THE

SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1986 – 91

SENATE

Wednesday, January 11, 1989

The Senate met in the Senate Chamber, Public Buildings on Wednesday, January 11, 1989 at 11.15 a.m.

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 Honourable Sir James Tudor, K.C.M.G., (Minister of Foreign Affairs), (Leader of the Senate)
Senator the Honourable L. V. H. Lewis (Minister of State for the Civil Service)
Senator A. Morrison
Senator N. W. Boxill
Senator Mrs. V. C. Fraser, B.S.S., M.F.C.A., J.P.
Senator Mrs. G. L. Eastmond
Senator A. J. N. Phillips
Senator T. A. Prescod
Senator Miss B. A. Miller
Senator L. R. Tull, Q.C.
Senator J. C. W. Wickham, M.B.E.
Senator the Reverend Canon I. McK. Jones
Senator L. A. Ward, G.C.M.
Senator C. A. Blackman, Q.C.
Senator Mrs. P. Y. Forde
Senator J. S. Goddard
Senator Dr. L. L. Shorey
Senator the Honourable Dr. C. D. Clarke, (Minister of State for Finance)

Prayers were led by Dr. The Rev. L. Crawford, S.C.M.

PRESENTATION OF PAPERS

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, I am commanded to lay the Annual Report of Her Majesty's Prisons for the year 1987.

PUBLIC BUSINESS

Order No. 1 – Bill to repeal the National Health Service Board Act, Cap. 381A.

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, I am asking leave for my colleague, the Minister for the Civil Service, to take charge of this Order.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I beg to move that this Honourable Senate now go into Committee to continue consideration of the Bill to repeal the National Health Service Board Act, Cap. 381A.

The question was put to the Senate and agreed to. Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, Senator M. deL. JORDAN in the Chair.

SENATOR THE HON. L. V. H. LEWIS: Mr. Chairman, when we last met and were in Committee giving consideration to this Bill, we had reached the stage of the Schedule. We had passed in Committee Sections 1, 2 and 3 of the Bill and when we were dealing with the Schedule to the Bill, the question was raised regarding the amendment which would provide for section 6B(2): "The Minister shall, as soon as practicable after receiving a copy of the report referred to in subsection (1), lay a copy thereof before the House of Assembly."

It was proposed by an independent member that the words "House of Assembly" be struck out and the word "Parliament" inserted. After consultation, no objection is raised to that alteration to the Schedule.

I therefore move that the words "House of Assembly" in the Schedule at 6B(2) be deleted and the word "Parliament" inserted therefor.

SENATOR THE HON. SIR JAMES TUDOR: I beg to second that.

SENATOR C. A. BLACKMAN: Mr. Chairman, I am not too sure the language used by the Honourable Minister is appropriate in that he should lay a copy thereof in Parliament rather than just delete the words "House of Assembly." It will read better "lay a copy thereof in Parliament" and the words "before the House of Assembly" should be deleted.

Mr. CHAIRMAN: You will accept the amendment.

SENATOR THE HON. L. V. H. LEWIS: I have no objection.

The question was put to the Senate and agreed to.

SENATOR THE HON. L. V. H. LEWIS: I beg to move that the Schedule as amended stand part.

SENATOR THE HON. SIR JAMES TUDOR: I beg to second that.

The question was put to the Senate and agreed to.

SENATOR THE HON. L. V. H. LEWIS: I beg to move that the Bill as amended be now reported on.

SENATOR THE HON. SIR JAMES TUDOR: I beg to second that.

The question was put to the Senate and agreed to. Mr. PRESIDENT resumed the Chair and reported accordingly. 11.25 a.m.

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

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I beg to also move that the appropriate message be sent to the Other Place regarding the amendment to the Schedule of this Bill.

The question that the message respecting the amending Bill be sent to the Other Place, was put to the Senate and agreed to.

ORDER NO. 2 – TENANTRIES FREEHOLD PURCHASE (AMENDMENT) BILL, 1988

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, before I proceed I wonder if I might, on behalf of Senators, say how pleased we all are to see you here again. The last time we met which was just before we rose for the Christmas recess, we had heard that you had returned to the country, but that you were not feeling well and we were very distressed to hear this and we sent you messages, not only in respect of, I think, recovery, but for the Christmas season as well. I now amend that by extending best wishes for the New Year and I should imagine that other Senators will join me in that in the course of the debate.

Sir, it is one of our customs, indeed, it is an honoured parliamentary custom that when we are deliberating on important or, indeed, on all public interest matters, that in order to show that we are bringing our best and clearest judgments to bear on the questions at issue if we have an interest, however, minute or remote, we declare it.

I am not really a landowner but members of my family do possess some bits and pieces of land and I get the odd okra, or breadfruit, or paw paw, or whatever it is from them and to that extent, I daresay that I would wish to see the trees still being planted and being tended and producing their fruit.

But, in a personal sense, of course, I have no interest to declare and since the Standing Orders of this Chamber and indeed, since parliamentary etiquette and custom require members to deliberate and decide public issues only on their merit, it is, therefore, proper for me to declare some advantage, although a very minute one, will accrue to me vicariously through the passage of this Bill and to that extent I declare that interest.

Now, the purpose of this Bill is to amend the Tenantries Freehold Purchase Act of 1980 and we are introducing this and we hope that it has been so drafted in accordance with what the Democratic Labour Party envisaged in its Manifesto of 1986 in preparation for the General Election of that year.

What we wanted to do and we set out there that we wanted to obviate popular dissatisfaction with the Act and give sub-tenants similar rights to tenants while preserving the original intent of the present legislation and to correct certain disabilities in the Act which are repugnant to the spirit of the Constitution and which, in effect, as we had so judged, are repugnant to the fundamental rights of citizens.

Now, I do not think that there is any great point of difference on both sides of the House that will arise out of political parties' attempts to carry out Manifesto promises. Indeed, that right is so fiercely guarded that we quite frequently accuse each other of varying our promises and doing different things from what we said; so that it is common ground that Manifesto proposals are to be treated seriously in Parliament by both sides.

Our feeling about the original Bill was that it was really for plantation tenantries, that is to say, the present

Act, and with that we wholeheartedly agreed but that somehow or the other, whether by faulty interpretation, or for whatever reason, it was then used to encompass non-plantation tenantries.

I say this, not to impute blame to anyone, but I carefully read the speech of one or two members of the Other Place in the last Parliament when it was introduced and this is what I gathered specifically from one or two of their speeches and, certainly, from the late Prime Minister Adams and from the then Leader of the House, I believe, who introduced the Bill. As we saw it, as far as non-plantation tenantries are concerned, the Bill did tend to remove the right of some small landlords, and therefore, since the Bill was passed in the early 1980s, within a few years after that, the applications for land for house spots at the National Housing Corporation are said to have increased considerably.

Now, I also want to stress that no right is being taken away from anyone in the passage of this Bill. The right of the landlord is being restored and that is important. So basically what we are doing in this amending Bill is to restore the right to the landlord, to allow also the tenant or tenants to purchase the land from the Crown or be compensated when this happens and to give some protection to plantation tenants not affected by the Bill but, perhaps, more importantly, those persons who are on private tenantries of between 2 and 5 lots.
11.35 a.m.

May I also say this, that in a certain sense the history of Barbados is a history of tenantries, and the Honourable Members will note that the designation of bits of land particularly in the metropolitan area, and elsewhere as well, has more nearly been a designation connecting the land with an original owner or descendants of owners or families of owners. We call land after the Hanschells, the Sealys, the Thornes, and even, Sir, the Tudors sometimes; so this is well known. But there has always been, even without any bit of legislation, an understanding that the landlord, while he did not and should not take away or inhibit in any way the rights of tenants, had a right which was vested in him naturally by reason of his being a citizen of the country. In other words, the old fashioned phrase of having a stake in the country has been handed down to us as a metaphor, but it was in fact true, because the delineations and the compartments, and the divisions and all of that were done by bits of iron being stuck in various places over spots of land, and the origin of having a stake in the country is just there, I suppose.

While it is true that people who rent land from other people have certain rights and that those rights ought always, and I emphasise this, Sir, ought always to be protected by the full rigour of the law and the principles of natural justice, it is also true that the right to own property and to divide it and bequeath it and pass it on to one's children without difficulty is in my judgment a more fundamental right and certainly as distinctive a right as any other should be and one right which has to be safeguarded in my judgment at all costs. Then, too, when you reflect that in the particular sociological circumstances of our Island, landlords who own small plots of land and who in order to provide living space for other Barbadians, allow those small plots of land to be rented by them, should not be prevented from looking after the interests of their children – that is the landlord's children – by reason of legislation which might have as its intention something good for tenants, but at the same time prevents the very handing over of property from parents to children or from owners to whomever they wish to give it.

What we therefore have always needed in this country is a balanced value, a value judgment on this whole question. Landlords and their tenants certainly in the context of Barbadian society are very much the same sort of people and a lot of the tenants have themselves in the process of time, become owners of small plots of land and have themselves made it possible for other people as they come along, to enjoy the benefits of living on that land until they themselves became property owners in their own right or until their circumstances improved in respect of help given by their children or whatever. So what we are trying to do in this amendment, is to devise a system, a framework in which those who own the land can have no fear of ever losing it unless they themselves sell it or divide it or give it away to their children or relatives or whatever. Those who live on it and rent portions of it, may do so in complete freedom, but at the same time not to the detriment of the owners of the land, and still themselves be protected by rights which are given to them to acquire land, if they cannot acquire it by private treaty with the landlord.

So that here on the one hand we are trying to make clear a right to own property as a fundamental right of Barbadians, the right to live on property, is another fundamental right, but that where these two clash and cannot otherwise be reconciled, well then the prior right of ownership must take precedence over the other right. And yet we do not leave it quite that way, because we are trying to draw the Crown, that is to say, the State into this equation and put the onus on the Crown in cases where tenants who live on other people's land cannot buy or cannot purchase or cannot remain there for some reason, to sell at reasonable prices to the tenants who for whatever reason may have to move from the land on which they have been living.

I think, therefore, that the amending Bill is a fair one. It takes into account the whole nexus of rights which citizens must enjoy and it balances in a very fair way, in my judgment, the conflicting rights which must always arise in property matters. Most importantly, I would like to stress this; we want to make it clear that no tenants can ever be pushed off land unceremoniously under this amending Act.

They have rights which are safeguarded not only in respect of their relationships to landlords, but they have additional rights which make it incumbent upon the public authorities, the State, the Government or whoever, the Ministry of Housing and Lands, to make available at reasonable prices to them what lands they need if they have to move from those on which they now are and which they have been occupying for some time.

The last point I want to make is that the details of this Act we ought to look at very thoroughly as no doubt we have, and to raise them for further clarification in Committee or elsewhere in this debate; but I would like to say that we must always remember that no Act of Parliament says the last word on any issue, and although we have on the statute book hundreds, I dare say, of laws which have lasted us well throughout time and about which there is probably no great incentive or desire to change or to amend or even to repeal, there are from time to time some which fall into a different category.
11.45 a.m.

I think that in a democratic society, two satisfactions had to be established. One is that those who lawfully own property are not to be inhibited in their enjoyment of it, and certainly ought not to be in any way prevented from passing it on to their children or whomever else they choose. And secondly, that those who do not, should always be in a position to aspire to the ownership of land. Even if they are at the moment tenants who for a variety of reasons, cannot afford to purchase the land on which their houses are because the owners want it for other purposes, there must always be, as I insisted some moments ago, there must always be full facilities for tenants moving off land which they have occupied, to acquire land so that they can become property owners and be land owners in their own right.

I just only want to add one rider and that is because one has to be so careful in matters of this kind, that fundamental rights of citizens shall in no way be inhibited by what one does. One has to look very carefully to see that proposals such as these, which affect property owning rights, are lodged neatly and fairly within the four corners of the Constitution of the country.

And it is for this reason that we would require for the final passage of this Bill I believe, although other stages would be equally satisfactory, but certainly we require for the final passage of this Bill, final stages of it, a two-thirds majority to make sure that we have not in any way violated the Constitution of the country.

With those remarks, I am certainly holding myself in readiness so far as I can to enter further discussion and to answer any questions which Honourable Senators may raise.

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

SENATOR L. R. TULL: Mr. President, Sir, I am somewhat disappointed at the manner in which this Bill was introduced by the Leader of the Senate. And particularly so because this particular piece of legislation is of such fundamental importance to so many people in Barbados, and because it affects the nature of land owning in Barbados. Indeed it puts back the gradual development of economic emancipation in this country.

I should, during the course of my contribution to this debate, look at this matter both in its legal or constitutional context and secondly, in its social context. When the Leader of the Senate made reference to the importance of land owning in a community such as ours, I think that reason would have dictated that a few steps should have been taken beyond that.

Barbados is a society that was for a long time, a society of slavery where the mass of the people in this country, was mere chattel, neither his ox nor his ass nor anything of that sort. And with emancipation 150 odd years ago, the mass of people in this country were given a very important right, the right to be considered in the community as human beings.

Over the years, since then and particularly in the last 50 years, significant progress has been made in the contribution by Government, and it is significant, Sir, that it is Government, to give the mass of Barbadians a stake in their patrimony. That means nothing more and nothing less, Mr. President, than that the mass of Barbadians were allowed gradually over a period of 50 years to have a greater share in the economic benefit of this country.

The plantation tenantries legislation over the years has sought, in gradual steps, to give greater rights to people who live in the tenantries. And for many, for the greatest part of the history of Barbados, that has been the vast majority of the people of this country.

The Security of Tenure Act of the 1950's gave greater security to people who lived in the tenantries. And even before that, there was the abolition of legislation, the Located Labourers Act where people who worked for plantations and lived in the plantation tenantries, if they changed their jobs, could be moved, and in those days were moved from living in the plantation tenantries for being so presumptuous as to think that they could change an employer without the permission of the people who ran this country at the time.

The Security of Tenure Act came in the 1950's to improve that legislation and made it far more difficult for unscrupulous and insensitive landlords to remove a tenant at a mere whim and fancy. In 1965, the Tenantry Control

and Development Act went a step further in giving greater security to tenants in this country, whether they were tenants on plantation tenantries or on non-plantation tenantries.

The legislation of 1980, the Tenantries Freehold Purchase Act went a further step in this continuum towards a better economic life for the people in this country. It was a great, to my mind, piece of legislation in that it had two hallmarks – one was boldness and the second was compassion.

To have passed the legislation in 1980 where the then Government was prepared to take on the forces of reaction in this country and to say that the time had come when tenants should no longer be considered as squatters and persons who could be moved with their houses on their backs or have them put at the sides of the road because of some minor dispute with the landlord – the fact that the Government could take that decision at the time – was an indication of the boldness with which it approached the situation. And there is a great deal of compassion because all across the country, masses of our people do still live in tenantries. And there was a feeling by the Government at the time that with the development of Barbados over the years, the social and economic development, there should no longer be a continuing under-class who were deprived of the ordinary benefits and rights in this society.

If the Government in this amending legislation today were coming with measures to tidy up the 1980 legislation and indeed to use the benefit of eight years of its operation to see in what way it can technically be improved, there would have been no quarrel from this side. But the measure before this Senate today, Sir, strikes at the root of the philosophy between the Barbados Labour Party and the Democratic Labour Party. We on this side are social democrats and we believe, Sir, that in carving out a social development strategy for this country that we must be guided by the old theses of the social philosophers that stretch all the way back from Aristotle to today.
11.55 a.m.

We are concerned, Sir, that in our policies to develop a better society and to improve on the social conditions of the masses of people in this country, that we should be concerned about the greatest good for the greatest number. That ties in very neatly with what the Leader of the Senate said because in any policy adopted by a Government that is for the welfare, in his view, of the masses of the people, somebody will be disadvantaged and that is unavoidable. That is why I cling to the old tenet that we seek to pursue the greatest good for the greatest number.

