
THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1986 – 91

THE SENATE

Wednesday, April 20, 1988

The Senate met in the Senate Chamber, Public Buildings, at 11.15 a.m. o'clock.

PRESENT

His Honour Senator Sir Frank L. Walcott, K.A., O.B.E., LL.D., (President)

His Honour Senator M. deL. Jordan, (Deputy President)

Senator the Hon. Sir James Tudor, K.C.M.G., (Minister of Foreign Affairs) (Leader of the Senate)

Senator the Hon. L. V. H. Lewis, (Minister of State for the Civil Service)

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

Senator N. W. Boxill

Senator D. A. Comissiong

Senator G. L. Eastmond

Senator A. J. N. Phillips

Senator T. A. Prescod

Senator L. R. Tull, Q.C.

Senator J. C. W. Wickham, M.B.E.

Senator the Rev. Canon I. McK. Jones

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

Senator P. Y. Forde

Senator J. S. Goddard

Senator Dr. L. L. Shorey and

Senator the Hon. Dr. C. D. Clarke (Minister of State for Finance).

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

Mr. PRESIDENT: The sitting is in session.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-GENERAL

Mr. PRESIDENT: I am to announce that I have received a Message from His Excellency the Governor-General, which reads as follows:

"MESSAGE No. 2/1988

HIS EXCELLENCY THE GOVERNOR-GENERAL TO THE HONOURABLE THE SENATE

His Excellency the Governor-General has the honour to inform The Honourable The Senate that he will be absent from the country during the period 17th to 28th April, 1988 on a private visit to the United Kingdom.

Under the provisions of Section 29 (1) (b) of the Constitution, the Chief Justice, The Honourable Sir Denys Williams, G.C.M. will perform the functions of the office of Governor-General during His Excellency's absence.

HUGH W. SPRINGER
Governor-General.

Government House,
Barbados,
12th April, 1988.

CONGRATULATORY SPEECHES

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, before the Senate proceeds with its business today, I am asking its indulgence to say something about you, if you do not mind.

Mr. President, we have not had the pleasure of having you preside over the last four sittings, and so have not been able to tell you with what pleasure we received the news on Independence Day that the Queen has admitted you to the Order of Barbados by raising you to

the well-deserved dignity of a Knight of St. Andrew. This, as you know, is an exclusively Barbadian title, devised by Her Majesty only for Barbadians, which can be awarded as an honorary dignity to foreigners only if their rank is that of Head of State.

This knighthood outranks all the familiar dignities, with the exception of Knights of the Garter and Knights of the Thistle, and its holders have precedence and pre-eminence above Knights Bachelor, Knights of the Royal Victorian Order, Knights of the Order of the British Empire and Knights Commander of St. Michael and St. George.

This is not what is sometimes described as an "imperial honour." It is the pinnacle of the Order of Barbados, and is meant, as in this case, to be enjoyed by Barbadian men and women who have made extremely meritorious contribution to the advancement of Barbadian society. You, Sir, can, without fear of contradiction, easily fit into that illustrious category.

Sir, you are the only citizen now in Parliament, who sat in the Parliament, who was elected in 1944. You have sat in seven Parliaments under as many Speakers, and in this one, you are our distinguished Presiding Officer. You are one of the four citizens, now members of this Parliament, who spoke and voted for Independence in 1966. You are one of four members of this Parliament who attended the Constitutional Conference in 1966 in London. You are also the only person from the 1944 Parliament who has sat in Parliament with each of the three Premiers and each of the four Prime Ministers of Barbados. You are the only President of the Senate who has ever been, and who still is, a trade unionist. You are the only trade unionist who has ever been a President of the Senate.

You sat in Parliament with Sir Hugh Springer, while you and he were, respectively, the General Secretary and the Assistant Secretary of the Barbados Workers Union. You succeeded him as General Secretary in 1947, and you have acted for him in an exalted office of Her Majesty's representative in this island. You and he, therefore, have the unique distinction of being the only two trade unionists anywhere in the Commonwealth who have given the Royal Assent to Acts of Parliament.

You are the only living Barbadian to have been a founder of the International Confederation of Free Trade Unions, and the first citizen and trade unionist to have become Barbados' Permanent Representative to the United Nations. You are the only Caribbean citizen to be the longest serving trade unionist on the Governing Body of an International Trade Union Organisation. You are one of only four Barbados Workers Union Officers — two Presidents, two General Secretaries — to have been knighted.

You have been a member of Parliament for 32 years — 26 in the House of Assembly and 6, so far, in the Senate, whose distinguished President you now are, while still an active trade unionist. You have been honoured by the regional university, whose interests you have done much to advance and defend.

Better, I think, than all of these, you have played football for Everton and you were also a distinguished referee of the game. And yet you found time in a busy life to be the most argumentative member and best debater of the Old Weymouth Club.

For nearly 50 years you have inspired not a few of our best endeavours, you have charted some of our highest aspirations. You have also been a robust defender of our cherished values, a fearless champion of brotherhood and human dignity, a wise counsellor, a staunch friend to many, a terror to wrongdoers, and an exemplary citizen. Best of all, you have taught us civic decencies, and have shown us that to be a citizen of Barbados is a far higher distinction than anything else we have, that that is certainly of greater significance to us than the colour of our skins.

By precept and example, you have demonstrated the pre-eminence of nationality over race, and that any uniqueness or originality we may possess is best demonstrated in being Barbadian and not at all in being black, or brown, or white, since there are hundreds of millions of black, brown, and white humans, but, uniquely, only a mere handful of Barbadians possessing a citizenship which alone tells us who we are and, more significantly, who we are not. This is the humility which governs our pride and the humanity which informs our industry. All this, I believe, we have learned from you.

Mr. President, in this way, you have conferred great distinction on Barbados by the quality of your example and by the quantity of your exertions. In so doing, you have put it far beyond your country's power to requite you. But in accepting this high token of Barbadian gratitude and esteem from the gracious hands of the Queen, you have permitted this Senate, and all your fellow citizens, to share a well-merited distinction with Lady Walcott, with your son, your daughter-in-law and your grand-children, and with all your numerous colleagues all over this region and in the wider world.

Applause.

11.25 a.m.

SENATOR Dr. L. L. SHOREY: Mr. President, one of the things that I have always envied of Sir James Tudor is his gift for words, and I will not try to match him, let alone seek to outdo him in this respect, even though I wish I had the facility.

I wish, Sir, to express to you what I am sure everyone in this Honourable Chamber feels, a sense of appropriateness on the honour conferred on you, Sir, in recognition of your service to the country, generally, in the political sense, as an individual, and, perhaps for what you are best known, Sir, as a trade unionist, and your contribution which is unquestionably outstanding to the trade union movement not only in Barbados, but in the Caribbean and, indeed, across the world.

I think that we are fortunate to have someone who has served our country in these various capacities so well, and I would like to join with everyone else in offering you very sincere congratulations on a very deserved honour.

Applause.

SENATOR A. MORRISON: Mr. President, I should like to join with the others who have spoken in congratulating you on being elevated to the knighthood of this country. I think, Sir, that this is an outstanding honour, but if one were to study your career from the inception, one would see a man destined for this honour. You were always one to say, in no uncertain terms, what you had to say, from the very early days, and you displayed no fears throughout your long, illustrious career.

I think, Sir, that your industry in getting about the work of the workers of this country is a very shining beacon in this day and age for all to follow. We who came after you have something to look up to, and we can tell you, Sir, that yours has been a strong economic success and a job well done.

You have been a fearless leader among those others in this country's history. You have not put your tail between your legs at anytime. For that reason, Sir, I have always been a great admirer of yours, not only for your position in this august Chamber, but in the trade union movement also.

Your voice is distinct both in here and outside, and that voice used to echo throughout the country, not only through the sugar industry but all the other occupations which you represent in this country. I think that you have distinguished yourself in such a way to prove that, whether you were right or wrong, you had a stand to take, and you took it when you were advocating for better conditions and other services which you felt that the people of this country were entitled to.

Because of your exertions, Sir, in those areas, I salute you, Sir. You have been able to rise triumphantly over all the obstacles, and today you remain as a correcter of our proceedings, and I know that you are a very able President of this Honourable Senate.

I am very, very happy to congratulate you and your family, the ones who are here and the ones to come. I salute you, Sir, and I pray that you may be spared for many, many years to come.

Thank you, Sir.

SENATOR THE REV. CANON I. McK. JONES: Mr. President, I cannot add very much to what Senator Tudor has said.
11.35 a.m.

SENATOR THE HON. SIR JAMES TUDOR: I am sorry to interrupt the honourable member, but I think that the reporters are having some difficulty hearing, so I am asking just for a five minute suspension, and, if you would not mind, to begin again.

SUSPENSION OF SITTING

Mr. PRESIDENT: There being no objection, the session is suspended temporarily.
11.36 a.m.

ON RESUMPTION

Mr. PRESIDENT: The Senate is resumed.

SENATOR THE REV. CANON I. McK. JONES: Mr. President, this is the second try. As I was saying, I do not think, after what the Leader of the Senate, Sir James Tudor, has said about you, that anybody could have put it better. For any of us to attempt to say anything, as I said already, we would only be gilding the lily. But I still think we should make some contribution, and I am very happy to congratulate you on the signal honour that you have achieved here in Barbados. I have learnt from Sir James that it is the highest honour that can be bestowed on any Barbadian citizen, and we feel that you richly deserve it.

We are happy in this country that you made your life a commitment to trade unionism and for all that you have done for trade unionism in this country and beyond. I remember some years ago hearing one of the former Prime Ministers of Jamaica, in some speech he was making, saying how happy they were to have in their country the outstanding cricketer Sir Frank Worrell, and what they needed in that country would be for them to have another Frank, and that was Frank Walcott. I thought that was a great distinction.

We are also very pleased with all you have been able to do further afield, in Geneva, your counsel given there and the expertise that you showed. All people all over the world in trade unionism have you in very high regard. We know that you have worked hard here in Barbados, and one thing I am glad to be able to say is,

that with your leadership in trade unionism, we were saved from what happens in many other countries where they have a lot of wildcat strikes. We never used to have them around here.

I agree with Senator Morrison that you were a very fearless person and you say what you have to say when you have to say it, regardless. We did not always agree with everything you did, but at least we could all say that you did it with the greatest sense of dedication, that you believed in what you were doing, that you had what I would call a positivist outlook. You always felt you would be able to achieve what you set out to achieve, and we are glad to see that you have kept this country on such a footing that the rest of the Caribbean has always looked forward to Barbados for guidance and for counsel.

We are happy again, Mr. President, to congratulate you on this signal honour, and we hope you will live many more years to be of service to this country.

Thank you.

SENATOR Dr. L. L. SHOREY: Mr. President, I have always had a tremendous admiration for the control of language which is so evident when the Leader of Government Business in this Chamber, Senator the Honourable Sir James Tudor, speaks, and after his glowing tribute to you, Sir, it would be invidious of me to seek to outdo him, even if I could. I shall therefore contain myself with offering what I think everyone in this Honourable Chamber feels, a sense of appropriateness at the honours conveyed to you within recent times, and to thank you for your service to the country which we all love.

I believe that it is true to say that there are few people, if any, anywhere in the world who have offered the continuous and outstanding service to the labour movement which you have. Certainly in this country, as the first tribute paid indicates, yours is a record that almost stands unequalled. I think that our country is therefore indebted to you on at least two counts. One is for your service in the public arena, to which reference has already been made — this is in the field of politics, representing our country abroad — and the second, for which we are particularly grateful, is your service to the movement of labour, to the cause of labour, not only in Barbados and in the Caribbean region, but, indeed, worldwide.

We believe it is an honour that is very much due, Sir, very very appropriate indeed, and I would like to join and share with other members of this Honourable Chamber, as with persons elsewhere in our country, in offering you very sincere congratulations on a very well and much deserved distinction.

