regard people like her as being dangerous.

When it comes to the professor himself, the professor is a high priest of the Democratic Labour Party, and he is entitled to be a high priest of the Democratic Labour Party. But tell him not to masquerade and have the public believe that he is operating as a professional when, in fact, he is seizing on a most particular issue for his most narrow, selfish political purpose.

I remember, when Professor Walrond came here to work at the Queen Elizabeth Hospital; we talked a lot and had drinks together. The fact of the matter is that he is not a man who is hesitant to express his views on anything. Yet, in 1974, 1975, and 1976, you will not find a single expression of view by Professor Walrond against the establishment of an offshore medical school in Barbados. And the point is, at that time, I think there was something to object to, because the Government was dealing with shady people, people whose bona fides could not be established. The files indicate that very clearly.

Not only does Dr. Ramsay say that he tried to check them out and could not get anything, but Dr. Harry Drayton said that he had asked the WHO to check out the bona fides of these people for him. It was only right at the end when Minister Sandiford decided to go and report progress to Cabinet, that he, as a Minister — and evidently if he had not taken over that Ministry it would have never been done — said that the Barbados Embassy in the United States should be asked to check out the bona fides of these people. But this was after the agreement in principle, and it was after he, Mr. Sandiford, had taken all the pressure from the Prime Minister to try and bring the matter back to Cabinet.

Asides.

SENATOR THE HON. N. A. BARROW: Mr. President, Senator Greaves, never having sat in Cabinet, is ignorant of the fact that not everything requires a formal decision in Cabinet. At the time the draft agreement had been submitted, discussed, and that had been settled, then there would have been a Cabinet decision. But Cabinet was privy to what was going on, and Cabinet knew exactly what was being proposed, and a Minister, after discussions with the Prime Minister, had given the commitment of the Government of Barbados. Whether Senator Greaves or anybody else wishes to question that, that is the record — and it is absolutely clear.

In my final minutes, let me say very quickly that I believe that the legislation which is before us has afforded us an opportunity today to look at some aspects of this matter. But there is an important point, and it is this. We as a Government, and I think people have to at all times to remember this, cannot negotiate and also discuss things in public. There is no way that any government or any two parties to a negotiation can behave like that.
4.00 p.m.

Consequently, while negotiations are still going on, there is no way that, as a Minister of the Crown, I can stand up here and give my views on the proposals which have been put to Government by the school. All I can say is we all have to remember that the Government is going to do what is in the best interest of Barbados. In the end, if the terms are not such as the school would wish, that is a matter for the school. If the terms are such as the school would wish, or can agree to, and such as we consider can be given in the interest of the public, then we can look forward to the permanent establishment of the school. But room has to be given for negotiations, and I think it has to be clear that we should not seek at this time to prejudice them.

As far as this is concerned, we have presented positive reasons as to why we would wish to establish such a school. The fact that the Democratic Labour Party was also negotiating is a matter of record, which goes to show

their lack of sincerity and their hypocrisy. It is not something we have used to justify what we are doing. Our case stands on its own merits.

SENATOR A. W. A. McCLEAN: Mr. President, I am somewhat reassured by the closing words of the Leader of Government Business in the Senate, that the attack on the Democratic Labour Party must not be perceived as the substance of the Government's case in support of the St. George's Medical School.

I would like to start off by indicating that I myself can see no reason for objecting to the Objects and Reasons of the particular Bill, nor indeed to the specific manner in which the Bill attempts to give effect to its objects. At the same time, being neither a medical person nor a lawyer, I would not be well placed to comment on the merits of this Bill *vis-a-vis* a fullscale Anatomy Act.

I anticipate that the reason why we would have this Bill as opposed to the Anatomy Act at this stage is based on the exigencies of the situation. But I would hope that having more or less made certain statements about the merit of this approach *vis-a-vis* an Anatomy Act, Government would not consider that to be the last word on the matter. I could possibly anticipate that there would be legal complications that could arise, in terms of law suits that could probably go to the court, in situations which would not be entirely clearly seen now, but where primary legislation might help the judge considerably in presiding on the matter.

I do not know what is the content of the Anatomy Act in Jamaica or wherever. But, as a layman in this regard, I believe that there could still be certain pieces of legislation in the area, which relates to the use of dead bodies for purposes of teaching, that could probably bear some more expansive legislation than would be indicated here.

Getting back to the question of the St. George's Medical School, it seems to me that Government places a lot of stress on the economic benefits of the school. I would hope that that emphasis would be essentially secondary to the consideration of the merits of such a school. Not everything that brings with it some apparent financial gain should be deemed to be good by virtue of that. There are many things we should stay away from even though the financial rewards may be abundant.

I think that in entertaining an offshore medical school in Barbados, Government must be mindful of the fact that such schools do not have the highest reputation in the world at the moment. This is not to say that you cannot have an offshore medical school with a high reputation, and which is as good as any other medical

school. If the St. George's Medical School is moving in that direction, we are glad to hear that.

But Government must clearly be concerned with the general image of offshore medical schools within North America in particular, and the possible consequences for other medical schools in the region, if it should so happen that the view should go abroad that Barbados is among the places entertaining fly-by-night medical schools. We have at least that level of interest in ensuring that if we bring an offshore medical school here it would be a good one. In the same way that we are claiming we are only going to bring good offshore banks here, we should only bring good offshore medical schools here.

I heard it read in the statement that the delegation of the Barbados Association of Medical Practitioners noted a number of things pertaining to the quality of the school. I wonder if this is merely noting statements that were placed before them, or whether this goes beyond a mere matter of noting statements to being aware that these are the facts.

(SENATOR THE HON. O'B. TROTMAN: They told me).

SENATOR A. W. A. McCLEAN: They told you? They remarked, not only noted, indicating to you that that was the case? That is some measure of assurance.

I heard it mentioned that Professor Cruickshank is one of the people who might be involved in the school. Professor Cruickshank is a Professor of Medicine of high reputation and experience in establishing new medical institutions in different parts of the world, and that also would be somewhat reassuring.

But we must not only be concerned with the initial image of the school, but with its continuing performance. Many things may start off on a good footing and deteriorate, and this deterioration could come about especially if the people who are organising the school have a commitment to something other than excellence in the school. If their commitment is to money more than to excellence in the school, somewhere along the line you might cut standards for profit. I think the Barbados Government would have to ensure that mechanisms exist so that if at any time we feel that the St. George's Medical School, or any other offshore medical school, is not of the standard we should maintain, we should get rid of it with facility.

Another point relates to the training of Barbadian doctors in this school, and the question of admitting people who are graduates of the school, to practise medicine in Barbados. I am not too sure as to what type of status must be accorded to that school in Barbados to

enable its graduates to take the examination, which was mentioned, for foreign medical schools for the graduates to practise in America. Somewhere along the line I somehow got the impression that that facility of taking examinations was restricted to people who were graduates of institutions which are recognised in the host country — in other words, graduates who would be recognised to practise in that country — by virtue of the fact that they are graduates of that institution. I do not know if that is the case.

For instance, if you are a graduate of the UWI, you are by statute recognised as qualified to practise in Barbados. This is to be distinguished from all the other situations where, on individual basis, after the institution is recognised, you have to go before the appropriate board and be so admitted to practise. I do not know if, eventually, what the St. George's Medical School will get, or is hoping to get, will be statutory recognition for their graduates to practise in Barbados, or whether they would get some standing recognition from the board that all their graduates will practise, because the board on such and such a date agrees with that, and that stands until such time as the board could meet again and decide otherwise, or whether they would get *ad hoc* recognition on a case by case basis to practise in Barbados.

4.10 p.m.

The reason why I am making this point is that reference was made to people; who are here at the moment, who are graduates of offshore medical institutions. Quite evidently they did not come here directly out of those institutions. They took the U.S. examination and they did post graduate work in the United States. They qualified to practice in the United States and then at that stage they returned here and were admitted. There is nothing at all wrong with that. But that is entirely different from a chap going to the St. George's Medical School and then going into the QEH, or setting up an office somewhere to look after people.

Basically, we must, in my view, have those assurances that whatever procedures exist for recognising the St. George's Medical School in this particular case, that those procedures be such as to preclude the possibility of inadequately qualified persons, be they Barbadian citizens or not, from practising here. I think that those procedures should be such as to preclude the possibility of people feeling that Barbados is contributing to an undesirable situation in terms of providing a vehicle for foisting ill-qualified people, let us say of the United States of America on them. Senator Griffith mentioned passing an examination but training in any area, and all aspects of training cannot be properly examined.

There are certain things that are probably taken for granted over and above the fact of passing an examination

when you say that you have graduated from such and such a medical school. There are many people who might have the capacity to pass an examination who might still have certain basic deficiencies in their preparation as professionals in any given area. It is not just a question of the ability of people to pass an exam, like children passing the Common Entrance Examination and so on. We know that you can pass an examination, but may not be the best equipped person in relation to what the examination was trying to screen you for, and we need to be protected against those.

If the Government can assure us that they can find ways of insisting that the St. George's Medical School should have high standards, and that if these standards should deteriorate, then they would be in a position to ask the facility to leave Barbados and seek refuge elsewhere, then I would see nothing wrong with our trying to entertain such an institution at this stage.

I think that it would be necessary for the Government of Barbados to be in a position to be really and truly aware of the standards of the medical school. One way of knowing that would be whether or not this school would open itself to external assessment by some kind of mechanism which would be agreeable to the Government, so that we can get the opinion of others.

If the school is committed to high standards, it would be in the interest of the school to open itself to external assessment, because people of high reputation would be saying that they can vouch for the standards of this school. And if the school is truly reputable, I do not think there would be any great difficulty in inclining them to a position where they would open themselves to such external assessment, and that their licence to operate here would be only during such time as they can continue to get favourable assessment.

On the other points regarding the position of the Democratic Labour Party and offshore medical schools, there is just one statement, on page 12 of the Minister's Statement, that seems to me to be a bit alarming, and the statement is made on a tangential manner:

"At this point too the promoters were proposing to purchase property for their operation by way of a 71% mortgage from the Chase Manhattan Bank with the remaining 29% being financed by the Government of Barbados."