Cicero put it differently, Sir. Cicero said the welfare of the people is the greatest good and I subscribe to that, Sir. That is not to suggest that I am asking for any constitutional chaos and that the people can go out in their numbers and say we are the people, so whatever we do is all right. Cicero did not mean that nor do I mean it. But it is an underlying philosophy of all the great social thinkers who were concerned about development of societies for over 2 centuries – the greatest good for the greatest number. It is not a philosophy, Sir, that is entirely alien to the Government.

If you look at the Land Acquisition Act, Sir, and we spend a lot of time in this Chamber dealing with land acquisitions, the Government repeatedly comes before this Chamber compulsorily acquiring the land of citizens of this country to build a side-walk, to build a playing field, to straighten a road, and to do all sorts of things. Now I do ask, Mr. President, what is the fundamental difference between the compulsory acquisition of the land of a citizen of this country to build a sidewalk and the compulsory acquisition of the land of citizens of this country to provide for the permanent and secure settlement of thousands of people in this country who still constitute an underclass in the society. What can be wrong with that? You can acquire land from a man who has his land for his 3 daughters who live in Toronto and you say that that is wrong because this land must pass on to his daughters who want to come home and build a house. But you can take that very man's land and say that you are building a road, school or clinic or straightening a road and there is no question of conscience or prior rights that I am hearing from the Leader of the Senate today when it comes to that.

But we have to ask ourselves, Sir, why can't we be coherent in that kind of philosophy? We do not quarrel on this side when land is taken for the benefit of the community as a whole to widen the road because that is for the greatest number. We do not quarrel when land is taken to build a basketball court even though the 3 daughters in Canada are working to get that land to build a house in the future. Because we understand that it is acquired for the community at large and in taking any such decision someone has to be disadvantaged in a way, only in a way, Sir, not financially, because the Constitution of Barbados makes provision for full and fair compensation to anyone whose land is acquired by Government for any of these purposes. In my submission, Sir, equally so should have been the position in respect of this piece of legislation.

I am going to, Mr. President, deal with a number of sections as we go into Committee and I do not want to spend any time now dealing with them specifically. But I must make reference in my general Second Reading speech to certain aspects that will tie in the various bits of what I am trying to put together.

The 1980 legislation, Mr. President, did not attract the Opposition of the Democratic Labour Party as the Official Opposition in respect of its conceptualization or its objects and purposes. There was no criticism in debate in

Parliament or outside of Parliament by the then Opposition about the objects and purposes of the legislation nor its general conceptualization. So far from that the then Leader of the Opposition, Leader of the Democratic Labour Party, the late Mr. Barrow, sought to jump on board the train that was carrying this piece of legislation by trying to reminisce and said: this is something that I pushed way back in 1961, or whenever the date he gave, Sir. This is nothing new. So he wants to get on board and that was the position of the Democratic Labour Party then. Not one single member of that party in Opposition voted against the legislation in the Second Reading or Third Reading when it came before the House of Assembly. There was one single section, Section 36, Sir, that was voted against by 3 members of the then Opposition – Messrs. Barrow, Evelyn Greaves, and Erskine Sandiford. Three of them voted against Section 36, Sir. But it is instructive, Your Honour, to look at what has happened now.

Section 36 of the legislation deals with the part dealing with the constitutionality. It did in fact – I will read the particular section. Section 36 said of the principal Act: "To prevent uncertainty Section 16 of the Constitution is altered by this Act to any extent necessary to ensure the constitutionality of this Act."

This is what the debate was all about between the then Government and the then Opposition as to whether Section 36 was adequate to insure the constitutionality of the piece of legislation. There was more a quarrel then, Mr. President, of the constitutional nicety, whether this was the correct way to do it constitutionally or not under the substance of the legislation. That is what those 3 gentlemen in the Opposition voted against. They figured that there should have been a substantive amendment to the Constitution rather than dealing with it in this way which is classified by constitutional lawyers as a non-textual amendment to the Constitution. That is all there was.

But what happens in this piece of legislation? The same Democratic Labour Party who found only one thing to vote against in the 1980 legislation, and that was in respect to this Section 36, comes with the legislation today, Sir, and they use almost exactly the same words in Section 2, Subsection 2 and it reads as follows: "Section 16 of the Constitution is altered to such extent necessary as would best ensure the attainment of the purpose set out as specified in Subsection 1."

So they used almost identically the same words for the achievement of the purpose that they set out in this amending Bill that they voted against when the substantive Bill came before Parliament in 1980. But you have to ask yourselves, Mr. President, what game is the Government playing.

12.05 p.m.

They say, Sir, that the Bill is intended to obviate popular dissatisfaction with the existing law, but I am submitting, Mr. President, that the public dissatisfaction, such as it is, has been caused by the irresponsible statements of the Government. In other words, they have created what dissatisfaction there has been, because from 1980 to 1984 there was no complaining by anybody, including the Democratic Labour Party.

It was in 1984, not 1980 when the legislation came into effect, when the debate started about these constitutional aspects, and as the Leader of the Senate said, they were leading up to General Elections, and having created some dissatisfaction – he did not say that, Sir, those are my words – they sought now to garner political results out of the dissatisfaction they had created, and they went and put into their manifesto – in my view ill-advisedly – a section that is like an albatross around their necks. They have no pleasure in bringing this legislation, Sir.

They said it was so important and it took two and a half years to bring it. They have not brought it with any pleasure, they have not brought it with any enthusiasm, they have not brought it with any conviction. It is that the ill-advised and unfortunate commitment they made in the Manifesto now hangs like an albatross around their necks and they have to bring this rather unfortunate piece of legislation before Parliament.

Now, Mr. President, I have sought to get the information as to what constitutes this popular dissatisfaction and I am told, straight out of the Ministry of Housing and Lands, that they have had only ten complaints by landlords in eight years. The Minister could perhaps later in the debate get up and confirm whether that appears in the files or not, but that is what I got out of the Ministry, that they have had only ten complaints from landlords in eight years.

It is important, Mr. President, to appreciate that there are over 8 000 tenants that are likely to be affected by this particular piece of legislation and only, according to the Ministry of Housing and Lands, 40 to 50 landlords, so the Government chooses to inconvenience and disadvantage 8 000 tenants for the benefit of 40 to 50 landlords. That tells us a lot about the political orientation of the Government. It has spoken more adequately about how they feel about the development of this country and the approach to the solution of the problems of this country than anything else. They are the landlords' boys, and 8 000 tenants must be told that they must pick up their bundle and go whenever these 40 and 50 odd landlords feel like saying get moving.

Do not let us fool ourselves, Sir, as I have had to say in this Chamber before, in the old days before this legislation it was quite common to drive around Barbados and see chattel houses taken down lying next to a canefield or a pasture or something, rotting in the elements, and

furniture and pots and pans at the side of the road, because landlords had the notices served. The law requires, Sir, that they serve two notices, a six month notice called a notice to quit and then another three day notice or seven day notice or whatever it is, and then you go to court, and the court makes an order for the tenant to move by a certain time and if that tenant does not get a house spot by that given time, you take down the house and you put it by the side of the road. The tenant may be walking all over Barbados asking everybody in sight, "could you rent me a house spot?" and does not succeed, but the time limit comes and you take the house down and put it by the side of the road, the rains come and the elements and it is destroyed, and that is the end.

What kind of Government could ignore that situation so that they will not meet what they call popular dissatisfaction over this measure? 40 or 50 landlords.

It is important also, Mr. President, that we do not allow the catering to the grumblings of a handful of individuals to move us away from the greater good, for a number of reasons. When the Government brings this legislation and offers what it calls compensation to tenants who are put off the land by landlords, eventually, after this has passed, if it is passed, and the requisite period of time has passed and they have not got a place to go, the Government talks about moving them and giving them compensation. They do not spell out the criteria for this compensation or the quantum, what you get the money for and so on, but I would not even spend much time on that at the moment. Rather, what I will spend time on is what I consider again the predilection of Government for one section of the community over another.

It is far easier and fairer to pay the compensation to the landlords, 40 or 50 of them, and cheaper, than to pay the compensation to 8 000 tenants. If the Government feels that the owner of the land is being hard done by, that the emotional and sentimental attachment to that particular piece of land by the family is sufficiently traumatic that they should take it into consideration, a warm piece of change would make up for the emotional and sentimental trauma, and I do not know any Barbadian who does not accept that. You pay the man enough and he would say "Look, I really wanted it for the daughter, but since you have given me X dollars, let me get the cheque before you leave." It is better to pay the money to 40 or 50 landlords who, as the Leader of the Senate says, are dispossessed, which is a pejorative term and misleading in the whole context, because they are not being dispossessed in any strict legal sense. It is better to give the 40 or 50 the compensation and allow the tenants to stay there.

The development of Barbados that has followed the passing of this legislation has been phenomenal. Your Honour, one only needs to go through the plantation tenantries of Barbados in the last five or six years and see the complete transformation of many of those plantation tenantries, because people now have the pride of ownership that they have been denied for three centuries, and they have gone on to develop their homes tastefully, to build permanent structures, and it is has transformed the whole of the countryside.

12.15 p.m.

To come back to this piece of legislation, to go back to the position that is set out in this piece of legislation is to arrest that kind of development in Barbados. Do not let us fool ourselves, because people are not going to show the same kind of initiative and enthusiasm for developing their homes and so on if they are living in a tenantry, and even putting up a groundsill in itself is objected to by some landlords so you have to prop up the house on some big rocks. You go to do some indoor plumbing by building an indoor toilet at the back in wall and you get notice for it because the landlord has this old traditional thing that the moment you begin to build wall on his land you are now beginning to behave as if you are the owner, and he decides this would not do, and straight to the lawyer he goes. He wants to give you notice to leave. In other words, in many cases you would not be able to have that kind of development, you would not be able to build a water toilet at the back of the land because the landlord will give you notice to leave, and what we are asking is a perpetuation of a situation in modern Barbados in which urban and suburban areas would have to be using an outhouse in the yard. That is what the legislation is forcing on the people of Barbados.

Sir, I do not think the Government has really given this thing serious thought because if they had, Sir, they would even have offered some kind of palliative, some sugar coating over this particular piece of legislation. They have done none of that. They have gone further and I am going to ask this question from the other point of view: what is magical above five? This legislation says that if you are living on a piece of land with four tenants, you can be thrown off the land at the whim and fancy of the landlord; but if there are five, it is different. Now what is magical about five? Why not one, two, 100, three? What is magical about five? What is the rational direction that brought us to five? Why must a man who lives on a tenantry with four have no rights practically, not totally, but a man who is living on five has all this security? And the folly of this piece of legislation is that it is obsessed with numbers, four and five, because it does not say anything about the size of the land. In other words, the old lady who lives in Goodland and has five tenants on half an acre of land is meeting the full force of this legislation. She cannot get rid of those five tenants even though she has only half an acre of land; but a man who has five acres of land and has four tenants is okay; he can throw them off. It does not matter he has five acres or two acres or whatever. He can turn them off because they are four; but the old lady who has a little piece of land next to the house and put five people on 2 400 square feet per

house spot which is the historical traditional minimum size in Barbados – five times 2 400 is 12 000 – so on quarter of an acre of land she has five tenants, and she is doomed by this legislation to keep these tenants or to do what the Act envisaged before, forced to sell them. But somebody who is far better off and has an acre or two acres and only has four tenants, the Democratic Labour Party, that chooses to be on the side of the landlord and against the interest of the tenants, says that he is all right. That cannot be right, Sir; it just cannot be right.

Now, I want, Mr. President, to just mention one or two benefits of the policy of making the tenantries privately owned by the tenants. First of all, it creates employment. Nobody is building any wall house or any fancy structure when he is renting land. If you look through the country as I have already suggested, you will see a lot of bungalows and good and proper structures have gone up and are going up, and so it is dealing with the problem of unemployment. It is finding work for artisans and labourers and so on and God knows that the Government is hopeless in finding any solution to the problem of unemployment, and you would have thought that when they had something that fell into their lap they would have grasped it with both hands; so what they are trying to do here is trying to retard the development of construction in the tenantries in Barbados.

The other thing that it was going to do – by leaving the legislation where it was – it was going to improve immeasurably the housing stock of Barbados. I have said on many occasions in this Chamber that where we have failed this country in relation to social services is that we have allowed the housing stock in Barbados to remain at far weaker level than the economy of this country would warrant, but if you do not give people the right to own land, they are not going to build, and if they are not going to build, this country will continue to have large pockets of sub-standard housing. So they strike at the heart of employment, they strike at the heart of enhancement or development of the housing stock.

Thirdly, Sir, the ambiance. This is a tourist economy and although I am not one who ever argues that we should consider the needs of those who visit us as more important than the needs of our people at home, I believe, Sir, that there can be a rational tandem progression. The ambiance of beautiful well kept homes among the cane fields and villages in Barbados is a plus to a country that pushes tourism as hard as we do; so these are things that we have to concern ourselves with.

I just want to before I close, because I will deal with a number of these Sections in Committee, to deal very quickly with two points raised by the Leader of the Senate in his introduction of this piece of legislation. He made some reference to the increase in the demand for house spots since the passing of the 1980 legislation. I think what is implicit in that is the popular myth that we hear that owners of spots are no longer renting them out to tenants because they do not want to be caught by the legislation. The figures out of the Ministry and other statistics put together do not bear out that contention, but even if they did, Sir, the Government through the National Housing Corporation has consistently failed to do its work in relation to the provision of house spots in Barbados and the provision of sites and services to many pieces of land owned by Government through the National Housing Corporation.

I have no doubt at all, Sir, that the Government has enough land for housing development in Barbados, and every single Barbadian who wants to acquire a piece of land or rent it or buy it can get it from the Government, but the Ministry of Housing – I should blame the whole Government – is so inept, is so lacking in imagination and initiative, is so bereft of any coherent housing policy that it cannot even put together the total land bank owned by the Government of Barbados. They cannot at any time come and tell you the Government owns so many hectares of land for housing in Barbados and where each piece is located; nor can the Government even if it can do that tell you what it has done in the last two and a half years to put in services in those bits of land owned by Government – roads, light, water, gas and whatsoever – so that this increased demand as stated by the Leader of the Senate can be met. What is the point of the Government having the land lying fallow when people want to plant crops – in this case housing? What is the point in the Minister of Housing and the Government keeping on fiddling while Rome burns?
12.25 p.m.

Now, this brings me, Mr. President, to the question in this legislation which I shall deal with in more detail later, the provision that deals with the Government after two years and the tenant not finding a place providing a house spot for him.

If the Government is saying today through the mouth of the Leader of the Senate, that there is an increased demand for house spots in the National Housing Corporation which that corporation cannot meet, how much more demanding it is going to be when, in two years time those thousands of tenants, possibly, if they are lucky, hundreds of tenants, who will then be evicted from the lands on which they have now placed their houses, have to turn to that very Government agency to provide the spots in accordance with the legislation that we are being asked to approve today. Now, what kind of foolishness is that, Sir?

You are complaining right now that you cannot meet the demands of the people who are asking for house spots but, in the meantime, you bring legislation saying landlords can get rid of these people who are under 5 tenants and the Government will find a place to put them.

Well, my experience in Government and outside of Government tells me that the Government is creating a problem for itself that will be so frightening in two to three years time that they will rue this very day and you better believe this, Sir.

The other point that is made by the Leader of the Senate that I would like very quickly to touch on is the statement that no tenants can be pushed off the land unceremoniously. Now, I made reference to that already. I know that the Leader of the Senate is not a lawyer and he does not deal with these things on a regular basis but where we may have a quarrel really might be in the definition of "unceremoniously". What does that mean? Because if it means that you can give a man a blue paper, a man who has been living on one spot for 10 or 15 years and his children are born in that district, they go to church there, their church is there, all the connections are there and one morning you can hand him a blue paper saying "move your house; ""I do not care where you go but move it" and within a few months he is thrown out – it is an emotional thing. You disrupt him from his environment and that of his children.

It is a strong emotional thing, and it is very traumatic and, in addition to that, you are throwing him on a market where there is a shortage of house spots. Therefore, from my experience as a lawyer dealing with clients in this kind of predicament, the vast majority of them cannot find a house spot by the time they are required to leave but they have to leave any way.