SENATOR A. MORRISON: Mr. President, I rise to congratulate you on your elevation to the knighthood of this country. I believe that you have in your own way, by your industry and by your dedication, etched out for yourself a name in the annals of this country.

You have been very persistent in your attitude toward both Administrations in the pursuit of your goals for the working class people of this country. You have been fearless, and you have stood by your convictions over the years. Whether you were right or wrong, you have remained steadfast to how you see this country should progress. You have not been taken aback by any awkward bouncers from other quarters, you have carried your ship of trade unionism in every category of work in this country and you have sailed that flag for the betterment of all the workers which you represent. In short, Sir, you have been a real captain, and you have not spared anything in your effort to get the best for the working class people of this country.

You have also been very lenient. When the circumstances permit that you should hold strain, you have been among the first people to advise your union that we cannot expect this and that, that we should hold strain to suit the exigencies of the situation in this country.

But be that as it may, I think that you have been a real beacon to the young people. Even in your physical deportment you have remained young. I know that your brain is forever active, but even though our brains remain young, our bodies sometimes tell us that we are getting old. But you, Sir, seem to go on for ever, and I would hope that, as you continue to preside over this august body, you will be spared more years to bring that wealth of experience which you have gained over the years.

I know you are very well-respected in the International Labour Organisation. You have gone there more often than you have probably gone to parishes in Barbados. We know that, Sir, and with your experience, I can only see you as a father figure at this stage of our history. We welcome you, Sir, to the knighthood, and we hope that you will continue to give us that guidance.

We know from your utterances, stances, and convictions that you have always been Frank Walcott. Whoever were the Premiers or the Prime Ministers of this country, there was Frank Walcott to deal with. I admire you for that.

I think you are the greatest evolution of the small people in this country who have risen to show that we, too, have got not only a contribution to make, but a very worthwhile and great contribution to make. This became evident when you were given the honorary doctorate by the University of the West Indies. I think they paid tribute to your vocation, to your aspirations

and to your continuing exertions towards the betterment of the working class people not only in Barbados, but in the entire Caribbean area, and which has been crystallised in your work at the International Labour Organisation. When the University of the West Indies saw fit to confer the doctorate on you, Sir, it was recognising you as a man who had travelled all the high seas, risked all the toils and tempests, and remained all those years as what we know today, as Sir Frank Walcott. 12.00 noon

Sir, I think it is a very great honour. I know that you are not one who cares for honours, but I think, on behalf of the poor people of Barbados, and on behalf of the trade union movement, you would bear that mantle of Sir Frank Walcott — on behalf of those people whom you have struggled tooth and nail all these years to elevate.

I hope that you and your family, Sir, your children and your children's children, will remember the day that you were exalted to that honorary and signal post of Sir Frank Walcott. I think that it is an honour well deserved, and it shall remain as a standard for generations to come.

You also, Sir, have got your niche in history. For that, Sir, I salute you on your elevation and I wish you all the best of health for the future.

Thank you.

SENATOR G. L. EASTMOND: Mr. President, it would be remiss of me if I did not congratulate you, for, indeed, to me you have been one of the outstanding gentlemen of this country. Sir, I have been privileged to have had a very close relationship with you through the Barbados Employers Federation, and I can say that many a time when I called and asked to see you so that I could speak my mind plainly to you, you always said, "Yes, come". You would see me and some of my officers, and, Sir, when people talk about greatness, I talk about meekness in you, the firmness in you, and the way you carried yourself. Although the honour bestowed on you is so great, yet you are still Frank Walcott, you are still yourself, and I know that you will always be yourself.

What you have done for this country words can never describe. Many leave it until when others die and eulogise and say all the nice things, and such beautiful things, but I am so glad that you have received this honour and that it has been bestowed on you while I am alive to witness it, Sir, because, for me, you have been one of the greatest. You have made me and others feel so proud of you. Wherever I travel, wherever I go, the name Frank Walcott means a lot. People respect this gentleman.

The honour of knighthood is not all; there is more that will be bestowed by God for what you have done for this country, which I know has been a great deal. You even had the foresight in your early days to make sure that the woman you married was from St. Philip and related to some person like me. It shows the foresight that you had for the future, a man who was not only a lover of his country, but a lover of good women. I can say this, because when I came to the Senate, on the first occasion that I went to lunch, he pulled a chair beside him and said that from then on I would be seated beside him and from then that has been my seat.

I have had the privilege and honour of sitting beside him at the Barbados National Bank during our meetings as one of the directors, and I will tell you that the man speaks his mind. He would always speak his mind, and he was usually right. I would say that about 95 per cent of the time he is right. He is fearless, and if tomorrow he had to take up weapons to defend his country, I am sure he would be the first, and I would be behind him.

I say to you, Sir Frank, go on, more power to you, God bless you.

SENATOR L. R. TULL: Mr. President, I rise to lend my voice to the symphony of praises being bestowed on you today. I regret that Senator Miller, is not here, because as I sat here from meeting to meeting, I heard Senator Miller speak in very flattering and glowing terms about you, particularly at moments when we feel the pressure coming from you most. It is a measure of the maturity of Senator Miller that she could, even in those moments, whisper to me her admiration for you, and it is also a measure of you that, in that kind of situation, one could still hear good things spoken of you.

I, Mr. President, for a very long time, from the time I was a boy, stood on the sidelines and observed things that, perhaps, most of us in here did not observe. I was taken in in very early years with the attraction of oratory and the platform rhetoric, and I remember as a young boy going around public meetings in the parish of St. Michael and listening with great wonder at the way in which, in your excellent way, you could use the Barbadian vernacular and idiom to bring home in very dramatic and telling fashion the point that you wanted to make. I remember extremely vividly the General Election of 1971, when Elton Mottley dared to cross swords with you in St. Michael West. Some of the most telling speeches that I heard during that campaign were made by you in that constituency. In those days, as a very young person in politics, when we heard that the heavy roller was coming into the constituency in which we were running, we would go around all day and try to encourage people to be somewhere else, because we knew full well that there could never be the same feeling at

the end of the night as there was at the beginning of the night.

I, Mr. President, wish, on behalf of the Barbados Labour Party, to pay tribute to you in much the same vein as others, and that is for two reasons, Sir. It is the cradle from which you have sprung politically and as a unionist, and in this year when we are talking about fiftieth anniversaries, both of the Barbados Labour Party and of the Barbados Workers' Union, it is extremely fitting that at this particular period you should be honoured for the outstanding contribution you made to trade unionism in this country.

A lot has happened during those 50 years, and it is a matter of great regret to me that most of the young people in Barbados have very little inkling of the social conditions that obtained in Barbados 50 years ago, and, therefore, there is very little appreciation of the remarkable courage that was required of political and labour union leaders of that period to take the positions they did. Things are easy nowadays. It is easy for the young person in politics or the labour movement to get up and have his say in an environment of constitutional and social calm, where the benefits of 50 years of progress have made him, in a way, insulated from the kind of pressure that confronted political and labour leaders in those days.

I must say, Sir, that I always admired your raw courage and your true grit, and the way in which, less so now, because things have settled somewhat, everything is friendly these days, you operated certainly 20 or 30 years ago, the ones I can remember, and certainly it would be before that time. I must say that the courage that you exhibited during that period, and the cool and calm with which you faced some of the most trying experiences of any leader in any area of Barbados during our period, certainly stamped you as a man of a tremendous amount of courage and character.
12.10 p.m.

I want, also, to pay tribute to the way in which you have fought uncompromisingly, yet honestly, against what were the bastions of conservatism and the tremendous wrongs that they wrought on the mass of workers in this country. I need only to remember the travails and the trials of my own father to speak with a great deal of authority and feeling on this particular point.

But these honours that have been paid to you, an Honorary Doctorate of the University of the West Indies and your knighthood, important though they are, Sir, in the context of our system, perhaps, are no way as important as the honours that are bestowed on leaders from the respect and adulation of their peers and from

the masses of the people. No knighthood, Sir, and I am not taking away from it, and no doctorate, can ever be the equivalent of the regard that is held for you by the tens of thousands of workers and more in this country who have felt that their conditions and the quality of their lives, and of their children, have been dramatically transformed by the kind of action and courage that you took in earlier days, and even today. So although I do not seek in any way to derogate from those titles and honours that you have been given, both in state and in the ivory tower, nevertheless, I believe that how people see you and how they feel about you, and how they access and value your contribution, perhaps, will carry far greater importance to you as you reflect on these things.

I want, finally, to say, Mr. President, that we on this side will continue in our own way to give the kind of respect that someone of your experience and contribution to Barbados, and, indeed, to Parliament, has made. I give you the assurance that, from time to time, when we get a little bit truculent, it is not through a lack of respect, but it is because we learn from you. We have observed your style and your manner over the years in the Other Place, and when we come in, sometimes head first, it is because we saw it succeeded with you.

Laughter.

SENATOR L. R. TULL: We also learn, Sir, that when we get stopped, we should back off.

I am very glad, Sir, to join with all the others in paying tribute to you on these signal honours.

Thank you.

Applause.

SENATOR N. W. BOXILL: Mr. President, I rise to support all the speakers that have spoken before me in congratulating you, but Senator Tull has stolen my thunder. He has said a lot of things, and I think he even said them maybe better than I would have said them.

I start by saying, strange as it may sound, that you are responsible for my being in public life and I can also say that I am responsible for your joining the DLP, so we are both responsible for each other.

It is strange to see how things go around in cycles. I remember you as a young man, and I guess you remember me as a young man. We were on the beach together doing our little thing. We were both acrobats, or physics, as we were called, and after you had joined the Labour Party, the fore-runner to this that you are in now, I remember our discussing something by Nelson, when you

had a disagreement at the time. But that is all water under the bridge.

The main point that I would like to stress, as Senator Tull has said, is that there is no honour, doctorate, Sir, or what have you, that can really attest to your contribution to this society.

You started with the union. Senator Tull cannot speak as well as I can, because I am older than he is, and I believe we struggled longer than he has, but when we look at Nelson Street, there was an old rum shop that you started at the top of somebody running a business underneath, and it would have to be the foresight and wisdom of someone like you to start the first building that we now have, that edifice there. And you did not stop there.

I remember that when I joined the union as a worker as an officer of the union, we were having some problems with the house at Roebuck Street. I guess you would remember this, and I was telling you, let me go and get these people out, and you were saying that a lawyer told you that you cannot do it that way, because you would be imprisoning people, and I said, 'let me imprison them if they do not want to come out.'

One morning I came down and I asked Comissa where was Frank — and I am in trouble now to know if to call you Frank, Sir Frank, Dr. Frank or what, but we will settle that later on — and Comissa said, "He is ever in Roebuck Street." I said, 'Why has Frank gone into Roebuck Street so early this morning?' He said "He is trying to get those people out." I said 'Oh! he is now trying to get them out? Well, I am gone!' And over to Roebuck Street I went. The rest is history. We got the people out. That is another feather in your cap for your foresight. You did not leave the place as it was. You developed that place into what it is today.

But you did not stop there. This is what I call great the foresight of the man Frank Walcott. You moved a little further out of town, further up Roebuck Street, and you bought the edifice that is a credit not only to you, Sir, not only to Barbados, but to the West Indies, the new building that we have up there, Solidarity House. It is really Solidarity House.

But we go further. There are not many trade unions in the whole world where the leaders start to think about housing for the people, as Sir Frank has done up in St. Philip. This is foresight. Most people decide they are going to wait and see what the Government will do, the Government has to do this and the Government has to do that. Sir Frank did not do this. You went and you built houses for the workers, and you did not build them for any special workers, you built them for the workers. If the workers qualify, they get the houses. This is some-

thing that we have to be proud of, and, as I have said, and as Senator Tull has said, there is no doctorate or anything that can be bestowed on you that can match the amount of credit that you deserve in this society.

