
THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION OF 1981 – 86

THE SENATE

Wednesday October 23, 1985.

The Senate met in the Senate Chamber, Public Buildings at 11.15 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. O'B. Trotman, (Minister of Health and Social Security)

Senator the Hon. C. A. Griffith, (Minister of State (Planning) and Leader of the Senate)

Senator J. E. D. Williams, (Parliamentary Secretary, Prime Minister's Office)

Senator H. R. Linton

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

Senator Mrs. M. O. Reece

Senator E. E. Greaves

Senator W. W. Hall

Senator A. W. A. McClean

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

Senator C. D. Seale

Senator the Rev. Canon I. McK. Jones

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

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

Senator J. E. Jordan

Senator H. E. Yearwood

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

OBITUARY SPEECHES

SPEECHES RE THE LATE CLYDE BARROW

SENATOR THE HON. C. A. GRIFFITH: Mr. President, Sir, during the recess, it was my great distress to learn of the passing of Mr. Clyde Barrow, the father

of Senator the Honourable N. A. Barrow, Minister of Foreign Affairs and External Trade. While I personally did not have an acquaintance with the late Mr. Barrow, I happen to know, very well, two of his offspring, Senator Nigel Barrow and the Reverend Colin Vere Barrow, and I can glean from the character and the personality of these two men the kind of person that their father was.

One might recall that the late Clyde Barrow was a teacher and school master for many years, and that, after retirement, he was very active in the real estate business, thus being able to provide properties for many people who were interested in acquiring such. It is this kind of commitment to people with which we can associate the late Clyde Barrow and, indeed, it has been carried on by the work of Senator Nigel Barrow, who is, unfortunately, away at this time.

I just want to take this opportunity on the Government side to pay tribute to the late Clyde Barrow and, indeed, to offer condolences on behalf of the Government to his bereaved family.

Mr. PRESIDENT: On my own behalf and on behalf of honourable Members, I wish to associate myself with the tribute paid and the sympathy offered to Senator Barrow on his loss.

I will direct the Clerk to send the usual letter of sympathy from the Senate and I will ask honourable Members please to stand and observe a few moments silence as a mark of respect to Mr. Barrow.

The Senate stood in silence for a few moments.

PRESENTATION OF PAPERS

SENATOR THE HON. C. A. GRIFFITH: Mr. President, Sir, I am commanded to lay the following documents:

The Occupational Training (National Training Fund Contribution) Order, 1985.

The Profession, Trade and Business Registration Order, 1985.

Report of the Air Transport Licensing Authority for the year 1984.

The Law Revision (Rectification of Omissions) Order, 1985.

Statement showing Net Customs and Excise Receipts for 1 month ended 1st April, 1985.

Statement showing Net Customs and Excise Receipts for 12 months ended 31st March, 1985.

The Annual Report of the Barbados Industrial Development Corporation for the year 1983-1984.

The Consumption Tax (No. 2) Order, 1985.

Report of the Operations of the Barbados Drug Service for the year April 1984 to March 1985.

The Road Traffic (Road Tax Registration Fee and Permits) (Amendment) (No. 2) Order, 1985.

The Annual Report and Statement of Accounts of the Barbados Community College for the year 1983-1984.

Tax on Quarriable Minerals, Order, 1985.

Income Tax (Amendment) Regulations, 1985.

The Agricultural Holdings (Option to Purchase) Order, 1985.

The Road Traffic (Motor Vehicles) (International Circulation) (Amendment) Order, 1985.

Statement of the Return of Output of Locally Produced Spirits during quarter ending June, 1985.

The Tenancies Freehold Purchase (Fees) Regulations, 1985.

Report of the Accountant General for the year 1984-85.

The Annual Report and Statement of Accounts of the Insurance Corporation of Barbados for the year ended 31st December, 1984.

Statement showing Net Customs and Excise Receipts for 2 months ended May, 1985.

The Annual Report and Statement of Accounts of the Barbados National Bank for the year 1984.

The Passports and Travel Documents (Fees) (Amendment) Order, 1985.

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

SENATOR THE HON. C. A. GRIFFITH: Mr. President, we have an Order Paper with ten items, and there are two more that are up for introduction to the Senate today, and a Resolution, as a matter of fact. But in the Order, there are many Resolutions and a few Bills.

As far as the Order Paper that is circulated is concerned, I would like to deal with Item No. 10 as the first Order of Business, which will be dealt with by myself. The Order that is now No. 1 becomes Order No. 2. That is being done by Senator John Williams. Order No. 2, which is now No. 3, is also being done by Senator John Williams. Order No. 3, which is now No. 4, will remain as it is and will be done by Senator the Hon. O'Brien Trotman. Order No. 5 and Order No. 6, the old No. 5, will be done by myself. Order No. 7 will be done by Senator John Williams. Order No. 8 will be done by Senator Trotman and Order No. 9 and Order No. 10 will be done by Senator Trotman.

SUSPENSION OF STANDING ORDERS

SENATOR THE HON. C. A. GRIFFITH: Sir, to facilitate the Senate with regards to the Bills, I beg to move that the Senate suspend Standing Orders 45(1) and (2) for the remainder of the day's sitting.

The question that Standing Orders 45 (1) and (2) be suspended for today's sitting was put to the Senate and agreed to.

Mr. PRESIDENT: Let it be recorded in the Minutes that the Bills on the Order Paper have been read a first time.
11.25 a.m.

INTRODUCTION OF BILLS

SENATOR THE HON. C. A. GRIFFITH: Mr. President, Sir, in addition to the items on the Order Paper, there are two additional Bills. The first one is a Bill which will amend the Public Employees Pension Act in order to correct the typographical error appearing in sub-section 1

of Section 10D, and that will be done by Senator Trotman. The other Bill is the Final Appropriation Bill in respect of the Financial year ended on the 31st March, 1985.

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

PUBLIC BUSINESS

STAMP DUTY (AMENDMENT) ACT, 1985

Order No. 10 was called – To move the second reading of a Bill to amend the Stamp Duty Act, Cap. 91.

SENATOR THE HON. C. A. GRIFFITH: Mr. President, Sir, the proposed amendments of the Stamp Duty Act, Cap. 91 are designed: (1) to facilitate the drawback of Stamp Duty on items sold to tourists at duty free locations; (2) to give effect to the 1985 Budgetary Proposals, which sought to increase the rate of stamp duty on imported goods from 10% to 12% of the C.I.F. value.

Sir, currently a refund of import duty and Consumption tax is granted on goods imported and then sold to tourists and duty free shops. So far as stamp duty is concerned, a rebate is allowed only on goods imported for use in the manufacture of products for export. The concession that is being proposed is as a result of submissions made by members of the Barbados Chamber of Commerce, since the argument has been made that the position of Barbados as a major centre for duty free shopping in the Caribbean was being seriously threatened.

Asides.

SENATOR THE HON. C. A. GRIFFITH: As I was saying, the position of Barbados is being seriously threatened by other duty free ports in the Caribbean: St. Thomas, St. Maarten and Antigua, and it is also known that Martinique is a serious competitor. Indeed, Sir, people travelling through Antigua can compare the prices they pay at the airport there very favourably against those in Barbados, and, as a matter of fact, it can cause the operators in Barbados some discomfort, simply because a lot of purchasing is done in Antigua on out-bound traffic to North America. So the legitimate complaint has been made by the Chamber of Commerce, and the Government is seeking to give some sort of resolution to it.

The Chamber of Commerce itself has indicated that sales of duty free items over 3 years, from 1982 to 1984, totalled some \$36 million. It has been argued, and quite successfully, I assume, that the introduction of the stamp duty in 1982 at 2% of the C.I.F. value of the imports, and the subsequent increases, have impacted negatively on this segment of the market. Initially, the stamp duty used

to be absorbed by the duty free shops when it was at a very low level of 2%. But now that the stamp duty has reached the double digit level, the profit margin of the operators has been seriously eroded.

The other aspect of the amendment, Sir, relates to the Budget of this year, when the stamp duty was moved from 10% to 12%, and this amendment also gives effect to those Budgetary Proposals.

I beg, Sir, 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 C. D. SEALE: Sir, I support the Bill. Indeed, I welcome the decision of the Government to rebate stamp duty on goods sold to tourists under the duty free scheme, Sir.

However, there are a few points I would like to make on this Bill, Sir. I would wish to ask the Minister, for instance, what is the date that this legislation will come into effect. I ask this because it is my opinion – I do not know if I am right or wrong – that this will only be effective for duties paid hereafter and not for rebate of duties paid 6 or 8 months ago. I ask this because you will realize that, under the system of the stamp duty, or on the duty rebate for tourists, the importers have to pay the duty up front, and then when the goods are sold, the drawback is then paid.

Sir, you have goods in the retail stores at the moment which, obviously, have paid duty at 12%. Now when these goods are sold next week or week after, or what have you, will the importers be able to get back this 12%, or will it be only on goods that they have imported after the date? The reason I am asking this is because duty free items, such as watches, cameras and glassware, stay in the retail shops for many months before they are sold. So this rebate cannot really become effective on prices until new stocks come on hand. As we know, we have a tourist season coming up, so our competitiveness for 1985–86 would be more or less useless, because the prices in the shops now carry the 12% stamp duty.

What I would like to suggest is that the effective date goes back to October last year, when the stamp duty was increased from 5% to 10% – and then earlier this year the other 2% went on – because the goods in the retail shops are probably 6 to 8 months, and maybe 9 months old. The traders would be able to get back the rebate, so we will be able to see an immediate reduction on the duty free prices for items for the tourists, so that, effective immediately, we can see that a camera, for instance, will be reduced in price by 12%. A watch will be reduced, it will be reduced in the future, but we really want it reduced now, Sir.

There is another point, Sir. Under this Act, any machinery coming in to the value of \$100 000 does not pay stamp duty. Sir, I believe that will only affect about 2 or 3 manufacturers, because with a piece of machinery in excess of \$100 000, you have to be a fairly large manufacturer to purchase that type of machinery. So, really, in effect what you are really doing is squeezing the small manufacturer and easing the large manufacturer. I would like the Government to review that \$100 000.