Does the Leader of the Senate tell us that that is not being shoved off unceremoniously? A man will get a box cart and put the boards of his chattel house on it and push it around asking people "can I lodge here?" "No." And the Leader of the Senate is telling me that that is not pushing people off unceremoniously? Maybe we have a difference in the meaning of "unceremoniously".

The Leader of the Senate also said that there is no great difference between the two political parties about the obligation to carry out the Manifesto promises. I would never believe that I would hear that coming from the mouth of anybody in the present Government. Day after day, week after week that Government breaks its Manifesto pledges without even a blush whether it is in the nature of.....

Aside.

SENATOR L. R. TULL: Senator Morrison would like me to name one. The levies which you were dead against and said you would abolish and instead you have increased them both in amount of monetary contribution weekly and in the number of levies themselves. You have promised to abolish them and you have not. The Government, Sir...

Mr. PRESIDENT: Senator Tull I think you should get back to this. Do not mind...

SENATOR L. R. TULL: Oh, I see Sir. All right. I just make the general point that they are notorious for breaking Manifesto pledges and then come in here now and argue a case of a weak piece of legislation, an insensitive piece of legislation; they are arguing it on the basis that it is a Manifesto promise.

I understand, also, the Leader of the Senate to say that when there is a clash between the rights of the owner and the tenants, and he used these words, where when it cannot be reconciled in any other way, that the right of the owner should be the prior right. That is nice language. That is all it is. It makes for good reading when we read Hansard later on but it is so devoid of any substance as it relates to the problem in hand that it might be a good statement to be edited out.

What prior right? I have already dealt with that, Sir. If Barbados is pre-occupied with prior rights as a philosophical principle through the history of Barbados, we would still be slaves. We would still be slaves if we were concerned about these prior rights all the time and if we were overly concerned about prior rights, there would have been no egalitarianism in house and home ownership in Barbados.

Fifty years ago who owned houses? Who owned land? A handful of privileged people and the policies of Governments through the years have been to redress the imbalance, a phrase that has taken on all kinds of lurid connotations in recent times.

It is because of the enlightened position of Governments in the last 50 years that a lot of these things have been changed and if we were hide bound by this abstract principle called "prior rights", most of us would not own anything, Sir, so I do not understand why the Government should come in here today and labour us with this bad piece of legislation which, obviously, is going to work further hardship on what I consider the under-class in Barbados.

Now, one other thing that is worthy of merit at this stage, Sir. There are those who are of the view, like the Leader of the Senate, wrongly, in my view, because one of the things that continue to confuse this society is the number of persons who speak with great authority on things they know nothing about and that is a disease that is common among many politicians.

12.35 p.m

We hear from Members of the other side quite often, total ignorance, that the 1980 legislation prevents the family arrangement from being carried out, that is, where a man owns land and he has tenants, but he wants to keep that land in the family for his children and so on or they may want what has been called by the old people seed to seed arrangements. That is already provided for in the 1980 legislation.

It does not matter that the Democratic Labour Party has been going around the country fooling people that that is not so.

If one looks at Section 22(1) of the substantive legislation it reads as follows:

> "The right of a qualified tenant to purchase the freehold of a lot may not be exercised by him when the Chief Town Planner certifies, on the application of the landlord of the tenantry or the Minister, that the lot is unsuitable for purchase because of its location in relation to other lots or for any other reason."

Now Section 22(1) specifically gives the right in the case of a family arrangement for the landlord of a tenantry to apply to the Minister stating one or two things, now one specifically and one general, that the lot is unsuitable for purchase because of its location to others. And in my view, Sir, in my submission, that includes its proximity to the family home. It is unsuitable because it is the family homestead and this area is reserved for the family homestead. That is one.

Aside.

SENATOR L. R. TULL: And two....

Aside.

SENATOR L. R. TULL: I could explain unsuitability. It could be unsuitable for other reasons. I am only giving one reason. It could be unsuitable because there is a ravine that runs right through it, a water course and that if you sell it or somebody builds a house he would block the flow of things. I can think of 100 reasons, Sir. But I do not want to hold up this Chamber and your good self, Sir, by going into all. I am only dealing with it insofar as it relates to family arrangements. But I would give several other reasons. It may be that you cannot sell it because there is no access to that particular lot and you are putting a burden financial on the landlord to reach it. There could be several other reasons.

But I am dealing further with the "or", "or for any other reason." This means, Sir, that a landlord can make an application to the Minister that the land should not be available for purchase "for any other reason." And this "any other reason" covers the peculiar case, I do not mean funny, Sir, the irregular case of the landlord who wants to preserve a family situation. That application can be made to the Minister of Housing, not to any civil servant. To the Minister. And if the Minister is a man who has any sensitivity to the historical position in Barbados and the importance of these family arrangements, what it means, such as I keep hearing all the time, then he has power under the existing legislation to do just that.

Now, Mr. President, I do not propose to go any further in the Second Reading on this matter. I am only hopeful, Sir, that as the debate develops, I am available to modify my position and the presentation of credible evidence by the Government to counter anything I have said. They are very stingy with their information, Sir. I mean, I would have expected that the Leader of the Senate in a matter as important as this would have laid out all the facts, the statistics, the figures – how many tenants there are in Barbados in lots under 5. How many tenants there are in lots over 4. How many landlords there are. How many applications there have been for special consideration because of family arrangements. That kind of statistical information that would guide us in this debate towards coming to good and reasonable conclusions, Sir.

That is my contribution, Sir.

Applause.

SENATOR THE REV. CAN. I. McK. JONES: Mr. President, Sir, I think everyone will agree that the written Constitution of Barbados is the supreme Law of Barbados. And it appears to me that what this Amendment is attempting to do is to abrogate that Constitution and violate the fundamental rights and privileges of individuals. I am saying that because a thorough study of the Town and Country Planning Act seems to me to engross all the provisions of the Tenantries Freehold Purchase Act and the Development Act. And a careful reading of the Tenantries Freehold Purchase Act and the Development Act in conjunction with the Town and Country Planning Act demonstrates the legal tautology.

I would just ask you to look or to think of the Sections in the Town and Country Planning Act. Sections 6(1)(c)(i), (ii) and (iii), and Section 6(2)(a), (b) and (c) and Section 15. And if you read those Sections, you will see that it reveals the fact that the Minister....

Mr. PRESIDENT: Do you mind quoting them?

SENATOR THE REV. CAN. I. McK. JONES: Pardon.

Mr. PRESIDENT: Do you mind quoting them to enlighten us?

SENATOR THE REV. CAN. I. McK. JONES: Section 6(1)(c) says:

> "A development plan shall include such maps and such descriptive matter".

It must:

> "designate as land subject to compulsory acquisition by the Crown –"

And then, (i), (ii) and (iii) says:

(i) "any land allocated by the plan for the purposes of any of their functions (including any land which the Crown is or could be authorised to acquire compulsorily under any enactment other than this Act);

(ii) any land contained in an area defined by the plan as an area of comprehensive development including any land therein that is allocated by the plan for any purpose mentioned in sub-paragraph (i) or any land adjoining any such area;

(iii) any other land that in the opinion of the Chief Town Planner, ought to be subject to compulsory acquisition for securing its use in the manner proposed by the plan."

And I could go on to quote, Sir but I think that is adequate for what I want to say.

I am saying that those Sections that I have mentioned reveal the fact that the Minister may by order deal exhaustively with tenantries either as (a) areas of obsolete lay-out, (b) areas without adequate essential public services or (c) for any other purpose. And I want to stress this, Mr. President, for any other purpose. For it seems to me that we already have in the Town and Country Planning Act all the provisions for looking after these tenantries, for any other purpose.

Now no one could agree on either side of the House that if I own a spot of land and I want to leave it for my children and I allow people to put up two houses on my land then after a matter of years I am told I cannot pass that land on to my children because these people have a right to purchase it and I cannot put them off. Obviously that is iniquitous. And I do not think as the Leader of the Senate said, nobody could agree with that.

But on the other hand, if they have five houses on a spot of land, you are in much the same position because you cannot do anything with them either. They also could decide that they intend to buy and you cannot put them off.

Now I want to say that in my humble submission, the Town and Country Planning Act, as it stands engrosses all the provisions of all these other Tenantries Freehold Purchase Act and the Development Act. And my submission is that what we are attempting to do today should not be done at all. We do not need to have an Amendment to the Tenantries Freehold Purchase Act. What we need is for that to be rescinded and that is my submission. It needs to be rescinded, not amended. Because if it is amended it is going to be at variance with the written Constitution. And in my humble opinion wherever any law, any common law is at variance with the written Constitution that common law will have to yield. That is my submission.

I thank you.

12.45 p.m.

SENATOR Dr. L. L. SHOREY: Mr. President, the Bill before the Honourable House deals with a matter on which I think there is generally a consensus so far as the intent of the present modification, present amendment, and the original Act in 1980 is concerned. The Leader of Government Business put this I think quite clearly when he stated that there must always be facilities for tenants to become property owners in their own right. Senator Tull was equally clear in his submission that this was a part of the fundamental intent of the original Act and, indeed, I find myself that the statement by Mr. Simmons during the 1980 debate, and I am quoting, Sir, from Hansard so this is already a document of the House, 2 short statements here on Page 4302, Sir. "The Bill seeks to promote home ownership in Barbados..." and the last sentence in that paragraph: "So that the Act is assisting Barbadians, very poor Barbadians to develop themselves. It is a process of human development."

As I indicated, Sir, I do not think that there is anybody in this Honourable Chamber and I do not think that there is anybody in the Other Place who will have any disagreement with any of the statements made in this connection, nor Sir do I have any disagreements with the intent. I have always had and still have a feeling of uneasiness about other aspects of the Bill and it is to some of those that I wish hopefully during my presentation to make – of the original Act and the present proposed amendment – reference.

I think that in the case of this Act – as I understand has also been true with respect to other pieces of legislation, and in part because human beings are not perfect – there have been consequences that were not necessarily envisaged or provided for when the Act was originally framed. My understanding from people whose information I have no reason to doubt is to the effect that there have been clear cases where some measure of unreasonable hardship has resulted from the application of the provisions of the Act. I think it is clear when one reads the verbatim reports of the discussion in 1980 that the major focus was on

provisions for acquisition of land on plantation tenantries. I think that I am correct in saying that. But clearly the structure and phrasing of the Act turned out to have much wider applications. So that again, this is my understanding that the provisions were applied where there were even as few as 2 houses on a given piece of land.

The present amendment seeks to increase that minimum number to which the Act and its provisions would apply to 5 and I share Senator Tull's concern, though I think from a different point of view than the one which he used, about the numbers and whether there is in fact a magic number or whether there is something particularly valuable about 5 as against 3 or 100.

My concern, Sir, is with the extent and the fact that the Act as originally conceived and as now amended infringes, as I see it, on the rights of citizens. I am well aware, Mr. President, that no citizen of any country can expect to have an absolute right. All rights so far as I know are necessarily limited by the extent to which they impinge on or may impinge on or affected the rights of others. But I am concerned that the right to the ownership and retention of property guaranteed under our Constitution is adversely affected and I think unnecessarily adversely affected by this legislation.

If I may make a little aside here to express another concern...I am always uncomfortable when I become aware of legislation which appears to be unnecessary in the sense that there already exists legislation which basically can do the job or with reasonable amendment can be made to do the job. It was for that reason I opposed the introduction of the Public Order Act because I did not think it was necessary and it was for a similar reason that I opposed the Emergency Powers Bill because I did not think that was necessary. Unfortunately, we became saddled with the former and fortunately we managed to escape the latter. It seems to me, Sir, that there already exists legislation, or existed prior to 1980 and still to my knowledge exists legislation, which could appropriately be used to meet the very desirable intent in the minds of the framers of the original Act and the framers of its now proposed Amendment. In this sense, therefore, I am very much on the wave-length of Senator Jones in that I certainly share his view that a judicious application and perhaps modification of the Town and Country Planning Act would have served in 1980 and would serve in 1988 to do precisely what the Act then and its amendment now seek to do, that is to enhance the possibilities of Barbadian citizens owning land, to promote home ownership in Barbados.

One does not want to spend a great deal of time going over the past. But I find myself uncomfortable and I note that Senator Tull referred to this, though once again I am going to probably draw a somewhat different conclusion from the one that he appeared to draw. Subsection F of the Objects and Reasons will provide for altering Section 16 of the Constitution to the extent necessary to ensure the constitutionality of this Bill and the general object and reason of the amendment is to correct in the first paragraph certain disabilities considered repugnant to the spirit of the Constitution and which affect the fundamental rights of the individual. Sir, that very matter of the phrasing of the Act and the necessary altering of the Constitution proved to be one of the more critical elements in the 1980 debate in the Other Place. Indeed, as Senator Tull very rightly pointed out, it was the one matter on which the then Opposition voted against a particular section of the Act when the Bill was being debated in Committee.
12.55 p.m.

I think that one has necessarily to be extremely careful, especially as the then Prime Minister was at pains to take issue with something I had written on the grounds that I queried the entire structure of the constitutionalisation of the Bill, and was of the opinion that he would give advice, and I am quoting in that regard, "that persons who are not lawyers should be extremely careful about grasping at an interpretation of legal expression with which they are not trained to deal." He also went on to make the point that trained attorneys-at-law are also sometimes at fault.

However, Sir, I cannot help but note that words were used which to my mind then made no sense, and to my mind now make no sense, even when one takes into account the legal phrasing, the legal exponation of a textual alteration. So that when the then Prime Minister, the late Mr. Tom Adams, said, and I quote: "We are not amending the Constitution today. We are not even, although the word is there, altering the Constitution today. What we are doing is altering the Constitution to any extent necessary to protect this Act." Clearly one is playing with words, despite the legal exponation that this has to be a textual alteration.

I take that point even more clearly and I think it comes out even more clearly, Sir, when I turn to the words – because this matter was picked up by the late Errol Barrow, then Leader of the Opposition, by the present Leader of the Opposition, Mr. Henry Forde, but it was also taken up by Mr. Simmons whose statement I think is very enlightening and I think it speaks very clearly to my concern. On page 4301 of the same Hansard Report he says:

> "Since the Bill may be a Bill which can affect the rights of persons owning property, it strikes at the Constitution, but it does not strike fundamentally in my submission because it does not change the language of Section 16, but it does affect Section 16. That is the whole talk about the textual alteration...."

I do not think that I am missing anything, because it seems to me that if you are altering the Constitution you are affecting especially entrenched clauses, one is affecting the rights of citizens, and I am very uneasy about that, and yet,

as I have indicated, I am fully supportive of the intent of the Bill.

Mr. President, what I would therefore like to suggest to the Government is that it should reconsider this whole matter. I think that what we need is legislation which does not require any alteration of the Constitution to the extent necessary. To me that kind of phrasing is totally unacceptable. Not the words themselves, but what is implied in it, the situation which necessitates that framing of words, because there already exists, in my view, adequate legislation which would enable the Government in power, as it would have enabled the previous Government when in power, to promote and pursue its objective of increasing and facilitating a wider distribution and development of home ownership in Barbados.

I believe, therefore, that what we need is not a playing with the Act, which in my view is unacceptable either in its original form or in its present form, and I therefore share with Senator Jones the view that what Government needs to do is to review the legislation and in fact to repeal the Act.

It must be clear, Sir, that I would find it very difficult to give my support to this amendment, because I am in fundamental disagreement with the principle, with a basic aspect of the Act, that aspect which requires a phrasing, that is, requires modification, altering of the Constitution to the extent necessary.

May I be permitted at this point, Sir, to go back to the debate of 1980 and to quote from the words of the then Leader of the Opposition, the late Mr. Errol Barrow? I am quoting from page 4294:

> "...and I have already suggested, that there is another way in which a Government could acquire tenantries, plantation, or otherwise, in this country, without this kind of off-hand approach to an Amendment to the Constitution..."

and he goes on,

> "Section 16 of the Constitution is ordered by this Act to any extent necessary to ensure the constitutionality of this Act."