You have been stubborn in your ways. I believe you must have been born in August like me. This is how we all are, and when we set our goals to go somewhere, we go that way. This country is much richer for your stubbornness, as people would say, and as a result of your stubbornness no one can say, not honestly, of course, that you have been unfair to the working class for the capitalist class or that you have been unfair to the capitalist class for the working class.

You have seen things in the true perspective. When the union was first observed, you had a monopoly, but you did not use your monopolistic attitude in pushing around the employer for the benefit of the worker. You saw that one had to keep the other going. This is what I would call great foresight.

12.20 p.m.

I come back to what I said earlier when Errol Barrow passed away — it is time that we have somewhere in this country that we can set up for our heroes. And when we are talking about heroes, Sir, you would have to be one of the heroes. Because as Senator Tull has said — I have to keep saying what he said, because he stole my thunder — in the early days it was tough, I can afford to tell you, because I had to represent a worker, and the employer, knowing we did not have much as a fulcrum, I would say, brought a lawyer, and the lawyer told me if I can prove to him where the law says that the employer has to pay this worker severance pay, he would pay; if I cannot prove it, I have no case. That was one of the things that drove me into public life.

Despite these things, you, Sir, ploughed on. I do not remember if Senator Sir James mentioned this when he was speaking — I do not think he would have known it, but I remember the days when you had to drive about in a car in which, when it rained, you had to open an umbrella.

Laughter.

SENATOR N. W. BOXILL: These were the days. That would give you an idea of how it was. Do not laugh, this is true.

Laughter.

SENATOR N. W. BOXILL: These were the days when you went in the ground, and the cane cutter told you, "You can cut canes, cut one of them. You go and cut one of them, if you want to tell me what to do."

When the other people were hiding, Sir Frank took it on himself to continue. I told him one time, 'But you have more heart than I have. I thought I was brave, but I do not see how I could continue with this kind of thing, how these people go on.' I said you have to keep going, this is the only way you are going to get through.

I am saying now that the time has come when we will have to stop pussyfooting and this kind of thing. This is what we have been doing too long. We have to set up an area for our heroes, and you, Sir Frank, will have to be one of our greatest heroes, not only for Barbados, but for the entire West Indies and the world.

To prove what I am saying, before I sit down, let me just mention this. I remember going to the ILO in Geneva with you, Sir, you will remember this, and out of a clear, blue sky they asked me, and this was because of you, to be Deputy Chairman. I was the first West Indian to be Deputy Chairman of the ILO. That was because of the hallmark which you have made on not only the Barbadian society, but the society of the world.

Sir, I take great pleasure in commending you on your great achievement. You have done what a lot of us would have been glad to do. But as I said, the world goes in a circle, and things go and come back. My time probably has past, so I may not get the goodly accolade that you have got. But, Sir, I take great pride in associating myself with all the remarks that have been said about you. May God be grateful unto you and spare you for many more years so we can have some more arguments.

I thank you, Sir.

Applause.

SENATOR L. A. WARD: Mr. President, I would not attempt to go over what has been said better than I could possibly say it. But I would like to be associated with the tributes that have been paid.

From my beginning to know you, Sir, I, unfortunately, was sitting on the opposite side of the table. We had some very long and hard negotiations, and I cannot say that we always were happy with the outcome of those negotiations, but whenever we did reach agreement, we were secured in our feelings that whatever agreement we had reached, you and your organisation was going to honour it out and out.

The first time, Sir, that I had the pleasure of sitting on the same side of the table as you, Sir, was at the Barbados National Bank. I not only sat on the same side of the table, but I sat by your side. It was a pleasure, Sir, to sit on that side and not be on the other side.

When I was one of the team on the opposite side, we had some long and arduous negotiations.

I respect your views, integrity, and the achievements that you have made in this country, And, Sir, I join all the other Senators in offering you my congratulations. I hope, Sir, that you and your family will enjoy a long and happy period.

I thank you, Sir.

Applause.

SENATOR P. Y. FORDE: Mr. President, it would be remiss of me not to stand here and agree with all the other Senators who have spoken in congratulating you on your latest achievement.

I have known you now for, I think, over 25 years, and I have always admired your determination. I well remember the incident on Roebuck Street many years ago when it was a question of wanting back that building. I can see you standing in the middle of the street, your arms folded, and the look on your face, with such determination, that you were not going to let it go.

Laughter.

SENATOR P. Y. FORDE: I was in the crowd, but not yet in the crowd — I stayed away. As Senator Boxill said, it is now history, you did get back your building.

I always admired you for your forthrightness; like me, you call a spade a spade. I admire that very much in you. I have watched you perform on political platforms and, like Senator Tull, I admired the heavy roller, and sometimes the dancer.

Laughter.

SENATOR P. Y. FORDE: He had a way of jiggling around the platform.

Laughter.

SENATOR P. Y. FORDE: I was not that close to the union, but I have read in the newspapers of all your achievements and what you did for the working classes of this country, and I think it is a signal honour that you have been elevated to this high post. Personally, it could have been done a long time ago, but nothing happens before the time.

I congratulate you and your family on this signal honour.

Thank you, Mr. President.

Applause.

SENATOR J. S. GODDARD: Mr. President, I, too, would like to be associated with all the very fine tributes that have been paid to you today for the outstanding work which you have done in this community.

I believe that Senator Sir James Tudor may have overlooked one small point. In addition to being a footballer, I believe you also were an umpire in cricket. If I am not mistaken, the very first time I had the pleasure of meeting you, I think I was batting at number 11 for Lodge School. I do not think I got off the mark.

Laughter.

SENATOR J. S. GODDARD: I do remember you standing there umpiring. I am going back probably to 1946 or 1947, and you can correct me if I am wrong, but I believe you did play an important part in our national game. I do not mean to correct you Senator Sir James, but I thought the background would not be complete.

I also remember you, Sir, in that you taught me, at great expense to myself and the company I was representing the basics of negotiating. I was representing some companies and we were across the table, and it was always a pleasure. It was always hard bargaining. I have to say you usually got the better of the negotiations. But I never failed to learn and to admire your integrity, your fair play, and, as other Senators have said, of having the complete assurance that whatever was agreed would be honoured. It did not have to be put into writing. Your word was your bond.
12.30 p.m.

It is an honour for me to have worked with you over the years and to be associated with you in this Honourable Chamber. I congratulate you and wish you and your family all the very, very best for many years to come. Well done, Sir!

Applause.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, between 25 and 30 years ago, when I was a young civil servant, I aspired to become involved in the trade union movement. Those of us who were involved in the Civil Service Association recognised that in Barbados there was a trade union, and the rallying point of that trade union was an individual. It is true that there were several other persons involved who have been, and will continue to be, shining lights, but Frank Walcott was the beacon. And those of us who served in the CSA always looked and listened to what Frank Walcott said. A few years after, when the CSA was about to translate itself into the National Union of Public Workers, we consulted with you, Sir, on how we should go about it. It was a

very useful and satisfying experience when we could convert that body into a trade union and try, in some measure, to follow in the path which had been made by you.

Then, about 20 years ago, I had the privilege of serving as part of a delegation to the International Labour Organisation, and I was under no illusion when the name Frank Walcott was mentioned that this was the trade unionist from the Caribbean and Latin America who was well respected by trade unionists throughout the length and breadth of Europe as well, and that the name Frank Walcott, when mentioned in circles of the ILO, is an extremely revered name. This gave me a great sense of pride to get to know the person Frank Walcott, and I believe that the tributes today are only a very small measure of the ions of praise which cannot only be heaped on you, but on the organisation which you represent so admirably.

With those very brief words, Sir, I wish to associate myself with all of the remarks that have been said here today.

Applause.

SENATOR M. deL. JORDAN: Mr. President, I should like to add my praise on the conferment of this signal honour on you. It is becoming increasingly difficult for anyone to find something new to add to all that has been said already, but it would be remiss of me not to state that, as a result of sitting at your feet as the Deputy President, I have learned a lot about conducting the meetings of this august Chamber. I have been able to discuss quite a number of matters with you, and I think that it goes far beyond this Chamber, because you have been kind enough to confer upon me the honour of inviting me to be on one of your committees which you are planning right now. As we all know, you are extending the project at Mangrove, and you have asked me if I would be kind enough to assist in certain plans in this regard.

I do not have to repeat what my colleagues have said about your distinguished service locally. But I think that the history books would better be able to document your service over three generations than I can in a short five-minute speech here. However, I think that all Barbadians must be very proud of you, because when I go abroad, quite a number of my colleagues and friends who ask for you speak of you in the revered tones that they seldom speak of in respect of other Barbadians.

The fact that Barbados has been spared the wranglings and troubles which so many other countries, not only in the Caribbean but in the entire western hemisphere, have had in trade union matters has been, to a great extent, due to your great skill, Sir. I think that we are very fortunate to have had the skillful negotiator in

yourself who have been able to ward off any major problems in the trade union movement, and also to have been able to obtain the confidence of the employers in their negotiations. As Senator Goddard has said, integrity has been your watch word, and we are very proud of you in this regard.

I do not have to go on in this vein, because the entire country is proud of your achievements. We hope that you will continue to be in a position of leadership for many years to come, and we extend you, Sir, our very best wishes for a continued great career.

Applause.

Mr. PRESIDENT: There is a lot for me to respond to, but I must say that it was very heart-warming to hear all of these compliments. When you sit and hear these things you wonder, at times, if you are coming to the end of your time, but it is very nice of the Senators to have made the speeches they have made.

I accept this honour on behalf of the people that I represent. As some people know, honours do not come to me as a personal matter. I accept them in the name of the people I represent, and I feel that if I did not have this honour to represent the people in the way that I do, an honour would not have been bestowed upon me. So I like it to be known that I share this with the thousands of people that I represent.

It is very nice to hear members speak, and you reminisce from time to time, because you are human. It is very pleasant when you hear the ladies speak, as I have had association with both of them in other capacities, and it was very pleasant to hear Senator Forde speaking about the problems that we had. I wish at that time that I had a lady to guide me in what steps I should have taken, because she would have known who was advising me that I could not do what I was doing, as I might have run into legal difficulties. But sometimes in my life what the lawyers advised meant nothing. I said the law would have to take its course — I have to proceed.
12.40 p.m.

It was very nice, too, to hear what Senator Tull said. Maybe Senator Tull is one of those young people who grey early, because I remember meeting this youngster in London. I was walking up Park Lane one day and I met this tall, young man, and he knew me. He came and spoke to me and told me who he was and that he was coming back to Barbados. Jokingly he said, "I might be a challenge to you." That was a pleasantry to me.

Then I was very surprised that, in about a week's time, I was going up on either 2nd or 3rd Avenue and I met this same young man out in New York. I said, "It looks as if you are covering me. In a week's time you are

meeting people on the other side of the Atlantic." These are some of the pleasant things you remember.

You know, it is difficult to compete with the Leader of the Senate. All the nice things he said about me would have to be put on paper and put in a book. I could not reply to all of these things, because sometimes it would swell my head to know that I am deserving of all these things. I thank him most sincerely for the pleasant things he has said about me.

I have been fortunate in that I have lived and been in politics longer than many people have endured, because politics and political life is a rough life and it does not add to longevity. I have survived longer than I thought I would have when I started.

Senator Boxill was very clear on what he said. I thought he would have entered the labour movement also, but, as some of you know, he was always belligerent. When he came and spoke to me and he showed tendencies, we then had an organisation and I told him he would make a good organiser in our Seamen's Division, because we were thinking then of bringing them in. In about three or four months' time he came back, and, in his usual style, said: "Hey man, you had better take this blasted book, I cannot worry with this." His temper was too short for the trade union movement. He did not have the diplomacy that is required. If a worker went to him and said anything, he would ask, "What the hell you want me to do?" If he talked to an employer, the employer would meet these difficulties, so it was a problem. I realised that that was not carved out for him.