Also, one of the problems is this. It is not always necessary when you are in manufacturing that all your equipment is bought from the same person. What happens is that you may be spending \$250 000 in equipment and you have \$50 000 coming from one source, \$75 000 from another, \$75 000 from another, and \$50 000 from another, and you do not get any rebate off, because none of the invoices that are coming into Customs at that time exceed \$100 000. So really and truly you are still burdened through this, and I wonder, Sir, if the Government would have a good look and decide that all machinery is exempted from stamp duty. I do not see the necessity of specifying the \$100 000 piece of machinery.

Sir, I know of a recent case where a piece of machinery cost \$94 000. Obviously, they had to pay the stamp duty. However, you could have had an additional piece to it, Sir, which could be fabricated here in Barbados, employing Barbados labour. It would have been cheaper for the importer to have had the additional piece manufactured overseas so as to increase the invoice value over the \$100 000 and not to pay the stamp duty, and then the local fabricators here would have lost that job, Sir. So it does have some job creation problems.

11.35 a.m.

A lot of play has been made about when you add the stamp duty on to imported items, you increase the cost of living. We have been lucky in Barbados, of course, over the last two or three years due to the total efficiency of the importers in this country. They have been able to switch their sources of imports in such a way to take advantage of the increased value of the dollar. Therefore, they have kept down the prices, and the 12% stamp duty has had little or no effect because the item has cost less on arrival.

However, Sir, there is another side to it. On October 23rd last year, I think, the stamp duty was increased from 5 to 10%. Again this year, in April, it moved from 10% to 12%. But for the whole of this year no control prices on imported items have been increased to reflect that 7% increase in duty, so what really has been happening is that the importers of Barbados have been subsidising the stamp duty. None of it has been passed to the consumer, so therefore we have not had an increase in inflation.

But this is very dangerous, because if you force, by weight of law, an importer to sell a product below the cost of his operation, he does one or two things — he either closes down or he reduces his staff. So what we have been seeing in Barbados is a 1 or 2% inflation rate — and it is going down every month — and then there has been a rise in the unemployment rate — 17, 17.5, 18, 18.5. So you get a lovely set of statistics for one month, in which you have negative inflation, the inflation rate is down, and the next month you have an increase in unemployment. This, basically, is the factor that the Government has not taken into consideration, the increase in stamp duty on the arrival of the goods, and therefore it has forced the traders to become more efficient, if you like, to find other ways to be able to make a profit, and it has been done at the risk of unemployment. It is very clear, and I am asking the Government to take a good look.

If we increase the stamp duty and we have a control price, it is obvious that you have to increase the retail price or the wholesale price. It is no big thing, the article will obviously cost more money. But to sit and have our Price Control Division . . . I have letters I can show you, Sir, where they say they are working on it. Once upon a time they used to reply and say "we have noted your comments." Now they do not do that, they have changed. They say "we have noted your comments and we are examining the facts, and we are going to look into the matter," so you get these letters coming back to you all the time, so you are really doing something. I believe there has been a change in the public relations or something. You are getting a little better feed-back but you are never really and truly getting anything done, Sir; a lot of promises.

With those few comments, I would really like to see the effective dates of this rebate back to October last year and that we have a good look at items that are on the control and increase the control price accordingly so that you do not squeeze the importers that way that they have to go out of business.

Thank you, Sir.

SENATOR A. W. A. McCLEAN: Mr. President, I would not say that I would venture as far as to say that I am in agreement with the Bill, but that is not of the essence, since it is a money Bill. What I would like to suggest is that perhaps the time has come for Government to undertake a thorough review of its tax system, in particular its indirect tax system, its system of indirect taxes.

The stamp duty is really nothing more than a back door tariff or customs duty. It is a back door customs duty designed, perhaps essentially, to get around the CARICOM Treaty in terms of the Common External Tariff

and free trade arrangements within the region. I do not think this is a desirable way to proceed at all. If perchance you feel that the arrangements within CARICOM are not appropriate, have those arrangements reviewed in a manner which would enable you to achieve the types of results you want from your system of customs duties, so to speak.

Again, the stamp duty seems to have been introduced in a very *ad hoc* way as an attempt to raise revenue. If you have a shortfall of revenue, you determine where to apply the tax. You want to tax some goods and the stamp duty seems to have come along that way. It went from 5% to 10% to 12%. At the time this happened it seems as though enough thought did not go into the matter to anticipate the type of amendment we are getting now in relation to certain categories of goods.

My feeling is that the time has probably come when the basis on which Government's tax system operates is sufficiently well articulated that all of these things will be clearly anticipated. You do not have to be running back here making amendments to grant exemptions here and exemptions there. I am certain that quite long ago it would have been perceived that some of these things should have been exempt from such taxes under a different name, under customs duty or what have you.

Apart from the stamp duty there are other taxes which have been introduced in recent years, such as those payroll taxes, which constitute a strong disincentive to productivity and employment within the community. These should be carefully analysed with a view to determining whether they should not be modified in some way which would not act as a disincentive towards employment.

I thank you.

SENATOR H. E. YEARWOOD: Mr. President, I support this Bill and I would like to say that this stamp duty is a necessary way of raising some revenue, but the problem with this stamp duty at the moment is that a lot of the manufacturers do not understand the methods of getting back this money. I am happy to say though, Sir, that there is a seminar going today which is dealing specifically with trying to sort out the problems surrounding this whole matter of the stamp duty. In fact, the Export Promotion Corporation, the Barbados Manufacturers Association and a number of other organisations are meeting right at this moment trying to get some of the problems which are confronting the manufacturers solved, how to deal with the forms and how best to get around getting back their money as soon as possible after they have put in their requests for rebates.

At the moment, the Customs Department has got 31 applications for rebate totalling \$1.2 million, and of

those applications I think they have paid back \$1 million already. Some manufacturers are complaining, this is true, but I think the manufacturers do realise that they have asked the Government to introduce a number of programmes for them, and I think the Government is looking very favourably at a number of these programmes. All in all, I think they realise that the money for these different programmes must come from somewhere and they are, in effect, in agreement with some of these stamp duties. The problem is that a lot of the manufacturers — not only the manufacturers, anybody who is associated with this thing — just do not understand the way in which this whole thing is done, like the filling out of the forms. As I said earlier, this is exactly what the seminar this morning is designed to explain to the various people.

11.45 a.m.

One of the main concerns is that the rebate takes too long. That will also be sorted out. I think that after this morning's seminar a lot of explanations will be given, and then I believe people will find it a lot easier to look after the complaints which have been going around about this tax.

The Customs Department, I think, is doing a good job. In fact, they are involved in the seminar being held this morning and they are doing what they can to ease the situation for the manufacturers. Of course, all the information which is collected at the seminar will be passed on to the Ministry so that they can look at the whole system, and, perhaps, if there are any adjustments to be made, they can be done on the information coming out of this morning's seminar.

I think, Sir, at this point I would also like to make a plea on behalf of those manufacturers, as far as the Customs is concerned, who for years have been suffering because of the system in the Customs for the removal of goods from the Customs Department. I believe it might be a matter of staffing, but the manufacturers would like to see that there is a system whereby the Customs could be opened a lot longer for the clearance of their goods out of the Customs bond. Sometimes you have to send trucks to the Customs warehouse to get your goods out and they have to wait a very long time. I believe it is not any inefficiency on behalf of the Customs, but it is perhaps, because of the lack of the amount of staff to staff the Customs Department.

Obviously, time is money where the manufacturers are concerned, and I am sure, people who actually bring in goods for, say, their supermarkets, probably find the same problem. I believe, Sir, that if there was some system so that the Customs did not close for lunch, for instance, and staggered their working hours, it would help in getting goods out much quicker than happens at the moment. I believe it would probably mean an increase in

staff and, perhaps, this is one of the areas that could be looked at.

I must support this Stamp Duty rebate. I think that, after today's seminar, many of the questions will be answered and a lot of the manufacturers and business people would be a lot clearer on how this whole matter is handled and it might make things much easier for them.

Thank you, Sir.

SENATOR THE HON. C. A. GRIFFITH: Mr. President, Sir, a few pointers that have been made by Senator Seale and Senator McClean.

Under the present Stamp Duty Act, there is provision for regulations to be made. As far as the effective date is concerned, I suppose that the effective date could be issued under the regulations provided under the Act.

Now I do not want to get into a debate stemming from this on the question of the cost and effect relationship between the imposition of the stamp duty and unemployment. To my mind, that is a very tortuous and winding road. I can see other more direct causes for the unemployment situation in this country, so I really do not want to get into that debate at this point in time. Suffice it to say that where there is a problem in getting removal of controls or getting price increases on goods that are controlled, there is a mechanism, and we are asked in the Cabinet to deal with them from time to time. Only last week, I think, we approved some items that were submitted for relaxation of controls, because, as you may note, there has been a significant relaxation on controlled items in this country in the last 9 years. That is an established fact.

As far as comments made by Senator McClean are concerned, that the stamp duty is a back-door tariff to get around the Common External Tariff, I suppose that one would have to appreciate that, even within the CARICOM Treaty, member countries have a certain latitude which allows them to take steps to protect their economies. We have seen in Trinidad and Tobago the odious situation concerning the imposition of licences and those forms that are used by the Central Bank, the ECOs, which have created problems not only for administration of that kind of restriction in the Trinidad bureaucracy, but has harmed all Caribbean countries that depend on export to the Trinidad market, which is the largest and richest market in the CARICOM trading, and, indeed, the richest market in CARICOM. And although we have heard several attacks made on the Government of Barbados blaming the fall-off in exports to Trinidad on some personal quarrel between two Prime Ministers, the truth is that the people who have been making those

accusations have not been able to tell us what is the quarrel, say, between Dominica and Trinidad, or St. Lucia and Trinidad, because the bald facts are that the Trinidad Government has used a mechanism to protect its own economy and has the latitude to do so within the CARICOM Treaty.

Many countries in CARICOM have not agreed with the Trinidad steps. Indeed, at the Heads of Government Conference in Nassau in 1983, the famous Nassau Understanding was implemented, indeed, advanced and not implemented by all countries, and it was designed principally to free up trade in the CARICOM areas.

Indeed, if we look at the arguments that the Stamp Duty has been designed to get around that tariff, and has been designed as a back-door tariff, you will see where it falls down on the principle that in a situation where the economy is an open economy, where we are still considered the most open in the Caribbean in terms of allowing CARICOM goods to flow into Barbados without let or hindrance, we have to find some ways and means to protect the balance of payments situation, to protect the foreign exchange outflows of the country, and there are several strategies you can adopt to do that.