I would like to know what would have been the response of the Government to that. It is left as though this is a proposal which was being entertained in some seriousness. But I do not like reading between the lines when I feel I should have the things spelt out for me, so I would be rather interested in knowing the seriousness with which such a proposal would have been entertained.

In extension of that, one would also be interested in knowing what are the proposals that are being made by the St. George's Medical School along similar lines. It may not be to buy land, but I would like to know what unnatural concessions, if any, there are trying to get from Government.

I would particularly urge Government not to concede any; and if they plan to concede anything beyond the normal, I would urge that they tell us about it before they do it, so that we can react to it. We do not want to be in a position, five or eight years after the fact, to discover that is what those fellows did and they did not even tell us anything about it.

I thank you, Mr. President.

Mr. PRESIDENT: Senator Howell.

SENATOR St.C. E. HOWELL: Sir, having listened this morning to the very comprehensive statement made by the Minister of Health, what clearly follows from that is that little room is left for scholastic agility in the remainder of the contributions made in this Honourable Chamber this evening.

Every member of the Chamber is now in possession of a copy of that statement. It has now become clear to the people of Barbados that Government was not at any time hiding anything; it was merely acting the way that Government should really act and conduct its business. If you are in the process of negotiation, you do not talk while those negotiations are actually taking place. That, to me, was the correct attitude.

What has transpired as a result of that statement, however, is that on this issue, the Democratic Labour Party has thrown the people of this country into a frenzy. It is also clear, to my mind, at least, that this was done deliberately, with the intention of misleading the people of this country. If my assumption is correct, then all that can be said is that there is little surprise that politicians in this country, men and women on both sides, intelligent, well-read, meaning well, nevertheless find it difficult to command a lot of respect from the public. Because in the process of serving, politicians appear to do things that members of other professions would not even dream about, and I do not really think that this type of conduct serves the good of this country.

There are two very brief points which I would like to touch on arising out of the contribution made by Senator Greaves this morning.

I have listened to him for the past two and a half years, and he is obviously an experienced parliamentarian. He is also an educator, and I, for one, as a trained lawyer,

do appreciate the position he is placed in as a main spokesman for the other side.
4.20 p.m.

It is not his job, as I have said on a number of occasions, to put the case for the Government. What I observed this morning, however, is that he clearly was not at his best. I have seen him perform much better, and I think this is not because of a lack of ability, but because he was clearly floored as a result of the misleading statements which were made on platforms, and by former Ministers in the Press, and finally shown to be such as a result of a statement that was made by the Minister this morning. After the first ten minutes, he started to repeat himself — and he spoke for half an hour. He is capable of doing much better than he did this morning.

He called for the resignation of the Minister. I do not believe, if my memory serves me correctly, that he is the first person on that side to have done so. That is the position when you are at the top in politics, because the butt must stop there. But when he went on television to try to allay the fears of the people of this country, who have been misleadingly stirred up as a result of hypocrisy and untruthful statements, I think it was unfortunate on the Minister's part perhaps to say that he would give an undertaking that the bodies will not return to this country again.

This country is a country which adheres to democratic principles, and as such, it is clear to constitutional lawyers, and to experienced politicians who are not lawyers, that no Minister or no Government can do things like that. The legislative process must take its appropriate course in Barbados, and what the people of Barbados must be told is that at that time, and up to this moment, there is absolutely no legislation in this country to stop the St. George's Medical School or any organization from bringing in dead bodies. If an end is to be put to any such practice, then the appropriate steps must be taken, and that is what the Government is now doing.

No Government can change laws at its whims. They must come before the two Houses, and have the royal assent of the Governor-General, as head of this country. So it was unfortunate that the Minister said that, but he meant well, and the people of this country should be told so. He understood that the people were concerned and he tried to do his best. But, really, any person who wanted to bring in bodies could really tell the Minister or the Government: "Fly a kite, I am going to bring them in until the law says I am not permitted to do so." And that is the law of Barbados as it stands at present.

Senator Greaves said that Government has no feeling for the people of Barbados. I do not believe that the record of this Administration is testimony to that allegation. I think the reverse is correct. How can a member

of the Democratic Labour Party say that the present Administration is insensitive and has no feeling for the people of this country, when the senior members of that Party, according to one Press report, goes to the Press and makes statements which, according to the document which is now before this Honourable Chamber, clearly establishes that those statements were not true. They persist in doing it!

They called for the resignation of the Minister. Surely someone must have reminded them at some time that they, themselves, were negotiating with a similar organisation. And in all the evidence which is before this Chamber there is nothing to suggest that that organisation was anywhere near as reputable as the St. George's Medical School, but it suggests that the then Administration was in negotiation with that medical body for a period stretching over three years, and again, according to the statement this morning, that at least on three occasions there may be more, it is what is not written — the record shows that it was mentioned and discussed in Cabinet.

Now that is the party that is, in fact, misleading the country. And I must reiterate that when things such as what has been happening in this country over the past month or so are actually taking place, politicians must understand that each and every one of us can expect little respect from the people we are hoping to represent. They cannot believe anything we say, and that is not a good position to be in.

People who are in a position to govern are in fact in a position of trust, and, under our democratic system, an opposition party is an alternative Government. And the days are long gone, and I think the members of the Democratic Labour Party can understand this when members of the Opposition, or the Opposition as a cohesive whole, criticise simply for the sake of criticising. In the process of criticising, and that is their job, they must immediately follow up with the alternative solution, something that the Opposition in this country has failed to do consistently over the past seven years. When they fail to do that, when they deliberately mislead, when, as the evidence shows, there are elements of untruth, neither the present Administration or future Administrations would be trusted by the people they are supposed to represent, because people will say: "Whoever is in there is going to betray that trust we have reposed in them."

I want to congratulate the Minister of Health today, for bringing this statement to this Honourable Chamber, because by so doing, it is clear that, as my friend Canon Jones said this morning, a lot of the people who were in doubt this morning prior to the laying of this statement are no longer in doubt.

The people of this country have been told of the economic benefits for this country in training our own people, a very costly business. The people in this country are in no position to sneer at a projected \$5 million that the school is expected to bring in. In addition, when you are in a position such as I am in, at least twice a week you see people who want jobs and who want houses; they want Government houses and the money has to come from somewhere. So we are not really in a position not to analyse the situation and see if there is any benefit in it for this country.

4.30 p.m.

There are still very wide areas in Barbados where there are no doctors. There are still, as far as this Administration is concerned, far too many people who are unemployed, and every \$5 million that we get in this country will help to make a better living for many people in this country. As long as the medical men are satisfied that they themselves would see to it that the standards of the medical profession in this country would not in any way suffer as a result of this medical school, then, all this hot air would at the very most, be a storm in a teacup.

There are definite benefits for Barbados in having the school. The people were concerned because they have been deliberately misled. My own belief is, now that the truth has been told, this would be the end of a matter to which far too much attention has been paid.

Thank you, Mr. President.

Mr. PRESIDENT: Senator Linton.

SENATOR H. R. LINTON: Mr. President, I will just take a few minutes to speak to two or three points that were raised by Senator Greaves, which I believe have not been dealt with. Or if an attempt was made to deal with them, I believe they were not dealt with satisfactorily.

I would prefer to look at the establishment of the St. George' Medical School from a slightly different standpoint now that it has reached the point where it has reached. I would like to look at it from the standpoint of the objections — the serious ones, not the frivolous ones which were raised like Mr. Cameron Tudor, Senator Wes Hall or Senator Evelyn Greaves — which were raised, in particularly those raised by BAMP.

As I understand it, from reading reports in the Press and from the facts contained in the Minister's Statement today, BAMP has objected to the establishment of the medical school specifically on two grounds:

- (a) that the medical school will, in all probability, utilize the existing medical facilities in Barbados to the possible detriment of students emanating from the University of the West Indies, Mona Campus; and

- (b) that, as a result of the presence of the school on the island, we are likely to be inundated with a lot of doctors, who were earlier referred to as "quacks". BAMP's concern is that the better qualified of those produced by the school will find employment in the United States of America, whereas the lesser qualified will have to be content with employment here.

I think it would be instructive to approach the establishment of the school from this point of view, because the benefits are all clear. The first point, the use of the medical facilities here, has been effectively dealt with by the Minister. The Minister in his statement said that he had assured BAMP that the school would not be allowed to use any of the medical facilities here and that was acceptable by the school. So the public ought to be made aware of that in an emphatic manner.

I do not think that the public was seized of that point hitherto. The public was being carried away by BAMP, by Mr. Cameron Tudor, by the Greaveses, the Halls, and by the people like that, that the medical facilities in Barbados would be granted to the school willy-nilly for their use, to the detriment of the doctors who qualify at Mona. I think if you get the point that that is not the case across to the public, that it will go a long way towards allaying their fears in that regard.

But those who Senator Hall referred to as "the ordinary people", the average man-in-the-street, they are not really opposed to the establishment of the school — not if I understand them well. And I believe that I am in a better position to gauge the reaction of the ordinary man than Senator Hall is. They pay my salary, they pay me. I am closer to the ordinary man in the street than he is. He goes down Deacon's Road once a month, or once every six months, and thinks that he has the ear of the average man in the street. I challenge him on that score.

The average man-in-the-street is supporting the off-shore medical school. It was only when the argument turned from the merits, or demerits, of establishing an offshore medical school to the question of the dead bodies that they went off on a tangent. That is why this piece of legislation we are considering here is both timely and appropriate.

I agree with Senator Barrow's assessment of the point in relation to whether or not it meets the particular situation with which we are faced. If the regulations which are made under a particular Act of Parliament are wider than the Act itself, then the chances are that the regulations can be challenged. And they would be held to be null and void, or at least *ultra vires*. Consequently, it is wise for us to amend the principal Act to give teeth to it. Having done that, then the Minister is free to make the regulations he wishes to control the dissection of bodies.

To my mind, the best form in which that legislation should come is in the form of regulations. In that way, it is easier for the Minister to alter it to suit changing circumstances. If he wants to act quickly to stop the dissection, then it is easier to do that by amending the regulations than by coming to Parliament to listen to a half hour tirade that does not make any sense at all.