To my consternation, the next time I heard something, he was a candidate for St. Thomas. I was a bit surprised. I said, "St. Thomas?" You know what was the eventual result.

I would like to thank all the Senators for the kind things they have said about me. I think this honour is an honour you can share in, because with what work I have to do now in the Senate, I hope it will be a reflection on the Senate.

I have some grandchildren, and I believe your offspring look upon these things more than you do. I hope I may wear it with such honour that when they grow up, it may be of some pride to them.

I would like to thank the Leader of the House for the very kind things you have said about me. As was stated by Dr. Shorey, it is difficult to compete with you in words, and I would like to say I accept it in all humility.

Thank you very much.

PRESENTATION OF PAPERS

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, I am commanded to lay the following:

The Duties, Taxes and Other Payments (Exemption) Order 1988.

The Annual Report and Financial Statements of the Caribbean Broadcasting Corporation for the year 1986.

The Report of the Public Utilities Board for the year 1986.

The Annual Reports of the Prison Department for the years 1984 to 1986.

The Customs (Amendment) Regulations 1988.

Statements showing Net Customs and Excise Receipts for the month ended 31st January 1988.

The Annual Report of the Barbados Industrial Development Corporation for the year 1986-87.

The Annual Report of the Ministry of Foreign Affairs for the year 1986.

The Barbados Economic Report 1987.

The Annual Report, Auditors' certificate and Financial Statements of the Central Bank of Barbados for the year 1987.

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

SENATOR THE HON. SIR JAMES TUDOR: First of all, Sir, I think that perhaps as soon as we have got through these formalities, we might have the lunch break, because there would be no point in starting very much business in the next few minutes.

I do not know if all Senators have received a copy of a Bill entitled the Corporate Affairs and Intellectual Property Office Act of 1988. This was done in the Other Place, I believe yesterday, and I should like to be able to proceed with it in this Chamber today, but not immediately; that is to say, members may have time to have a look at it before we conclude our business for today.
12.50 p.m.

SUSPENSION OF STANDING ORDER

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, I beg to move that Standing Order No. 45(1) and (2) be suspended for the remainder of today's sitting.

The question that Standing Order 45(1) and (2) be suspended was put to the Senate and agreed to.

INTRODUCTION OF BILLS

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, I beg to give notice of the following:

A Bill entitled the Corporate Affairs and Intellectual Property Office Act, 1988.

Mr. PRESIDENT: Let it be recorded that the Bills on the Order Paper, together with the Bill of which notice has just been given by the Leader of the Senate, have been read a first time.

PUBLIC BUSINESS

CONSUMPTION TAX (AMENDMENT) ACT, 1988

Order No. 1 was called - To move the second reading of a Bill to amend the Consumption Tax Act, Cap. 63.

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, I ask leave for this item to be taken by the Honourable Senator and Minister of State.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, I rise to move the second reading of a Bill to amend the Consumption Tax Act, Cap. 63.

When the coverage of the Consumption Tax was expanded in 1980, there was a broad category of alcoholic beverages lumped together under tariff heading No. 22.09.99 and referred to as "Other Spirits". The initial rate in respect of this category was fixed at \$10 per litre, but this rate was revised to \$15 per litre in 1982 under the Consumption Tax (Amendment) Act 1982-18.

What this Bill seeks to do is to make the price of locally-produced drinks such as Gin Tonic, Green Sands Shandy, Coconut Cooler and Wine Cooler more competitive on the local market.

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

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

On the motion of Senator the Hon. Dr. C. D. CLARKE, Mr. PRESIDENT left the Chair and the Senate resolved itself into Committee on the Bill, Senator M. deL. JORDAN in the Chair.

COMMITTEE

Clauses 1 and 2 were called and passed.

On the motion of Senator the Hon. Dr. C. D. CLARKE, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. PRESIDENT resumed the Chair and reported accordingly.

On separate motions of Senator the Hon. Dr. C. D. CLARKE, the Bill was read a third time and passed.

SUSPENSION OF SITTING

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, I beg to move that this sitting be suspended until 2 o'clock.

The question that the sitting be suspended until 2 p.m. was put to the Senate and agreed to.
1.00 p.m.

ON RESUMPTION

COMPULSORY ACQUISITION OF LAND IN ST. JOSEPH RE TENT BAY FISH LANDING SITE

Order No. 5 was called – To move the passing of a Resolution to approve the compulsory acquisition of five parcels of land in the parish of St. Joseph for the purpose of improving the Tent Bay Fish Landing Site.

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, this matter goes back a little while, when it was decided that certain parcels of land at Tent Bay, St. Joseph, should be acquired – 100 square metres from Mr. Melville Maxwell for encroachment of the Government-owned house and a former amount of 110 square metres from Lillian Goodridge and Emd Maxwell for the provision of an access road going down to the sea – and the purpose of the acquisition was to allow improvements to be made to the Tent Bay fish landing site in St. Joseph.

In addition to that, it was decided to seek the acquisition of two other properties, also in Tent Bay, 1 000 square metres from Mr. Dunlop Payne and 1 200 square metres from Mr. C. F. Zephirin, in each case the entire property for siting of land-based facilities in connection with the fishing project.

Then, the Government having decided in 1985 that these properties should be acquired, it was also agreed that Mr. Zephirin should be compensated for his land and building, and that Mr. Payne should be relocated, at the expense of the fishing project, to lands nearby, at Hill Crest, then under the control of the Ministry of Employment, Labour Relations and Community Development.

Mr. Payne was relocated as had been planned. When the arrangements for relocating Mr. Zephirin were put to him, they did not at that time meet with his approval. Mr. Zephirin enquired whether a similar facility could not be provided for him at Hill Crest, or whether, in his particular difficulty, a house could not be constructed for him in exchange for what he was giving up. Discussions went on with Mr. Zephirin for quite some time. It is now noted that negotiations for settlement of compensation with him have just now been concluded and an offer has been made to him for his land, and he has recently sent a response indicating acceptance.

No problem was encountered in respect of the other landowners. Therefore, the provisions of Sections 3 and 4 of the Land Acquisition Act have been invoked, and this Resolution concerns the acquisition of those lands in question from the five owners.

I beg to move that the Resolution do now pass.

The question that the Resolution do now pass was put to the Senate and agreed to.

ABANDONMENT OF THE ACQUISITION OF LAND AT SYNAGOGUE LANE, ST. MICHAEL.

Order No. 6 was called – To move the passing of a Resolution to approve of the publication in the Official Gazette of a notification of the abandonment of the acquisition of land situate at Synagogue Lane, St. Michael.

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, for some time now consideration has been given by Government, both Administrations, to the possibility of resiting the Supreme Court in an area that is as near as possible to, and as congenial as possible with its present surroundings. In the light of this consideration, almost nine years ago, the following properties in Magazine Lane, Synagogue Lane and Roebuck Street were acquired to facilitate the establishment of a possible new Supreme Court Complex – a parcel of land from Miss Gloria Donawa, another parcel from the General Agency Company of Barbados Limited, another one from Barbados Developments Limited – and this was formerly Perkins and Co. – one from Mr. Darcy Scott, another one from Mr. St. Clair Hutchinson, another one from Mr. Samuel Ashby, and one from Mr. C. N. Parravicino.

These properties were vested in the Crown as far back as 1981. Payment of compensation to, at least, five of them was paid to the satisfaction of the owners through negotiation. In respect of two of them, that is, General Agency and Barbados Developments Limited, no settlement was reached.

Since then, of course, a decision about the siting of the Supreme Court had been looked at, and this matter is still under review. Since it would not be fair either to appear to have acquired land that is no longer needed for the purpose for which it was acquired, and since it would also appear to be depriving the owners of the alternate use to which they could put to it if it were not so tied up, the decision is to hand back these two properties, the one from General Agency and the Barbados Developments Limited, to their owners so that they may do what they wish with them. Therefore, this Resolution becomes necessary to approve the abandonment of the acquisition of those two and, according to the law, Parliament must, itself, approve that.

I beg to move that this Resolution do now pass.

The question that the Resolution do now pass was put to the Senate and agreed to.

LAND TAX (AMENDMENT) ACT, 1988

Order No. 2 was called – To move the second reading of a Bill to amend the Land Tax Act, Cap. 78A.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, this Bill seeks to amend the Land Tax Act, Cap. 78A, to fix the rates of tax on the improved value of land, with effect from April 1, 1986, as follows:

- (1) Up to \$300 000 at the rate of 4 per cent.
- (2) Over \$300 000 at the rate of 1.0 per cent of the value exceeding \$300 000.

These proposals were made in the Financial Statement and Budgetary Proposals delivered by the Minister of Finance on July 15, 1986, at which time provisions were made:

- (1) To reduce the Land Tax payable by hotels and apartments by 50 per cent from April 1, 1986;
- (2) To allow persons living in their own homes to pay Land Tax on 70 per cent of the improved value of their property from April 1, 1987; and

- (3) To grant a reduction of tax payable by pensioners on the approved value of their properties from April 1, 1987.

The Bill, as it now stands, seeks to give the necessary legal effect to the new rates of Land Tax which would become effective from April 1, 1986, because, as things now stand, the Minister does not have the necessary powers under the Land Tax Act, Cap. 78A, to make an order which seeks to take effect retrospectively.

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

SENATOR L. R. TULL: Mr. President, some time ago I raised in this Senate the matter of refund of taxes that were paid under the idle land taxation policy. On July 15, 1986, the Minister of Finance introduced in his budgetary measures the abandonment, if that is the correct word, of those taxes, and he also agreed to refund all the taxes that had been paid on idle land for, I think it was two or three years prior to that. I raise the question in the context of the right that has been given to those people to recover their money, because I have been seeing a number of people who have been experiencing some difficulty in getting their refunds because they are unable to put their hands on the receipts of previous years. I was given the assurance by the Honourable Senator, the Minister of State, at that time that he would have looked into it and tried to facilitate it. Maybe it slipped him, but it is still a pressing thing, because people want to get their money back as promised. Every time they go to the office they are told that unless they can produce their receipts they cannot get their money back. I do not believe that there are many cases, Sir, and since it has been in very recent times, I believe they should be able to put them together.
2.15 p.m.

Sir, I remember that there was a big song and dance about the Provisional Collection of Taxes Act, and the previous Administration was raked over the coals for what was considered bad practice, for extending the period for the effective amendments arising out of budgetary measures, which was extended to 12 months. I think it was four months before that, and there was a great deal of criticism of the Government at that time. It was pointed out by the then Government, and at the time I also spoke on it, that it was very difficult always to be able to bring legislation to effect budgetary measures in a short period, because, quite often, there was need for a great deal of consultation after the Budget, not before, because Ministers of Finance like to keep the budgetary measures confined and restricted to as few a number of people as possible. The people who have to draft the legislation usually know of the measures only after the

Budget, and by the time they get around to drafting the legislation to give effect to the budgetary measures, they have to go into a great deal of consultation not only with the Ministry of Finance, but, in many cases, with other departments of Government and not infrequently with agencies outside Government. Sometimes they have to deal with the accountants, parastatal bodies and so on, so that they can get the full intention of the Minister of Finance's policies and also to look at a number of difficulties that are ricocheting one after the other. It is therefore, in many cases, impossible to be able to bring the legislation within three or four months. That was the reason why the previous Administration extended the period to 12 months, but, as I said, Your Honour, we were wrongly scourged by the informed and the uninformed on that matter.