Presumably that should have been "is altered by this Act." He continues:

> "The Rt. Hon. Prime Minister, the Hon. Member for St. Thomas says that he is not amending the Constitution, he is only altering it. The next time that any of the honourable Members has a male dog and they want to do something to him, to prevent him from spreading his maker's image, they must tell him, he is not altering him, he is only amending him. Why do we have to play with words?"

He continues:

> "You are tampering with a Constitution which is the most sacred document...a Constitution of a country, particularly the entrenched provisions of the Constitution."

1.05 p.m.

I believe, Sir, that the statement that I have quoted from the late Errol Barrow gives some considerable measure of support to my unease about the constitutional implications of the Act. I have to admit that I will differ with him because having thus spoken he voted in favour of the Act and only in Committee voted against the particular section to which he referred. I cannot find it in myself consistent.

I consider the Act offensive, in the best sense of the word "offensive" meaning unacceptable, undesirable, inappropriate, unsuitable, because I do not think that we should tamper with the rights of citizens of our country. I would therefore wish to invite Government to reconsider the presentation of this amendment and I believe that I certainly can give support to an amendment which removes the clauses which require altering the Constitution and indeed, as suggested, Government might well wish to consider changing its approach entirely and seek to achieve its objectives through the existing provision already in the legislation in the Town and Country Planning Act. Thank you, Sir.

SUSPENSION OF SITTING

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, I believe this is an appropriate time to move the suspension of the sitting which I now do, until 2 o'clock.

The question that the sitting be suspended until 2 o'clock was put to the Senate and agreed to, and Mr. PRESIDENT suspended the sitting accordingly.

ON RESUMPTION

Mr. PRESIDENT: This sitting is now resumed.

SENATOR J. C. W. WICKHAM: Mr. President, I shan't be long, but I beg your leave to make an observation which is peripheral to the subject which we have before us. I am not usually an incredulous sort of person; I really do believe that people normally intend well. I do not believe, for example, that cricket umpires deliberately set out to cheat. I think they may make mistakes, but I am frequently proved wrong, and in my old age I am growing into a kind of senile cynicism.

Much has been said on both sides of the House by successive Governments about their care for Barbadians and in this kind of debate, the debate before us today, there

has been much mention of making land available to Barbadians and having the welfare of Barbadians at heart, yet successive Governments have "refused" is the only word I can find to say, to deal adequately with alien land holding. Barbados is the only Caribbean country which does not have an Alien Land Holdings Act which restricts the purchase of land to citizens of this country. You cannot buy land if you are not a Trinidadian in Trinidad and Tobago or anywhere else; but you can come to Barbados and acquire Barbados land without any let or hindrance.

Every time that I have raised this question in this Senate, I am answered by the fact that it is proposed to increase the transfer fees which are therefore revenue earning. That in my view is not an adequate answer. Nor is it an adequate answer to say that even if such restrictions were imposed Barbadians would not rush to buy it up. The fact is that if you have to have pride in your country, you must be led to cherish it, to know that it is yours and it is inviolate. There may be a way of dealing with leases to ease the wound, but certainly it seems to me that we lag far behind in our sentiments or the expression of our sentiments for the right of Barbadians exclusively to own spots of land in Barbados. My attitude therefore to the measure before us is based on those sentiments which I have expressed, that I really do not believe that any Government is malicious in its legislation to free tenantry lands for Barbadians. Some of the legislation may be flawed and we shall hear a great deal and I have heard a great deal about the flaws in it, but I do not honestly believe that any of it is malicious. Thank you, Mr. President.

SENATOR L. A. WARD: Mr. President, I will not be very long, but there are only one or two points I would like to make. As a person who operated sugar estates practically all my life and had tenantries to deal with, I have had the experience time and again of people coming to me with the belief that I could solve their problems for house spots. I have had people, and usually elderly people, who had lived on land for a very long time come with tears in their eyes and said that the owner of the land had told them that they wanted the land themselves and they would have to move their houses. Sometimes they would give them three months to find a spot to go on and often they have come and said that it was nearly the end of the three months and they had searched in vain for a house spot, and would I please try and help them with a house spot.

I have had in my life time, Sir, to go into villages where the plantation had rented land to some of the workers on the estate, and often the land was being used purely for agricultural purposes, and I have had to go and actually beg the person who was renting that land to rent the person a house spot on the edge of it, and what the person paid for the house spot would be deducted from the rental that they were paying for the agricultural land. So, Sir, I know from practical experience the hardship and the necessity that some of these people go through in respect of house spots.

It is my belief, in fact I have been told and I think it is factual, that the Minister has authority to look into cases of hardship or where the owner of the land had a justifiable case to prevent the people from buying the land. Well, Sir, if this is so and the Act as it stands now gives the people the right to buy the land from two spots up, why change it when the Minister has the authority to relieve any cases that he in his sound judgment feels that the people had a reasonable case that their land should not be sold. With this in mind and knowing from practical experience what goes through, I would be reluctant to agree to something that would put more people out searching for land.
2.10 p.m.

A statement that was made in here today that Government owns enough land to satisfy the housing needs of all the people in Barbados, Sir, I do not go along with that. Government has enough land to do it but if Government owns land in particular areas and they were to take an estate of 300 acres and put that entirely in housing, what would happen with transportation?

To move people from that 300 acres that would, perhaps, carry 10 houses or more to the acre, all the people concentrating in that and some people working in Speightstown and this is Christ Church, some people would work in Sunset Crest, some people in Newton Industrial Park, some people all over the place, it would put severe pressure on our public transport which, even now, is inadequate to meet the needs of the travelling public. So that statement, Sir, I feel that although it is factual that they own enough land to do it, I do not think that it would be good planning to do something like that.

So, Sir, with those few remarks, I feel that I would be reluctant to say to change something that could put more unfortunate people out of the ownership of land. We have the experience, especially in the estate tenantries, where people had wooden houses that the moment they became owners of the land that they improved their housing they started to put wall and replace the wood with wall.

There is a lot of that that has gone on and I feel, Sir, that it would be unfortunate to do anything that would prevent the ownership of land and they people improving their housing because they own the land and they have the right then. It is theirs and they can build properly on it.

Thank you, Sir.

SENATOR N. W. BOXILL: Mr. President, I had no intention of speaking on this because I thought it was straightforward.

I have heard Members on the Other Side with a lot of reservations but, to me, the reservations are not being practical or practicable.

Now, take for instance I have an area of land I live on. Out of my kind heart someone who has no way to rest their house ask me to allow them to put their house on my spot, so I tell them put the house on the eastern part but I live on the western part of land. I am dealing with a practical situation. So this person puts his house on the eastern part of my land, put down their pig pen, pit toilet and so forth and is a virtual nuisance but because I told them to rest their house there until they can find somewhere to put this house and they did not worry to look somewhere else to put their house, or a year passes or two years pass, or three or whatever the case may be, and this person put their house there and then I want my land to develop for myself and that person is telling me that I have to sell them my land, but this cannot be fair.

There is nothing as bad as hasty legislation. This legislation from the opposite side was never thought out properly. It is true that they probably meant well but they did not look at the consequences of going into this as well as they thought they would have done it, so what am I to do now? Allow this person to occupy my land, and furthermore, from occupying it tell me now it is their land. I have to sell it to them.

You see, you are creating a situation now where I am going to have to commit myself into a very unsavoury act to get rid of this person on my land but the members who spoke before me seem to think that all the landlords of Barbados are rich people. Landlords are poor people like me, and you, Sir, and the other poor people who probably bought a little spot of land when land was going cheap, and out of your kind heart you allowed somebody to come and put their house there and, as a result, now, you decided later, now, maybe, I can will this to my children. Here is somebody you know absolutely nothing at all about, only through your kindness you allowed this person to put their house on your spot and then they are telling you that you cannot get your land for your children, or yourself, you have to sell it or they are going to the law. This cannot be right.

I do not mind what the members on the opposite side say. This can never be right and they know within themselves it cannot be right but it is in my view against their conscience that you hear the kind of talk that you hear on the opposite side. I am surprised. I am really appalled at what I have been hearing today from some of the members on the opposite side when some are saying that we should bring it back and we should do this with it. Bring it back for what?

The problem is that we are trying to alleviate a situation that will create a hardship in this country. Nobody is trying to dispose, or disperse, or prevent somebody from getting something.

If a tenantry is 5 houses...As Senator Tull wants to know what is the magic about 5? There is no magic about 5 no more than there is a magic about 11 but the reason why this came about, Mr. President, was that years ago for some unknown reason or known reason people who owned house spots, who were renting out house spots to various people for some reason started, as soon as the DLP came into office, telling people they were giving them notice, "Let Barrow find somewhere for them to put their house." This is one of the reasons. This was not something jumped at willy-nilly.

As a result, we came up with the idea that anything that constituted more than 5 house spots was a tenantry in order to protect the tenant as well as the landlord.

You will, remember, Sir, I can speak on authority on this because I believe I know more about it than most people in this Senate. In Waterhall we had a similar problem out there and I as Minister of Communications and Works decided one day, "Look, these people in Waterhall have to vote like anybody else and, therefore, I do not want to seize these people's land arbitrarily. Let us go to the owners of the land with a suggestion" which I proposed.

We will repair your house for you. We will put in the necessary facilities, water, light, gas and so forth provided that if you are going to sell the land, you first give the people who were occupying the land the option of buying the spots. If you do not want to get rid of these people willy-nilly then the landlord will have to find somewhere for these people and then you will have to pay me, the Government, for the development which I took the taxpayers money for in developing your land. This was agreeable to the owners of the land at the time and that is how you see Waterhall Land because you will remember, prior to my going into Waterhall Land and making it what it is today, Sir, it was a virtual quagmire when it rained. People could not get out unless they brought out two or three pairs of shoes and they could not get in unless they did likewise. So I know of what I am speaking.
2.20 p.m.

But here it is now the Members of the opposite side seem to think that all landlords or the absentee landlords like the Piles or the ...

Aside.

SENATOR N. W. BOXILL: No. I do not have any land. I have a little piece of land. The rich people who are up in England and down here exploiting the masses.

The Tenantries Freehold Act came into being. But I still am of the opinion, as you know, Sir, I said before, then, and I still say now that the people who bought the tenantry land could have built on them. There was nothing to stop them from building on them. Because the law, when we made the law, we made it explicitly clear that you could only put someone off the land provided that that person did not pay the land rent or provided that person became a nuisance. These were the conditions under which that person would have to move, otherwise that person could live there until the cows come home.

Now we brought in free secondary education, Mr. President.

Aside.

SENATOR N. W. BOXILL: Yes. Four cents.

Aside.

SENATOR N. W. BOXILL: You did not go to school. So you did not pay. That is not my fault.

Laughter.

SENATOR N. W. BOXILL: Yes, Mr. President, before we had free secondary education and after we brought in free secondary education, look at it from this point of view, Sir: I have a son who is going to school at one of the secondary schools. He meets a boy who is going to school at the secondary school but who is living in one of these plantation tenantries. So my son invites this friend of his down home at me to spend a weekend. So he comes down at me and he gets the facilities which he was not getting for all the years – hot water, toilet and bath to flush and that kind of thing.

Aside.

SENATOR N. W. BOXILL: That is not shocking. Everybody's standard has gone up except yours. So...

Laughter.

Aside.

SENATOR N. W. BOXILL: Mr. President, would you ask this lady to keep quiet or go out.

So the chap from up in the tenantry now wants to reciprocate. So he asks my son to come and spend a weekend with him. But he has to tell my son now, you get off at the bus stop at the road. I am going to meet you out there. So then he walks a mile or a mile-and-a-half down through some canes and out through in the back.

The boy is embarrassed because he does not want, after seeing what has happened there, he does not want to invite my son home at him any more because he feels that his standard of living is not in comparison with the other chap's standard of living.

So this tenantry thing, I started to tell you about the tenantry thing, this tenantry business, Mr. President, that you hear the Labour Party boasting about, when this chap who is at Harrison's College or Queen's College or either one of the secondary schools when he is a Barbados Scholar, he does not have to be a Barbados Scholar but he goes out and he studies Law, studies Medicine, studies Engineering, he studies accountancy or anything like this, he does not want to go back to that. He is moving further on. But his parents have been burdened with paying $300.00 or $400.00 for a spot that a goat could not get a bite on, a spot that you could not put down any facilities on. Do you think he is going to return to that? Common sense would tell us he is not going to return, he is moving further on. Stocks gone up, gone up in the east side. He move one up.

So you see, Mr. President, the point I am making is that whilst it might have been plausible at the time when it was thought about, it was not given full thought because people then would have studied that the man then who bought this plot for the $300.00 or $400.00 from the estate is not a taxpayer. That he has to pay at least $50.00 or $60.00 when the year comes for something that normally he was only paying 12 cents or 8 cents per week. You multiply 12 cents or 8 cents by 52, Mr. President, and see what you get out. When he was paying $4.02 or $4.56 or $5.00 per year for the same place that he was living on, now he has to pay $100.00, $150.00, $160.00 for the thing.

So all they have done is to create a burden on the same persons whom they want to make me believe they were trying to help. It is true that we all like to know that we own a piece of the rock. Yes, we all want to own a piece of the rock out in the back that is not any use to anybody. Because if these people happen to die – the boy has gone out and studied medicine he is a big Professor now of Medicine of Psychology or whatever have you – do you think he is coming back to live in any tenantry? So the tenantry is out there now, what is going to happen? It reverts back. Nobody is paying. So who owns it as a result? The Government, because no taxes are being paid on this tenantry, whereas the plantations before were paying one thing because it was rab land.

So you see where the Labour Party in its exuberance to play that they were going one step further than the Democratic Labour Party, they went and overstepped their balance. So to tell me that you have done this great amount of thing for ownership of land, ownership of what? Do they own anything up on Ealing Park or do they own anything

down in the other place down here in St. James or any of those big places where only the elite live?

You see the whole gist of it is, it is the mentality of the Barbados Labour Party, keep them poor and you keep them satisfied. That was their whole mentality. Because here it is, you are keeping them up on the estate land and those of us who know anything about the way slavery operated and the way the estates operated...I heard Senator Tull talking about the Located Dentured Labourers Act. I can tell him about that. He does not know anything about that. He came along yesterday. He is talking about "they made you move." They not only used to make you move, Mr. President, they used to lock you up. You left A estate and go to work at B because B was paying 12 cents more, you got locked up. Friday they went and collected you. You would know that as well as I do because we are both from the union. They collected your money on Friday and the Monday morning they had you landed in court. And if you were living in St. Thomas and you happened to go up before the Magistrate up there at the time who was Bynoe who was really not a Magistrate because he did not know anything about law, you're gone to prison.

So let us be realistic. I am not saying that the Barbados Labour Party did not in its...

Aside.

SENATOR N. W. BOXILL: – I am not using those kinds of words –...I would not say in its effort at some time did not mean to do well because you were a Member of that, Sir. And I am not going to sit here and say anything bad about you joining that kind of colleague. But you found out for yourself. And not too long ago I had to ask Senator Tull how could it be that certain people like Sir James Tudor, Sir Frank Walcott, Errol Barrow, Sir Frederick Smith, Lorenzo Williams and the thousands of others – well not me because I never joined them, Sir, – found it that you had to leave the Barbados Labour Party? Do you mean that all of you are wrong and Grantley Adams alone was right?

But let us be realistic...

Aside.

SENATOR N. W. BOXILL: You are junior to me. Hush your mouth, do. You do not understand what is going on. The point that I am making and what has me shocked today, Sir, is when I hear certain Senators say that they cannot vote for our Bill because it did not go far enough. They were here when the other Bill came down. How come they did not know at the time that it was wrong? We are trying to rectify something that we could see is wrong. Because I am saying and I have spoken to certain Members on the opposite side and I made it quite plain to them that if I had rented out my land and now I want my land for my children to develop and somebody is telling me about I have to sell them my land. You see, there is where you are getting the lot of problems. That is why you see we have been having a lot of fires recently. It was not that it was carelessness on the part of occupants of the house you know. It was not carelessness. It was that some of the landlords decided they wanted their land cleared, so they had to get their land cleared.