One approach would be to apply import restrictions, and import restrictions have all kinds of negative connotations and, indeed, negative results. One of the first casualties of the import restrictions that we would face would be that you would find a black market flourishing which makes the dollar worthless. That has happened in Trinidad. Anybody who goes to Trinidad could be faced at the airport with a situation where you can get TT \$4 for a U.S. dollar, even though the official rate is about TT \$2.38 or TT \$2.83, whatever the case is, — that is one of the first things you will find, that as soon as you imply import restrictions, you are instituting more bureaucracy and, indeed, you are creating a black market, which would, in effect, devalue the Barbados dollar.
11.55 a.m.

The introduction of the stamp duty has only been a mechanism to dampen the consumption pattern of Barbadians, because we heavily import a lot of what we consume. That is an established fact. So the stamp duty was only one mechanism to try to dampen that consumption behaviour of Barbadians, just like we did with the Bill that was introduced in 1977 on the hire purchases, so as to make it difficult for people to use scarce foreign reserve resources to import goods into the country. This is a most effective mechanism, because we have found in Barbados that there is no devaluation, there is no black market as such — indeed I know of no existence of a black market — and that it has worked to the advantage of most people with a few minor irritations.

Indeed, in the administration of any kind of revenue-collection system, you are going to find

irritations. That is why I do not agree also with the view that there is need for an overhaul of the indirect taxation system, because it was just introduced in Barbados a few years ago by this Administration, between 1976 and 1981, as a way of trying to ensure that the burden does not fall on direct taxation. It falls on indirect taxation, the philosophy being that on indirect taxation people still have a choice about how they spend their money rather than having the money deducted at source. So I certainly cannot agree on this side that these measures were done in an *ad hoc* way or designed to circumvent the Common External Tariff of CARICOM.

Indeed, Sir, if we go back to the steps taken by the Barbados Labour Party Administration since 1976 in trying to review the entire income tax structure of this country and the structure of revenue collections, we will find that some \$97 million in that period of time in direct taxes have been avoided, which means that people have had \$97 million more in their pockets to spend because of the radical restructuring. Now you may want to argue that we have taken it back in several ways, but you have to give people choices. You either take the money at source or you allow them to make choices over the counter, and the better approach, of course, is to give people the choice over the counter. They can choose not to buy or to buy. But they do not have a choice if you take the money from them up front, and this is essentially one of the strong arguments for a regime of indirect taxation, and we cannot agree that you have a complete overhaul which would eliminate a constant revision, because as tax systems go, you must have a revision of taxes at some point in time. I do not suppose any Government, no matter how good or wicked it is, will want just to impose taxes willy-nilly. There are services to be paid for. Indeed, the services in Barbados have improved dramatically over the years, and we have to pay for them, because there is no such thing as a free lunch.

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

Clauses 1, 2 and 3 were called and passed.

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

COMPULSORY ACQUISITION OF LAND AT HALLS ROAD, ST. MICHAEL

Order No. 1 was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Halls Road, St. Michael for the construction of a roundabout.

SENATOR J. E. D. WILLIAMS: Mr. President, during the month of May, 1984, Government completed the legal processes for a number of parcels of land which were used in the construction of that roundabout. As a matter of fact, the land was also used for related road improvements. The road works have already been completed, Mr. President, but unfortunately it was discovered recently that a parcel of land containing some 112 square metres, owned by Mr. William Forde and situated at Halls Road, had been utilised in connection with the roundabout itself and the road improvements, but that the processes of acquisition were never finalised. However, I should say that Section 3 of Cap. 228 has already been complied with.

An opportunity now presents itself for Government to regularise utilisation of the land by completing the legal processes for its acquisition. Parliament therefore is seeking the approval by way of this Resolution for acquiring the 112.6 square metres of land situated at Halls Road, being the property of Mr. William Forde.

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

SENATOR E. E. GREAVES: Mr. President, I just want to say that I do not believe that this particular matter is a controversial one, because the roundabout has already been completed, and we are now in the process, as Senator Williams has said, of completing the legal processes for the acquisition. What I want to comment on, Sir, is to do more with the whole question of Government's approach to this question of acquisition of lands in this country.

Now I know that mistakes can be made in these kinds of areas, and indeed it is very clear that this was, to be charitable, an oversight; I do not believe that there is any particular political motive in it. However, one has to take into consideration the position of people whose lands have been acquired and the general attitude and approach which has been adopted by the Government in terms of settling matters relating to these acquisitions, and too often one hears complaints from people whose lands have been acquired about their inability to get settlement. I know of a number of cases, and there is one instance where land has been acquired from as far back as 1979 and to this day the individual cannot get compensation for the land which has been acquired.

12.05 p.m.

I have heard it expressed by a member of the present Administration that, technically, all of the lands in Barbados belong to the Government and the Government can take up whosoever lands they want to take up, when they want to take them up, and pay them what they feel like paying them. In a way, there may be some truth in that, because I believe that, under the Land Acquisition Act, the Government has the authority to acquire land from citizens. But I still feel that there ought to be some sympathetic approach being brought to bear on these acquisitions, recognizing that when the Government acquires lands belonging to people, they are depriving them of their property and that they should expedite arrangements. If resiting is involved, or certainly, if resiting and compensation is involved, they should try to ensure that the matters are settled as quickly as possible so as to relieve people of the kind of pain, suffering and deprivation which they encounter when the Government moves in this particular direction. It is a sore point which is bothering citizens in this country.

As I said, whereas this may just be an oversight – and I believe it was an oversight on the part of the Government – nevertheless, I thought that I would take the opportunity, since this particular matter has arisen, to raise this particular point and make one more appeal to the Government to be more humane, and certainly more expeditious, in getting these matters settled, because people are concerned about the whole approach which is being adopted in this matter. At another time, Sir, I will be in a position to give chapter and verse on a number of dissatisfactions which exist amongst people in different parts of Barbados whose lands have been acquired by the Government for years and who have not, as yet, been compensated.

We had the spectacle some time ago, without attempting to comment on a matter which was discussed in here, where lands were acquired, and about five years after the Government came down with an Order to abandon the acquisition of that land. What I am saying is that these kinds of things cause a lot of problems to people and we certainly would want to think that the Government would want to relieve whatever problems people might experience in their handling of matters and reduce them to as little as possible. I hope that this appeal which I make on a fairly regular basis, but which seems to be falling on deaf ears, will at least, be heard by somebody on the other side.

Thank you, Sir.

SENATOR J. E. D. WILLIAMS: Mr. President, I want Senator Greaves to understand that we are not at variance on this point. I was at pains to point out that it was an oversight, and I think he readily accepted the fact that it was an oversight, on the part of the Ministry.

The Government does not like people to have to wait any long, protracted period before he or she is compensated for his or her land. But the fact of the matter is that, recently, I think it is only fair to say, there has been a massive roadworks programme carried out by Government, and we have dealt with a number of acquisitions in this Place and in the Other Place, Mr. President, and I really believe that those instances where we have to come and deal with one which was an oversight are in the minority. We do not like them to happen but I suppose these are things that will happen from time to time.

I also want to tell the Honourable Senate that the Ministry of Housing has started a project to determine those numbers of people who still have to be compensated for their land, and in the not too distant future that information will be available to everyone, Mr. President. But under the circumstances, I want Senator Greaves to understand that we are at one on this matter.

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

VESTING OF PARCELS OF LAND IN NATIONAL HOUSING CORPORATION

Order No. 3 was called – To move the passing of a Resolution to approve the vesting in the National Housing Corporation of parcels of land at Lammings, Saint Joseph, and at Spooners Hill and Haggatt Hall, Saint Michael for housing purposes.

SENATOR J. E. D. WILLIAMS: Mr. President, it is proposed, by way of this Resolution, to vest land at Lammings, St. Joseph; Haggatt Hall, St. Michael and Spooners Hill, St. Michael in the hands of the National Housing Corporation in order to facilitate the development and the sale of this said land.

With respect to the ones at Lammings in St. Joseph, we are talking about some 3.89 hectares. This land was acquired by Government in 1980, and on that occasion it was acquired for the provision of housing development and a cultural centre with a recreational area. However, the new position on the matter is that the land will be utilized for the provision of fully serviced lots. Some fifty-two lots will be made available. The sloping and uneven nature of the place does not lend itself too easily for the provision of recreational facilities, and it is felt that it would be better at this stage to provide land which is very much needed by persons in that area to put their houses on and for them to build their own homes as well. As I said, we are talking about some fifty-two lots that will be made available.

With respect to the parcel of land at Haggatt Hall, St. Michael this contains 4,510 square metres, and this land was acquired for the purposes of providing sites and services in that particular area.
12.15 p.m.

The land was sub-divided into some 10 lots. You will recognize that some 7 concrete units have already been erected in that area. It was planned to have a larger development in the area, but this was reduced due to the difficulties with respect to water mains across that section of the site. These 7 houses which have been erected, Mr. President, are now being utilized in the relocation exercise by persons who were living in the Rendezvous area and who have been temporarily relocated in Haggatt Hall. It is expected that Government will eventually offer these units for sale to the public.

The area of land at Spooners Hill is also being vested in the National Housing Corporation, and this comprises some 4340.4 square metres, which encompasses a lot of at present unused and under-used lands in the area, where housing is a problem. The programme for implementation will include the provision of some 17 fully-serviced residential lots, and the developmental work of this site is in progress. Already, the National Housing Corporation has received a number of applications from persons living in the area.

In order for the National Housing Corporation to develop these parcels of land and also be in a position to ask for conveyances with respect to the sale of the land, it is necessary for the Corporation to have a clear title to these lands. Accordingly, therefore, Mr. President, this Resolution seeks the approval of Parliament for the vesting of these lands in the hands of the National Housing Corporation.

I beg that the Senate concur in this Resolution.

Mr. PRESIDENT: It is proposed that the Senate concurs in this Resolution. Senator Greaves.

SENATOR E. E. GREAVES: Sir, I have just a short contribution to make on this particular Resolution, Mr. President. I know that it is the intention of the Resolution to make lands available to the National Housing Corporation for the construction of houses and the provision of house spots to needy citizens of this country. I do not believe that anybody in this Chamber would dispute that particular objective, because it is generally recognized that the whole question of housing is something which needs our constant attention and needs a programme which will enable people to benefit from it, whether it is one in which houses are constructed or whether it is just a sites and services programme.