I see today, if I understand the purport of this particular piece of legislation, that almost two years after a budgetary measure, the Senate is being asked to give its stamp of approval to something arising out of that Budget. That is not even 12 months, Sir, that is almost two years. I am not going to be critical of it, because I understand the difficulties that are quite often met in trying to deal with these things. But things have a way of turning themselves inward, and I hope that the Government would understand, although I thought they did at the time, that every time a measure is taken by a particular Government, it is not done out of insensitivity, it is not done out of lack of concern for constitutional niceties, but it is done out of hard, practical considerations. I could not help but telling the Government now, Sir, 'I told you so!'

SENATOR A. MORRISON: Mr. President, I am very glad that Senator Tull has come around to asking for relief for people who cannot find their receipts. But if I remember correctly, Sir, when that party introduced Land Tax Certificates in all transactions, you had to produce receipts for ten years back. People who could not find the receipts, to bring any land matter to fruition had to pay again. Even when the Land Tax Department could not even vouch for what they had, because they had some kind of fire down there, when you had paid already and could not find your receipt, you had to pay again. But I am on the side of the honourable Senator.

I believe that in this particular case, again we are giving back money to people who had to pay because of under-utilised or unutilised land, which was an imposition imposed by the other party.

Aside.

SENATOR A. MORRISON: I said the other party.

When they were imposing this levy on poor people, agriculture was going through its most terrible time.

The Government was the biggest abuser. It had more land not under cultivation than anybody else in Barbados. Chancery Lane, Spencers, Wildey, and others were not being worked. The Government was the biggest offender. But here was it that this levy was imposed on people who could not get people to work land for them at that time, because agricultural workers had gone into the hotel industry.

There was an exodus in the last ten years as people tried to get away from working on the land. It was a big problem, even for people who had half acre of canes, to get the canes cut. I have known small farmers to suffer in that period, and some had to go out of sugar cane production, because after two weeks on the ground, the sun took its toll on the canes and they had rotten cane before they got it to the factory. Then this levy came, and if you did not work the land, you had to pay a levy.

We decided that, when we got back into power, we would revoke that levy and refund people the money they paid. I am in agreement with Senator Tull that if they cannot find the receipts, we should still pay them. But I would just like them to know that this unsavoury condition in which we found ourselves was as a result of the measures imposed by the Barbados Labour Party on the poor, innocent people of this country years ago, and which today we are still labouring underneath. We hope that we would be able to find some device whereby we can pay those refunds because my family is looking forward to getting their refunds from that kind of imposition. It is good that the honourable Senator has brought that up. I did not intend to talk on this until that came up. I would like to commend the Government on having decided to give refunds to people who have been burdened with that levy over the years.

Thank you, Sir.

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

On the motion of Senator the Hon. Dr. C. D. CLARKE, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, Senator M. deL. JORDAN in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

Clauses 1 and 2 were called and passed.
2.25 p.m.

On the motion of Senator the Hon. Dr. C. D. CLARKE, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. PRESIDENT resumed the Chair and reported accordingly.

On separate motions of Senator the Hon. Dr. C. D. CLARKE, the Bill was read a third time and passed.

MEDICAL REGISTRATION (AMENDMENT) ACT, 1988

Order No. 3 was called – To move the second reading of a Bill to amend the Medical Registration Act, Cap. 371.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Bill to amend the Medical Registration Act, Cap. 371, is the result of various discussions and reviews held between the Ministry of Health, the Medical Council, Barbados Association of Medical Practitioners and others. The Bill now seeks to amend the sections relating to the registration of Medical Practitioners and to provide a time frame for the processing of applications for registration of medical practitioners. In addition, the Bill seeks to amend the Act so that there is a requirement for an applicant for registration to furnish evidence that he is a fit and proper person to practice medicine in Barbados.

It further seeks to provide now that the Queen Elizabeth Hospital provides facilities for internship for such persons, as a means of completing internship, to be able to qualify by serving not only at the Queen Elizabeth Hospital, but also at other approved health institutions on the island.

Another section of the Bill seeks to provide for a person, if aggrieved by a refusal of the council, within a certain time frame to appeal to a judge in chambers, whose decision should be final in terms of that registration. It also seeks that the words "medical practitioner" be defined by instituting the word "registered" before the words "medical practitioner" to ensure that there is no doubt whatever that the person is suitable to serve appropriately as a medical practitioner in Barbados.

It is proposed to amend the Schedule so that the membership of the Medical Council can be increased by one person to be approved by the Minister. This seeks to increase the persons appointed by the Minister from three persons to four persons. This matter has been examined for quite sometime, and it is considered that the increase in membership, which has been approved by the Barbados Association of Medical Practitioners, will be no longer delayed.

The amendment in the Schedule also deals with the designation of a person other than the Chairman to act as chairman. In his absence, it is the Deputy Chairman, and in the absence of both the Chairman and the Deputy Chairman, a person selected by the persons present at the meeting to serve as chairman appropriately. The final amendment in the Schedule deals with the provision for a

quorum. The quorum was formerly four members and this Bill seeks to increase the quorum to five.

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

SENATOR L. R. TULL: Mr. President, I will be grateful if the Honourable Minister will point out to the Senate to what extent there has been consultation between the medical profession and Government in respect of these amendments. I raise this because there is a growing feeling among the professions that there should be a greater autonomy in the professions, and also that they should have a wider say in the administration of their respective professions. This is largely so, because in a number of pieces of legislation, the Medical Registration Act, which we are dealing with now, the Surveyors Act, Legal Practitioners Act, Dentists Act, there is a certain measure of autonomy. But there is a continual challenge by a number of professions in Government for a greater say in matters pertaining to the respective professions.

Over the last decade or so, there has been a constant *contretemps* between the medical profession and Government over a number of areas respecting the medical profession. The last Administration sought, for instance, to introduce a National Health Service that, required obviously, tremendous collaboration with, and co-operation of, the medical profession, and for a number of reasons, and I am not prepared to go into those reasons now – that is not the point I am making – there was always an adversarial position between Government and the medical profession.

2.35 p.m.

In more recent times, with a new dispensation, we hear again of continual struggle between the medical profession and the Government. I hear, for instance, the Barbados Association of Medical Practitioners contending that they are not given enough of a hearing by the Minister of Health on matters concerning the profession. For instance, the medical profession is making out a case for representation on a committee dealing with AIDS. That is the most recent one I have heard them complain about. One gets the feeling that we are still having a problem where there is a standoff between the medical profession and the Government.

I believe that these things have to be resolved, because they are plaguing the professions with a number of problems where the only people who are feeling the outcome are the public at large. In the case of the doctors, obviously it would be the sick people, either in the polyclinics, in the doctors' offices or in the hospitals; in other professions, it would be in other areas. So I think it is time we took a serious look at the position

that, not this Government, Government, generally, wants to adopt in relation to professions.

I can give another example — the teachers. I used to be a Minister of Education, and, to tell the truth, I could not quite find out on some occasions, who was running the Ministry and the country, and who was making decisions on educational policy. Unfortunately, the teachers' bodies were classified as unions. I have advised them in the past, but they do not listen, that they should draw a distinction between the unions and the professional associations, that they could have a Barbados Union of Teachers or a Barbados Secondary Teachers Union to deal with what are essentially union matters, terms and conditions of work, wages and so on, but that they should also seek to set up a parallel organisation, a professional organisation, that would deal not with union matters, but would deal with the professional aspects of education. In that way there would be no confusion, because you would know when you are dealing with professionals and then you know when you are dealing with the unions. That is not to say that they are not equally important, but we like to know the distinction between one and the other.

I recall on one occasion having a discussion when I was Minister of Education with the representatives of one of the teachers' unions, and when I pointed out to them that one of the teachers they were seeking to defend, in what was obviously for them a union matter, and which I was considering as a professional matter, in a letter written to the Ministry had 11 spelling and grammatical mistakes, in a one-page letter, and therefore that teacher could hardly be suitable for the schools in Barbados, they said to me, "We are dealing with one of our union members and we have to give the union member vigorous representation." So they were wearing their union cap on that occasion rather than their professional cap.

I read in today's paper that the teachers want to have a say in the structure of the Common Entrance Examination. Certain clear lines have to be drawn between the policymakers and the professionals. Without in any way taking away from the need for those who are the operatives in the profession to be able to make informed comment on Government policy — I think it would be a tragedy if they did not — I think, however, one must make it quite clear that the line is drawn between the duties and responsibilities of the policymakers and the duties and responsibilities of the professionals.

Sir, in respect of this Medical Registration Act, I want to touch on medical education. This year, the Government has cut back the money allocated to the University of the West Indies. It is an open secret that the University of the West Indies is seriously starved of

funds and that standards are deteriorating as a result. Medical students at Mona do part of their training in the University Hospital in Jamaica, and I have been told, not this year or last year, but for a number of years, that, gradually, there are fewer and fewer bits of equipment being replaced, and that there is a shortage of drugs, equipment and so on in the hospital. Therefore, the quality of the training of doctors must, of necessity, fall off.

This is because of the difficulties experienced by the countries that contribute to the university in the 1980s. The economies of the Treasuries of the contributing territories to the University of the West Indies are not as healthy as they used to be, and therefore many areas of Government spending must, of necessity, be cut. That seems to be the new wisdom on the part of the Government. When they were being told so before they were the Government, they did not seem to understand it, but now they are beginning to feel it. I make the point in relation to the training of doctors because that is an important area for the health, in more sense than one, of the people of Barbados, and if we are suffering at that end, we are going to suffer throughout the whole system.

We thought at one time that for the Government of Barbados to seek alternative or parallel arrangements for the training of doctors, was to do something that was so radical and foolish as to defy the acceptance by right thinking people of the community. That is all part of our innate conservatism. We in Barbados are people who are always so reluctant to change. Whatever we are accustomed too, we are comfortable with, and any time we come up with something that is different, we get people putting their backs up.

The situation will not improve in the short or medium term for medical education in the Caribbean. The Government of Trinidad and Tobago spent about one and a half billion dollars building an enormous and well-equipped medical training facility at Mount Hope in Trinidad, and we were all in the last few years looking forward to the opening of this facility to provide additional places for Barbadian medical students so that we would be able to train the requisite quota, instead of having to import a lot of doctors from the Indian sub-continent. We would be able to train our own people in the Caribbean to meet the demands of Barbados. Let us not fool ourselves, Sir, we are short of Barbadian doctors and we need to train them.

Only last week, I heard the Acting Vice Chancellor of the University of the West Indies saying that for every place in the medical school in Jamaica there were five well qualified applicants, people who they would be glad to accept but cannot because there are no places. I believe they admit about 115 students in Medicine in Jamaica

every year, and over half of those come from Jamaica, another third come from Trinidad and Tobago and Barbados, along with the LDCs and the Bahamas, must scramble around to get the few remaining places left. 2.45 p.m.

It is a fact now, Sir, that no graduate from a high school in Barbados, some person who has just completed his A level, can move straight into medical school at the University of the West Indies unless that person has reached the level of a Barbados Scholarship. The people who reach Exhibition standard cannot get in. That is some idea of the problem that is confronting us. With the cut in the vote to the University of the West Indies, along with the fact that most of the LDCs — not only the LDCs, Sir, I do not want to slander the LDCs — I was about to say that most of them are not current in their payments, but this is also true of Jamaica and Trinidad and Tobago, which owe tens of millions of dollars to the university — it can reasonably be expected that even the rather parlous situation that currently exists will deteriorate even more. It is therefore incumbent on the Government, as a matter of the utmost priority, to take a look seriously at medical education for Barbadian students and to explore every reasonable possible opportunity to get more places for the training of doctors for this country.

I am not going to go over and make the point that, of course, you can get doctors from elsewhere. I understand there are a number of under-employed doctors in England, and that you can pick up large numbers of doctors from the Indian sub-continent. But why should we? We have people of ability and talent who would make good doctors, we have had a number of outstanding Barbadian doctors over the years who have shown us what our own people can do, and I think that we would be failing seriously in our public obligation if we denied the opportunity for our people to continue to be leaders in the medical profession and have to rely more and more on outsiders.