Aside.

SENATOR N. W. BOXILL: You cannot deny the fact. I am not saying that I do it. I do not have anybody renting my land. Oh do not play you are looking so "thing". You are living down in your high mansion down in "thing". Why do you not bring somebody down there and let them put their 16 x 9 in front of your place?

Aside.

SENATOR N. W. BOXILL: You are not on any 16 x 9 lot. That is the second one you have. Do not worry with that. Who do you think you are talking to?

Laughter.

Aside.

SENATOR N. W. BOXILL: Some, not all. Some. Yes...

Aside.

SENATOR N. W. BOXILL: Yes. You keep interrupting. You cannot tell me what to do. I have been in here long before you! You are a Johnny-come-lately. You cannot tell me how to address the Chair. You have now come.

Yes, Mr. President, I have to deal with these people in the roughest tone at certain times. Because here it is that Senator Miller is telling me, and as you know, we have been in here ever since, Senator Miller is a Johnny-come-lately, a parvenu to Parliament, what you call an upstart.

Laughter.

SENATOR N. W. BOXILL: And come trying to tell me about how to address the Chair.

Laughter.

SENATOR N. W. BOXILL: That is what I am saying that she is a parvenu, Sir.

Laughter.

SENATOR N. W. BOXILL: A tiro you know.

Laughter.

Aside.

2:30 p.m.

Yes, getting back to the subject, Mr. President, I heard Senator Tull earlier. I did not take any notes because I really did not intend to speak on this thing. But I am appalled at the way and the line the debate is taking. I really thought that this was a clear cut measure. What we are trying to do is to alleviate both parties, both the landlord and the tenant from encumbrance which they would have. Because the impression that one would have got before I started to speak was that all the landlords are rich people. The landlords are not rich people, Mr. President, as you would know, Sir. The landlords are people from among us. They did not have absentee landlords like before and of the absentee landlords we already have laws that cover them. They cannot do anything about it. But we are talking about a fellow who buys a little half acre or, as Senator Tull said, he went down to a quarter acre of land. We are talking about these people. But if somebody decides to buy this, they say well I am going to put this for the future of my children or my grandchildren. Then when that person can really make their will, they cannot make the will because Ada was from the top part and Harry was from the bottom part. So they got to divide up the land with people they do not know anything about.

But we are all Barbadians. At least I hope, we are, Sir – and therefore I cannot see how the Members on the opposite side could find this hard and such an anathema to their way of thinking. We are not trying to put people out of land and as somebody said to run about with a chattel house on their back or in a haversack. The point that we are trying to make – and if they read the Bill properly, they would have seen that we put Clauses in the Bill which would help the person who did not make application early to the owner of the land that they wanted to buy the land. We took on that responsibility. Yet Sir, the way you would hear the Opposition talking you would think that we are throwing Barbadians out on their heels willy-nilly, come what may, because we are supporters of the landlords and not supporters of the tenants. The tenants are Barbadians, the same as the landlords and this is something we must not overlook. Don't tell me that you are going to try to unfair one part for the next part or vice versa. We have no intention of unfairing the landlord for the tenant and we have no intention of unfairing the tenant for the landlord because they are all Barbadians. But what we said and what we continue to say is that it was a bad piece of legislation. You cannot deny the fact. I heard Senator Shorey – sorry that I have to revert to him because Senator Shorey might think that I got something for him. But Senator Shorey gets up saying that there are 3 pieces of legislation that he has always been diametrically opposed to. I do not know if he used those words, but words to that effect, and one he mentioned was the Public Order Act.

Now let me just divert here a little bit, Mr. President, with your indulgence, Sir. I was in part responsible for the Act which Senator Shorey found to
be anathema to him. That Act came about because we had certain people in this society who were preaching up and down here against white people and rich people.

Asides.

SENATOR N. W. BOXILL: Don't say that it is not true. It is a fact.

Asides.

SENATOR N. W. BOXILL: That is no last year. It came about because we had to come here because people were ranting and raving long after 12 o'clock with their foolish ideas about getting rid of these people. I am appalled to hear people like Senator Shorey now making this kind of statement. How did it get so bad that the Labour Party was in here when I was one of the people – if you look in the debate, you would see that I did more talking on that Bill than any of the other Members of the Government – how did it get so bad? The Labour Party has been in here for 10 years and never saw fit to change it. All it did – it was trying because we saw where the country was leading. It was during the period, Mr. President, when Stokeley Carmichael was due to come here and people got the misguided idea when Stokeley Carmichael said about "black power" that he was talking black physical power. He was talking about black economic power. That is what he was talking about and as a result of the misguided poltroons that we had about here...They were giving the impression or trying to give the people of this society the impression that the white people in this society did not have any right to be here and they were going in the wrong direction. If you listened to the meetings, you would have heard them say and, as a result I believe – I am not sure, that is why I say I believe – of representations that were made we had to do something about curtailing this sort of activity because these meetings were going on long after 1 and 2 o'clock in the morning, harassing the people with their microphones. People could not get their rest with this kind of nonsense they were going on with. So we came up with the thing.

I do not see what was wrong with that. Well, if it was so bad as Senator Shorey would like us to believe, the Labour Party was in power for 10 years. How come he did not go to Tom and ask him to change it? Tom was in the Opposition when that Bill was brought to this Chamber. Why did they not repeal it? They went and interfered with the Constitution. That is why now I am hearing that certain Members on the other side are saying they are not voting because it interferes with the Constitution. I do not know

what you can do with the Constitution. I know what I would like to do with the Constitution and I will tell you this straight, Mr. President. I said before and I say again the Constitution which we have today was based on the Constitution which Jamaica had and the Jamaicans changed their Constitution. That is one of the things I hope that we can do. But you see we are not going to get together and get this done because people are afraid. That is the whole gist of it. But this was the whole gist of the thing. When Members on the opposite side are getting up and giving the impression – I am willing to bet now when you look at tomorrow's papers, there is going to be a completely different slant on the whole issue of the thing. You are going to believe that the Democratic Labour Party is such a villainous party that the Democratic Labour Party only can think about the rich landlords.

As I have said before, a lot of the landlords of today, Mr. President, are people like you and me who are poor people and some of them are even poorer than we are. Some of them inherited their lands from their fore-parents who had foresight to buy land when they could have. It is not fair that a man who rents out more than 5 lots...naturally the man does not want to use that land. He has that rented out because he is getting a thing out of it, not much anyhow. I will tell you something, Mr. President. I know somebody who got land rented out, one spot of land, and the taxes cost more than the land rent. This is a fact. Because you have a lot of people if you go around who are living in areas and, when you see who is the owner of the land, the landlords are ordinary Barbadian people. They are not rich people by no stroke of the imagination.

Now all of these crocodile tears you are here shedding from the other side if you ask either one of them – they do not have to answer now, they can answer when we go out – if they would be satisfied to allow somebody with a 16 x 9 and a soil pit and 2 or 3 pigs to come and put their house up above them...I am sure a lot of them are living on more land that they can use. But they do not want that but they want to come in here and make it appear as though we on this side are only thinking about the landlord. But anybody who reads this Bill would see the Objects and Reasons of the Bill. We have gone even further overboard in trying to get this here on the statute book. It is not because you did it that we are trying to change it. We are not changing it just for the sake of change. But you know within yourself, Mr. President, they know within themselves that it was hastily drafted legislation.
2.40 p.m.

There is nothing worse than hastily drafted legislation, because after you have finished drafting it then you realise you should have put in a comma here or a full stop there, and there is where you get your problem.

The Bill speaks for itself. I was a member when this was being presented to the Cabinet and I did not see anything, I thought it was reasonably well presented. Here it is today, we are getting all of this thing because the so called Leader of the Opposition got the papers...

Asides.

SENATOR N. W. BOXILL: How do you mean I cannot say so? He is no leader. Just now there will not be any Opposition on that side. The so called Leader of the Opposition got the papers to print "have a heart" and "think about the tenants." Of course we are thinking about the tenants. As a matter of fact, I believe we have more tenants than we have landlords, so we will have to think about the tenants, because it is the tenants who supported us, but some of the same tenants are landlords too, and this is something we must not overlook.

Before I close, Sir, I heard Senator Tull – it is the only thing I had written down – comparing land for road development as against land for a house spot. What he does not seem to understand – and Senator Tull is a lawyer, so I know how these lawyers operate, give you half truths and get away with it.

SENATOR Miss B. A. BILLER: Oh no, no, no, no, Mr. President.

Aside.

SENATOR Miss B. A. MILLER: I am on a point of order and he has to withdraw that. It is grossly unparliamentary.

Aside.

SENATOR Miss B. A. MILLER: You are the one who has to sit down. I am on a point of order. Mr. President, I am on a point of order.

Mr. PRESIDENT: What is the point of order?

Aside.

SENATOR Miss B. A. MILLER: I will utter it when the other member sits.

Mr. PRESIDENT: What is the point of order?

SENATOR Miss B. A. MILLER: The point of order is that the Honourable Member has made a grossly unparliamentary remark and he ought to withdraw it. He is suggesting, he is saying that Senator Tull is unprofessional in his practices. That is grossly unparliamentary. He must withdraw it!

Mr. PRESIDENT: You do not go on making over and over the point and saying something of what was said.

What is the point you want to be taken down? What are the remarks you want taken down?

SENATOR Miss B. A. MILLER: You just told me not to repeat it, but I will repeat it. The point is that Senator Boxill has made a grossly unparliamentary remark. He has said that Senator Tull is unprofessional in his practices.

SENATOR N. W. BOXILL: I never said anything like that.

SENATOR Miss B. A. MILLER: Yes, you did. He said that as a lawyer he is given to half truths. That is grossly unparliamentary.

Mr. PRESIDENT: Senator Miller, I do not...

SENATOR Miss B. A. MILLER: You asked me to repeat the point.

Mr. PRESIDENT: No, but you are repeating a lot more than what was said.

SENATOR Miss B. A. MILLER: No, no, Sir. You can have the Reporters read it back.

Mr. PRESIDENT: I will have the Reporters read back what Senator Boxill said and I will ask Senator Tull, whom the remarks were made against, if he wants to say anything, any objection to the remarks that were made by Senator Boxill against him.

SENATOR Miss B. A. MILLER: I am making the objection and I am inviting you to rule on it, Mr. President.

Mr. PRESIDENT: I am making a point that I will ask Senator Tull if the remarks made by Senator Boxill he considers that they were remarks against him, to explain what were the remarks he heard Senator Boxill...

SENATOR Miss B. A. MILLER: But that is your jurisdiction, Sir.

Mr. PRESIDENT: I will ask Senator Tull, Senator Miller.

SENATOR L. R. TULL: With respect, Mr. President, Senator Boxill did accuse me of speaking half truths. That is what he said, but it is for Your Honour to determine whether the accusation by one member of the Senate to another speaking half truths is unparliamentary or not, and I further submit it does not matter which Senator raises it. If it is unparliamentary it is an objective test. Is the accusation speaking half truths unparliamentary or not? In my submission it is, and Senator Boxill should withdraw it.

That is my submission, Sir.

Mr. PRESIDENT: Senator Tull, as you have said, speaking a half truth is used in this Chamber frequently by all members and it has never been up for ruling that if a half truth has been used is unparliamentary, but I would ask Senator Boxill to withdraw the words "half truth" and I hope I will not hear "half truth" used by any member of this Chamber in future when I am in the Chair.

SENATOR L. R. TULL: As Your Honour pleases.

SENATOR N. W. BOXILL: Mr. President, I withdraw the remark if you want it withdrawn, because it was a general term, it was not really...

Mr. PRESIDENT: All right. We will not spend any more time on that.

SENATOR N. W. BOXILL: I know what it is. They are getting licks poured down their backs, so they are catching at straws. I will withdraw it, but Senator Tull knows as well as anybody else in here that I would not say anything derogatory about him.

Anyhow, the point I was making, Sir, you are not going to take me off my stride, the point I was making was that Senator Tull – and this is the only thing I wrote down – was comparing house spots in conjunction with the Government buying land, or seizing land for other purposes. What I was saying, a house spot was something for an individual, but when the Government seizes land with the Act we used to seize land, it is for the general public. A house spot is not for the general public, a house spot is for an individual or a couple of individuals.

Aside.

SENATOR N. W. BOXILL: Well, all right, if you want to say a class, a class of individuals. You cannot get away from it, because you do not live on a house spot, you live in a mansion.

You see, he put it in the context, the comparison – and that is the only thing I had written down – so that is what I was taking up, because when the government takes land from A, B or C, the Government is taking the land specifically for the purposes of the community. When a man rents a house spot, he rents it for himself and his family. That is not for the community. Do you mean the community can walk through the man's back yard? So there is a complete difference there. That is the only thing I had written down, because I had no intention of really speaking on this, because I thought this was such a foregone conclusion that we would have had no lot of debate on this.

I can understand Senator Tull and Senator Miller, because they voted for it when they were in Government, so you cannot expect them to come up here now and vote

against something that they voted for earlier, because it would look as though they did not know what they were doing, which is really true.

The point I am making, what I am really shocked about is when I heard other Senators. They went on to talk about the changing of the Constitution and then went on to say they could not vote for this. It means they want us to continue to allow people to hold on to people's land. It does not mean, as I said earlier, Mr. President, that because this has been amended the landlord, has the right to throw people in the road willy nilly, as Senator Tull was trying to imply. It does not mean that at all. Then when I hear now about the Town and Country Planning Act, I am shocked to think that men would talk about the Town and Country Planning Office having this power within their hands to do this, when the same people were arguing that when you give power to a Minister you give the Minister too much power.
2.50 p.m.

Here you are giving the Town and Country Planning Department whom nobody voted for the power. People voted for a person who has been made a Minister and power has been given to this person to act and when this is done you hear someone saying that you are giving the Minister too much power. You cannot approbate and reprobate at the same time. If something is good, it is good irrespective of who it comes from, and if it is bad it is bad; so don't tell me that you would have voted for it but there is something about the Constitution. Do you want to go and change the Constitution? To prove what? The Constitution has already been changed and I did not hear a squeak coming out of people when the Constitution was changed. The Constitution was changed ever since with the Tenantry Act, and the only person who had the guts to say anything about it publicly was Gladstone Holder, with all due respect to him, and now you are hearing about the Constitution this and the Constitution the next and the rest of it.

Mr. PRESIDENT: Senator Boxill, your time is up.

SENATOR N. W. BOXILL: I did not know that I had talked for so long.

Mr. President, with those few remarks I want Honourable Members on the opposite side to understand that I support this 100 per cent. This is not a case of you against me and I against you. This is a natural thing you want because you want harmony in your society, and this is making it easy, in my view for all and sundry. If your parents buy land and leave it to you and the next thing you know you cannot get the land because somebody is on it, it is not fair. It is not because the Barbados Labour Party did it that the Democratic Labour Party is coming in here and changing it. It is because everybody in the society thought it was a bad piece of legislation.

With those few remarks, Mr. President, I beg to support this Bill. Thank you, Sir.

SENATOR C. A. BLACKMAN: Mr. President, the Tenantries Freehold Purchase Act when it was enacted in 1980 represented a fairly novel and revolutionary concept in terms of changing the ownership of land and the pattern of land ownership in Barbados for centuries, and I would like to say, Sir, that I think the original concept was bold and worthy of commendation. However in its detailed execution, after its enactment, some blurring of the horizon took place, and I will explain what I mean by that, Sir.

When the law was enacted in 1980, the existing law of the country as enacted by Parliament in 1965 said that a tenantry was 5 lots or more. Why the magic number of five no one knows, but that was the number that the law recognised as a tenantry. Similarly with the Tenantries Freehold Purchase Act when introduced in Parliament in 1980, the Schedule listed what were primarily plantation tenantries and that was the intent, to deal with plantations.