I can very well recall that in the 1960s and 1970s, when, under the previous Administration, a thrust was made in the area of housing to answer the acute problems facing people in this country relative to housing and the quality of housing stock, and when in order to do this the then Administration had to acquire lands for this, there were all sorts of comments being made about lands

being taken out of agriculture for housing and that sort of criticism. I think that any Government has to be able to strike a balance. I believe that the Barbados Labour Party Administration must have come around to the view that if we are going to be able to deal with the acute problem of housing, well then some of the lands have to be utilized. This is not any plea, or indeed any support of any position for the utilization of good agricultural land for the purpose of housing. But it just struck me that if you look here at St. Joseph and the acquisition at Lammings Plantation, my first question would be, what is the state of this land at Lammings Plantation; is it agricultural land which is being utilized for this particular purpose, that is land that was being utilized for agriculture but which has been diverted to housing, or is it land which was abandoned and which was not brought back into agriculture and Government, in its wisdom, thought that it would be useful to put it into housing. I am asking this question because I think it is important that we know this.

I recall some months ago, when I asked a similar question relative to the acquisition of land from Welchtown Plantation, in St. Peter, for the provision of a community centre in that area, that I was given the assurance by Senator Griffith and Senator Williams that it was rab land. When I went and I investigated it, I discovered that that was far from being true. You see, Sir! It was far from being so — good agricultural land was used for that particular purpose! I am only making the point that when Ministers come to this Chamber and they have to answer questions which are asked, they ought to do so truthfully. I just make that point, I am not opposed to any young people anywhere at all getting playing fields, community centres, or anything like that. I just want to make the record very, very clear on that. But, as I said, we have to have some kind of balance, and we must have some truth in the presentation of information in here, because I will go and check.

I want to find out from the Minister what is the nature of this land. I also would like to find out the situation relating to the development up there. I am told that the National Housing Corporation has experienced extreme difficulty in reaching foundation levels in the Lammings Development, because the soil is extremely deep, and I believe that the Minister ought to be able to give us some information on this — this is important information — and indeed what is the stage of this particular development, because I get the impression, Sir, that this talk about Lammings Plantation and housing at Lammings has been going on for a long time. I really want to find out, (a) if the project has started, and, if so, when the project has started, (b) how many units have been built, and indeed what is the score as far as that is concerned.

I will await the reply from the Minister.

SENATOR J. E. D. WILLIAMS: Mr. President, I believe that Senator Greaves raised two points. In the first he was suggesting that under the Democratic Labour Party Administration, they were accused of taking good land out of agricultural production, which in truth and in fact did happen. I do not think that we would want to argue the point because I think it is one that has been accepted throughout the length and breadth of this country.

I must admit that my Administration or my Government is of the view that there is a large amount of land in Barbados that is non-agricultural land, but which at present is unutilized and which can be acquired for the purposes of housing development.
12.25 p.m.

It has been our approach to identify those pieces of land. For instance, we are talking about land now in Spooners Hill where you have a lot of land, or enough land to provide housing accommodation on 17 lots. We are not talking about agricultural land, we are talking about land that can be best used for housing accommodation. Only in those instances where it is absolutely necessary would Government embark on any programme to utilise agricultural land, and it has not been our policy. I want to give Senator Greaves the assurance that my Government will not take good agricultural land and cut it up for housing development or for the provision of recreational facilities.

With respect to the two questions he asked, I do not believe I should hazard a guess as to what the situation is, but I give Senator Greaves the assurance that on the next occasion the Senate meets, I will get the specific information for him, Mr. President.

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

PHARMACY (AMENDMENT) ACT, 1985

SENATOR THE HON. O'B. TROTMAN: Mr. President, the Pharmacy Act was introduced into Parliament after long discussions with the pharmacists in this country. Notwithstanding that, immediately after the Act was passed in Parliament and the Pharmacy Council was appointed, the Ministry asked the Pharmacy Council to examine the Act to make sure that it was exactly as they wanted it done before it was proclaimed.

The Council met and recommended some other changes, which are set out in the amending Bill. There were a couple of omissions. For example, in Section 2 of the amending Bill there was no provision for the issuing

of the certificates, even though provision was made for the certificates, and there is another amendment in which "poisons" should have been the correct word and "drugs", an all-embracing word, was used. The pharmacists have recommended these changes and we have accepted them, and we seek now to incorporate the advice of the Pharmacy Council into the main Act.

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

SENATOR Mrs. G. G. READER: Sir, I rise to support this Bill, but I would like to bring one or two matters to the attention of the Senate whilst I do so.

A lot of these pharmacies are selling drugs over the counter without a prescription from a doctor or a dentist or a veterinary practitioner. These drugs are drugs for human use, and they are being sold to people who say they want them for their animals.

I know of a veterinary practitioner who was called to an animal not long ago to find the animal in agony with a hole of fist size in its side because the man had been sold sodium pentathol, a syringe and needle to inject the animal and put it to sleep so he could castrate this pig. He did not know that it was to be given intravenously and he injected it intramuscularly. He said he was trying to save money and he paid \$15 for the solution and \$10 for the syringe. Not only did he have a bad time with his animal, which was in agony, but he had to pay two vets to come and anaesthetise the animal to rectify all the harm he had done it, and the animal has still got this deep hole in its side where the whole hip has necrosed.

Also, recently a veterinary surgeon in Barbados found a drug had been sold with a syringe and needle to a man to put down a dog. This stuff is called T.61 and is used to euthanase animals. He had been given 50 cc of this drug, which is enough to put down 10 dogs or 20 humans. What is more, unless it is known to have been administered, it would be difficult to find it at post mortem.

A man was also found with Romprin. Half a cc. of Romprin puts down a bull weighing 1 500 pounds, and this man had 10 cc. of this drug. If a child had got hold of that by mistake, nothing could have saved it.

Mr. President, I as Chairman of the Child Care Board, have a concern for the children of Barbados. I have recently read what has been happening to the children in Puerto Rico where additives are put into chicken feed which have caused great harm to those children. The same thing is happening in Barbados and I think it is time it is stopped. Is the milk at Pine Hill Dairy free of drug residues? Is the meat being sold to

people in Barbados free of drug residues? Is the chicken being sold in Barbados free of drug residues?

There is a drug called chloramphenicol which is used specifically for typhoid and salmonella infections. It is a dangerous drug in that it causes aplastic anaemia in humans. Yet, it is used as a food additive in animal feeds in Barbados and the salmonella germs can become immune to this drug and resistant strains are developed. When a human gets it and is given the chloramphenicol as a last resort to try and cure them, the drug will not work.

I know that I am thought to be speaking for one person only, but I have recently had a meeting with pathologists at the hospital, doctors concerned with drugs in this island, and veterinary surgeons, and they have sworn to me that these things are very dangerous to the public health of Barbados. They have made representations time and time again and no one seems to be listening to what they are saying.

The local feed mills in Barbados can add antibiotics to the feed, hormone growth promoters to the feed, and no idea of the amounts is put on the labelling to those feeds, neither is any date given after which the feed must be stopped before the animal may be slaughtered, so it is quite possible that large amounts of these residues are to be found in the meat, milk and chicken of Barbadian consumers. In Puerto Rico, they found that these hormone developers given to chickens to increase their growth were having a very detrimental effect on children. We do not want to wait for that to happen here. The citizens of Barbados are concerned about this. Low concentration of these drugs in the feed can be very harmful to humans, but the worst thing of all is that they are causing antibiotic resistant strains of bacteria to develop.

12.35 p.m.

Apart from this, the law says that druggists may not sell over the counter anything that is not labelled "for veterinary use only", but wholesalers bring drugs into this island and are selling them over the counter. People going to the druggists can buy what they call 500s, tablets of penicillin, and they tell the druggists it is for dogs, but it is for gonorrhoea and we are now developing a penicillin resistance trade in gonorrhoea because it is being used by unauthorized people, by laymen, who do not know the correct use of this drug.

It is not just the doctors and the vets who are worried about losing patients or having lost of revenue from their practices, this is a public health matter. This is something that we, as Barbadians, citizens, must be concerned about. I, as Chairman of the Child Care Board, must worry if the foods we are feeding our

children in the children's homes and the day nurseries are doing them harm.

Mr. President, I know I get a bit hot about children, but it matters, and we do not want to do something that is going to harm our children. Unfortunately, it is not just one type of child that is going to be harmed, it is all the children, and I think it is time we looked into this very, very carefully, and I would ask the Minister if he would undertake to do so.

Thank you, Mr. President.

Applause.

SENATOR E. E. GREAVES: Mr. President, it is not often that I get an opportunity to agree with Senator Reader, and she may be surprised to know that I agree entirely with what she has said here this morning. I think that her contribution on this particular matter is one which we ought to pay very careful attention to and, indeed, I would say that she does have me a little scared, because I think that any right-thinking person in this country would recognize that there is some substance to what she is saying.

If I could just look at this matter in a public health context, I would want to say, Sir, that in this country we have to pay much closer attention to the effects of drugs — I am not talking now about marijuana and cocaine, that is another subject — but the drugs which are brought into the country and which are sold by pharmacists, for whatever medical problems people might have. And in addition to that, we must pay very close attention, as I have mentioned over and over again, to this whole question of the kinds of pesticides and toxic substances which are coming into Barbados and the question of the distribution, storage and use of these substances. Sir, I believe that the situation has reached a point where there ought to be much more care and attention being directed to this area. I believe, Sir, that the time has come when, maybe, there should be established a National Commission to investigate the importation, indeed, the utilisation, storage and distribution, of these pesticides and toxic substances coming into Barbados.

It may surprise you, Sir, to know that when that fire which took place a couple of weeks ago in Pinfold Street happened, some extremely toxic substances were stored in there, and I am told that about 50 gallons of that substance must have ran down the streets and went into the Careenage. This is in addition to what was recovered by the people from the Public Health Department who went out and tried to salvage the very dangerous substances that were just running along the streets of Barbados. Now one does not know immediately the extent of the damage which could very well be done to

our public health in this country because it is quite possible that some of this substance could seep into our water system. It is quite possible that, somewhere along the path, contact could be established, and one does not know the effects of these things. The fact that it ended up in the Careenage, again, one cannot tell for sure what has happened or what will happen.