In relation to the use of the services of the polyclinics, the polyclinics were started to deliver a first-rate medical service to people scattered across Barbados, and to stop them having to flock into the Queen Elizabeth Hospital and bring the increasing pressure we are experiencing on that institution. The polyclinics were given a number of facilities, and that is why they are called polyclinics, obviously, and they could have accommodated a large number of people who were ill in Barbados, good service at no cost, or at the most modest cost.

The vision of the polyclinic service, which revolutionised the delivery of health care service in Barbados, has been badly blurred by an uninformed policy being

adopted by the current Administration. I do not think they have a policy, and it is unfortunate.

The Barbados Labour Party started a policy of national health care for all the people of this country. This is the point I make, Mr. President, about our difficulty in adapting to change. We now take it for granted that the right to education is a *sine qua non* for development. Everybody must have education and we accept that. Nobody quarrels about that any more. We have moved to the stage where we believe that everybody, not individually, must live in a proper house. But we still seem to be struggling to accept the universal right to proper health care, not as a favour.

This country has done reasonably well over the years, and I believe it has advanced to the stage where no person should wake up a morning in Barbados feeling ill and does not get medical attention because he or she does not have money. That was the vision we had for a national health service. You can quarrel about the mechanics of it, you can quarrel about the house, but you cannot be a decent-minded citizen and quarrel about the general objective.

What has happened since the change of Government is that the Government has scrapped this national health service objective and said they would replace it with something that they figure would be more suitable to the realities in Barbados. I have no quarrel with that. Each Government must have its own policy, and if this current Government can come up with a policy that can deliver quality health care to the people in a different way from how we had envisaged it, more power to them. The only trouble, Sir, is that two years have passed and the Minister of Health has boasted, with his chest up in the air, on national television, that he has scrapped the national health service and all they are waiting now to do is to give it a decent burial.

In any enlightened country anywhere else in the world that Minister would have had to be asked to resign. Because how can you scrap something like a national health service, boast about it, and not tell anybody how you are going to replace it? And in this regard, the Government is still collecting the Health Levy from all the workers in Barbados. It is shameful that you should be collecting Health Levy at a time when the Minister is publicly boasting that he has dismantled the very system that the Health Levy was to pay for.

The doctors are saying he would not talk to them. They want to work something out, but they find it extremely difficult in getting a meeting going between the Minister of Health and the Barbados Association of Medical Practitioners to work out a system that would deliver what was intended, even though it may be different in form. As I said, Sir, I am not quarrelling with

the difference in form, I just want to get the objective met. These are things that have to be dealt with, and dealt with urgently, because the American civil war started out of the cry that there should be no taxation without representation, and I personally am unhappy at paying Health Levy when the Minister is saying that he has scrapped the service for which the levy was levied in the first place. It is unbelievable that you can hear that kind of thing and there is no public outcry in a country that boasts that it is so literate and so intelligent. From the next day, the people should be walking around and saying do not collect my levy any more if you have dismantled the service.

My final point is on the nurses. Four or five years ago, there was a surplus of nurses in Barbados, nurses could not get work. The then Government made another change, which was hard to take, because changes do not come easy, where they were doing away with the practice of many years of training nurses at the hospital and, instead, training them in the theoretical stage at the Community College, and after they had got their diploma at the Community College, as happens in most countries in the world, certainly the whole of North America, they would then go to the hospital wards and do their practical work. This ran into the usual resistance, because, obviously, they would not get paid when they go to the Community College. From the first day they were recruited as a nurse in the old days, when they went on the hospital wards almost immediately, they were getting some modest stipend, but if you ask them to go to the Community College, they do not get anything, so I understand the inevitable outcry about that.

The same thing was proposed for the teachers. Instead of recruiting teachers today and putting them in a classroom tomorrow without any training, it was envisaged, by a progressive thinking Government, that you train the teachers first and then put them in the classroom. But, of course, it meant that they would not be getting any money until they were trained, so the unions and everybody cried foul, and this present Administration backed off.

I am always told that one of the things that Governments fail to do is to explain carefully to the people exactly why they are doing things. If they did do this, there would be more public understanding and sympathy for what they are doing.

There is a shortage of nurses now. It derives from two things. One is that there has been a fairly massive recruitment drive for nurses from Barbados in the United States, and a number of nurses have emigrated. The second reason, the one I gave before, is that people who want to go into nursing are now a little bit reluctant to go in, because if they have to go and do a course at the

Community College before they can get paid, they do not like it. They want to get paid from day one, even though they know nothing.

2.55 p.m.

Those are the two main reasons why there is now a shortage of nurses in Barbados, and I do not believe that it is fair for anyone to begin to make out that the reason why there is a shortage is because of some lack of policy, or lack of good judgement, by the previous Administration, because I am hearing that. I have just given the reasons for what we did. The Government is fooling themselves that they are still riding the crest of the waves, and if they feel so, there is no need to get into these little petty asides, the stabbing in the dark and in the back, over things that they know were done in perfectly good faith and with good reason, and could only have worked for the development and benefit of the nursing profession in this country.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, the last speaker mentioned a number of things, some of which I will not even attempt to answer. He is very familiar with them.

This Senate was treated to a bit of misinformation which, I think, we need to correct, that which suggested that any funds provided by the Government of Barbados for the University of the West Indies will find its way into buying equipment at the University Hospital. It is a clear and unmistakable understanding that the furnishing of the University Hospital in Jamaica is the responsibility of the Government of Jamaica, so whereas some individuals would be affected if the economic cost is not met, indeed, there is no intention of the Government to reduce its contributions towards the economic cost of all the students who go from Barbados to the University of the West Indies Hospital.

Several of the other questions we have taken notice of, and we will, certainly, examine the matters. Those relating to the Health Levy and the continued use of it for other purposes is a matter of policy. When the people place their confidence in a Government, it is their duty to pursue the policies which they recognise as best for the people of the country, and it is in that vein that the Minister of Health will pursue the policies which the Democratic Labour Party regards as best for the people of the country, and certainly not follow any national health scheme which will end up as destruction to the economy of the country.

The matter of these amendments to the Medical Registration Act has been in the mill since 1983. In 1984, the then Minister of Health drew up a number of matters which he wished to pursue to amend this Act, including giving the Minister power to dismiss the council for not

meeting or not carrying out its duties with discretion. All of these matters were not only put before the Medical Council, but they were also placed before the Barbados Association of Medical Practitioners, and after discussions going on from 1983, in May of 1985 there was general agreement as to proceeding with these amendments.

The former Government, in June of 1985, decided that instead of having the members appointed by the Minister increased from three to four, it would increase them to five to ensure that there would be an overriding vote of persons who would follow Government's policy or Government's line. But that did not meet with the support of BAMP, and the Government then backed away from that position. The amendments which are found now in this piece of legislation are perfectly acceptable both to BAMP and to the membership of the Medical Council. I think that answers the fundamental questions raised.

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. L. V. H. LEWIS, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, Senator M. deL. JORDAN in the Chair.

COMMITTEE

Clauses 1 - 7 inclusive were called and passed.

On the motion of Senator the Hon. L. V. H. LEWIS, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. PRESIDENT resumed the Chair and reported accordingly.

On separate motions of Senator the Hon. L. V. H. LEWIS, the Bill was read a third time and passed.
3.05 p.m.

OMBUDSMAN (AMENDMENT) ACT, 1988

Order No. 4 was called - To move the second reading of a Bill to amend the Ombudsman Act, Cap. 8A.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this amendment to the Ombudsman Act relates to the provision of authority for the payment of the salary of the Ombudsman, as well as for certain amendments to the Schedules to the principal Act.

Section 5 of the Act provides that the Ombudsman may investigate any course of conduct and the omissions or commissions of activities in exercise of the administrative functions of the several Ministries of Government, as well as departments and statutory boards.

There is a Schedule to the Act in which the agencies that can be examined were listed. But none of the statutory boards were listed in the Schedule.

It is now proposed to abandon the Second Schedule, and for the Third Schedule to become the Second Schedule, and for them to be amended by order of the Governor-General.

The exclusion of the statutory boards from the Second Schedule had been raised both in this Senate and in the House of Assembly when the Ombudsman Bill was debated, and the purpose of this amendment is to correct that deficiency so that the Ombudsman may now examine the activities of statutory boards not listed in the Schedule.

In addition, amendments will now ensure that the Ombudsman will not be examining matters relating to the grant of liquor licences, or the regulation of public utilities, or functions carried out by the Minister under the Immigration Act, or any judicial function not mentioned in paragraphs 1 - 14 of the Schedule.

It is felt that these amendments will now tidy up the Ombudsman Act and give him more authority to investigate the activities of statutory boards and at the same time perform those functions in relation to Government departments and Ministries.

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

SENATOR Dr. L. L. SHOREY: Mr. President, I think that the justification for the establishment of the post of Ombudsman, and the appropriateness of the first appointee to that post, are both very clear.

I think that the report which has been made available for the year of activity of the incumbent in that post is testimony to the importance of the office and of the need for someone of that individual's integrity to function in a role which, as I understand it, seeks to ensure that the citizen who feels that he or she has been penalised unjustly by the Government should have some means of reasonably easy redress, at least so far as having the situation investigated.

I therefore welcome the extension of the Ombudsman's area of authority, as is proposed under the amendment of Section 5 now before us. I would like to commend Government for its action in this matter, and I hope that the country would continue to be served with the quality which has been evident during the past year.

I support the Resolution.

SENATOR L. R. TULL: Mr. President, first of all, I have a certain ambivalence about the role of Ombudsman.

I will get the Minister of State, perhaps in his usual abrasive manner, to get up and tell me things that I know more about than he does. But so be it.

Barbados is a well-integrated, well-run, administrative, country. It has not done badly, and I have always been a little bit loathed to accept the imports from other countries and place them like albatrosses around our own necks.

Aside.

SENATOR L. R. TULL: I say ambivalence, Sir, because I do not know that I have gone all the way on one side or the other.

Asides.

Mr. PRESIDENT: Order.

SENATOR L. R. TULL: Not only was I not Attorney-General at the time, but one must not assume that — you see, there must be something wrong with this Government, because they feel so — that you always agree with everything that happened in your time. It is like a team, Sir, because you do not like a field placing, you do not walk off and go in the pavilion. They cannot seem to understand that.

The point I am making, Sir, is that I do not feel sufficiently strongly to say I am out and out against it, but I have a certain uneasiness about the necessity for the imposition of an Ombudsman at this particular time. So I say that and people can....

Mr. PRESIDENT: Order. Would you all allow the debate to go on without interruption, please.

SENATOR L. R. TULL: Most things now can go to the courts. The Administrative Justice Act is an enlightened piece of legislation passed by the Barbados Labour Party so that administrators who act *ultra vires* and act unreasonably can now be taken before the law courts to resolve matters. Anyhow, Sir, that is not really the substance of what I want to say.

I am a little bit concerned, Sir, about something in the report of the Ombudsman laid before Parliament. It is a document of the Senate, Sir, and I just want to read part of it.

Mr. PRESIDENT: We have not yet laid it, but I will permit you to continue. We should have laid it.

SENATOR L. R. TULL: At Section 52, on page 14, it says:

"The
Tenancies
Freehold
Purchase
Act,
Cap. 239B

52. A complaint was received from someone that she had been subjected to an injustice by not being allowed to enjoy the ownership of a parcel of land left to her by her father's Will. In his Will, the father had bequeathed a parcel of his land to each of four children. Three parcels of the land had been rented to three persons. The beneficiaries of the father's Will attempted to get possession of the lots which had been willed to them and two of the tenants moved away, but the third one remained. A case for eviction of that third tenant was taken to the courts, but was unsuccessful because of the operation of the Tenancies Freehold Purchase Act, Cap. 239B. Following further representations, the beneficiary was informed by the Ministry of Housing and Lands that it was her duty to convey the freehold of the particular lot to the tenant under the Tenancies Freehold Purchase Act, Cap. 239B."