Some time after the Act became operative, the Minister by a subsidiary order purported to declare that a tenantry was then two lots and also extended the ambit of the Act from plantation tenantries to urban tenantries, and to the extent that there has ever been any disquiet, it has been disquiet on the part of urban landlords rather than plantation landlords.

There has been a lot said, Sir, about the legislation and what has happened in the past. Sir, I am a practising conveyancer as an Attorney-at-Law in this country, and I am saying as a statement of fact that it is within the ambit of my practice to deal with plantation tenantries, and I can say of my own sure knowledge that in the past eight years since this legislation has been on the statute book, conservatively speaking several thousands of persons have benefitted under the Act and have taken conveyances for the most part under the plantation tenantries, and in a few other cases they have taken conveyances under the urban tenantries, but it is only in respect of the urban tenantries that I have received complaints of dissatisfaction from the urban landlords who felt, particularly those where the number of tenants was below that previous magic number of five. They felt aggrieved that they had not been consulted about the process and just by a stroke of the pen they found that their generosity of spirit permitting someone to be a tenant on two or three or four pieces of land was giving them the prospect of losing the land from their family.

While I am on this point, Sir, Senator Tull in his address referred to section 22 and suggested that the terms of that section, unsuitability by way of an application to the landlord because of its location in relation to other lots or for any other reason.....I am not going to get into legalistics with Senator Tull on the floor of the Senate, but

he is well aware, as I am, of what is known in law as *ejusdem generis* rule, which means you really must compare like with like, and I don't think that bringing family arrangements into the section is inconsistent with what the section talks about. In fact, if you look at the other sections of the Act, you will see unsuitability of land used as opposed to other arrangements.

Sir, there has also been debate in this Chamber about the constitutionality of the measure both in 1980 and at the present time. James Madison made this observation of the American Constitution and I quote it only from the point that it is relevant: "The American Constitution has expanded and developed to meet changing needs." And Madison said, and these are his words: "In framing a system which you wish to last for ages, you should not lose sight of the changes which ages will produce."

Sir, the Constitution is not a static instrument. It is a dynamic instrument that has to evolve with how the society evolves. In the first three years there were ten amendments to it. In our 22 years of independence, there have been two Bills to amend the Constitution and now two statutes to amend the Constitution to the extent that it is necessary to deal with any abridgement of persons' rights, and the question arises what rights are being abridged.

In 1980, Sir, the constitutional provisions were used because what happened was that the landlords were not being paid a fair market price for the land as the Constitution required. Tenants were being given a preferential rate of ten cents per square foot of land and to that extent tenants were being given a benefit which was being denied to the landlord; but landlords were not being given full protection under the Constitution. Today, Sir, the tenants who had acquired rights between 1980 and the present are having their rights abridged by putting back the law in place as it was eight years ago, and therefore to that extent we are taking away the rights which have been acquired over the past eight years, and it is for that reason that the provisions of section 2 subsection 2 are in this Bill which is before us; and with great respect to my friends on this side, Senator Shorey and Senator Jones, I think that is all part of the process of development and change.
3.00 p.m.

I think the Bill before the Senate today, Sir, represents, if anything, an improvement of what happened some 8 years ago in that whereas the original Bill in its passage 8 years ago was correct, I think the ministerial edict which widened the scope of the legislation has created the problems moreso than anything in the initial Bill itself.

I would like to deal with the provisions of the Bill in some detail and I would like to say that my disappointment with the legislation as it is really is that it does not, perhaps, go as far as it might do to redress some of the shortcomings of the Act and I will tell you some of them as I see them as a practitioner.

The Act gives a right to a qualified tenant to acquire the land. In many instances, the qualified tenant is not always the person who has the money to buy the land and we are frequently asked, "Can I take the conveyance in my son's name or my daughter's name." They are sending the money down from Toronto, or New York or from England but as the law stands, they cannot. They are not a qualified tenant within the meaning of the law and I think, Sir, that if the legislation can in any way be improved, it should provide for a right of nomination by the qualified tenant so as to avoid the.....

Aside.

SENATOR C. A. BLACKMAN: The person who has settled on the land has no capacity to buy himself and that tenant wants his son or daughter to be the person to acquire. You have to advise them to make a will but wills can be changed and, sometimes, injustices occur because the will may not have been made in a timely fashion and the person who is the benefactor of the tenant, in order to acquire the land, has not been given the permission of inheriting that land.

The other thing, Sir, is this. I think that legislation of this kind should not have within it for all time a price for what land should be conveyed. Nineteen hundred and eighty it was one dollar a square foot or whatever it was, ten cents a square metre. I really think, Sir, that that sort of number should not be in substantive legislation. I think it should be dealt with in another way so that one would not put something like this into legislation for all time to require parliamentary time to bring it back by way of amendment.

I think there should be some other means of ensuring that a fair price to reflect the realities of the change in the economic value of money can be put in so that if a tenant buys in the year, 2 000, that it will not be a historic sum of what is then or what amounts to a cent per square foot.

The other thing, Sir, is this. The Act provided for sub-tenants to have a right where the sub-tenant is not in occupation with the tenant. That is fine where that exists but there are many cases where the sub-tenant also shares the lot with the tenant and I think that that point should be addressed in the legislation so that we avoid these difficulties that might arise.

Sir, the point has been raised also in the course of the debate about Government acquiring lands under existing legislation and making it available to tenants to own through the existing process of both land acquisition and town planning.

Well, Sir, we have had many debates in this Chamber over the past two and a half years on the impact of land acquisition. What we have not debated in any detail, Sir, is the time frame in dealing with the mechanics of the Town Planning Department and it seems to me and, certainly, it has been in my experience that once a landlord has got his lands surveyed and there is a plan available, the tenants get their lands processed without any difficulty. The money is paid and the conveyance is done. I think, perhaps, the Leader of the Senate in the course of his winding up should be able to give this Honourable House the particulars as to how many conveyances have been done over the past 8 years and this information is known because a request is made to the Ministry of Finance in respect of every transaction for a waiver of transfer tax so the information is available. I think, perhaps, we would be better informed if we knew the numbers of how many transactions have taken place in land transfers since the Act came into force, because I think if the numbers were known between the Ministry of Finance and the Ministry of Housing, the people would be surprised to the extent to which this piece of legislation has proved popular and acceptable.

There was a newspaper article in the "Sunday Advocate" three days ago relating primarily to urban tenantries. The price in urban tenantries is not 10 cents, it is a little greater than that and this would still apply as the law stands when this Bill is passed or if this Bill is passed. Those people are grateful for the opportunity of acquiring their land.

Senator Boxill was making a point that people who go overseas may not want to return to live in the tenantries from which they evolved. However, in many cases, some of those tenantry lands, particularly in St. George, have been well provided for in terms of roads and other services. They have some of the most breath-taking views of Barbados and they have all the potential for a class and type of development and living that is going to make the other Heights envious in the fullness of time.

Aside.

SENATOR C. A. BLACKMAN: They all come into their own but I will tell you that from our own experience in terms of what transactions are taking place is that wherever this land has been available for sale whether it has been in St. Lucy, St. Peter, St. John, St. George, St. Joseph, Christ Church, they have exercised their rights of purchase and I think the legislation is, perhaps, on the right track in that it has removed some of the urban landlords' concerns but, however, if the legislation needs improvement it is in terms of dealing with some details which, I think, would only improve it and not necessarily take away from the fundamental broad vision which the Act was trying to put forward in 1980 and the fears expressed by Senators on this side who have spoken in that vein I do not share.

I think that the Government is, perhaps, responding to whatever the urban landlord's concerns may have been. Certainly, I think, to have made a tenantry 2 or more lots was arbitrary and unnecessary hardship and to give protection to those persons who may not now exercise that right to something that – perhaps, the details could be looked at.

I am not too sure of the significance of saying in section 4D that he must have been on a lot for 20 years or more to get a protection under the Act whether that number is necessarily right but, I think, Sir, notwithstanding some of its weaknesses, it is a piece of legislation with which I can lend some support.

SENATOR A. J. N. PHILLIPS: Mr. President, Sir, my contribution will be short but I must support this amendment to this Bill.

We on this side, Sir, are not challenging for one moment the wisdom which the then Government had when they brought the Tenantries Act before Parliament. However, Sir, we are saying that after 8 years we have seen the need where there should be a fine-tuning of the legislation where the need has become necessary because from many examples we can see clearly that there should be some adjustment to the law as it now stands.

We heard Senator Blackman and I believe when Senator Blackman spoke not long ago and he raised some very interesting amendments which, indeed, the Government should take note of because they could be useful even in beefing up the amendments as we now see them.

Senator Boxill spoke, Sir, in very practical terms and he gave some very useful examples as to things that actually happened where the question of landownership, etc. is concerned.

One of the problems, Sir, is that the name "landlord" in today's world is made to sound as though landlord is some bad word or that Barbados had 200 or 300 landlords. I live in the country and I happen to know that within a 5 mile radius of where I live that there could easily be 200 to 250 landlords.
3.10 p.m.

Many of these landlords, Sir, they may own half acre, they may own an eighth, some may own an acre, but nonetheless they are landlords.

This Bill is not addressing itself at all Sir, to the question of the plantation tenantries. So I hope that his is

understood by the general public because the Government is not trying to interfere with the legislation brought forward by the then Government as far as plantation tenantries are concerned. This is not the real problem that the Government is dealing with.

But, Sir, I was a little bit disturbed to hear the contribution of Senator Jones on the one part because, Sir, as a clerical person and I mean now as a priest, he knows, Sir, that one, that the Bible says that you should not covet and secondly that you should be your neighbour's keeper. I recall, Sir, in early days before the enactment of this legislation, people in the country if they ran into problems with their parents or if they found difficulty in finding a house spot in the plantation tenantry, they could easily turn to a neighbour and ask them to let them, as they would say, "rest" their house there, somewhere in the corner.

Aside.

SENATOR A. J. N. PHILLIPS: Or "scotch". Invariably the person would say "Sure, son", because as you know Sir, country people are very together people. So there was no problem in scotching.

But after, Sir, this legislation was introduced, they do not even want to listen to you because they understand the implications of their allowing you to scotch. So in your kindness of heart you could not be caught in losing your judgement.

Hence, Sir, there is the need for us, as we are doing now to look at this legislation in its true perspective as it relates, in most cases – in this case we are talking about the small land owners. There is no question of landlord looking as though you are some big maguffy in the society. It is a question of looking at a number of the small persons.

I think I heard Sir, something about 8 000 houses on tenantries. Well I would vouch to say, Sir, that in Barbados there are about 8 000 landlords also. Do not let us get the misconception, Sir, that we are only talking about the people who own Manning's Land and the big tenantries around Bridgetown. We are talking about the people in the country who own small pieces of land. And this is the important...

Aside.

SENATOR A. J. N. PHILLIPS: It is a house spot sort of situation. And these are the sorts of persons that this legislation is addressed towards.

As a matter of fact, Sir, it has created a sort of unfriendliness among country people who are a closely knit community because now the person who wants help sees the other person as being selfish.

But, Sir, there was always and still remains that question of passing your land from seed to seed. Parents like to feel that they have at least the house spot sort of situation to leave to one of their kids. And those are the practical terms, Sir, in which we have to look at this legislation.

We must not think of the landlord as a person in an exalted position who owns acres upon acres of land. That is not the person that we are really addressing our minds to at all on this occasion. We are looking, Sir, at the small people whose interest Government has a right to protect, and the interest must be protected on either side. You cannot have it that, okay, you protect the tenant and you do not protect the landlord. I mean, the landlord is a taxpayer too. He is part of your general community. And therefore, Sir, we just cannot address our minds only to the tenant.

Some time ago, it was mentioned in this Chamber that the Government had large resources of land which could be made available to tenants. And I do not think that much wisdom was perceived when the Government indicated that it was interested in supplying another 1 000 house lots.

But, Sir, let me say this, that in this legislation a substantial onus of this amendment lies with the Government. Government has in this legislation taken upon itself the duty to provide house spots. And furthermore not only that, but to bear the expenses of any resiting that may have to take place.

Therefore, Sir, I commend this Chamber to support this amendment as it stands because it is for the better interest of the community at large.

I want the Opposition to understand that we are not decrying them in any way for the legislation which they brought in 1980. We applaud it. But we are saying that the time has come when we need the Amendments.

Mr. President, I believe, Sir, that you have been a very ardent follower of cricket and you would recall in the days of people like the late Foffie Williams, people like Frank King and those sorts of persons, you remember them bowling. At that time, Sir, as long as you put your right foot behind the back crease, the ball was a good ball.

After, Sir, you had the advent of people like the now Minister of Tourism and my partner Mr. Griffith and so on where the bowling now became more difficult, Sir. The Administrators of cricket decided that your left foot must land behind the front crease because it was found now that bowling had become dangerous. So hence, Sir, that was an amendment. So an amendment cannot be out of order if it is for the good of all.

Thank you, Mr. President.

Mr. PRESIDENT: The question...

SENATOR Miss B. A. MILLER: Mr. President, Sir, let me say from the outset that it will never be possible for me to support this amendment.

It is clear to me, having listened to all of the contributions today and particularly those coming from the other side that not only the original Act itself but even the rationale behind this amendment is imperfectly understood by Honourable Senators, and in the case of Senator Boxill not understood at all.

Aside.

SENATOR Miss B. A. MILLER: The Democratic Labour Party, Mr. President, Sir, has always held to the policy that the people of Barbados are to be held in bondage to tenancy. They are forever to be tenants. One notable example is an Act known as the Security of Tenure Act.

They are preoccupied as they are still preoccupied with this amendment with the whole concept of securing tenure.

The Barbados Labour Party is not interested in holding tenants in the bondage of tenancy. We are interested in offering to people the option for freehold purchase.

As has been pointed out already, this is one of the last vestiges of slavery. This helps to bring to fruition the whole emancipatory process and I hope will be one of the last nails in the coffin of the plantation system in respect of those aspects of it which we have always found objectionable, obscene, untenable in 1988 that we should spend hours in here today arguing about rights and otherwise of tenants.
3.20 p.m.

The whole thinking behind this legislation of Tenantries Freehold Purchase has nothing to do with perpetuating tenancy. The point has already been made here today that nobody in their right mind in Barbados or anywhere else where the law is similar to ours is going to build a wall structure on property or land for which she or he does not hold – what the old people used to call, a plot and sale. You are not going to do it, Sir. I am not going to do it. Nobody in here is going to do it. I would like to think that one of the reasons why this imperfect understanding of this legislation is prevailing in here even in 1989 is because none of us lives in a plantation tenantry.

The people who live in the plantation tenantries, urban tenantries, and in the suburban tenantries are tied to a chattel house for all their lives. Even as Senator Tull pointed out they cannot even think about starting at the back with toilet and kitchen facilities to convert from wood to wall, because if it is one thing that every Barbadian understands about the law of property is that wall fixture is going to accrue to the land and not to the tenant. I am amazed to hear Senator Boxill saying that people know they have sufficient security of tenure that they can afford to build in wall. To leave it to whom when they die? He went on to contradict himself because then we heard about landlords who want to will or leave their property to their children and their grandchildren, from seed to seed, and so on and so forth.

All this served to do was to illustrate as I have said the fact that Senator Boxill does not understand at all what this is about. A lot of Democratic Labour Party propaganda has gone into this and we have prevailing in Barbados today what Senator Tull called these myths and these grave misunderstandings about not only the intent but the actual operation of this legislation.

People have been saying that they do not understand the magic of the number 5. There is no magic in it. Like most things it has a very ordinary, pedestrian, practical explanation. In the early days of the black freeholders the average size lot was half an acre, the rab land, in the early days after emancipation – emancipation on paper that is. The average size of a house lot, a chattel lot was 2400 square foot. In other words, 5 to 6 lots were what you could roughly fit on to the half an acre. So this concept of 5 or 6 lots to the half acre persists even until today. This is what people like myself find disquieting that in 1989 the concept of 5 to 6 lots per half acre should persist.