I believe, Sir, that in addition to the pleas which I have been making for some time — and you know that I have been on this — I think, Senator Wickham, the last time we had a discussion on this particular matter, raised a number of matters and expressed his concern on this particular matter, particularly with regards to pesticides and toxic substances, and I think that now we have this brief from Senator Reader about the whole question of, maybe, the cavalierish distribution of drugs, we ought to sit up and take note. As a citizen of this country I am very concerned, concerned because I must confess that I do a little reading in this particular area, and I know that there are a number of countries in the world where attention is being paid to this matter, and it is being treated as a very important national issue.

You see, Sir, one of the problems which we face in this country is that we live in what is, for lack of a better definition, described as the Third World. Supposedly there is a First World and a Second World and we are in the Third World, and it would seem as if there are some manufacturers, and, indeed, some importers, who think that, because you live in the Third World, anything will go for you, there are not proper standards which are followed. Indeed, we ourselves do not practice proper standards. If you try to insist on standards in this country, the first thing you are going to hear, "Man, you are making people lose their jobs", or, "you do not want people to make a profit" and that kind of nonsense, as if the only objective which has to be pursued in this country is the making of a profit.

I want to say that we ought to sit up and take very serious note of these warnings, and I am going to appeal to the Government to listen carefully and try to respond to these pleas. Let us have a Commission which would look at these matters and make recommendations to the Government about this very serious matter, the storage of these dangerous substances, what could be imported and what should or should not be imported in this country and, also, the whole question of proper standards relative to the importation and the distribution of the kinds of drugs which Senator Reader drew to our attention here this morning. If we are, indeed, as we say, concerned about the health of this country, I do not believe that this is an unreasonable plea.

Thank you, Sir.

SENATOR J. C. W. WICKHAM: Mr. President, in associating myself with the sentiments expressed in this debate, I really am very anxious to receive the assurance of Government that something will be done about this matter.

One Caribbean writer has described the Caribbean as the Third World's Third World, which shows how low down the scale he has put it. That writer is not a popular writer and his unpopularity stems from the fact that he is often so deadly accurate.

12.45 p.m.

We have in our Senate, fortunately, a Minister of Health, and I should be anxious to know what contribution he can make to this debate. Can he possibly give us some assurance that he will look at this matter very seriously and take to heart the sentiments expressed?

SENATOR THE HON. O'B. TROTMAN: Mr. President, there are two points to reply to. One is the question of storage and distribution of pesticides, weed-icides and other toxic materials. This became quite a serious matter when the first fire took place in Bridgetown maybe a year ago over the Careenage. From then Government decided that we would have to do something about it, and it is at present receiving the attention of the Pesticides Control Board, which is a joint committee between my own Ministry and the Ministry of Agriculture. So that matter is receiving attention and we hope that they will be able to advise us on how best to control the importation and storage of these drugs. It is a very dangerous business. Obviously what has happened, Sir, is that the whole question of modern technology in agriculture and modern methods of disposing of weeds came into Barbados without the country being quite ready for it, and quietly importers have gone about their business without regard for safety and without regard for the effects on human beings, especially workers who have to use chemicals in the fields. I assure you, Sir, that we are quite aware of this and we are trying to do something about it in the two Ministries, the Ministry of Agriculture and the Ministry of Health.

On the other question, the illegal distribution of drugs by people who are not authorised to do that, the problem as I see it is not one that we can use the strong arm of the law to solve. We will just have to keep educating people on the dangers of accepting drugs from people who are not qualified to dispense drugs, because in a small society we have to face the fact that people will always have friends, and somebody will think he is doing somebody a favour by giving him some medicine when in fact he is harming the person, and that can only be remedied through educating the public about not accepting drugs from persons who are not medically qualified or

not pharmacists. We have to educate our public to that level, but I do not believe that we can hope ever to break that kind of problem by using the heavy hand of the law, because all we will do is drive it underground. People in a small society always know who is a pharmacist and who works in a pharmacy and who can pass a bottle of pills to him; but we have to educate the public that they will not accept these things. There are dangers in these things.

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 J. C. W. WICKHAM in the Chair.

Clauses 1 to 4 inclusive were called and passed.

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

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

TAX ON REMITTANCES (AMENDMENT) ACT, 1985

Order No. 4 was called – To move the passing of a Bill to amend the Tax on Remittances Act, 1983–22.

SENATOR THE HON. C. A. GRIFFITH: Sir, currently most of the remittances abroad, pension funds, are by staff members of commercial banks, expatriates and so on, who are eligible to contribute to schemes administered by their head offices. The objective of this amendment is to allow a remittance tax to be imposed on all life insurance premiums, including pension funds, which are considered a form of insurance. At present, Section 4 of the Act provides for the tax to be charged on premiums sent to non-resident insurers, but, as we all know, there are agencies other than insurers which administer pension plans, and these agencies which are not insurers are not now drawn under the tax net. The amendment will correct this anomaly.

Currently, the rate of tax on remittances provided for in the Act is 15%, applicable to life insurance premiums. What we are seeking to do in this amendment is to separate insurance premiums from pension plans, and to impose a rate of tax of 6% on those pension plans.

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

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 J. C. W. WICKHAM in the Chair.

Clauses 1 to 4 inclusive were called and passed.
12.55 p.m.

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

PROTECTION OF THE OLYMPIC SYMBOL ACT, 1985

Order No. 6 was called – To move the second reading of a Bill to give effect to the Nairobi Treaty on the protection of the Olympic Symbol.

Mr. PRESIDENT: Senator Griffith.

SENATOR THE HON. C. A. GRIFFITH: Mr. President, Sir, this is virtually a new Bill. In 1978, Sir, Barbados became a member of the World Intellectual Property Organization and that Organization has invited member states to become a party to the Nairobi Treaty for the protection of the Olympic symbol, as adopted on September 26, 1981. The Nairobi Treaty ideally is aimed at regulating the use of the Olympic symbol and restricting its use to activities which are legitimately connected with the Olympic movement.

The purpose of this Bill is to implement the provisions of the Treaty by preventing the use of the symbol for commercial purposes without the authorization of the International Olympic Committee. For instance, in the media, the use of the symbol would be permissible only for the purpose of informing the public about events connected with the Olympics and the activities of the International Olympic Committee.

This Bill also, Sir, would induce the International Olympic Committee to enter into agreement with the Barbados Olympic Committee regarding conditions under which the symbol can be used in Barbados with regard to the sharing of any revenues which might arise from the authorization of such use.

This Act will come into effect by proclamation, and Barbados intends to accede to the Treaty on the coming into effect of this Act.

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

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

Clauses 1 to 5 inclusive were called and passed.

Clause 6 was called.

SENATOR THE HON. C. A. GRIFFITH: Mr. Chairman, Sir, in Clause 6 — I hope that honourable Members have been circulated with the amendment — there was a typo error which was corrected in the Other Place and the reading should be

“Any person entitled to use a mark pursuant to subsection 2 of Section 5”

I hope that Members are aware of this change.

Other than that, I beg to move that Clause 6 stand part.

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

Clauses 7 to 11 inclusive were called and passed.

The Schedule was called and passed.

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

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

1.05 p.m.

COMPULSORY ACQUISITION OF LAND AT WESTON, ST. JAMES FOR THE ESTABLISHMENT OF A COMMUNITY CENTRE

Order No. 7 was called — To move the passing of a Resolution to approve the compulsory acquisition of land at Weston, Saint James for the establishment of a community centre.

SENATOR J. E. D. WILLIAMS: Mr. President, this Resolution seeks parliamentary approval for the acquisition of land at Weston, St. James. Government has already instituted proceedings for the compulsory ac-

quisition of some 1430.4 square metres of land at Weston. The relative notices as required by Cap. 228 have already been published, both in the *Official Gazette* and in the daily Press. The land to which I refer has already been utilized by the Minister responsible for Community Services for the development of community facilities. Indeed, a community centre and hard courts have been erected at the particular location.

A survey was carried out and it was recognized that there are some 15 communities in that particular part of the country. Prior to the construction of these facilities, we only had the community centre at Trents, and as we know, Trents is always heavily utilized. As a matter of fact, Trents is also used for skills training programmes, and it is used for at least some 5 days a week. Those individuals who live in the area under consideration had, of course, then to rely only on the Trents facilities, and it was recognized by the respective Ministry that it would be in the interest of those young people in the area to provide proper recreational facilities for them, so indeed that they can channel their energies in a positive direction. I do not believe that there would be any argument on that score, Mr. President.

I think the Resolution is a particularly straightforward one, and I must say that the present facilities are heavily utilized by the people in the area.

I beg that the Senate concur in this Resolution.

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

SENATOR W. W. HALL: Mr. President, I have no particular quarrel with this particular Resolution. But, Sir, I do feel that after listening to the Minister this morning and listening to the excuse he gave, which is quite valid and accepted on this side, that there was an oversight in terms of the lands at Halls Road, and although my colleague, Sir, did make a plea for compensation for people who have found themselves in this rather unfortunate position when there are land acquisitions — I would like to say that I do agree with all of that. Having taken cognizance of the Minister's retort that it was an oversight and these things do happen, I would like to know, Sir, what excuse does the Minister have now? He has not said in this case that there is an oversight of any sort, Sir, and we all know that the community centre at Weston has been in operation for nearly two years, Sir. It did not come under the aegis of the Sports Council. I think this one went under the Ministry of Community Development.

Sir, we have no quarrel with the young people at all in getting a community centre or hard court. Our position on this has been very clear, it has been clear throughout the island, whenever we have had land

acquisitions for playing facilities, or indeed any type of recreational facilities in Barbados. But, Sir, I would like to know exactly what really is the methodology. I am worried about the methodology in this respect, because although I am aware of the fact that after the publishing of the Third Schedule you can go ahead with getting the lands prepared and the building of the respective buildings, I am wondering, Sir, why does it take this long for people, as Senator Greaves alluded to, to be compensated for their land? I said nothing earlier, Sir, because I accept the fact that if there is an oversight, these things can happen. But if there is not an oversight this time, Sir, somebody, somewhere, is woefully inept. I wonder if the Minister could care to comment on this, because I would like to think, Sir, that among the people whose lands have been acquired, some of them are not affluent, Sir, some are at the back of the queue, at the bottom of the pile, and as a consequence, Sir, they would like to think that these matters can be handled expeditiously, and as a result of this that they will be able to get their compensation.