Clause 53 reads as follows:

"53. It seems to me that a hardship has been imposed on this particular complainant and countless others, not by improper administrative conduct but by the existing provisions of the Act, ... and it is hoped that there will be an early review of the Act. It is understood that the situation is engaging the attention of the Ministry of Housing and Lands."

That is a political statement, because if there is a bone of contention between the Government and the Opposition, it is in respect of the efficacy, importance and the need for the Tenancies Freehold Purchase Act. The Barbados Labour Party has said that we have passed this legislation to give greater security of tenure to tenants, and the Democratic Labour Party saying you are working a hardship on the landlords. We are for the tenants and they are for the landlords. And the struggle goes on.

In my view, Sir, the Ombudsman has entered the political arena. I do not think it is any part of the duties of the Ombudsman to be commenting unfavourably or favourably in this way in what is a strongly contested, partisan, political issue.

I hope, Sir, that we are not due for more of this because the Ombudsman, who is a judicial officer, is prepared to take on one political side or the other. I do not

know about the others on my side, but it will be very difficult for me to restrain myself from engaging in political debate inside and out of Parliament with the Ombudsman. I just want to make that absolutely straight. I would not blame the Democratic Labour Party
3.25 p.m.

Mr. PRESIDENT: I propose to lay the report later. But I would suggest that you give notice of your intention to deal with that matter when it is done. There is nothing to prevent you from doing so, because it will be a document of the Senate, and you may do so and draw it to their attention. If you feel strongly about it, you have a right to do that. If you feel that he should not be commenting on matters, you are free to be able to reply.

SENATOR L. R. TULL: No, no, they are not necessarily involved.

Mr. PRESIDENT: But if you feel that it is something that really does not come

SENATOR L. R. TULL: I accept Your Honour's ruling. It is the correct ruling, Sir, because I believe that if I am going to make statements on a public officer, I should give adequate notice in the debate. That is why I did not want to go into too many details.

I believe that I have made the point. It could only be a matter for the other side if you put the shoe on the other foot. Then we would hear the screaming all over the place. But I accept Your Honour's ruling.

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

On the motion of Senator the Hon. L. V. H. LEWIS, Mr. PRESIDENT left the Chair and the Senate resolved itself into Committee on the Bill, Senator M. deL. JORDAN in the Chair.

Clauses 1 - 5 inclusive were called and passed.

On the motion of Senator the Hon. L. V. H. LEWIS, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. PRESIDENT resumed the Chair and reported accordingly.

On separate motions of Senator the Hon. L. V. H. LEWIS, the Bill was read a third time and passed.

PUBLIC ENTERTAINMENTS (AMENDMENT) ACT, 1988

Order No. 7 was called. - To move the second reading of a Bill to amend the Public Entertainments Act, Cap. 85A:

SENATOR THE HON. Dr. C. D. CLARKE: This Bill seeks to amend the Public Entertainments Act, Cap. 85A, to bring the fees charged for the rental of video cassette tapes and membership fees for video clubs within the purview of the Entertainment Tax that is imposed by Section 10 of this Act.

The Bill also contains provisions to:

- (a) provide the Minister with the authority to waive the Entertainment Tax upon an application submitted to him in an approved form,
- (b) requires the operator of a place of public entertainment to produce a certificate issued by the Chief Fire Officer when making application for renewal of the licence for the premises.

In the Financial and Budgetary Proposals delivered by the Minister of Finance on April 17, 1984, a 20 per cent tax was levied on membership and rental fees in respect of operators of video clubs and video rental businesses. This tax is being administered by the Commissioner of Inland Revenue under the Public Entertainments Act, Cap. 85A.

The Solicitor-General has commented that the charges and payment of Entertainment Tax are not dependent on a requirement that the premises where the entertainment takes place be licenced, but only on a fee being charged for admission to one of the specific forms of entertainment. Thus, if a hotel or restaurant charges an admission fee to any of the forms of entertainments specified in Part I of the Second Schedule, the Entertainment Tax is chargeable and payable as provided by Section 10 of this Act.

The Entertainment Tax is not chargeable or payable on rental of video cassette tapes, despite the inclusion of same in Part I of the Second Schedule, because there is no payment for admission to any form of entertainment as required in Section 10 of the Act.

This Bill seeks to correct this matter by including the tax under Section 10 of the Public Entertainments Act, Cap. 85A, through the provisions of Section 6, which provides for the tax to be paid on all membership fees to video clubs and all payments for rental of video tapes. At the same time, the opportunity is being taken to provide the authority under which the Minister may waive the Entertainment Tax, since the Act does not provide him with this authority at present.

Mr. President, I move that the Bill be read a second time.
3.25 p.m.

SENATOR L. R. TULL: Mr. President, if I may make one or two short observations, the Public Entertainments Act is well-conceived, and we can see that the primary purpose is to raise revenue. I have no quarrel with that. But I find something a little bit troubling, Sir, and I know I will be told the usual thing — I was in the Government, so my mind must become frozen in time. I am not allowed to think beyond the time I was in Government, so any new, bright idea that comes to me, I must push it aside and say I took a position three, four, five or six years ago.

One of the most remarkable developments in Barbados over the last decade has been the development of culture, and I talk about culture in all its varied manifestations. Some describe it one way, some the other, but whether one uses the more popular description of culture, as being the total, full expression of an experience of people in society, or one goes back to the old-time definition, a certain appreciation of the beauty of the arts, music and all that, whatever it is, Sir, there has been without question, a remarkable revolution in the development of culture and cultural appreciation in this country during the period of the sojourn of the Barbados Labour Party in Government.

You can hear today, Sir, that in Queen's Park Theatre there is a play practically every night of the year, with good houses, and you are hearing about so much drama and concerts. The much abused building on Spry Street, or Cathedral Square, is now the place for opening nights, when the ladies wear their finery and the men wear their evening clothes, with such frequency that you wonder whether this is now one of the European metropolises.

There is a general appreciation of the development of the arts, and apart from the appreciation in the sense in which I have described it, there is a new sense of awareness among children in this country about themselves, about Barbados, its past history, its expressions, its way of life. A lot has happened, and in my view, this cannot be quantified, it cannot be put in dollars and cents. It is an integral and important part of the education of a generation of Barbadians, an education that is teaching them more about the nature of the society and themselves and the development of a true quality of life.

Earlier today, Sir, we talked of you, Sir, as a stalwart in the fight to develop the quality of life in the basics — a job, a house, some clothes without too many patches and some shoes on your feet. You were in that. But this country has moved beyond that now, we have moved to the stage where we can enjoy the other essential qualities of human development.

I think that in the light of that, it is a little bit hard to take that in the categories of places for public entertainment in the First Schedule for which fees should be paid per annum, you should put theatres. Modern Barbadians know that a theatre is a place for drama, not a place to go and watch Tom Mix, as in my time, or whoever they watch these days at the Globe, kung-fu and all that. That is cinema, that is not theatre, and it is a little bit hard for me to see theatres placed in the First Schedule to the Public Entertainments Act alongside bingo halls, cinemas, concert halls, discos, public dance halls, roller skating halls, places for vehicle racing and amusement parks. In other words, Sir, they are not, to use the Latin words, *sui generis*, they are a horse of another breed.

Theatre is for the enrichment of the minds of the people of this country. To put bingo halls, dance halls and these things in the same category as theatres shows that there is an enduring philistinism, there are philistines, operating at various levels in this society.

(*Aside:* SENATOR THE HON. L. V. H. LEWIS: Tax will still go on.)

SENATOR L. R. TULL: No! I want the tax to come off theatres, because, to my mind, theatre, pure drama, is as educational as what you teach in Class 4 at St. Mark's Primary School, or as important as what is taught in Form 3 at Springer Memorial. Therefore, I would like it to be taken out of the raw commercial activity, like a dance at Club Batten, Sir, where men used to put pork chops in their jacket pockets. You cannot defile the concept of theatre, with its ability to broaden the mind and to develop and to educate, and I am making a humble suggestion that the Minister really consider in his next amendment removing theatres from the Schedule to this Bill.

It may sound, Sir, as if I am joking. I am not joking, Sir, I am very serious about this, because it has been demonstrated in communities from the birth of man that where people are preoccupied with the material things of life, the practical things, to the exclusion of the aesthetic, that that society invariably comes to grief. I can give several examples. As a student of Ancient History, I could carry you way back.....

Aside.

SENATOR L. R. TULL: You do not want to go way back? I will give you one, though, for your own edification. You take the co-existing society of Sparta and Athens 2 000 years ago. Sparta was a war-like country that was concerned only with gross materialism, conquering land and fighting. Next to it was Athens, which was concerned with the beauty of architecture, music, drama and this kind of thing. The quality of life

and the quality of the contribution made by the two to civilisation thereafter cannot be measured. In fact, Sparta left nothing. Athens left a basis for the kind of modern life that we enjoy in Europe and in Barbados.

I can give you any amount of examples, Sir, but I will not burden the Senate at this stage. I am only exploring the Government that in matters relating to culture, it goes easy with the hand of taxation. I am the last person in the world who would say that the Government must not get enough revenue to run the country properly. I am not into that, and I am not going to stay in the Senate and make that argument. I believe you have to collect revenue, but I believe the loss of revenue deriving from removing cultural activities from the Schedule will amount to so little as to make no impression at all, at all, in terms of total Government revenue.

I know the answer, Sir. I know that when I sit down, I cannot reply to what is said about me, so let me just say that. I know that the Act makes provision that for charitable, religious and educational purposes, the tax is waived. That is for profit in those things, and I may be told you may have Stage One putting on a play in Queen's Park and they may make a profit, and, therefore, that is different. But I must say that people like Stage One who make a profit on one show plough it back into the next show, and overall they really do not make any money.
3.35 p.m.

There is one other thing I want to say. The Minister under the Act makes regulations relating to everything, including the collection of taxes from public entertainment. A few years ago, a fact came out very sharply in relation to the calypso tents, when the people who ran the tents said they were not making enough money to be paying taxes. But what I well remember from those days, Sir, and it is still true today, is that the Commissioner of Inland Revenue can, and does, under the Act from time to time send a collector at a public entertainment while it is going on to collect the taxes, and in many cases it costs more to pay the collector to go to collect than what he collects.

This reminds me of when we came into Government. They still had the donkey cart tax and the bicycle tax. We said, how can you after all these years be asking people to collect a tax on bicycles and on donkey carts? In those days it used to cost much much more to make the bicycle and donkey cart licences than we used to collect in taxes. We said it was a waste of time, and we abolished it on the same principle.

I think the Minister of Finance, or whoever, should give a little nudge to the Commissioner of Inland Revenue to say that he is really defeating the purpose to send somebody to Horse Hill, at a queen show with almost

as many queens as they have spectators, to sit down to see if he can collect \$2, \$15 or \$25. That, to me, is a waste of resources, a waste of time, and I think that all these nuisance arrangements in the laws of Barbados should gradually be weeded out.

Thank you, Sir.

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

On the motion of Senator the Hon. Dr. C. D. CLARKE, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, Senator M. deL. JORDAN in the Chair.

COMMITTEE

Clauses 1 – 9 inclusive were called and passed.

On the motion of Senator the Hon. Dr. C. D. CLARKE, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. PRESIDENT resumed the Chair and reported accordingly.

On separate motions of Senator the Hon. Dr. C. D. CLARKE, the Bill was read a third time and passed.

CORPORATE AFFAIRS AND INTELLECTUAL PROPERTY OFFICE ACT, 1988

Order No. 8 was called – To move the second reading of a Bill to provide for the establishment of the office of Corporate Affairs and Intellectual Property.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Bill provides for the establishment of an office of Corporate Affairs and Intellectual Property and the transfer of certain functions from the Registrar of the Supreme Court to the Registrar of Corporate Affairs.