Let me get back to the point of BAMP's objections. The first one related to the use of the medical facilities. That has been effectively dealt with. The second one related to the influx of doctors that we are likely to have on these shores. Here again, I do not perceive any difficulty with this emanating from the discussions which I hear taking place among the average man-in-the-street, to use a well-worn phrase.

The average man-in-the-street has been telling me that he would like to see more doctors out there, and if they are to come from the offshore medical school, he would welcome that. I would like the papers to carry out a survey to see if that is not so.

The *Nation* has performed a most disgusting role in this affair to date. I do not think Senator Griffith attacked it as vociferously as he should have done. The *Nation* can be an objective newspaper, the *Nation* can do a good job — it is given to sensationalism sometimes — but when it wants to be a disgusting newspaper, it also has the power to be that. In this instance, it was disgusting.

That does not absolve CBC. But CBC was not disgusting. It was inept and incompetent. I was there the afternoon, a few Wednesdays ago, when the Minister, Senator Trotman, gave the entire file to CBC. They so misconstrued the whole thing that I hope they can paraphrase his Ministerial Statement today and make sense of it, and not bring anything like what they brought over last time.

But they are so arrogant. You cannot even phone them on the spur of the moment to tell them they have just made a mistake in the news. They do not even bother to correct it. Where is Senator Barrow? I wish he was here. I hope they can paraphrase this statement well enough tonight in order to get it right this time.

Even though I must admit that the Government's public relations were all wrong in this matter, if CBC had done a proper job in the first place, had done a little research and had taken time out to come to get the facts, the public would have gotten the informed facts. It would not have taken a Ministerial Statement at all; it could have been done over CBC, via the Ministry of Information. But they were inept and incompetent.

The *Nation* was nasty and unfair. I do not think the *Nation* wanted to publish this story at all. Thanks to Mr.

Charles Harding, in last Sunday's *Sunday Sun*, the public got a glimpse of what took place between 1973 and 1976. But were it not for Charles Harding, I do not think the *Nation* would have published what took place at all. It simply did not want to publish it.

The poor *Advocate*. The *Advocate* is always stuck for space. They can never find space to print anything properly at all. So I forgive them. They may have a competent editor and what not, but they are also stuck for space. Somebody is buying them out — I do not know why they do not shut down altogether. I know they are going to criticize me for that, but the *Advocate* can never find adequate space at all to report something properly, even though they are fully seized of the facts, even though they have a full grasp of the situation. 4.40 p.m.

The Government is not to be blamed for the public relations aspect of the matter at all. I do not think that the papers had any real interest in making sure that the reports were properly done. Not only that, they were being fed so much information from the DLP doctors and people with an interest in seeing the party pulled down that they lost sight of the other side of the story, the Government's side. That is the problem.

I trust that they, CBC, the *Nation* and the *Advocate*, will take time now to publish the ministerial statement properly. They do not have to publish a word I say. I am accustomed to that. I want them to publish a proper paraphrase of what the Minister said.

I want to speak about BAMP's position on these doctors being let loose in the country. People who, very often, from the evidence are more qualified than a lot of doctors who are practising, people who have had a good foundation in terms of their education, people who would have to use other facilities because they could not find places in established universities in their particular country — these people, because they have to study at a campus that is not in their own territories, are being referred to as quacks. This stance is selfish, it is insulting, it is nasty, and if it is not unparliamentary to say this, I would say it is stupid.

BAMP is worried about these people coming in. This reminds me of the same professional protectionism that existed among lawyers sometime ago. It was only in 1972 that a law school was established down here, and part of the reason was that the legal profession was protecting itself. All professions have a tendency to do that, they have a closed-shop system. Not only the professions, but skills, because this is the *raison d'être* of the closed-shop system that exists within trade unions in England. Senator Greaves would know about this, if he knows anything at all about trade unionism.

Trade unionism is not just going out there arguing and bullying the Government to give you more money all the time. Trade unionism is a science. Just because you can argue for money does not mean that you know about trade unionism. But if you know about trade unionism you will know about the closed-shop system, and you will know that people in every profession, every skill and every calling try to protect themselves.

You had a funny, equivocal situation in the legal profession. When one had to go to England to study law, in that way the local territories were protected, because it was difficult to study law until they opened the London Transport and the nursing routes. Then people who qualify in those areas went down there to work in those areas and moved into studying law. But before that, one had to win a Barbados Scholarship, or one's parents had to have enough money to support one in England, and therefore, the number of persons entering the legal profession were restricted in that manner. So there was no difficulty.

But, in 1972, the Law School was opened down here, and the legislation was changed to prohibit persons who did not qualify here from practicing, except they first went to school here. You now have a protectionist attitude in reverse, because we have some Barbadians who have qualified from England since October 26, 1972, but who cannot now practice here. I registered on October 22, 1972, so I barely escaped. I did my degree first, registered, and I escaped by four days. Otherwise, I would be still languishing in England lecturing where I was.

The point is that you have some Barbadians up there who are well qualified, who would wish to come back here to practice. I suppose that if they were doctors, you would hear the members on the opposite side calling them quacks and being insulted. But the fact is that they are as well qualified as several of the Q.C.'s here, yet they cannot practise here.

Every year the Ministers in CARICOM meet and decide they are going to change the legislation to enable them to practice here. But it never happens. The lawyers do not want it. I heard the President of Barbados Bar Association saying that there are now too many lawyers coming out of school down here. You can understand what he is going to do when he goes to the next meeting — he is going to tell them limit the numbers. Right now you can actually get about three or four Barbadians a year in the law school here.

Talking about protectionist policies, if you think it was difficult to get goods into CARICOM because of the protectionist policies, try to get in one of the professions here! Every profession is protectionist in its attitude, so I understand the attitude of the doctors when they want to protect themselves in this way. But even so, they are safeguards for them. If they qualify at St. George's Medical School here, and — it may be

necessary; I do not know — if it becomes necessary under the charter for them to be granted permission to practice in Barbados once they qualify, there is still a safeguard.

If they are not Barbadians, they will still have to get work permits first. I do not see any Medical Act or any charter that will revoke the Immigration Act. And once they get work permits, you can still repose a power in BAMP, or under the Medical Health Act or whatever Act it is to ensure that they qualify like Indians, Pakistanis, and Nigerians who come into Barbados to practice. It is the same thing, and the doctors do not worry.

In any event, you find that these professions level themselves out. When I returned here to practice law in 1974, just about that time the profession was levelling itself out. The theory was going around about three or four years before that there were too many lawyers in Barbados. Hence, every Barbadian student who was in England started to study economics and accounts instead. They got scared and said, "We will not get any work when we get back."

As a matter of fact, I was registered at a university to do economics, until Mr. David Simmons, who is now a Q.C., encouraged me to go on and do law. The fact is that everybody was getting scared.

When I returned to this island, the profession was levelling out. Between 1974 and 1977, Mr. Henry Forde, who was the then Attorney General, is on record as saying that the school here was not producing enough lawyers. So people stopped studying law when there were too many, lawyers, and started back when there were not enough, and now the present Bar Association is saying that there are too many lawyers again. It goes up and down like that.

This is going to level out, and if this school is producing too many doctors, they just will not come here; they will not find work. In any event, in terms of the profession in Barbados, the best will always tell. If the St. George's Medical School down here produces quacks, as they are called, and those quacks are allowed to practice here, then they simply will not get any work. They are not going to get anybody to go to them, so I do not think that we have to worry on that score.

A few points that Senator Greaves made are worth replying to. He said that it is a profit-making venture. I do not know what is wrong with that at all. I do not think that the average Barbadian will quarrel with that either. The late Mr. Louis Lynch made a lot of money out of education. Mr. Edwards became a millionaire in Barbados out of education in this country. The people who ran the Barbados Academy became millionaires out of education. As a matter of fact, a whole host of people in Barbados made money out of education in this country.

Barbados has always traded in education, it has always been one of our major industries, so what is wrong with the medical school setting up here? What is wrong with it being a profit making venture? Barbados has always been a centre where education was bought and sold, and it has redounded to our benefit. We have produced some of the most brilliant students of the Caribbean, probably some of the best the world has ever seen, and they have been part of our resources. So what is wrong if an offshore medical school sets up here as a profit-making venture?

4.50 p.m.

As Senator Griffith said, several of the universities in America are profit-making concerns. In England, you have establishments which are profit-making concerns. Eaton and Harrow are money-making concerns. What are we talking about? The world over education has been regarded as a semi-industry, and Barbados has played a leading role in that, in that it has bought and sold education — and that has redounded to the benefit of our people. There is nothing wrong with that.

Senator Greaves made another unfortunate, insulting and nasty remark, a remark without foundation, that this school will be run by the Mafia. If the CBC does not understand the Ministerial statement, and publishes something about the Mafia, then tomorrow you are going to hear that this school is going to be run by the Mafia. That is a totally irresponsible statement.

You do not know anything about these people's credentials, you have not taken the time to read about them. They know the people who had been negotiating with the Democratic Labour Party Government between 1973 and 1976, who, indeed, were the Mafia. They are different people altogether. Yet, you have the effrontery to come in here today, without any foundation whatsoever, and describe them as the Mafia, you are doing that simply because you know some journalists are not going to take time to read this stuff and are going to report whatever you say word for word, because tomorrow you are going to appear on the front page of the *Nation*.

Senator Greaves said that this legislation is retroactive legislation. He was not speaking legally at that point, but since every word he says is normally reported on the front page of the *Nation*, I think it is important to say that this is not retroactive legislation. He was not speaking legally, he was speaking emotionally. He was talking nonsense, as usual.

I think it is essential to put that in its proper perspective, because the *Nation* will put that on the front page tomorrow. They will give it to Arthur Gay to write up the story and he will say that it is retroactive legislation, because Arthur Gay has no regard at all for the truth. He is looking for a place in this Senate. He has said

so on more than one occasion, but he can only get it if the Democratic Labour Party wins the Government.

He says it is an offshore operation like an offshore bank, bringing in foreign currency. I do not know if Senator Greaves said that as a mark against the Government, or if he said it as a mark of congratulation to the Government. I am surprised that Senator McClean did not pick that one up and reply to it.