I have only mentioned this fact, Sir, because I happen to know that this community centre has been there for quite sometime. But anyone listening to the Minister would not have guessed it, and would have believed, or would have thought, that this community centre has just gone up, and that it is only a matter of a few months to get things straightened out. But, Sir, as I have already said, it is almost two years, and I just wonder what is the position, and why is it that people having had their lands acquired for any particular reason, be it for building a road or for a playing field, are not duly compensated. We find this is not satisfactory, as my colleague said earlier, and I do wonder what is happening.

When we look at some of the literature given to honourable Senators, you will see that later on today we might have to look at something like 133 acquisitions of land for the new road. Sir, I am just wondering if these compensations are taking this time, what is the Government going to do in this respect when we have, at one shot, some 133 acquisitions? I am saying this, Sir, because some of the people.....

Mr. PRESIDENT: You will have to talk about that when we come to it.

SENATOR W. W. HALL: I know that you would say that and I respect your guidance on it, but I still want to get that one. But if you are not going to let me get it in, it is okay with me, Sir, I will do it later on today.

I really wanted to let Senator Williams be aware of the fact that people in Barbados are worried about these late payments in the matter of compensation, and, to be honest with you, I am not going to make a noise if he

gives me an explanation that is acceptable. That is my position on this matter, Sir. If it is acceptable, I will accept it. But, Sir, I would like to know, not only for myself but for all Barbadians, what is the position when these lands are acquired in this manner and people are left high and dry, as Senator Greaves said earlier, without knowing whether or not, or when the next dollar is going to come in terms of the payment of their land, Sir.
1.15 p.m.

SENATOR E. E. GREAVES: Sir, when I spoke earlier this morning, little did I realise that we would have had another situation to strengthen the point which I made then, and I want to rise to support the comments which were made by Senator Hall just now and to reinforce the position which I have always taken on this whole question of acquisition.

I do not want Senator Williams to think that he can confuse the issue by alluding to the use to which the community centre is being put, and indeed can be put. That is not the issue at all. We are not debating whether we should have a community centre at Weston, St. James or not. What we are discussing is the Government's attitude to the question of land acquisition in this country where people are deprived of their property by the Government. They have given up the use of their land, the Government has taken over the use of their land and years after they have not effected a settlement.

Sir, I can tell you something more. I am putting it to Senator Williams and any Government Senator over there that the Barbados Government does not know at this particular moment how many parcels of land they have acquired from people in this country and how much they owe people for land acquisition. You cannot controvert that. I am saying that the Government does not know, and there are people who have long and outstanding claims, people who have been deprived of their property and are made to suffer, and the Government goes ahead calmly and utilises their property and they cannot get settlement.

So we have this situation for the second time this morning where properties have been acquired and we are now at the process of the Government finalising the legal process, not at all settling the claims, but finalising the legal processes for the acquisition. This is not good enough. This, in my view, is trampling on the rights of people in this country, because the Government knows it has the power, it has the authority and it can do these things. But it is for us to let the Government know that it cannot get away with these things, it cannot run rough-shod over people's rights in the way in which this Government has been running roughshod over the rights of people in this community.

Once more I am going to make a plea to the Government. Please, ease up the pressure off the people and try to get acquisitions completed expeditiously and also have settlements effected as quickly as possible.

SENATOR C. D. SEALE: Mr. President, I support the Resolution but I have a question for the Minister. I wonder if anybody is employed by Government to maintain these community centres. When I pass any of them they do not seem to have any maintenance done for many years, and they are very unkempt. I have noticed, for instance, in Mapp Hill, where the Government recently acquired a bit of land for cricket and other community sports, that they put a pavilion up. But that is about all, Sir, the place is just left like that. Why doesn't the community centre area look like, say, King George V Park or the gardens of Ilaro Court? It would give pride to the people who use these things and it would also provide a lot of employment for a lot of people.

There are a number of these little firms, garden maintenance companies, at the moment. The Barbados Development Bank has loaned money to finance them, and I am satisfied that if they were given some contracts at these various places, we would have a lot more pride in our centres. They would be smarter and we would bring up a lot better citizens.

Thank you, Sir.

SENATOR A. W. A. McCLEAN: Mr. President, I think no one can really disagree with the points raised by Senator Hall, but in terms of Senator Greaves' interpretation of the reasons for these delays, mix-ups and so on, it is possible that he could be correct also, but I would say that it does not accord with statements made by the Minister of Housing, who himself has bemoaned this particular problem and said he was trying to ensure that this situation does not persist for all time.

It seems to me that a more correct interpretation would relate to the administrative procedures which are involved in this exercise. In that sense, I would say, perhaps, that what we are seeing here is symptomatic of many things that could be wrong with Government in terms of the administrative procedures that are followed in the various departments. It seems as though we have not yet developed a facility in identifying when practices must be updated to cope with new and changing situations, and we continue with practices which were introduced many years ago when the volume of work involved was less and the methods were adequate. As such, I think that we should see this as in some way symptomatic of the need for Government to be concerned about looking at overall procedures within Government and improving them.

In a sense, also, this connects with the point I was making about the need, perhaps, to look at things like

your indirect taxes. The point I was making then was not a question of whether you should have indirect taxes or not, but the question of whether or not Government is in a position to know exactly what should be exempted at what particular point in time whether they are in a position to know what is the particular rate of taxes that should be imposed on goods. It is not a question of taxes versus no taxes or indirect taxes versus direct taxes, it is a question of a scientific approach to what you are doing.

So, Mr. President, all in all I would say that I would like to associate myself with those sentiments which indicate that every effort should be made to ensure that people are paid for their land on time, but I feel this can only be achieved if the systems that are employed are modified to make this possible.

I thank you.

SENATOR J. E. JORDAN: Mr. President, perhaps you all know this Resolution relates to the acquisition of land at St. James in the constituency of St. James North, and I somehow think that I have to lend my support to this particular Resolution.

I would wish, first of all, to compliment the Honourable Senator Barrow for having been able to move perhaps with the speed that he has in having the facility established at Weston. I think the Parliamentary Secretary in his introductory remarks did suggest that that particular area was reasonably heavily populated, and I am indeed satisfied that the facility is being used well by the people of St. James North.

I have noticed as well, Mr. President, that the system recently being introduced with respect to construction of community centres is to couple the masonry structure with the wooden structure. Indeed at Weston that is an example, I think one of the pioneer projects in the wood and wall facility, and I would perhaps wish to caution that while attending one of the many functions held at that particular facility, I have noticed that the floor has been oscillating rather gently under the forces of the people who were enjoying themselves on the upper level. Maybe the engineers would wish to have a look at the construction again to see whether that is the best mode, given the intended use to which the facility will be put.

1.25 p.m.

Before I sit, Sir, I wish again to echo the sentiments that community groups ought to make greater use of Government buildings, schools in particular, located in their districts. I think we have to sell the point that each and every district cannot have a community centre to call its own. I have heard of certain members in particular

districts saying that "this facility belong to we" and that other people are not allowed to come there and make use of the facilities. I think we have to make the point that (1) facilities are for Barbadians (2), we have to encourage many of our community-based organisations to use Government buildings and, at the same time, we have to let the headteachers of some of these institutions know that they should be, perhaps, a bit more liberal in allowing responsible community groups to use the Government facilities without the hindrance that some of them presently impose in the way of many of these community groups.

Sir, I would wish to associate myself with this Resolution and again to compliment the Honourable Senator Nigel Barrow for having moved with the speed with which he has to erect that facility for the several young people, middle-aged people and old people residing in the constituency of St. James North.

I thank you.

Mr. PRESIDENT: Senator Jones.

SENATOR THE REV. CANON I. McK. JONES:
Thank you, Mr. President.

I am only rising to say that I take the stand that was put up by Senator Greaves in that the point at issue is not whether we should have a community centre or not. We do have it. The point at issue is the compensation for the people whose lands have been taken over and whose properties have been used for the Government purposes.

I think we all understand, or know, that when we are dealing with the Government, if the Government has anything for you, you have to wait a long time for it. If you have anything for them, you have to pay a percentage month by month if you just over-stay your time. So I would like to appeal to the Ministers, and all we have to see about the compensation for people, to remind them that there are some people whose lands have been taken away and that is really what they are depending on, and to keep them for two or three years without compensation is inhumane. I would like the Government to do all it can as expeditiously as possible to try to pay compensation to those people whose lands have been taken away. I think that is the point at issue.

When we come to think, although the President has already told us we have not come to that yet, if this is happening now with 2, or 3, or 4 people, when we have to compensate over 100 people, I wonder how many years that is going to take. I think the Government should really pay more attention to the speedy repayment of money to people whose lands they have taken.

Thank you.

SENATOR THE HON. C. A. GRIFFITH Mr. President, I had no intention of speaking on this Resolution, but there seems to me to be a misunderstanding about the role the Government plays in acquisitions. Indeed, I am appalled to hear that the chief spokesman on the Opposition side would accuse the Government of trampling on the rights of people when it comes to acquisitions. I do not know of any Government in Barbados, past or present, that has deliberately set out in a very general way to trample on the rights of people when it comes to the question of acquisitions.

We all know that it is a legitimate policy of the Government, in the process of development, to ensure that some steps are taken rather speedily, and we have come across on several occasions, in the process of acquisitions, that you cannot find the owners of the property — some live overseas, people have abandoned the properties — and you have to do searches to find who the owners are. That is a common thing happening in Barbados.

When a Government has to acquire property for development, as is the case now, particularly with the Airport/West Coast Road, several steps have to be taken before the Government can acquire property. I do not know of any situation where the Government will have difficulty. Indeed, some exchanges are made sometimes because you may acquire the wrong property. That can happen. You may make alterations in the roadway, as has happened in the Airport/West Coast Highway, and then exchanges are made and so on and so forth, but I am concerned about the accusation, and I have to respond to this, that the Government is trampling on the rights of people.

The Act relating to acquisition of property was introduced in 1949 in Barbados and it has gone through several amendments, particularly in the 1960s. In the year of 1967, when the Barbados Labour Party was languishing in Opposition, several amendments were made to the acquisitions, the point being that nobody could accuse the then regime of trampling on the rights of people for acquiring properties, because, obviously, the acquisitions were done for legitimate purposes, and I can support acquisitions which are entered into in the process of development and this has happened.