Some time in 1986, prior to May 28, the former Government passed a piece of legislation called the Miscellaneous Amendments Act of 1986. The purpose of that legislation was to amend various Acts and to place authority for performing certain functions in a Registrar of Corporate Affairs, and the intention at the time was that it would be part of the Ministry of Trade. Accordingly, the Civil Establishment Order was amended to provide for the transfer of certain posts to something called Corporate Affairs within the Ministry of Trade.

Proceedings were taken to recruit a Registrar of Corporate Affairs, but that action was halted, and the present Government repealed the Miscellaneous Amendments Act to permit a comprehensive review of the subject. After this review it has been decided that there will be a department of Corporate Affairs and Intellectual Property, which would take over certain of the

functions of the Registrar of the Supreme Court and would relieve that officer of much of the work load.

The qualification for the appointment of Registrar would now be those of an experienced attorney-at-law instead of a qualified accountant, as was previously decided. It was felt that certain of the staff should have para-legal training.

As a temporary expedient, the department now functions under the Registrar of the Supreme Court from the Registration Department. This arrangement cannot be allowed to continue for too long, so it is now proposed that a Department of Corporate Affairs be formally re-established, and this Bill seeks to give effect to that. Certain of the functions which were formerly proposed for the department of Corporate Affairs will not now fall to it, and these are chiefly matters relating to co-operative societies, building societies, friendly societies and industrial and provident societies, all of which will remain, for the time being, with the Ministry of Trade.

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

SENATOR L. R. TULL: Mr. President, this is a classic case of re-inventing the wheel. The previous Administration decided that the work of the Supreme Court Registry had grown to such an extent that to allow the Registrar of the Supreme Court to continue to do the Supreme Court work, and that of Corporate Affairs and Land Registration, was a very heavy burden, and, therefore, that should be split up. So we took a decision that there would be three co-equal Registrars, a Registrar of the Supreme Court, a Registrar of Corporate Affairs and a Registrar of Land Titles.

As the Minister quite rightly said, this decision was taken before the change of Government, and a Registry of Corporate Affairs had been established before the change of Government, and we had advertised the post of a Registrar. The Government came in in all its enthusiasm to change things just for the sake of changing them, changing them just because the Barbados Labour Party did them, and scuttled that. Two years later, much pain later, much waste of money later, much duplication later, they come right back to doing exactly what they found.

3.45 p.m.

It is interesting to hear the Minister say that the temporary expedience of allowing the Department of Corporate Affairs to function under the Registrar of the Supreme Court can no longer be allowed to obtain. We told them that eversince. That is why we changed it. But they jumped into this thing thoughtlessly, instead of staying in Government long enough to see how it was

working, and changed it immediately. Now after observing it, they are rushing in here with a lot of legislation repealing what we had done and pushing their chests up and saying I am bigger than you. That is all there is to it.

The fact is that the Supreme Court's work has multiplied no end. When I left practice in 1976, they used to have four or five divorces a week on the Cause List pinned up at the courts. Nowadays I am seeing a whole page. I used to see in the month of April No. 27 of 1976, that meant 27 cases filed in the Supreme Court in 1976. Now I am seeing more like 227. The work in the Supreme Court has increased by leaps and bounds, and it is tough enough for the Registrar to deal only with the Supreme Court, and this Registry of Corporate Affairs was as necessary when it was established as it is now.

A lot of legislation has been passed in the last few years. We have legislation in relation to much of what is being done by the World Intellectual Property Organisation — as you well know, one of these multifaceted U.N. agencies. We have passed patent legislation, copyright legislation, industrial design legislation, trade marks, and about five pieces of industrial property legislation, which we have passed before we went out of Government, all necessary to meet the exigencies of a new and modern industrialised age. You cannot have an industrial society unless you have laws governing copyrights, patents, trade marks, designs and the whole lot. Equally, you cannot have the healthy development of information systems if you do not have copyright legislation.

One of the things we have dealt with is the pirating of records. We had our people like Gabby who would make records here, good ones, and then a few Americans would carry the records up to the States and copy them and make one hundred times more money than Gabby made out of them. That is what was involved in this activity. We trained people to be able to deal with it and we set up a separate registry for it, and they dismantled it. That is only intellectual property.

We passed new companies legislation, the most comprehensive piece of corporate legislation in this century, the Companies Act, to modernise corporate activity in Barbados. We passed the Securities Exchange Act for the same purpose. All this we wanted to put in a separate Ministry removed from a registrar who is dealing with who is suing who and is getting bail, and whose appeal has not come up yet and that kind of thing. We separated it as a different kind of activity and we placed it under the Ministry of Trade.

Again, Sir, I do not quarrel with where a Prime Minister chooses to put subject areas in Ministries. If

the Prime Minister feels that he should leave the Registry of Corporate Affairs in the Legal Division, that is a matter for him, except that I know, as he must know, that it fits more naturally into the Ministry of Trade.

We did not suddenly wake up one morning and say, let us put it there. It has been done on the basis of experience and research. Countries all over the Commonwealth have got that particular activity, Corporate Affairs, in the Ministry of Trade rather than in the Ministry of Legal Affairs. But the Government chooses to do it their way and I have no quarrel with it. I just make my observation.

They are leaving other corporate entities like building societies, credit unions, provident societies, or whatever they are called, somewhere else. What is the rationale for that? What is the point in setting up a Registry of Corporate Affairs but exclude two or three sets of corporate activities. There must be a reason for it, and I would like to have it explained, unless the Prime Minister is according horses for coaches. I would like this particular Minister, although it is not relevant to his Ministry, to look at this. Credit unions, building societies and all this corporate entities should also fall under the purview of the Registry of Corporate Affairs. I cannot understand it.

Asides.

SENATOR L. R. TULL: They exclude them. But as the Minister would get up and tell me, you are the Government, you can do as you like, how you please, and whatever is the best interest, you do that. I am not listening to anybody. That is what usually causes Governments to fall, Sir. They do not listen to anybody.

I would have thought that an intelligent Government would try and glean some of the best recommendations of the Opposition and adopt them as quickly as their own. But they do not do that. I will know what to do in the future. If I have a good idea, I will just sit down on it and get up and criticise them all the time without putting up a half decent proposal because when I do it, I get treated with contempt, either by no reply or by who sits down and do not get up.

Sir, I cannot understand why some corporate entities are under the Registrar of Corporate Affairs and other corporate entities are hived on to another Minister with the kind of day-to-day responsibilities that are removed from the kind of activity involved in these things.

I welcome the Bill, and would have been glad to second it, except that someone jumped up and seconded it before me, because it is nothing less than a vindication of the good sense and policy of the previous Administration.

SENATOR J. S. GODDARD: Mr. President, I also support the Bill, and the reasons given by Senator Tull as to why there is a need for a separate Registry for Corporate Affairs. But the mere separation of responsibilities alone is not sufficient.

Only occasionally have I had to visit the Registry, but I am amazed at how they are able to get any work done. When I see the amount of paper piled up on desks and the general conditions of that office, I have to give the Registrar and his staff a tremendous amount of credit. 3.55 p.m.

For the reasons that Senator Tull has given, particularly the advent of new legislation, the Securities Exchange, a new Companies Act, a new Patent Act, it is extremely important that this new registry be set up and operated efficiently. We need that for the development of economic life through locally-owned corporations and other entities in this country. But just as important, if we are to attract offshore companies, as we seem to be doing, and we should be doing, to stimulate the economic activity of the community, this new registry must have the very best and the latest of equipment when it comes to computing, rather than having many bits of paper, manually prepared, moving from desk to desk. It is going to be important that the information be computerised. It is also going to be important that the very latest filing method be used, whether it be microfiche or whatever.

So I hope that the Minister would be able to give us some assurance that not only will a separate registry be set up for Corporate Affairs, but that the necessary steps will be taken to see that it will be able to function in a manner conducive to expediting business quickly.

Thank you, Sir.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I am really happy that the Bill received the support of members on the other side, although there is clearly a minor reservation regarding the leaving of co-operatives and other matters with the Ministry of Trade. As the person who spoke said, the answer probably is that there are horses for courses.

There is a Registrar of Co-operatives who functions in the Ministry of Trade anyhow, even although that position is under review, and it is anticipated that the duties and the status of that registrar will be upgraded.

With regard to the quality of the equipment, my understanding is that they are examining very carefully the continuing establishment of the department to try to ensure that the most modern methods and techniques are adopted, and I hope that that will be achieved.

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. L. V. H. LEWIS, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, Senator M. deL. JORDAN in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

Clauses 1 and 2 were called and passed.

Clause 3 was called.

SENATOR THE HON. L. V. H. LEWIS: I beg to move that Clause 3 stand part.

SENATOR L. R. TULL: Just one question, Mr. Chairman. There is established by this Act the Corporate Affairs and Intellectual Property Office. Could the Minister please explain whether this means that there is a separate registry, or is this only an office under the existing registry?

SENATOR THE HON. L. V. H. LEWIS: The separate office which was established before 1986, or around 1986, in the time of the former Government, continued, but the responsibility for the accounting activities remained with the Registrar of the Supreme Court. The intention now is to separate this from the Registrar of the Supreme Court so that this officer functions directly in relation to the Permanent Secretary in the Ministry of Legal Affairs.

The question that Clause 3 stand part was put to the Senate and was agreed to.

Clause 4 was called.

SENATOR THE HON. L. V. H. LEWIS: I beg to move that Clause 4 stand part.

SENATOR L. R. TULL: Mr. Chairman, again Clause 4 makes reference to the functions of the registrar as those being assigned to the registrar under the Companies Act.

I am sorry I did not see the Bill before I came in today, because I would have checked it, but I believe that the Companies Act in certain sections makes reference to corporate entities other than the ones stated by the Minister. So if a function of a registrar are those assigned to the registrar under the Companies Act, it would appear to me that there are certain functions under the Companies Act that are given to corporate entities other than the ones specified. Therefore, there would be some

confusion in law, because it would mean that the Registrar of Corporate Affairs would have a statutory duty that is not recognised as part of his or her responsibility by the Administration.

I wonder if the Minister could explain that for me.

SENATOR THE HON. L. V. H. LEWIS: I believe that point that you are making was properly examined, and the only exclusions from the Miscellaneous Amendments Act are those relating to co-operatives and building societies, which were never the responsibility of the Registrar of the Supreme Court. They are the responsibility of a separate registrar. But in every instance in which the Registrar of the Supreme Court had responsibilities under the Companies Act, all of those, including those for non-profit companies and charities, are transferred to this Registrar of Corporate Affairs. That has been taken care of.

The question that Clause 4 stand part was put to the Senate and was agreed to.

Clauses 5 and 6 were called and passed.

The Schedule was called and passed.

On the motion of Senator the Hon. L. V. H. LEWIS, Mr. CHAIRMAN reported the passing of the Bill in Committee, and Mr. PRESIDENT resumed the Chair and reported accordingly.

On separate motions of Senator the Hon. L. V. H. LEWIS, the Bill was read a third time and passed.

ANNOUNCEMENTS BY HIS HONOUR

Mr. PRESIDENT: I would like to draw to the notice of the Senate that this morning we should have given notice of a message from the Ombudsman.

The report to the Senate states:

"In accordance with the provision of subsections 6 and 9 of Section 30 of the Ombudsman Act of the Laws of Barbados, I have the honour to submit my report on my functions under the Act in respect of the year 1987.

Yours faithfully,
FRANK L. BLACKMAN,
Ombudsman."

ADJOURNMENT

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I beg to move that this sitting be now adjourned *sine die*.

The question that the sitting do now adjourn sine die was put to the Senate and was agreed to, and Mr. PRESIDENT adjourned the sitting accordingly.
4.05 p.m.

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