Here is someone complaining that foreign currency is coming into the country, a unionist at that, a man who will sit down later on this year and complain for more money for the staff of the National Conservation Commission. How are we going to pay this money he will be asking for if we do not get the foreign currency? I am ashamed of him, Mr. President, and he calls himself a unionist.

He said that the Government is not taking the people's feelings into consideration. I wondered for a moment if he meant the feelings of the cadavers. Senator Hall said that we should know who the cadavers are. That is the best bit of comedy we have had in this Senate for the seven years I have been in here. His speech was empty, Sir, but hilarious. They could use it in a pantomime and make money out of it. If stage One Theatre gets hold of that speech at all, they will make a play out of it.

The man-in-the-street wants as much education as he could possibly get. I will tell you something. If they could get an offshore legal school set up, they would set up one. I have many people coming in to me or telephoning me every day asking me to see if I could get the Dean to accept their child to study law. The child has three 'A' levels, is still at the Community College and she wants to do law. She will kill me if she does not do it — and the university only takes three or four Bajans. If the Bajans could get an offshore legal school set up, they would set it up. I am telling you.

He said, finally, that negotiations were not complete and yet the Minister was singing praises. There is nothing wrong if you are negotiating in singing praises if there are praises to be sung. Sometimes that turns out to be a good negotiating technique. But the fact of this particular matter is that the Minister was forced into making the statement which he made today because the members of the Democratic Labour Party went out there, got the doctors to photocopy all the confidential documents that passed between them and Government, gave them to people in the media, who either could not understand them or refused to understand them, and perpetrated a story that was adverse to the Government. The Minister had to come in here and make a statement, prematurely, because the negotiations have not yet been concluded.

They would have the public believe that an off-shore medical school is the worst thing in the world. Senator Greaves kept asking where is the Cabinet decision that was made between 1973 and 1976. Between 1973 and 1976 so many things were done in the name of the Democratic Labour Party Government without Cabinet decisions that no Cabinet decision would have been necessary if an election had not intervened and we had not won it. Mr. Barrow, in his usual style, would have gone on television, like he did his fireside chat, and decide we would have a medical school, which would have been set up on nine acres of J.C. King's land, in the house owned by Mr. K. R. Hunte. And you would have to use some facilities in St. John, so he would get a fall out from it, too.

They, as a Government, were not known for doing anything by Cabinet decision between 1973 and 1976. Talk to "Sleepy" Smith any day in the court about anything that happened in that period. He would say: "Not me, boh, I don't know anything about that. I am not one of the blue-eyed babies, I didn't make anything out of them at all."

I believe "Sleepy" Smith when he says he knows nothing at all about any medical school. Senator Barrow said he knew, and he has the file. I believe Mr. Smith did not understand what was going on. They were telling "Sleepy" Smith part of the truth, because he was not privy to their inner dealings, so he never knew what was going on. He never took part in Cabinet decisions.

The decisions by the Democratic Labour Party between 1973 and 1976 were taken everywhere except in the Cabinet Office. They took Cabinet decisions up at a bay house in St. John, which belonged to the ADC and was run by Earl Glasgow. No rent used to be paid. They also took decisions down Paradise as well. So the Cabinet never knew what was going on. They did not need a Cabinet decision.

Mr. PRESIDENT: You have two minutes.

SENATOR H. R. LINTON: Two minutes, Sir.

Senator McClean made a good point, that we ought to make sure that we aim at excellence, and I think the point was made in a different way by Senator Jones. I think you ought to aim at excellence, but I happen to know that in terms of the amount of money these students are required to pay, these institutions have to aim at excellence, otherwise they are not going to attract that type of student paying that type of money. The world is replete with examples of institutions of that standing and of that nature, having failed to deliver the goods, which have had to fold up, so I have no doubt that they will aim at excellence and that they will produce it.

I did not begin, Mr. President, by saying that I speak in support of this Bill, but I think that the tenor of my contribution will leave you in no doubt as to where I stand.

Thank you.

Mr. PRESIDENT: Senator Jemmott.

SENATOR C. E. JEMMOTT: Mr. President, in supporting this Bill I want to be as brief as possible. I must say I came in here after hearing that this Bill would be debated today hoping to get some education from the members of the Opposition, because, unlike them, I have not had the opportunity of having a first rate education, and I thought I would have left with something that would hold me for the future. Unfortunately, I think they fell very short.

I think this whole issue about this school started purely from a political aspect, and self-preservation in relation to some medical practitioners in this country. 5.00 p.m.

I gather that, from the time this school was mentioned there were some members of the Democratic Labour Party, doctors, who got together and decided that they were going to try to embarrass the Government. They did succeed to a certain point, but I think that after the truth began to come out, the people of this country, now realizing that these people are just trying to make political issues out of something that will benefit the country, are no longer listening to them. Before I go any further, I would like to let it be known that I am one of the common people in Barbados. The common man is very pleased about Government taking this step in having this school here, looking at it from an economic aspect, plus from the point of view that we feel that we need more doctors in this country.

I heard Senator Greaves talking about feeling for people and people's rights, and I saw that he was talking in the Press about allowing these people to come into the country tax free. I would like to know if he was a member of the Democratic Labour Party when they made legislation whereby HARP was exempted from taxation and from being carried to court for breaking up people's homes in Christ Church. Up to this day those people have not gone back into their homes and, from a medical point, some of the old folks became very nervous when they heard that the HARP gun was going to be fired. But the evil about HARP was that it was making guns to kill defenceless black people.

I wonder where was Senator Greaves when this was happening. He talks about people's rights and feelings for people. Who did they have rights and feelings for?

Themselves, not for black people! They had it for black people — but the guns were to kill black people!

I am happy, having heard the Minister's statement, that the Government has gone in the right direction in bringing this piece of legislation and in establishing the school. I do feel that we will derive very many benefits from it, and not only economic benefits.

It surprises me, day in and day out, to hear some people, who have had the benefit of training in the United States, criticizing Americans. As soon as they want to go anywhere, you hear them begging somebody: "See if you can get a visa for me", or "See if you can get an entry for me into one of these American Universities"; and as they get the opportunity, they abuse it.

I would like to compliment the Minister, and I am sure that I am expressing the compliments of very many people in this country. I hope that the Press would find it possible to put his statement in a manner in which it can be read and understood by the man-in-the-street, as we have been using this phrase all today.

With these few points, I want to make it known that I am supporting this Bill in its fullness.

Thank you very much.

Mr. PRESIDENT: Senator Arthur.

SENATOR O. S. ARTHUR: Mr. President, I join this debate to discuss matters pertaining to the amendment of the Health Services Act. But, like those before me, I fear I cannot do so without reference to the statement by the Minister.

In the first place, I want to thank the Minister for having brought such a clear exposition to the public's attention. But, secondly, I think that a lot of unnecessary confusion has been aroused in this Chamber today, purely because we have proceeded on a debate confused by the word "offshore". Indeed, I am of the view that if we were discussing purely the setting up of a medical school in Barbados, that the kind of emotionalism, and the lack of logic that has prevailed in here today, might not have prevailed.

In this respect, I need to say there are four conditions under which I could find it possible to support the establishment of a medical school in this country:

The first is that the *bona fides* of the institution would have to be established, and one would have to be satisfied that the institution would indeed be an institution of excellence and would not bring the name of this country into disrepute. I think that, in many respects,

the statement by the Minister can satisfy us in this respect.

The second is that I would also have to be satisfied that the establishment of a medical school would not be disruptive of the operation of our existing health services. Again the statement by the Minister has been instructive and affirmative in this respect.

The third point is that I would need to be assured that the establishment of a new medical facility is not disruptive of the existing relationship that we have with the regional institutions in this field. That existing relationship has served us well before, and the *bona fides* and the standards of excellence of the University of the West Indies are surely not in doubt.

It is therefore very important, and perhaps I speak as a University of the West Indies' graduate, that any development that we have in this area is not unnecessarily disruptive of a relationship that can stand scrutiny. Again, in every respect, I am satisfied by the statement of the Minister that this consideration is being taken care of.

But there is a fourth consideration. That consideration is that I would also want to be sure, before I agree whether in principle or in finality, that the terms and conditions under which the medical school is allowed to come to this country are not such that the costs to be incurred are completely disproportionate to the benefits, economic and financial, that will accrue. Unfortunately, this paper is silent on this matter, because it does not tell us in any clear way what are the terms and conditions under which the medical school is to be established.

I am very worried about Government making agreements in principle, subject to tidying-up affairs down the line, after matters pertaining to terms and conditions have been examined and discussed. Normally, the agreement in principle tends to be the predominant consideration. So I would want the Minister in his summary to tell us what may be some of the terms and conditions that we should expect to govern the operation of the medical school in this country.

I say so not only because I need to know what those terms and conditions are, but because I am identified with the Barbados Labour Party, and in this matter one has to be concerned that we have incurred a certain disrepute, not so much for the substance, but in the style we have appeared to use in handling this matter.

I do not want to leave this debate, supporting the establishment of a medical school, but not knowing exactly what are the terms and conditions that my support would seem to have been given to. To the extent that this ministerial statement is silent on the kind of terms and conditions that we can expect, I am asking the Minister to tell us what may be in the offing.

I thank you.

Mr. PRESIDENT: I think that, arising out of some of the remarks made by the last speaker and also other speakers, I ought to make this point.

Ordinarily, a ministerial statement is not debated. We are not debating a ministerial statement as such, but seeing that the Order Paper contains a Bill which is relevant, I have allowed the debate to proceed along the lines which it has proceeded, because it is quite obvious that a lot of what is to be said on the amendment before us would be relevant to what was said in the statement.

I warned the Minister before he made the statement that it would be impossible to keep the two things separate, so I hope that Members would understand that we are not unmindful of the proper parliamentary procedures.

5.10 p.m.

Members are not debating the statement as such. That has to be debated on a motion that is put on the Order Paper, but because of the nature of the amendment, obviously a lot of things have to be said which are related to the statement.

Senator Simmons.

SENATOR D. A. C. SIMMONS: Mr. President, I necessarily had to miss part of the debate this afternoon due to other business with the Prime Minister, but I do appreciate the difficulty that was posed for the Senate today in relation to the amendment to the Health Services Act, following so closely upon the heels of the ministerial statement, which is not subject to debate. I think I speak on behalf of all in expressing gratitude to the Chair for allowing some latitude in debate in this matter so that it could be fully ventilated.