I also take exception to Senator Greaves' view because, once these acquisition Resolutions are passed in Parliament, the politicians hardly have anything more to do with them. Indeed, the Minister of Housing, as Senator McClean has said, is taking steps right now to correct some of the problems. He criticized the slow process himself. Obviously, he was not criticising himself, he was

criticizing a process, and he has moved to correct the difficulties that people experience as far as getting compensation for properties. Right now, in the Ministry of Housing and Lands, people are working overtime and on weekends trying to clear up a backlog of acquisitions.

The Government has not encouraged late payment because it wants to be arrogant and encourage late payment. There are definite problems when it comes to acquiring properties, as I have said before, and the Minister himself has taken steps to correct them. So the people who are now asking us to be humane, and criticizing us for trampling on the rights of people, they are a bit late, because the Minister himself has taken steps.

Indeed, the Minister had the vision, also, because of the great number of acquisitions that would be involved in the new highway, to set aside the funding. This is one of the first steps that was taken. The funding was set aside to finance the acquisitions. Some \$4 million has been earmarked to compensate people who will be affected by land acquisitions. So we are cognizant of the problems, we are cognizant of the process which inhibits the quick compensation of people who are affected. The plea is not really falling on deaf ears because we are in the vanguard of trying to resolve the difficulty.

Thank you, Mr. President.

SENATOR J. E. D. WILLIAMS: Mr. President, I feel totally persuaded to reply to one or two points raised, one by Senator Seale and the other by Senator Greaves.

I must admit that when I moved an earlier Resolution, I did make the point that at the time it was an oversight on the part of the Ministry. I cannot say I am happy about anything, but I must say to the Senate that it is not a question of an oversight on the part of the Ministry in this instance.
1.35 p.m.

The facts of the matter are that the land was owned by someone who is now deceased, and it now has new owners. For many many months there was difficulty in the Government surveyor getting information and plans about the actual boundaries. No one was occupying the particular piece of land. The surveyor even went to the extent to see if he could seek the assistance of other people who might have had some kind of information as to where the boundaries were. Government had to acquire the assistance of the US Consulate to find out and indeed contact the new owner of the land, and you are talking about a situation where the person is living overseas. They, themselves, did not even know how large the plot of land was. There was no information up

until recently as to how big the land was, and, therefore it was not a question of giving a price. You cannot give a price on an unknown quantity.

I think that when Senator Hall got up, he quite rightly, to my mind, asked a legitimate question as to what could be the reason, or in the way he put it, the excuse. But in the normal tradition of Senator Greaves, in the absence of any information coming from me, I do not believe that Senator Greaves then should proceed to suggest that Government does not know the number of spots that it has and such. I believe that he took the opportunity to make those kinds of points that he always makes.

The fact of the matter, Mr. President, is that Government is willing to pay the people for the land, but the surveyor had difficulty in determining the actual points of the land, and in the absence of that kind of information we could not come to the Honourable Senate or the Other Place with a Resolution asking for payment for an unknown quantity of land. In the meantime, nobody had occupied the land and Government recognised, having consulted the people who lived in that particular area, that it would have been an ideal place to locate a community centre and hard court facilities, and that we did. In the meantime, we are trying to reach some kind of agreement with the people, but I must admit that this is one instance where you cannot say it is any tardiness on the part of the Ministry.

With respect to the matter raised by Senator Seale, yes, we do have people who are supposed to look after community centres. While I do not want to suggest for one minute that they are doing their work in an exemplary way, I also want to say it is a very bad attitude on the part of people who use the facilities. You alluded earlier to those facilities in Mapp Hill.

Mr. PRESIDENT: Please address the Chair.

SENATOR J. E. D. WILLIAMS: Mr. President, the fact of the matter is that at the same community centre in Mapp Hill, only a few days after its completion the toilet facilities were taken out. That is the sort of vandalism that goes on at community centres, and however much we try to instil in people that we are making these facilities available for them and it is theirs for them to take care of, we still have the problem that some people will use and some will misuse. I do agree with Senator Seale in saying that I am a bit unhappy to think that we have embarked on a programme throughout the length and breadth of this country erecting community centres, pavilions, hard courts and the like and they are not being treated as Government would like. It is a question, of course, of educating people how to use them and at the same time people having a sense of

propriety about things that Government provides for them.

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

SUSPENSION OF SITTING

Mr. PRESIDENT: I think that this is an appropriate time to suspend the sitting.

The sitting will be suspended until 2.30 p.m. 1.45 p.m.

ON RESUMPTION

Mr. PRESIDENT: This sitting is now resumed.

VESTING OF LAND AT JEMMOTTS LANE AND BAY STREET

Order No. 8 was called – To move the passing of a Resolution to approve the vesting of land at Jemmotts Lane and Bay Street, St. Michael, in the Roman Catholic Church.

SENATOR THE HON. O'B. TROTMAN: Mr. President, I have circulated the plans which will clearly demonstrate the matter involved in the Resolution. There are four parcels of land involved – two owned by the Catholic Church and used by the Government, and two owned by the Government and used by the Catholic Church. The Resolution seeks to give Parliamentary approval to an exchange which would allow Government to use those portions it wants to use and the church will use those portions it wants to use. That is basically what the Resolution is about.

In the plans you will see that the green portions are the Catholic-owned lands, which the Government wants to use for road improvement, and the red ones are the ones owned by the Government, which the church wants to use.

The lots are approximately the same size. We have agreed with the Catholic Church that any expense which they would normally incur in the exchange of land would be waived so that they would not be out of pocket, as it were, because of the exchange of land.

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

The question was put to the Senate and agreed to.

COMPULSORY ACQUISITION OF LAND AT KINGSLAND PLANTATION, CHRIST CHURCH

Order No. 9 was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Kingsland Plantation, Christ Church, for the construction of a secondary school.

SENATOR THE HON. O'B. TROTMAN: Mr. President, the area around Kingsland, to the south of Kingsland, is probably one of the fastest growing areas in terms of population. I refer to the Wotton, Gall Hill, Silver Hill area, and there is still one Government school in the area, Foundation School, which used to be called Foundation Boys' School a long time ago and the Foundation Girls' School, and then we lost one of the schools and it became one school.

In view of the population shift in Christ Church, it has now become necessary to provide the residents in that area with additional classrooms to reflect the change in population, and we propose to build a school on the Kingsland Estate, which will be within walking distance, in fact, of most of the children who will be using the secondary school.

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

SENATOR A. W. A. McCLEAN: Mr. President, in rising to support the Resolution, there are a few matters I would like to direct to the attention of the Government. I know that, in many respects, the policy on education, especially the provision of new buildings for primary schools and so on, is commendable, but there are at least two areas in which I think they should give some rather more careful consideration to the policy on education. One has to do with the degree of discretion that is left to headmasters in particular, and to schools, to regulate their own affairs and develop a distinctive style, and to do things in a way which they perceive to be appropriate for that particular school.

There is a perception that more and more secondary schools seem to be coming under the hand of the Ministry of Education in ways that teachers do not always like, and it will be most unfortunate if teachers should ever come to the view that their ideas are not of any importance, even in terms of running the school that they are in charge of – headteachers that would be.

Mr. PRESIDENT: Just a minute. I won't stop you from speaking, but I think you agree it is a little bit oblique from the question of acquiring land.

SENATOR A. W. A. McCLEAN: We are acquiring land to build a secondary school, Mr. President, and therefore must extend beyond the mere acquisition of land. We are acquiring land for a purpose.

Mr. PRESIDENT: But the policy of running a secondary school, as I say, is a little bit oblique. I will let you get away with it.

SENATOR A. W. A. McCLEAN: The essence of this, Mr. President, is that we are talking about arrangements which will facilitate the establishment of a new secondary school in Barbados, which therefore is a projection of Government policy on education, in particular, secondary education; and so far we are speaking of an aspect relating to secondary education in particular. But secondary education is only part of the totality of education, and I wanted to just direct attention to one other area of education in very brief terms.

2.45 p.m.

And speaking of the level of expenditure on education — we are talking about acquiring land and spending money to build schools and to buy land and so on, new structures in the area of education — I would like to speak about structures at the level of the university. The University of the West Indies at Cave Hill is severely under-provided with physical facilities, with buildings, and the situation has become so acute that, do not be surprised if, one of these days, you wake up and see a photograph in the paper of the university students sitting down on the floor, because they do sit down on the floor already. And if you look at the expenditure of not only this Government, all the Governments on the University *vis a vis* the expenditure on the Community Colleges and polytechnics, you will find that the things are not entirely in balance. We need to recognize the importance of university level education and provide for it accordingly.

I am sorry that I cannot wait to hear the rejoinder of the Minister but that is, essentially, the point that I would like to direct to his attention.

Thank you, Mr. President.

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

COMPULSORY ACQUISITION OF SEVERAL PARCELS OF LAND FOR THE CONSTRUCTION OF THE AIRPORT TO WEST COAST HIGHWAY

Order No. 10 was called — To move the passing of a Resolution to approve the compulsory acquisition of

several parcels of land for the construction of the Airport to West Coast Highway.

Mr. PRESIDENT: Senator Trotman.

SENATOR THE HON. O'B. TROTMAN: Mr. President, Sir, the well-publicised Airport to West Coast Road is in debate again, Sir, and the Resolution seeks to acquire several portions of land, in addition to the ones already acquired, for the construction of this highway.

As I understand it, Sir, the tenders are already being considered and a formal award will be made some time next month. I understand that, by the second week in next month, a formal award will be made to Sintra Limited. At present, lawyers are working on tender documents trying to meet the mid-November deadline so that work can start as soon as possible thereafter.

Those residents who have been affected by the highway are being accommodated by the Ministry of Housing where accommodation is being provided in Simmons Road, Husbands, Haggatt Hall and Bartletts Tenantry. Work on those houses is on schedule so the residents should not have any great inconvenience because of the construction of the new highway.