A clear understanding of the legislation requires among other things, Mr. President, Sir, the understanding of a Government's comprehensive housing policy. The Government of Barbados from the 1950's until the present time, successive Governments I should say, have had the policy, some to a more and some to a lesser degree, of constructing housing estates, some rural and some urban, and some suburban designed to satisfy the housing needs and demands of those who cannot afford to do other than rent who are not yet at a stage where they can afford to buy a piece of land or pay down on a piece of land, where they cannot afford to continue living wherever they are living and really do need for a period of time to have somewhere to rent. Never in the Barbados Labour Party do we contemplate on people who are prepared to rent being disposed to the idea that they will be tenants for all of their lives. We have seen the cycle in the housing estates that are Government owned. People move in. They live in for a number of years and then they acquire a lot of land somewhere and they move on. We are seeing it even more rapidly applied in the 1980's than we saw it say in the 1960's or even the 1970's.

The Government makes the point that housing requires a joint effort between the public and the private sector. Incentives have been given by the Barbados Labour Party Government to private individuals and private companies. Senator Phillips will know whereof I speak because a lot of them patronise his establishment up by the Stadium. He could not do business if people were not buying hardware and building supplies. The Barbados Labour Party between 1976 and 1986 or more particularly between 1981 and 1986 established what is known as the Housing Credit Fund, a kind of loan scheme administered by the National Housing Corporation. We do not hear anything about it nowadays. I know that when we were in Government $10 million no less; in excess of $10 million was invested in the Housing Credit Fund so that people could have access to this money in order to build not only upon lands which became available to them as they took up their options to purchase as a result of this legislation, but wherever else they could secure a plot of land that they would have access in order to build their own home. Together with all of that the successive Governments are very much concerned with the business of development of the tenantries both in the rural and the urban environment. Roads have been put in by the Barbados Labour Party. I do not want to take time to read off all of the or some of the great numbers of tenantry roads that have been made into properly paved roads for the first time in history of tenantries in Barbados between 1976 and 1986. They are legend. Water has gone in, all of the support services. Where gas was available, natural gas went in, and electricity and all of these utilities.

I believe the Prime Minister who is the Minister of Finance paid a visit to Venezuela sometime during last year in 1988 and upon his return we were informed I believe at the time, not by the Prime Minister, but by the Minister of Communications and Works that one of the subjects under discussion in Venezuela during the Prime Minister's visit there last year was funding for the upkeep and repair and the building of tenantry roads. I sincerely hope, Mr. President, that all that has happened in the last weeks in respect of relationships between Barbados and Venezuela will do nothing to prejudice the acquisition and application of funds for tenantry road repair of which there is great need in Barbados and tenantry road building of which there is also a great need in Barbados.
3.30 p.m.

The Minister of Transport and Works tells us that in all 27 constituencies – he was careful not to say all 11 parishes, he saw it in entirely political terms – he said in all 27 constituencies he was going to start almost immediately a road building and road repair programme. That was many, many moons ago. We are still waiting, it is now 1989, we are still waiting to see that come to fruition.

We know that at the last Budget Speech in early May of last year he outlined very carefully for the benefit of the Minister of Finance and for all Barbadians on the television exactly what his programme was, and made it clear that Consolidated Fund or no Consolidated Fund this was his road building and road repair programme and he expected the funding to be forthcoming from the Minister of Finance. He was making it perfectly clear that if the money did not forthcome he would be able to tell Barbadians do not look to blame me, the Minister of Communications and Works, deal with the Minister of Finance. So I sincerely hope that the diplomatic impasse between Barbados and Venezuela does nothing to prejudice that funding.

Mr. PRESIDENT: Senator Miller, those things may be good, but I do not think those things relate to what is before us now. I think you should get back to the original.

SENATOR Miss B. A. MILLER: I am on the point, Sir. I want to know, Sir, and I am still talking about the need for funding for urban and suburban tenantries, in addition to plantation tenantries of course.

There is a project called the New Orleans Urban Renewal Project which was started in the time of the Barbados Labour Party. I know whereof I speak. Natural gas was run in, water mains were run in, the area was entirely electrified, as they say, all of these services were installed. It is a large plan which will require the New Orleans and its environs, including Chapman Lane and Emmerton, to be sewered as well. It was all there in writing and in plans, designs, etc. and etc. I want to know, among other things, what is going to be the fate of that and other urban renewal projects started by the Barbados Labour Party.

The area known as the Nelson Street area, or up town to those who really understand and know about the City, has already been sewered and has all of those services in already, but these contain large urban tenantries, Sir. Rebbitts land is a big tenantry, Chapman Lane is a big tenantry. Senator Blackman, if he were in his seat, would be nodding his head, because the firm of which he is a member administered, administers to this day, that tenantry.

Mr. PRESIDENT: We are dealing with a Bill...

SENATOR Miss B. A. MILLER: Yes, we are dealing with the Freehold Tenantries Purchase (Amendment) Act, Sir.

Mr. PRESIDENT: Yes, but you have to deal with that in the context that it is before the Senate.

SENATOR Miss B. A. MILLER: Yes, Sir. All freehold purchase is before the Senate, whether it be urban, suburban, rural or otherwise.

Mr. PRESIDENT: Not with the purchasing of tenantries.

SENATOR Miss B. A. MILLER: Yes, Sir. Yes, Sir. This has to do with the imperfect understanding. It is all before us.

Mr. PRESIDENT: I think you had better take my guidance. The Bill seeks to amend the Tenantries Freehold Purchase Act, and I think you had better stick to that. I will advise you, do not go rambling, if not I will have...

SENATOR Miss B. A. MILLER: The speeches coming from the other side...

Mr. PRESIDENT: ...to remind you the Objects and Reasons of this Bill are to deal with this matter. Stick to that, please.

SENATOR Miss B. A. MILLER: Yes, I have it before me, Sir. I have it all before me, Sir.

Mr. PRESIDENT: Yes. Kindly stick to that.

SENATOR Miss B. A. MILLER: I am saying that the main object and reason of the Democratic Labour Party, the main object and reason behind this amendment stems from the fact that it is their well known, well established and continuing policy to keep people in Barbados in perpetual tenancy, whereas the rationale, the intent, the purpose behind the original Act is that people should be free to purchase the freehold of this land which their great, great, great grandparents and from generation to generation unto this day have occupied, and have had to occupy, condemned to live for ever in a chattel house.

I have nothing against chattel houses, but if anything is wrong with the Constitution of Barbados, it would have to be wrong if the Constitution is suggesting, which I do not believe it to be, that some people in Barbados would be free to live in whatever kind of house they choose to live in, whereas other people should be condemned for ever to live in a chattel arrangement. I do not believe that the Constitution of Barbados wishes that that situation should continue in perpetuity.

I have heard a lot of talk, particularly from Senator Boxill, about how we must be fair to the landlord, and how a lot of landlords in Barbados are ordinary, poor people. I do not deny any of this, but in none of what I have heard from some independent Senators, including Senator Blackman, and from all who spoke on the Government side, including the Senator who introduced this, I have not heard of one single case quoted about somebody who has had a particular hardship in respect of a family arrangement who may have applied under the legislation for exemption on the ground of family arrangement and had it denied. I have not heard anybody suggest that the Town Planner has said no, I have heard of no test case that has come before the courts of this country which has deprived any Barbadian landlord of property destined or designed in his mind to be part of a family arrangement.

Senator Tull was at pains to point out that the Act does provide for that exemption. There is no legislation in Barbados which does not so provide. That has always been a clear understanding, that family arrangements are always excepted and it is a red herring, it is DLP propaganda and it is a downright lie to suggest to Barbadians, to terrorise Barbadians into believing that this is so, and DLP propaganda has encouraged one or two people, I know, to rush headlong without taking proper legal advice and dispose of their property in a way that they ordinarily would not have disposed because they have been led astray by the propaganda.

Even Senator Blackman, as a practising conveyancer – and he is not the only one who practises law in here – was not able, nor was any other Honourable Senator able to refer to one single case where a Barbadian was able to say: "This legislation has worked personal hardship against me, this was my case and this is the outcome of it. I appealed to the Minister, I appealed to the Town Planner, I appealed to the law courts and I found myself deprived of land which I was intending to pass to my children, or to my grandchildren or to other family members." Not one! It is talked about, it is waved as a red rag, but there is not one single documented case.

I am not going to suggest, Sir, that there are not certain hardships that can be wrought. As has been pointed out, in anything in life somebody is going to feel that they are getting the rough edge, but those are the few as compared to the many who have benefited under this Act who are now secure in freehold ownership, not tenancy, under this Act.

3.40 p.m.

But the Act does have that clause, that section which leaves, in a very catch-all phrase, an opening for any landlord to make a case on any ground and take it either to the Minister. And in the final analysis the law courts are still there to resolve these matters. In eight years I can only hear about thousands and thousands of people who now own the land and have built nice houses, I can hear from Senator Blackman that some of these tenantries are now being transformed into Heights and Terraces and so on and so forth, and don't let me begin to talk about proper values and distinguish between ten cents a square foot and certain Heights and Terraces now where people will want to offer land at in excess of six and seven and eight dollars a square foot. Don't let me get on to that at all, because I know, Sir, you will tell me don't go down that road and I am not going down that road. But in eight years not one single case can anybody quote to say...well, even if you are disposed to say if the legislation should prejudice one man

then it is worthy of amendment. Nobody can show us the one man. All I have heard is a lot of straw men built up and shoved down.

I must say Sir, I repeat, rather, I find it truthfully distasteful that in 1989 we are spending hours in here and I find myself forced to get up to defend a situation where legislators in Barbados, overwhelmingly black legislators in Barbados, who are themselves owners of the freehold property in this Barbados, should be discussing a concept of tenancy in perpetuity. It is totally repugnant, to use the word that we find in the rationale set out for this amendment; to me it is totally repugnant and I do not know how in conscience any Barbadian, and there is none of us in here who has not from the history of this legislation... I really do not know how any Barbadian in conscience could want to support this amendment, because a lot of people have talked, but they have not come to the nitty gritty of the amendment. We are waiting for when we go into Committee where Clause by Clause people will get up and show either their ignorance or their understanding of the true intent of this amendment. But it is the overall rationale that seems to be so imperfectly understood. We are going to deal with them Clause by Clause as they come up.

I must say, Sir, that there are some matters raised by Senator Blackman which I can never agree to – not as an Attorney, not as a loyal Barbadian, not as a democratic socialist. Even so, some of those matters which he raised which will better be discussed when we get into Committee I don't think it will be too difficult to show that the Act itself anyhow already provides for the eventualities which he is recommending in some respects. I see other Members getting up and agreeing to this and agreeing to that, but I am not sure that we really understand what we are agreeing to. I honestly do not know anyone who has been prejudiced by this; I only hear about the hundreds of thousands who have benefited from it. I cannot bring myself to support it. I do not know what the necessity for it is, and even when I scrutinise and examine and peruse very carefully these amendments being suggested, it seems to me that rather than working less hardship they are in effect going to work in the end more hardship.

When we reduce the size of a tenancy to two which was the least size that a tenancy could be, because when you get to one you are dealing with one person, you have to have at least two for a tenancy to exist, the reason for reducing it to two, the lowest common denominator, was that you were making it possible for as many people as possible to benefit by the legislation.

Mr. PRESIDENT: Well, Senator Miller, your time has been reduced to one minute.

SENATOR Miss B. A. MILLER: Thank you, Sir. Suffice it to say, Sir, that I am not persuaded either by what I know of my own knowledge or what I have heard in here or what I have heard from the Other Place that people in any large numbers, if any at all, have been disenfranchised, dispossessed, displaced by this legislation; and I do believe that it has brought tremendous security to a large number of Barbadians who without it would continue forevermore and possibly their children and their children's children to live in plantation bondage, because that is what the plantation tenantry system is. I am not, and I reiterate it, I am not interested in securing tenancies in that context. I never can be. Too much blood has been shed in the past for that. Too many lives have been dedicated in the past to the destruction of it. It was partly what emancipation was about, and at this stage of our development after 21 years of independence, and you have to be shocked, Mr. President, if you are me, that the people who see themselves as the fathers of independence find it difficult with the same eyes to see that the legislation is seeking to give an independence to ordinary Barbadians in a way or in a sense that Barbadians most value their independence.

Independence in 1966 has not brought us economic independence to this day. Independence in 1966 to this day has not brought us social independence or cultural independence. All the Barbados Labour Party was seeking to do here was to say to people who have lived in plantation bondage for generation after generation after generation, at least we can bring an independence in respect of freehold land ownership within the grasp of every Barbadian...

Mr. PRESIDENT: Your time is up.

SENATOR Miss B. A. MILLER: ...And I find it so difficult that those who claim that they were the great fathers of independence should be the sponsors of this amendment. Thank you, Sir.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, I think there are a few statements which have been made and I will seek to, based on the record which we have before us, rectify some of the misconceptions. Tenantries containing five or more houses, based on a survey carried out by the Ministry represent 95 per cent of the tenants. So less than five per cent of the people will be affected by this legislation. There are between 200 to 300 tenants on about 50 lots who would be affected by this legislation. The number of landlords affected is 46 with people of 2 houses or more but 5 houses or less that would fall into this category. This tends to refute the observation made by Senator Tull of over 8 000 tenants being affected by this group and is fairly consistent with between 40 to 50 landlords who would be affected.
3.50 p.m.

The purpose of the legislation seeks to address the tenantries which represent the greatest source of dissatisfaction with those which were established on a non-commercial, largely humanitarian basis. In such situations land was generally being kept for other family members

and, in some cases, for distribution under the terms of the will.

The landlords who held these tenantries between 2 and 5 in most cases indicated that they preferred a flow of income rather than lump sum payments and hence, this is the reason for trying to address the problems of the legislation as it now stands and, this is just for the record, not 1 000 tenants affected, but between 200 to 300; and there are about 46 landlords in this category.

Thank you, Mr. President.

SENATOR A. MORRISON: Mr. President, I rise to support these amendments to the Freehold Purchase Tenantries Act. The history of tenantries in Barbados is a very long history involving several plantations.

The Democratic Labour Party in its philosophy has always tried to redress the rights of the tenants in a systematic manner. There was a time when people on plantation tenantries who when they had to leave one plantation to go to another plantation to work would eventually have to move their house because they did not work on that plantation anymore.

There were other people at that time who would give notice to tenants on a very ad hoc basis. Hence, at the time when we made the Security of Tenure Act it was possible that anybody who had 5 houses or more had to be guaranteed that they would not be put off that land provided that they pay their rents. That was one aspect of continuing to address the tenants problems.

It is true the Barbados Labour Party in 1980 broke revolutionary ground in producing this Act which, though it tailored to the total rights of tenants in a particular way, did not take into consideration at that time also the rights of small landowners, and not landlords as such; because people who because of the enlightened policy of the Democratic Labour Party who were able for the first time to purchase a piece of land for their own convenience and their own use for the future, they became, not landlords but landowners, which is the philosophy which we always expounded and we figured they wanted to own some of the soil. It is these people who for some reason or another had to rent out these lands to other people who became very much disenfranchised at that time under that legislation.

We have also had before 1980 plantation tenantries which were able to hop out of the system. We have had even in Christ Church up by me the Jones Golf Course where whole tenantries went by the wayside belonging to Jones Plantation and Balls Plantation. Even Newton Plantation was involved to make way for a golf course. Those lands are now sold to people and known as the Newton Terrace.

The same thing, also, took place in Bulkeley Tenantry where, I think, it was not Bulkeley who sold the land but it was somebody known by the Shipping and Trading Company Ltd. All the old people who worked at Bulkeley for over 40, 50 years and who were on agricultural land in Bulkeley Tenantry, those lots were sold not only to people in St. George but people in St. Andrew and St. Joseph.

I can call names from Ellerton in St. George who put in over 50 years working at Bulkeley and lived on those parcels of land for over 40 years and the land was subdivided and developed and they ended up by owning a small piece of what they had. You had people like Sonny Coppin. You might have known them in those days under Senator Tull...