This matter has evoked a lot of comment in the last six weeks or so. It has been indeed elevated to the status of an issue, when perhaps it ought not to have had that high ranking. But, arising out of something Senator Jemmott said, I think the Government was caught a little asleep.

Perhaps still basking in the euphoria of its contribution to the Grenada situation, Government did not then realise that the Democratic Labour Party, as a counter to any good publicity which the Government was then getting towards the end of 1983, had taken a positive decision among certain of its hierarchy to quickly negative such good publicity by the deliberate creation of an issue. I know that from information from within the Democratic Labour Party. So there was a designed attempt to create this question of the offshore medical school and the importation of dead bodies into Barbados as an issue.

I think it was in 1983 that I had to comment adversely on the Government's handling of its public relations in a speech in here, and I repeat all that I said then. Too often Government is made to appear defensive on a good case, even to appear to be without a case. It is only late in the day, by giving the full facts as a last resort, when a lot of damage has been done to Government's image that Government adopts a positive stance. Government has just got to do something positive about professionalising its public relations.

I am very grateful that Senator Trotman took all the time he took to give the Senate and the country the whole history of this offshore medical school business, because it should never have been an issue. It could not have been an issue, having regard to the position of the posturings of the Democratic Labour Party between 1973 and 1976.

The file showing the dealings of the Democratic Labour Party in this matter is thick and big; and even though you may not find any final positive decision saying that the Cabinet decided that it would have the medical school as from such and such a date, there can be no doubt that what went on when the Democratic Labour Party was in power in those last three years was a deliberate development with a view to the ultimate establishment of a school. There was a clear pattern set. The Democratic Labour Party was readying itself for the introduction into Barbados of a medical school. It is possible, we can only speculate, that the events of September, 1976, caused the concretisation of what had gone on to be suspended as far as the Democratic Labour Party was concerned.

I think we ought to have some sympathy with Senator Trotman in this matter. I believe Senator Trotman is too modest a person and would not wish, and if I am wrong he can correct me in his reply, to let it be known, but I have ascertained that the files showing the Democratic Labour Party's involvement in this matter have only very recently been made available to Senator Trotman. I hope that he will find out from his own department, or wherever, why, only within the last two or three weeks, the files have come into his possession, files which precluded a full statement being made at an earlier date.

I do not believe, and I do not pull my punches with anybody, that this Government is getting, and has got, the fullest, the truest and the most honest co-operation from certain civil servants in Government, not only in this matter, but in several matters. I have to deal with them in other areas, and I am satisfied that Government is played with, fast and loose, by civil servants.

When I was in the Lower House, Dr. Cheltenham and I called some years ago for an investigation, a Commission of Enquiry, into the operations of the Civil

Service. That was the one occasion on which the Government was defeated between 1976 and 1981. They stalled and would not have the debate; and when we forced them into the debate, they were ultimately defeated. I think it was a mistake then not to have heeded the advice of the two backbenchers, Dr. Cheltenham and myself, and let us have an investigation into the operations of the Civil Service and clean it up, because what has now come to light — and no one is questioning the honesty and sincerity of the document that has been laid before us, and the extracts that we have been given — is that the Democratic Labour Party in its recent statements, its recent public posturings, is being shown to be hypocritical.

I accept the point that we must not lay blame or seek to say that the Democratic Labour Party did it and therefore we can do it. That is not the point. The Democratic Labour Party may not have taken a decision and this Government is being asked to take a decision. The point is that, morally, it does not lie in the mouth of any former Cabinet Minister or Minister of Health of the Democratic Labour Party to pretend that they knew nothing about a medical school, when they were hip and thigh in it for three years, and then seek now that we are in power to create an issue. They are only hypocrites. I regret having to call some of them, who have paraded their comments publicly in the newspaper, that, but I think that is a sincere and genuine appraisal of their behaviour.

What is the difficulty? Senator Greaves, as was clearly explained by Senator Linton, is in his best style when he is in opposition; and you cannot take it from him, but we must be careful to warn the Press ever so often. His style is to get headlines, by using emotive language, and if there are untrained or ill-trained people in the Press who are willing to carry it, then Barbados is the poorer for those who are unable to make proper judgment as to the true content and effect of honourable Members' speeches.

He said that they were Mafiosi. I got that before I left. I challenge Senator Greaves to go outside of here, where the privileges and immunities attaching to members' speeches do not prevail, and say that. I challenge him to go out on a platform and say that the persons promoting the medical school in Barbados are a bunch of Mafiosi. With all the implications of saying that, I am sure he would not do it — but he would probably want the Press to carry that as a headline tomorrow. 5.20 p.m.

I do not believe that it is good or fair debating to make these kinds of statements without giving the supporting evidence. If Senator Greaves has evidence that persons connected with the school are Mafiosi, then he should lay it bare in here, or to the relevant authorities in Government. Let him expose them. He cannot, otherwise he would have done it. He knows that. If he had the

chance to call the name of somebody who was involved with or convicted of having dealings with the Mafia, he would have done it, in the hope that it would further dirty the Government. But he cannot, and it is unfair for that kind of emotive language to be used.

He said it was a sell-out of the country. By way of comparison, Senator Jemmott spoke of the HARP business, where the rights of citizens in Christ Church, particularly those living around Paragon, were sold out by the Democratic Labour Party — clearly sold out — because they had no right of redress to the courts for nuisance when their windows were blown apart.

It was the former Prime Minister, Mr. Barrow, who, himself, predicted that one day we were going to wake up and find that we did not have a country. When he was in power and in charge of Immigration of everything when all roads led to him, he was saying that one day we would find that you did not have a country. Presumably, he was prepared to let it go to all and sundry.

In the light of the fact that the St. George's Medical School operated without let or hindrance in Grenada, under the PRG, I wonder if Senator Greaves, with his knowledge as a member of the Democratic Labour Party, a party which was close to the PRG, of the way the PRG operated, is still prepared to say that a Mafia organization was operating in Grenada to the knowledge of Bishop and the others. I am suggesting to him that if the St. George's Medical School had any connection with Mafia, Bishop would not have had them in there. I think we all know how he used to operate, and it is a fair conclusion that if they were tainted in any way with immorality, they would not have been allowed to operate.

I am sure that the benefits of the medical school have been given by Senator Griffith. I know Senator Griffith knows a lot about this, and he promised to give chapter and verse on it.

Senator Trotman's statement is absolutely full, and the only regret, as I said, is that it could not have come two or three weeks earlier. But I find that there are one or two things which were left out, or which I have heard, which I believe need answering by Senator Trotman, and I would be glad if he would take the opportunity, if he has the information to give, to answer a few queries.

Connected with this whole question of the importation of cadavers into Barbados was some publicity in the newspapers that Senator Trotman is alleged to have given instructions to civil servants not to speak to the Press. I think one of the unions took it up as being in breach of public workers' constitutional rights.

If Senator Trotman has the information, I would like him to say if, or not, it is a fact, that when the first set of dead bodies were to come into Barbados, a health officer said he is not letting them in because Richie Haynes said they are not to come in here. I want to know whether that has been reported to Senator Trotman; and if it has been reported, what has been Senator Trotman's response to it.

Aside.

SENATOR D. A. C. SIMMONS: I am only guessing. I want you to reply. I am rolling a wicket for you to bat on. I want to know if that was said, if you know the status of the officer who said it, and if any action has followed.

I have also heard that there was a leakage of minutes from the Ministry of Health. If to your knowledge there has been such a leak, has any steps been taken to block that leak to ensure that in future it does not happen? I was told that the leak was done deliberately to do damage to the Government's name and reputation.

I have also heard it said that doctors who are affiliated to BAMP, and who are getting the Executive of BAMP to make running against the Government on this matter, are themselves applicants for jobs at the St. George's Medical School. I wonder if the Minister has any knowledge in support of the information which I got. I do not want to know the names, I do not even want to know the numbers, I just want to know if the Minister can state as a fact that doctors in BAMP have themselves applied for jobs at the medical school.

If that is so, I have to question the *bona fides* of BAMP. I have to ask if there is not a conflict of interest in that organization, and in respect of certain of its members. I do want to know if the Minister has the information.

These are matters which, perhaps, could be dealt with in the reply, if the Minister has the information. These are matters which have contributed — let us be frank — to the bad publicity which the Government has got on this matter. It should never have been an issue if it were properly handled from a public relations point of view. But I do not criticize the Government to the fullest, because of the fact that the files dealing with the off-shore issue during the DLP's time had been hidden from the Minister for a considerable time. That is an ameliorating factor.

If the Minister did not feel confident of the trust that he reposed in people in his department, and felt it necessary to say: "My officers will not make any statement, if there is any statement, I will make it", I would

be grateful if the Minister would let us know that that was what was intended. I am sure that the Minister, and certainly the Government, would have no intention of fettering citizens' rights to freedom of speech. Rights to freedom of speech can be abrogated, as provided in the Constitution, in certain limited situations. But if the Minister did have to do it, I think he ought to tell the public today, when he is taking the opportunity to make everything connected with the St. George's Medical School public, all the other surrounding facts and why it was necessary for him to do it.

I am going to support the amendment to the Act. The reason advanced by Senator Trotman in his opening remarks on the Bill is enough justification. I thank Heavens I am not on the Bar Council. I wondered, when I heard it on the news a night, what right the Bar Council had, on behalf of all of us, jumping in, at what I consider a very premature stage, to express a view that was not supported either in commonsense or in law. The President of the Bar Council made a statement which was reported, and he has not denied the report as being a misrepresentation of what he said. But I repeat, what he said, with all due respects to Mr. Blackman, who is my friend, did not represent even good commonsense or sound law.

If there were no law that restricted the importation of cadavers into Barbados, show me how they could not come in? Was there anything that said that they had to have a licence? We know that certain goods cannot come into Barbados because you have to get a licence for them. Before it was necessary, let us say, to get a licence to bring an American motor car into Barbados, you could bring in an American car if you had the money, and you paid the customs duty and whatever else was charged. But from the time there was a requirement for an import licence, it then became illegal to import an American car into Barbados without the proper permission.
5.30 p.m.