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

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

SENATOR C. D. SEALE: Sir, I support the Resolution. There is just a small point, Sir. This is the Airport to West Coast Highway, Sir, and I have nothing to say on it. But what I do say is that it is going to take us probably a couple years before it is completed, and I am wondering if the Government would consider doing some repairs to the present Airport to West Coast Highway, Sir, which is the one that goes from Charnocks through St. Patricks, Four Roads and down, Sir, because that is in great disrepair. After our floods, especially over this last weekend, it looks like a cart road, Sir. Many taxi drivers use this route to go to the west coast.

I have noticed, Sir, that the road from the airport to Sam Lord's looks like silk now, Sir. That has been done very well. I am hoping now, Sir, that they would do the road that heads from the airport down to the west coast similarly.

Thank you, Sir.

Mr. PRESIDENT: Senator Wickham.

SENATOR J. C. W. WICKHAM: Mr. President, all I wanted to say is that there are more roads to the west coast than the one which Senator Seale uses.

Laughter.

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

PUBLIC EMPLOYEES PENSIONS (AMENDMENT) ACT, 1985

Order No. 11 was called – To move the Second Reading of a Bill to amend the Public Employees Pensions Act, Cap. 30.

Mr. PRESIDENT: Senator Trotman.

SENATOR THE HON. O'B. TROTMAN: Mr. President, Sir, the Public Employees Pensions Act was amended earlier this year and it was intended that the provisions of that Act should come into force on June 1, 1984. There has been a mistake, Sir, and the printed version now shows the effective date as being January 1. But it is incorrect, Sir, and the amending Bill this afternoon seeks to go back to what was intended, that is, June 1, 1984. All the appointments were effected from that date and it would cause some complication if we did not make the typographical amendment now, Sir.

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

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

SENATOR W. W. HALL: Mr. President, I have no objection against the typographical error, but certainly, Sir, I should just like to say that on June 26, I think it was, when this Bill was debated in the Senate, the Opposition voted against it. We voted against it because we felt, and still feel, Sir, that the public employees would be disadvantaged.

Further, the Democratic Labour Party was of the view, and is still of the view, that it is unconstitutional. Only last week, in the Lower House, the Acting Prime Minister of this country said that he did not know whether it is unconstitutional or not, and felt that citizens of this country would have to go and test it in the law courts. I ask you, Sir, I have to ask you, is this the attitude of the Government, that you could pass bad laws and then declare to the citizens of this country that they have to spend money and test it in the law courts?

Sir, we cannot support it, as we did not support it.....

Aside.

SENATOR W. W. HALL: Yes. It is obvious that we did not support it. Many people will not remember that we did not support it on June 26. But I am illuminating the dark corners of their minds and letting them know, Sir, that we will never support it.

Furthermore, the.....

Mr. PRESIDENT: Just a minute, Senator Hall. I do not want to interrupt the honourable Member in his speech, but I think that I should draw to his attention one of the Rules, and that is, that in the same Session when the Senate has agreed on a particular measure, it is not within order for a Member to get up and criticise that particular decision. I think probably Senator Hall may have overlooked that in his remarks. Be careful about how you approach these things.

SENATOR W. W. HALL: Sir, I just want you to know that we were not changing our minds, Sir.

Aside.

SENATOR W. W. HALL: Tell this youngster stop telling me, "Sit down". Boy, you cannot tell me, "Sit down" in this Chamber.

Laughter.

SENATOR W. W. HALL: With all due respect to you, Mr. President, I would like to refer you.....

Mr. PRESIDENT: I have to keep very alert when it comes to these little things.

SENATOR W. W. HALL: I know, Sir.

I would like to refer you to the Minutes of June 26, 1985. The Minutes said that the Bill was read a second time. Now, Sir, on page 837 of the Debate of June 26, it said, "The question that the Bill be read a second time was put to the Senate and agreed to, Senators Greaves and Hall voting, "No". However, the Minutes do not reflect this, and I would like to respectfully ask, Sir, that they be amended to accurately report what took place on June 26. This is important, Sir. It is important for historical reasons. I do not mind being criticised at all, Sir, but I would like whatever took place on that day in this august Chamber to be correctly reflected for posterity.
2.55 p.m.

Mr. PRESIDENT: Yes alright. Insofar as that point about the Minister is concerned, the procedure in this Chamber is that if an honourable Member discovers something in the Minutes which is not correct, he would

draw it to my attention and the Clerk's attention, and it would be taken to be amended.

SENATOR W. W. HALL: Sir, I recognise that. But, Sir, I was drawing it to your attention and, at the same time, to the attention of all honourable Senators. But I understand what you are saying, Sir.

Mr. PRESIDENT: Alright, do not pursue that thing anymore.

SENATOR W. W. HALL: I am waiting on you, Sir.

Mr. PRESIDENT: It is finished as far as I am concerned. That is finished.

SENATOR W. W. HALL: Sir, do not start this, because, Sir, it is not a matter of anybody being finished or not. I have made some very salient points, Sir. I have said.....

Mr. PRESIDENT: Yes, Senator Hall, I have told you that question that you have drawn to my attention will be taken care of in the usual manner.

SENATOR W. W. HALL: Sir, I understand that, but I was not referring to you. I would never speak to you disrespectfully, Sir. I was only alluding to the asides thrown out by the honourable Members on that side. You always tell me not to bother with them, Sir, and to ignore them.

Mr. PRESIDENT: I have told you from time to time not to bother with them. Let us get on with it.

SENATOR W. W. HALL: Anyhow, all I am asking is that this be done, and to let you know that, as far as this piece of legislation is concerned, we on this side will be voting against it.

Asides.

Mr. PRESIDENT: Order, order, order. Are you saying something else? Senator Trotman, are you saying anything? Do not carry on an argument for unnecessary reasons.

SENATOR THE HON. O'B. TROTMAN: Mr. President, Sir, the Constitution of Barbados provides for the payment of pensions to public officers in Sections 103 and 104 of the Constitution, and Senator Hall has said that the Bill before the Senate is unconstitutional. I want to carry on a big debate with him in Committee when he has time to talk about the constitutionality of the Bill, because he is going to repeat that later on and talk about unconstitutional law. If it is unconstitutional, let us have the debate now, Senator Hall. I want to talk about the unconstitutional laws now, Mr. President.

Mr. PRESIDENT: I am not sure if I follow all this that is going on. But anyway I am going to put the question on the second reading.

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'BRIEN TROTMAN, Mr. PRESIDENT left the Chair and the Senate resolved itself into Committee on the Bill; SENATOR J. C. W. WICKHAM in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

Clause 1 was called.

SENATOR THE HON. O'BRIEN TROTMAN: Clause 1, Sir, is the caption of the Bill, and the question of the constitutional position of the Bill, I am sure is an issue which should be taken up at this point, Sir, because public employees, the ones affected by this Bill, are separate and distinct as from public officers as provided for in the Constitution at present. Because, Sir, in 1974 the Democratic Labour Party, which now talks about the constitutional provisions, amended the Constitution in such a way as to take away the appointments, dismissals, discipline and pensions of public employees out of the Constitution, preventing them from being public officers...

Asides.

Mr. CHAIRMAN: Alright Senator Trotman. I have to abide by the Rules, and I want to read to you Section 49 of the Functions of Committee on Bills. The first subsection says: "Any Committee to which a bill is committed shall not discuss the principle of the Bill but only its details." The clause which we are discussing only says that the Act may be cited as the Public Employees Pensions (Amendment) Act.....

Asides.

SENATOR THE HON. O'BRIEN TROTMAN: This is the citation we are dealing with, Sir.

Mr. CHAIRMAN: Therefore, your comment on the principle of the Constitution is out of order. I just ask that you move that the clause stand part.

SENATOR THE HON. O'BRIEN TROTMAN: Mr. Chairman, I beg to move that Clause 1 stand part of the Bill.

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

Clauses 2 and 3 were called and passed.

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

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

3.05 p.m.

FINAL APPROPRIATION (1984-85) ACT 1985

Order No. 12 was called - To move the second reading of the Final Appropriation (1984-85) Bill.

SENATOR THE HON. C. A. GRIFFITH: Mr. President, under the Financial Administration and Audit Act, Section 109(5), the Minister responsible for Finance is required at any time before the end of the financial year to introduce into Parliament a Supplementary Appropriation Bill to account for the sum of monies voted as supplementaries.

The Bill before us seeks to supplement the original Estimates for 1984-85 by a certain sum. In the Estimates approved for the financial year 1984-85, the sum was \$486 325 770 to provide goods and services for the service of the island up to March 31, 1985, but in the ensuing year, during the financial year 1984-85, there was \$67 564 683 in supplementaries for the financial year 1984-85, and this now has to be included in the Final Appropriation Bill for the year 1984-85.

In effect, the total Appropriation Bill, monies spent for goods and services for the island for the year 1984-85, would be \$486 325 770 plus supplementary appropriation of \$67 564 683.

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

The question was put to the Senate and agreed to.

SENATOR THE HON. C. A. GRIFFITH: Sir, due to the fact that this Bill has been certified as a money Bill, I beg to move that the Bill be not committed.

The question was put to the Senate and agreed to.

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

Mr. PRESIDENT: Just before I formally declare that this Bill has now been passed, I once more reiterate my position in regard to the powers of the Senate and supplementary Resolutions. I think Members must be tired of hearing my voice on that particular subject. I have been to the Constitution Committee on it, and they have agreed with me that although there are limitations, constitutionally, on the powers of the Senate in respect of financial matters, I am still firmly of the opinion that they at least should have a say in the expenditure of money. It used to be so in the old days of the Legislative Council, and it was so for a short period in the beginning of the life of the Senate, and then some clever legal person decided that it was not proper for the Senate to consider supplementary Resolutions.

The Constitution Committee agreed with me, and I remain of the opinion that, as an integral part of the legislative process of this island, this House should have at least an input in discussion of these matters. It is derogatory of the powers of the Senate that we could only see the Final Appropriation Bill at the end of the financial year, or sometimes long after, and certainly long after the money has been spent.

I have begged honourable Members to do what they can, to move a motion in this House, move an address, ask a question, do anything to get the Government to disclose its attitude on what should be done about these supplementary Resolutions. I repeat it. That is my remark for today.

This Bill has now been passed.

ADJOURNMENT

SENATOR THE HON. C. A. GRIFFITH: Mr. President, I think we have been able to accomplish a significant amount on the Order Paper and an additional two items. Since there is no more work for the Senate, I beg to move that the Senate adjourn *sine die*.

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

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