I searched the law a few days after the statement that was made by the President of the Bar, and I discussed it with Mr. Henry Forde. We went through the law and we could not find anything that inhibited the importation of cadavers into Barbados. The law is now being tightened up; in fact, the law is being put beyond doubt.

I have no difficulty in supporting the Amendment and I really want to take the opportunity publicly to compliment Senator Trotman for his very expansive statement on the history of medical schools. I understand from the statement that the matter is to go to Cabinet tomorrow for a decision, so I cannot ask him for a decision on terms and conditions. I do not even think that what he intends to submit to Cabinet concerns us at this stage, so I am not pressing at this stage about that. I want to hear about the civil servants and how the health

officer said he was not allowing dead bodies into Barbados because Richie Haynes said so.

The whole business has got the Democratic Labour Party into confusion. Mr. Erskine Sandiford today at lunch put it very nicely in relation to how I will begin, that this was a deliberate tactic to tarnish the image of the Government, when he said that it was like being on a victory and now snatching death. Mr. Sandiford said that. He realised, having sat here and heard the Minister's exposition, that they now no longer have anything serious to sway public opinion against the Government on this particular issue.

Dr. Haynes' name did not seem to feature in the correspondence between 1973 and 1976. Perhaps, as Senator Linton said, as he then was the second most important man in Barbados, the decision would have been made between himself and the then most important man — out of Cabinet; perhaps offshore, during one of their visits to Jamaica, the Bahamas or Caymans, which they visited frequently. They may have made the decision up there and no matter what Dr. Caddle was writing, and Mr. Sandiford, and so on, the decision may have been made otherwise. But I believe that it is perhaps that Dr. Haynes was not familiar with what had passed on the file, and so, looking to jump in and embarrass the Government, he stepped in; and he and his party has now suffered the rebound as a result of today's presentation by Senator Trotman.

I am obliged to you, Sir.

Mr. PRESIDENT: Senator Trotman.

SENATOR THE HON. O'B. TROTMAN: Thank you, Mr. President.

The one matter which I propose to address myself to as far as the spokesman for the Opposition is concerned, is the point which Senator Greaves seems to cling to, and which Senator Simmons addressed earlier, that there is no extract of the minutes which says that the Cabinet of Barbados agreed to the establishment of an offshore medical school.

If there were no other evidence, I would think that Senator Greaves had a point. But Dr. Merliss wrote a letter to the then Minister of Health, not to the messenger in the Ministry of Health, but to the person who had the Governor-General's warrant to be responsible for Health at the time, enclosing a copy of proposals to the Minister and asking the Ministry for the agreement in principle if the school was to make any further investment in Barbados. The Minister, as Senator Barrow said, met with the Americans; and three days after meeting with the Americans — there were two non-work days in between, which I am taking out — a letter was sent off. The Minis-

try of Health wrote to the International Medical Foundation as follows:

"I am directed by the Minister to refer to his recent discussions with you and Mr. G. P. Amos on proposals for the establishment of a private financed College of Medical Arts in Barbados, with particular reference to the preliminary report on the feasibility of establishing such an institution, which was delivered to the Minister on the 27th June, 1975."

Paragraph 2, and this is a straight commitment from the Government of Barbados, is as follows:

"I am to state that the Government agrees in principle with the proposals under reference, and will offer all possible co-operation to your organization in pursuance of further investigations into the feasibility of this project. We look forward to hearing from you on this matter."

(SENATOR E. E. GREAVES: Wait. When was that?)

SENATOR THE HON. O'B. TROTMAN: July 2, 1975. Do not try to put me off. It makes no difference to me if it was Caddle, Erskine, or whoever. It was a D.L.P. Minister, it makes no difference to me.

At the meeting between the Minister and the Americans, the Americans asked for certain information earlier so that they could go ahead with their projections. They asked for information on income tax, an index of retail prices, and a map of Barbados. As soon as the Minister of Health got the information, on the 23rd of July, they sent a letter off saying:

"I have been requested by the Minister of Health to forward to you the following documents which you requested on your recent visit to this country:

a. Information on Income Tax —

This is important, because you will remember that they did make the point that the Income Tax law in Barbados would prevent them from being able to recruit staff in America unless some concession was made.

b. Index of Retail Prices

c. Map of Barbados."

The information at "B", the Index of Retail Prices, indicates, in the last column of the table, the average rise in the cost of living over a specified period of time.

To make sure that the agreement was sealed up, the International Medical Foundation, on the 18th July, wrote saying:

"We are in receipt of your agreement to co-operate in principle with our proposals for the establishment of a college of Medical Arts. It is our understanding that the target date for the official dedication of the school is November 30, 1976."

If that is not a straight commitment of the Government of Barbados to the International Medical Foundation to establish a school in Barbados, I do not know what is.

5.40 p.m.

Senator McClean, who obviously gave some thought to the matter, raised the question of registration of students, and for the record I think I should get this into the report.

What the school is saying to Barbados — the St. George's Medical School, not the other persons who had no standing as far as Dr. Ramsay and PAHO is concerned, not the IMF — is that they will do two years of pre-clinical work in Barbados with persons who are already graduates. They are not taking high school kids into St. George's Medical School, they take graduates into St. George's Medical School. The graduate then does two years of pre-clinical work in Barbados, including anatomy. He then goes off to teaching hospitals in Britain — and they have listed Bath, Basingstoke, Southampton and a few other hospitals in the south of Britain, hospitals to which we send our own doctors to be trained — to do their two years' clinical work and then they go to America to take the ECFMG examination. That does not make them doctors; it gives them the right to go into an American hospital to do their internship. It is only after they finish their internship, then they get their licence as a doctor.

The question of standards is easily flashed around about American education and American medicine, but every week the same doctors in Barbados, who are members of BAMP, are pressuring me to spend more and more money to send more and more Barbadians to America to get medical attention. If it is true, as I have good reason to believe, that at present one-third of all persons who are going into medicine in America are graduates of offshore schools, it is reasonable to assume that we are sending Barbadians to graduates of offshore schools in America.

This becomes even more ridiculous when you know that, at present there is a Barbadian who is going through the programme with St. George's Medical School. He is going to graduate very soon. He will probably start his practice in America and may come home, and there will be nothing to stop him from practising in Barbados. So we are saying that if he is a Barbadian and he started his schooling in Grenada, he can leave Barbados, go to Grenada and do his pre-clinical, go to Britain and

America, and come back and practise, but if he starts in Barbados, he cannot practise in Barbados. That is how foolish the Democratic Labour Party is.

The other question Senator McClean raised concerned mortgages. I must ask for forgiveness, Sir, because this one really confuses me. The file seems to suggest to me that when the Americans could not raise the necessary finances to pay the \$375 000 for the Great House at Maxwell, plus additional funds to pay for the eight and a half acres from Sir Kenneth Hunte and the nine from J. C. King, the Principal of the School of Academy of Politics in George Street, that Sir Kenneth somehow had some influence with Chase Manhattan, because he said he would get Chase to assist them in getting money to buy the properties.

It was necessary to get the properties, because when the DLP Minister went to the Bank of America in Barbados and sought to use the savings of Barbadian working-class people, who Senator Greaves likes to represent, the Bank of America said they could not get any money to finance the school in Barbados unless they had real property. So they left one side of Broad Street and went across to the other side to get the real property, to use that, apparently, to go back and get the money from the Bank of America.

I have never heard of that kind of banking in my life, but apparently it was only possible because a Government Minister was involved. Government was going to guarantee all this mischief. That is why it is confusing, because I do not want to believe that anybody would raise money that way. I am being told that at Bath, money was raised that way, so apparently it is the practice of the Dems to raise money in that style.

The other question relates to the leaking of information. Since Senator Simmons is pressing me hard, and since I spoke some time ago on one of the radio stations in connection with the information leaking system in the Ministry over which I preside, it is clear that public officers no longer consider that information, which comes to their knowledge in their capacity as public officers, is not their information to bandy about as they feel like.

But Senator Simmons was wrong. The health officer did not say anything about Dr. Haynes. As I understand it, when the health officer discovered that the documentation which was necessary, and which should have been accompanying the cadavers, was not present, he then contacted the then Acting Chief Medical Officer, who advised him that if the documents were not attached, the cadavers could not be allowed to land. It was at that point that he made a big fuss and said that in any case they could not come in, he was not going to let them in, because Dr. Haynes and the Dems do not

want any so-and-so medical school in Barbados. That was reported to me, so I do not want to go too hard on that. It is second-hand information. I was not there, I was home.

But then it becomes worse, because it was then clear that somehow all the information which we had in the Ministry concerning the St. George's Medical School was being passed on immediately to the doctors and to the Democratic Labour Party, and from there to the newspapers. The evidence of this, of course, is the very circular itself to which Senator Simmons referred, because before the Heads of Departments saw the circular which went out, it appeared in the *Nation*.

The Permanent Secretary issued the circular the evening, and the *Nation* published it the next morning — before it got to the Heads of Departments. If that is not evidence that the Ministry is a leaky Ministry, needing a roof and everything else, I do not know what is. Therefore, at the meeting which I had with my senior officers I said that I was totally dissatisfied with the manner in which the information was being palmed out and I would control all the information from thereon. I did not want anybody in the Ministry to be handling the information.

I said that because the information was being passed out, and more so because it was being passed out maliciously. It was clear to me that there were some people in the Ministry who did not support the concept of a medical school here, and felt that they had a duty to feed the Opposition with information. I thought that it was necessary to have the public officers reminded of their obligations under their General Orders, and I told the Permanent Secretary to inform them that they must not continue their foolishness.

If there is something wrong in telling people how to do their business, I do not know what is expected of public officers. I do not know how anyone can expect someone to run a Ministry when the people who are supposed to be working in the system are the ones who are causing the confusion by paddling out information. But that is the end of the circus, as far as I am concerned. 5.50 p.m.

Senator Hall spoke. I am sure Hansard will show that he spoke.

Thank you, Mr. President.

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

On the motion of Senator the Hon. O'B. TROTMAN the Senate resolved itself into Committee on the Bill, Senator H. R. LINTON in the Chair.

Clauses 1 and 2 were called and passed, with Senators GREAVES and HALL dissenting.

On the motion of Senator the Hon. O'B. TROTMAN the Senate was resumed and the passing of the Bill in Committee was reported, Mr. PRESIDENT in the Chair.

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

LAND TAX (AMENDMENT) ACT, 1984

Order No. 3 was called — To move the Second Reading of a Bill to amend the Land Tax Act, Cap. 78A.

SENATOR THE HON. N. A. BARROW: In the Budgetary Proposals made in Parliament on April 27, 1983, the Ministry of Finance proposed to clarify the qualifications for the exemption of agricultural lands from the Idle Land Levy. This therefore, is a budgetary measure.

The Minister considers that on a small, densely populated island like Barbados, the withdrawal of land from productive use in the hope of speculative gain is unacceptable.

The rate of the Idle Land Levy under the Land Tax Act will be raised from a level of \$300 per hectare per annum to \$500. The limit of \$5 000 will be abolished, and the rate of refund referred to in the Act will be raised to \$420 per hectare. These amendments will be given effect by Ministerial Order under Section 6 of the Land Tax Act Cap. 78A.

To qualify for exemption from the payment of the Idle Land Levy, the land must consist of a holding of less than four hectares and must be certified by the Commissioner of Land Tax that it is being used satisfactorily as agricultural land.

If the land consists of a holding of four hectares or more, then it must be certified by the Commissioner of Land Tax that at least 80 per cent of the arable land is being used in agricultural production, in order for it to qualify for exemption from the payment of the levy.

As I said, this is a budgetary measure, and it is not one that would cause a problem.

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

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

SENATOR C. D. SEALE: Sir, I am sorry to see that Senator Hall has left us. It was nice to have him

back here with us. His very jovial mood was very refreshing.

Sir, Land Tax. The system of valuation for land tax is really proving to be discriminatory. The problem lies with the fact that the people who purchase property and the people who develop property are the people who are hardest hit by the application of tax because of the way the present valuations are taken.

The value at which the property is purchased, or the value at which it cost to develop, is taken as the valuation, and the land tax is levied on this. However, those people who do nothing by way of development in Barbados, who sell no property, have valuations based on historical values, with just a small percentage of tax. So this is really affecting the new developments in a very serious way.

Valuations are also placed on machinery in factories. I doubt that the Government really realises that with the cement plant costing some \$200 million, the land tax bill is going to be some \$2 million a year. I would doubt that the cement plant would have the ability to pay \$2 million a year in land tax. But this is the method used, and it has to change.

Heywoods Hotel, at a cost of \$60 million, would have a land tax bill of some \$600 000 a year. I doubt that Heywoods Hotel could pay that type of money, and this is what is happening in the other hotels in Barbados. Hotels which cost \$11 million to build have a land tax valuation bill of \$110 000. This is the problem, because they cannot pay \$110 000; neither can Heywoods pay \$600 000, nor can anybody who has just established a factory pay. If you have a factory costing about \$1 million in building and \$2 million in machinery, you get an evaluation of \$3 million, because they ask for the cost, and then you get a land tax bill of \$30 000. That is really outrageous.

You also have a situation where if the building or the land happens to be owned by a foreigner, the rate is doubled. Say there is a plot of land owned by a Barbadian and one plot owned by a foreigner, who has had to pay transfer tax for the privilege of buying it, a high rate of transfer tax that nobody is against. But the Barbadian, whose valuation is \$100 000 is paying \$1 000, while the foreigner, with the same valuation of \$100 000, is paying \$2 000. I believe this is unconstitutional and discriminatory, and I feel the Government should take a good look at this.

6.00 p.m.

I remember the words of a former revered President of the United States, the late John Kennedy, who said that an error is not a mistake until you fail to correct it.

I believe that the levy system on agricultural land is a mistake, and I would hope that the Government would look at it. It is not really doing anything. The people who have gone out of agriculture and have 100 acres of land lying down like you have lost your shirt are totally bankrupt, so there is no money there to restart. So whether you levy or do not levy, the fact is that there is nothing there.

I see a place above my own place in grass. That has been in grass for three or four years. There is no chance of Oldbury coming back into agriculture in my opinion, no chance whatsoever. They pay the levy each year, but you are not doing anything, because I think the levy was put on to get people back into agriculture, as the Minister said.

I think it is wrong. Some other new method has got to be chosen, but certainly not the method of the levy. And raising it up now is going to make things worse. I would like the Government to take a good look at valuations on property and land tax, and come up with some reasonably fair system, because the system operating now is operating against the people who develop properly and who create jobs for Barbadians. That is the problem.

I thank you, Sir.

SENATOR St.C. E. HOWELL: Mr. President, I really did not want to say anything on this subject. I thought we would have been short and sweet and be out of here. But the matter deals with land tax, and, as you know, last year I was given what was described at the time as "the job of a bed of nails", being appointed chairman of a task force to look into land tax and the whole business of getting money into the Government in relation to the lands of this country.

I am always very interested in contributions made by Senator Seale. He is a businessman and he is not the type of person whom one can listen to without learning something. This is not the first time the question of land tax has come up for debate in this country, and on each occasion you get a lot of fanciful words which are bound to catch the headlines of the Press. There does not seem to be anybody here to do that today, but, in the circumstances, one is bound to reply.

"Discriminatory" is the word used by Senator Seale. The last time we had something in relation to taxes, on the Government side the word used was "incentive". Today it is discriminatory, but not once is it ever said that the taxes, certainly not today, are excessive, and surely that is what matters.

It is all right to look at one side of the coin. There is a particular school of thought in this country that

advances the notion that a building was built for so much and so much and today the valuation is far in excess of the cost of the building. The example given by Senator Seale just now was a building that cost \$11 000 now being valued and assessed at \$110 000. Now left at that it does not appear to be fair, but when we are dealing with property, and land is property, and a building is attached to the property, you have to ask yourself: when was that building built for \$11 000?

Mr. PRESIDENT: It was not \$11 000. It was \$11 million.

SENATOR St.C. E. HOWELL: I beg your pardon, \$11 million, but the ratio would be the same.

Senator Seale is a businessman, and we all know that once a building has been completed, it appreciates so much every two or three years, I think my friend and colleague, Senator Linton, said the last time he made a very good point that was not challenged, that in truth and in fact the valuations by the valuation people in this country are usually too low. The evidence is that if Government approaches those who complain with a view to acquiring the properties, though they are complaining of paying too much land tax, they adduce all the arguments in the world to invite the Government to pay them five or six times as much.

It is a fact, that the valuations placed on property by the Valuation Office are not really the true market value, and that on a free and open market the owners can expect to get far in excess of the value placed on the building by the Valuation Office. Every year the buildings in this country increase in value, as is the norm for buildings throughout the world.

As regard the levy, Senator Seale made the point that it is a mistake to have it. That is a matter of opinion. I am sure he would not be the only person to say this.

The point which was made on a number of occasions, quite erroneously, was the effect of the levy on the small man. We know people like to talk about this Government looking after the rich people, and how it does not have any interest in the small man. This Government's record does not prove this.

I was waiting to see if anything was going to be said about the small man today, because the levy as it stands does not affect people who own I think it is three quarters of a hectare, which is about two acres of land, so a lot of the sting has been taken out of this.

But the philosophy of the levy in Barbados is important. It is not a whimsical measure which has been introduced by the Government overnight. We have been

to the country with this, and it is in the manifesto, and the reason for this is that Government is convinced that the liberal approach adopted by the Democratic Labour Party during its reign, in permitting large areas of agricultural land to come out of food production, was wrong.

Our estimate is that during that period, I think it was 12 000 acres of agricultural land were taken out of production. The policy of this Government, as I understand it, is that a country as small as this one cannot really allow such a large land mass to be taken out of producing food for this country. All of the countries of the world are making it a condition, a point of primary importance, that people must first of all feed themselves. Large areas in Christ Church were taken out of production.

There are incentives, but no one seems to speak of the incentives. The people who had lands lying fallow are given incentives to bring that land back into production. If the land was lying fallow and you paid the levy the year before, once you can prove, to the satisfaction of the Commissioner, that up to the previous year that land had produced agricultural produce to the value of \$1 000, you qualify for a rebate. These are good incentives to get Barbadians to bring idle lands back into cultivation so that we can feed ourselves.

This is not a light matter, you cannot just say that we are putting levies on land which has grass on it, and therefore it is not economically viable to bring it back into production. That is not good enough. Sell it, if it is agricultural land, and let somebody put it into production to feed the people of this country.

Feeding the people of this country is a serious matter. It is not a side issue, it is not even a party issue. In a country like Barbados, when it comes to taking very large chunks of arable land out of circulation, there is no room for demarcation. The people in this country must understand that it is important that Barbados becomes as self-sufficient in food production as the physical constraints would permit.

We cannot have situations here where, in a few year's time, people can write about us, perhaps with some truth saying the malnutrition in this country is going up, as has been said in one country in the Caribbean. We must be encouraged to produce food to feed the people of this country, because when we do this, it means we will save foreign currency, we would not have to import the same food we are accustomed to importing and have to pay money to people abroad for it.

I think it is beyond party politics. In a small country like Barbados you cannot afford to let agricultural land go out of production year in and year out, increasing all the time, and do absolutely nothing. There must be

some device to encourage people to bring land back into production. We give incentives, and if people do not do it, we have to levy on it. That is the policy of this Government, and we went to the electorate on it.

Thank you, Mr. President.

Mr. PRESIDENT: Senator Greaves.

SENATOR E. E. GREAVES: Mr. President, I really had no intention of getting into this matter, because, normally, I am the first to speak after the presentation of a Bill. But after listening to the utter nonsense, the ignorance of the Parliamentary Secretary, who apparently felt that he had a right to get up and defend.....

Mr. PRESIDENT: You could be a little bit more temperate in your language.

SENATOR E. E. GREAVES: Yes, Sir. I know.

(SENATOR StC. E. HOWELL: He is entitled, Sir. Senator Greaves is the most ignorant in here.)

Mr. PRESIDENT: Order, order, please.

Asides.

Mr. PRESIDENT: I wish members would obey the Chair. I am supposed to direct this debate. Please be a little bit more temperate.

SENATOR E. E. GREAVES: Mr. President, I sit down and I take my licks. I do not make any noise.

Mr. PRESIDENT: Proceed Senator.

SENATOR E. E. GREAVES: Therefore when I start to share some, sit down and take them, too.

(SENATOR StC. E. HOWELL: Show me the ignorance.)

SENATOR E. E. GREAVES: Do you want me to show you the ignorance?

Mr. PRESIDENT: Will you kindly

SENATOR E. E. GREAVES: I have never yet heard any person with any sense say that, even with the amount of land which we have out of food production, that the land that we have in food production is incapable of feeding this country. That is utter ignorance.

Can Senator Howell give this Honourable Chamber an indication of the amount of land which would be required to feed the entire population of Barbados? If that is the rationale for this levy, then I believe that the Government would really have to rethink its position.

I thought that I would have heard the argument advanced by Senator Howell, the argument which has been used by the Barbados Labour Party — whether it is misguided or not, I am not debating that now about bringing idle land back into sugar production. But we heard nothing about bringing idle land back into sugar production, as it would seem has been always the policy of the Barbados Labour Party.

The land which we have in production in Barbados at present is enough, if properly utilized, to feed this entire country and allow us to export excess food. That is a fact. Any idiot would know that, except Senator Howell.

Senator Howell talked about the idle land which has been brought back into production. I want Senator Howell to tell me, to tell this Honourable Chamber, how much land has been brought back into production as a result of this levy.

I am submitting that this levy has been of little consequence. There are other factors. The levy is not going to make people bring land back into production. There are other factors which will have to come into place. Indeed, if Senator Howell had just taken time out to follow the debate in the Lower Chamber, he would know that the Minister of Agriculture himself admitted that this measure was counter productive, and that the Government would have to look at it with a view to developing a policy which would enable the Government to encourage more idle land to come back into production, whether it is for sugar or not as the Government would want to see.

But to sit here and to hear the patent nonsense spewed out by the Parliamentary Secretary, who is responsible for the collection of taxes, I believe, is too much. He boasts of being a chairman of a committee set up to collect taxes in this country, and does not even understand what he is talking about.

I really could not resist getting into this debate. I mean, to sit down and listen to the arguments which he has advanced would not enable one to support this. It is for this reason that I will not support it. I have not been convinced. I cannot support ignorance, and that is what we have had here today — a presentation of ignorance.

Mr. PRESIDENT: Senator Arthur.

SENATOR O. S. ARTHUR: Mr. President, I was not intending to speak at length on this particular Bill, and in fact, Sir, I promise to conform to my usual brevity in these matters.

The first point I want to make is that the Government is very much aware that it has to handle matters

pertaining to the incidence of tax with great delicacy, because surely it is not Government's intention to wring tax from the system without consideration of the impact of a one - shot tax in affecting the system's ability to carry on. In that respect, some of the considerations raised by Senator Seale are wise considerations, of which the Government may need to be mindful, particularly, the consideration raised that in imposing tax on land, one may be imposing a tax on total assets which might better be handled by a capital gains tax rather than a land tax *per se*.

6.20 p.m.

In relation to the agricultural aspect of this legislation, I would want to believe that the principal purpose of the levy is to prevent rampant speculation in the use of agricultural land for real estate purposes. It is no secret that the mere imposition of a levy cannot in itself bring back agricultural lands into viable production, particularly if the pre-conditions under which those lands went out of production remain in place during that process. The point, on a positive note, is that perhaps the Government needs to examine the specific kinds of considerations which can tend to keep idle land idle, and prevent idle land from being brought back into viable production, as supplement to the levy, which you must keep in place, in my view, to prevent a large part of our patrimony from being used for speculative purposes.

There are a number of considerations that one can think of immediately. In this country, for example, you have situations where there are people with land and money, but with little agricultural skills. There are other people with skills, but no land. Perhaps what one may need to do is to set up systems whereby appropriate leasehold arrangements can be effected between those people who have the idle lands but not a lot of skills, and those with agricultural skills and no land. In this respect, one would need to have good leasehold arrangements pertaining to tenancy rights, valuations, security of tenure, liability for tax, and so on, if one could ensure that lands presently idle were brought back into agricultural use.

In addition, it has been the experience that lands have been forced to go into idleness because of the condition of estates surrounding the particular land in question. It is known that bad husbandry practices on one estate can be a detriment to productivity on an estate which is contiguous. I am saying that perhaps we need an Agricultural Holdings Act which addresses the whole question of good husbandry practices, and sets up parameters pertaining to the control of drainage, pest controls, and proper cultivation practices, such that you do not have the disincentives wherein a person, who would have the normal inclination to farm, is adversely affected by bad farming practices on an abounding estate. This is a common practice.

We at ADC are affected to some extent by having an abandoned estate contiguous - the Todents live on the other estate and feed on us. This problem can be addressed in the interest of bringing lands back into productive use by having special legislation pertaining to good husbandry.

I do not think we can discuss the question of the use of land without consideration of praedial larceny. This, indeed, has been one of the main deterrents to people in this country wanting to keep agricultural land in agricultural production. I want to say this evening that I would be prepared to support any legislation which makes it truly painful for people to indulge in the practice of praedial larceny.

The final area in which one needs to address the whole issue of idle land in agriculture is in the area of marketing. In this respect, the Barbados Agricultural Society and the BMC may perhaps need to come a little bit out of their public relations approach to marketing and begin seriously to address the question of marshalling the financial, technical, and marketing resources to install the capacity that would enable the non-sugar agricultural sector to start programming the use of agricultural lands in a systematic way for non-sugar agriculture occupations.

I see the need for a levy, as I said, to prevent the rampant use of agricultural lands for purely speculative purposes. It is necessary in that capacity. If you want to use our patrimony for the purpose of speculating, you must pay the price. But we also recognize as a Government that we have to do more than that, and these matters, to which I have referred, are what I suspect are the kinds of directions along which Government is thinking on the matter.

I thank you, Mr. President.

Mr. PRESIDENT: Senator Ward.

SENATOR L. A. WARD: Thank you, Mr. President.

I agree with Senator Howell that Barbados cannot afford to let good agricultural land, arable land, go idle and remain idle. But whether a system of a levy or a penalty is the correct system to encourage people to come back into production or not, I have my doubts.

There are large tracts of agricultural land in Barbados which have been out of production for several years, and in spite of the levy that has been imposed, no effort has been made to bring them back, because, as Senator Arthur said, the reason why that land went out of production in the first instance may be that the land was uneconomical. If that is so, the imposition of a levy, whether that levy is being paid or not, is, in my opinion, not going to bring that land back into production.

If a person did not have the money to cultivate his land and it has gone idle, the only thing that could happen would be that he would continue to owe his taxes and he would continue to owe the levy. Unless the Land Tax authorities were to levy on that land and sell it out, and put it in the hands of somebody that had the ability to bring that land back into cultivation, it is going to remain out of production. So it may not be that imposing a levy is really a penalty.

There are incentives, as Senator Howell said, to bring land back into production, but the incentives may not be enough to give the person the ability to bring that land back into production. I think that this is something that merits further consideration. I know that it is Government's policy that the land should be brought back into production, but it is not cheap to bring land back into production. I believe Senator Arthur would know what it would cost to bring a sugar estate that has been out of production for several years back into production, and there is no way that the imposition of a levy will give the person the ability to bring that land back into production. 6.30 p.m.

That is the only point I wanted to make.

Thank you.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, it seems to me that pretty well nearly all the angles of this measure have been ventilated. I rise only to make reference to one particular point, and that is the point raised by Senator Seale, who obviously at this point is feeling fairly hot on the subject of taxes. It is not the first time he has adverted to it, and I wonder whether it is really hurting. I hope not. I have a feeling that I did respond to him in these terms before, and he can tell me if I did not, but I am going to say it now anyway.

There is, indeed, in my view, a problem, because I have seen too many valuations coming from the same office which vary. There is no pattern to them. My candid opinion is that the professional work of the Government's valuers is so bad as to defeat every attempt at understanding it. That is my candid opinion, and at the level of Cabinet, every time we have to look at acquisitions we have been getting trouble. There is absolutely no doubt about it.

We had before us, a couple of years ago, as I recall, a Resolution concerning acquisitions, on which the file revealed such a disparity in valuations between adjoining pieces of land that if I were like Senator Greaves I would say, even though I did not know the people involved, that it had to be political discrimination. I think that is what he said in relation to Checker Hall. It is so wide — in fact,

wild is often the better word — that it really defeats understanding. I cannot tell you whether there has been any recent improvement, but I can say that that is a problem of which we are very much seized.

My own personal view is that Government's valuers should adopt the standards of the market, that all valuations should be done as market place valuations and forget about some other fictitious standard which allows for all of this arbitrariness and causes the confusion which we at present experience. If that was done and true values were returned to the Ministry of Finance at the crucial time, my own candid personal opinion again is that that would then provide adequate information to justify setting the lower rate for land tax.

It will not necessarily mean that some people will pay less, but if you look at it as a whole, you will know what is the sum and what is the tax yield you are looking for, and there will then be even-handed treatment right across the board. What I mean when I say it does not mean that some people will pay less, is that those people who are at present getting something approaching a market valuation — because some people are, we pay less — those who are getting some valuation on some basis that I am sure none of us in here understands, will obviously not necessarily pay less. I do not believe that that will be a fair thing for all Barbadians.

As you know, it is a matter of getting professionals to change their methods and apply different standards, and there is no way you can have to deal with professionals and not understand how difficult that is. The man who appears to you most reasonable and most enlightened in general conversation, often turns out to be the most protective of whatever the existing standards are, and to see in change something essentially bad, when it comes to matters affecting his profession. I believe that the Minister of Finance, who I know is fighting that battle right now, has a real battle on his hands.

The question that the Bill be now read a second time was put to the Senate and agreed to, Senator E. E. GREAVES dissenting.

SENATOR THE HON. N. A. BARROW: Mr. President, in accordance with Standing Order 59, I move that the Bill be not committed.

The question was put to the Senate and agreed to.

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

The question was put to the Senate and agreed to.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move the Senate do now adjourn until Wednesday, March 14, 1984, at 11.00 a.m.

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

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