Aside.

SENATOR A. MORRISON: The lands have been sold to other people in the development. The people who owned land at Bulkeley Tenantry did not buy at ten cents per square foot. It was subdivided. You even had the instance in Boarded Hall Plantation, next to Frere Pilgrim where a few people got lots there but the development is now owned by people who never worked at Boarded Hall Plantation and they now enjoy nice lots there looking at Boarded Hall Police Station. They never worked at Boarded Hall Plantation.

You have Pa Elcock from St. George who got by from 1920. He got a small piece of land although he rented about 3 or 4 acres of land. Turk Dyall worked at Bulkeley as a boy, Agnes Weekes, Gladstone Todd...

Aside.

SENATOR A. MORRISON: Yes, but they were allowed to get away. That is the point I am making. That came on when Bulkeley had already slipped through the noose but the people who now own the little small plots of land did not stick to the legislation. They were right square in front of the new legislation. That is my point I am making.

Aside.

Mr. PRESIDENT: Order, order.

Aside.

Mr. PRESIDENT stands.

Mr. PRESIDENT: I will not have that, Senator Miller; your shouting across the table at another member.

Aside.

Mr. PRESIDENT: Order. There is no way I am having that kind of behaviour in the Senate. Leave that for when you get outside. I expect that from people who detest decency. I am in the Chamber and you do not have any respect for the Chair?

SENATOR Miss B. A. MILLER: You are on your feet, Sir.

Mr. PRESIDENT: Senator Miller, do not talk back to me.

Aside.

SENATOR A. MORRISON: May I continue, Sir?

Mr. PRESIDENT: Go ahead.

SENATOR A. MORRISON: I will continue.
4.00 p.m.

Yes, Sir, I was making the point that certain plantations were able to go into development before this Act. And what has remained is that the Act has caught small people squarely in the face. No one would ever know the deprivations and the sufferings encountered by small people in this country to own piece of this soil in this country. No amount of political talk, no amount of philosophy would ever compensate for the deprivations which my poor people had to go through in order to own a square foot in this country. And it is highly reprehensible, Sir, that when those poor people have gained some property rights in this country that they were told you have to sell it. And all the tenant had to do was to sign the form and go up to the Ministry of Housing and lodge that form and the poor people's lands were up for sale. There are countless cases up there up to this day. There is Collis King, the cricketer's father, up there in St. Patricks who is crying every day and who supports the Labour Party.

Aside.

SENATOR A. MORRISON: There is – well you know you are talking about... you do not know about people, that you want cases – Everton Estwick there up by me whose children and the grandchildren cannot inherit the land. There is...

SENATOR Miss B. A. MILLER: Mr. President, on a point of order.

SENATOR A. MORRISON: You want names.

SENATOR Miss B. A. MILLER: On a point of order.

Mr. PRESIDENT: That cannot be a point of order.

SENATOR Miss B. A. MILLER: But I have not stated it yet.

Mr. PRESIDENT: The Honourable Member is speaking.

SENATOR Miss B. A. MILLER: I am on a point of order, Sir. I am on a point of order.

Mr. PRESIDENT: I rule that the Honourable Member is speaking.

SENATOR Miss B. A. MILLER: You are ruling that I cannot make a point of order, Sir?

Mr. PRESIDENT: Not when the Honourable Member is on his feet speaking.

SENATOR Miss B. A. MILLER: So when can I make a point of order then?

Mr. PRESIDENT: The Honourable Member is addressing the Chair.

SENATOR Miss B. A. MILLER: He is misleading this Honourable Senate and that is the point that I wish to make.

Mr. PRESIDENT: That is for me to determine.

SENATOR Miss B. A. MILLER: You would not even let me state it, Sir.

Mr. PRESIDENT: I will determine those things.

SENATOR Miss B. A. MILLER: You can only determine it when I state it.

Mr. PRESIDENT: Will you take your seat please.

Aside.

SENATOR A. MORRISON: Sir, there are many people. I can call names.

Mr. PRESIDENT: I am not going to have any disorder in this Chamber. Those of you who want disorder will not have it in here. Outside, not inside here.

Aside.

Mr. PRESIDENT: Not as long as I am here.

Aside.

SENATOR A. MORRISON: There are...

Mr. PRESIDENT: If I hear any cross talking across the House, I will name the Member who does that. I serve notice on any Member who talks across the Chamber for the balance of this evening.

Address the Chair.

SENATOR A. MORRISON: Yes, Sir. As I was saying, Sir, when the tenant signs that form and takes it to the Ministry of Housing, that is the end of the landlord. That takes care of the landlord. It is only a matter of time before the Act drives in its own course to disenfranchise that landlord of that land which he bought so hard for his children or grandchildren. That is not the problem with plantation tenantries.

As we remember, Sir, people were permitted to exist in plantation tenantries. They were put in spots which were very inaccessible from the road. As a matter of fact they were put on the worst land which is called the rab land which was owned by the plantation. And they had to make sure they give service to the particular plantation in order to retain that rental portion of the land.

But we are in a new era now, Sir, where people have come on and own land. And when a poor man buys land, Sir, he does not buy land to sell again. He does not have any land to sell. That is the point you must understand, Sir. No poor man who buys a piece of land has any land to sell again. All he wants to do is to own a piece of the land in this country.

So when a Government by its laws makes it mandatory that a man must dispose of that land because the Tenantries Freehold Act says so, that is what I am concerned about, Sir. It is a very serious thing. It has worked hardship on a large number of people in this country since 1980. Even in that period, Sir, the Land Acquisition Act has worked hardship on some people. I know a case in Silver Sands where a man bought land for his children and they applied the Acquisition Act and took the man's land. You know what has happened, Sir? The Government did not use all of the land. They turned around and put tenants on the man's land. And the man's children today cannot get a lot, a house lot. Up there in Silver Sands. The Bynoes in Silver Sands lost their land under the Land Acquisition Act for the improvement of the school. And then they did not use all for the purposes of the school. They used some of the land to resite people on. And up to this day, his children cannot get a lot from anybody else.

There are a lot of inequities. Several people have suffered in this country. And these amendments are seeking to address those rights and at the same time to put into perspective the ones who might be disadvantaged by some kind of order. It is a very good piece of legislation. It goes to tidy up the Tenantries Freehold Act of 1980, not adverse to what they did. That Act when through. It is on the Statute Book. But this is only seeking now to tidy up those ones who were so badly disadvantaged by that legislation as to make it possible for them to be able to save their land. And in some cases the ones who have to move, the Government would provide lots and do it in an orderly fashion over a period of time so that those same people who might have to be moved off those same lots that are now rented by poor people will get their own lots eventually with the help and the assistance of Government, not only by finding lots but finding money also to help pay for the lots. I do not see anything wrong with that, Sir.

As I say, it is a very equitable way of solving what has already occurred under the other Act. That Section 22 they talk about in the Tenantries Freehold Act which helped somebody with family arrangements, it does not say so, Sir. It talks about lots. It does not talk about any family arrangements. You have to have something more explicit that you will know for a fact that your family rights would have to be taken care of. That is not an intention. That is a quasi – I am not a lawyer, but that to me is some sort of half-way contract. Except it is spelt out clearly that under the same Section 22 that the man is entitled to own it. I agree with Senator Blackman because that Section 22 thing does not make me feel happy that people who want to pass on by will or otherwise have got the right under that Section to do what they want to do. That is a half way house situation. You must have a family arrangement made in advance of your intentions. I do not know how you are going to interpret that in the law.

Aside.

SENATOR A. MORRISON: But the intention is not an arrangement as far as I know from my own common sense. If I intend something and I do not arrange it, that is not an arrangement. And that is why I find fault with Section 22 because that does not solve the problem of family by inheritance.

So that we will have to do something about the people who now cringe and cry under the load of that 1980 Act. And there are a lot of land owners since 1961. If there were few before 1961, there are a lot of land owners in this country since 1961 who have been emancipated by the Democratic Labour Party. But you cannot do everything in one day. We have had a whole history of tenantries done way back by the Ministry of Agriculture under J. C. King, under the Permanent Secretary. We had a whole survey done of all the tenantries in this country intending to put in roads, water and light and all the facilities.

It is true the Labour Party came along in 1980 moving very fast at the time and trying to get all the tenants on their side. But in doing that, Sir, they went too far. They did not care about the people who had become land owners and were not any longer in a plantation context of the word. Our people are now freeholders, Sir, and they did not count that

at all. There are just as many freeholders now, Sir, as there are tenants and they all have their rights. You do not want to "unfair" the tenants, you do not want to "unfair" the freeholder.

But with this arrangement, Sir, I think this gives a very equitable solution to safeguard the tenant and at the same time you must allow the freeholder to have his land which is rightfully his. And no amount of talking about the just society and the greatest good for the greatest number of people will suffice. Because what are you going to do about those people, Sir? You cannot talk it away by a wave of the hand.

We must ask the question, who are the disadvantaged? They are saying that there are not many out there. But, Sir, my submission is that there are plenty out there who have been disadvantaged by this legislation. That is their argument: there are not many out there. But that is not true, Sir. We have had plenty of people and I can bring you a list of all the people.

I can talk about in my own little village in Lodge Road. I have noted that with the legislation people have been given tenantries who never had a tenantry yet, and who own all the houses in the particular tenantry and got most of them under the other Administration, and who also held on to people's land and cut roads for people – other people's land – and call it a tenantry. And the people who live in that tenantry all rent from the same landowner with 5 houses or more.
4.10 p.m.

Every house is owned by the particular gentleman who is in my constituency, in my village, because my constituency is Barbados. You know what I mean. This has happened, Sir. So even when they were dealing with other people apart from whom they should have dealt with, they dealt with people who did not have tenantries. Plantations were allowed to abscond and there were no landowner development practices. But the very people who bought land, the late landowners, they did not think about them. They are the ones we are trying to redress and there is nothing wrong with that, Sir, because you need the land owners and you need the tenant. All we are saying is that we would like to give a fair solution in this bit of legislation to all of those people who quite rightfully own a piece of land by hard labour, built by the sweat of their brows, some with the assistance of their children from America and England, and we are saying that they should have the right to be able to pass on that land to their children.

Sir, is that asking too big a right for those people? Are we being unfair? Are we being inhumane, Sir, if I were to ask you to allow us to pass on the land, which I bought with my own labour, to my child? There are not one or two out there. There are plenty. We do not own plantations, Sir. We only own a piece of land and you cannot talk about that as if it was nothing. People worked in this country and they are able to purchase a piece of land. They have gone back to their maker, gone back whence they cometh without owning one square foot of land. It did not mean, Sir, they did not work. They worked hard as anybody else in here and they worked for long hours cutting canes by the hundreds and digging cane holes by the hundreds on plantation land and they were never ever able, Sir, to own one square foot of this land in this country. Sir, it is those people whose children now who were able to own a square foot that you are disenfranchising, Sir. I would not want to be part of any particular Government or anybody for that matter who takes away poor people land and gives to other poor people. It cannot be right, Sir. That is the only thing that we have against the whole bit of legislation. That is the bold contention that there are people who own land in this country, Sir, whom we figure were disenfranchised. It looks to me as if you were taking away people's land and giving it away to somebody. I must sell you this land! How could that be right? I must sell you this land that I bought so hard... I repeat, Sir, when a poor man buys land, he does not buy land to sell again. That is the operative word. He does not buy land to sell again and no Government should tell a man to buy and sell to anybody when he and his family are going to have to get off the spot and then to beg to get on the spot later on. That is ridiculous and that is what that legislation did in 1980. That legislation set about to make poor people – making onebody owner of land and making somebody not owner of land. You are making a tenant an owner by taking away the ownership from another person who is also a poor man. You are making a tenant an owner and you are making a land owner not an owner, so he will become a pauper or a mendicant, begging somebody for a little spot.

Sir, it has got to be addressed and all of that must be corrected and, Sir, these amendments are the DLP's answer to correcting those inequalities which existed. Sir, when we come to Committee stage, I will explain the different ones in detail. But I have very great pleasure in these amendments and I should like to commend them to the Senate as they are. I would hope that all Senators will see it fit to vote for these amendments because it touches on the very basis of people's hard work and the desire to own a piece of land and not a plantation. That is what, Sir, I feel so good about that we are able to bring this kind of amendment at this time, Sir. I thank you, Sir.

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, I believe that a number of us have been asked to a very important public ceremony connected with the tourism effort of this country and which His Excellency the Governor-General, I believe, is to be present. This ceremony starts at 5 o'clock. In the light of that, Sir, I wish to move that further consideration of this matter be now postponed.

I hope it will be convenient for Senators to meet again next Wednesday...I hope it is ...in which case I am suggesting that we do that. But before, Sir, I move formally the ending of this day's sitting, I just want to say that in the course of Senator Miller's speech she made some reference to the fact of an impasse between Barbados and Venezuela due to recent happenings. Now I must say this, that inside Chambers like these when we say certain things we mean them in a certain context and we do not mean any hurt to the country when we say them. Unfortunately, however, outside they do not always make the same impact as we intend. Therefore, I wish it to be known that there is no impasse between the Government of Barbados and the Government of Venezuela. As a matter of fact, far from there being that, relations between the 2 countries are at their warmest. The Barbados Labour Party itself started a fellowship with the incoming President of Venezuela which we inherited and President Perez has been very kind to send us warm invitation to be represented at his inauguration in 2 or 3 weeks time, whenever it is, and we propose to respond with a delegation of the highest level. So I just want it to be known in case it might be misunderstood and the Senator wrongly thought to have meant more than she did, I would like to say that there is no feeling of ill-will between the two countries and certainly no bad relationships between the two Governments. Thank you.

Now Sir, I beg to move that further consideration of this matter be now postponed.

The question that further consideration of this matter be now postponed was put to the Senate and agreed to.

ADJOURNMENT

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, I beg to move that the Senate do now adjourn until Wednesday, January 18, 1989 at 11.00 a.m.

The question that the Senate be adjourned until Wednesday, January 18, 1989 at 11.00 a.m. was put to the Senate and agreed to, and Mr. PRESIDENT adjourned the Senate accordingly.

4.20 p.m.

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THE

SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1986 – 91

THE SENATE

Wednesday, January 18, 1989

The Senate met in the Senate Chamber, Public Buildings at 11.20 a.m.

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;

Senator N. W. Boxill;

Senator D. A. Comissiong;

Senator Mrs. V. C. Fraser, B.S.S., J.P., M.C.F.A.;

Senator Mrs. G. L. Eastmond;

Senator A. J. N. Phillips;

Senator T. A. Prescod;

Senator Miss B. A. Miller;

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 C. A. Blackman, Q.C.;

Senator Mrs. P. Y. Forde;

Senator Dr. L. L. Shorey and Senator the Hon. Dr. C. D. Clarke, (Minister of State for Finance).

Prayers were led by Rev. Dr. Lionel Crawford, S.C.M.

Mr. PRESIDENT: The Senate is in session.

INTRODUCTION OF BILLS

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

Resolution to approve the compulsory acquisition by the Crown of land at Battaleys in the parish of St. Peter for the construction of the new Speightstown Primary School.

Sir, if the Senate has no objection, I would like to proceed with this Order today some time during this Sitting.

PUBLIC BUSINESS

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, I am sorry to be detaining Your Honour in the Senate but I am awaiting some files which are on their way with Senator Lewis. I do apologize for this.

SUSPENSION OF SITTING

SENATOR THE HON. SIR JAMES TUDOR: I wonder whether I might move the suspension of the Sitting for 20 minutes.

Mr. PRESIDENT: In those circumstances the Honourable Leader of the Senate is moving the suspension of the Senate for 20 minutes and these are the usual circumstances.

There being no objection the Senate is suspended for 20 minutes. The Senate is now suspended.

SENATOR THE HON. SIR JAMES TUDOR: Thank you.

11.28 p.m.

ON RESUMPTION

Mr. PRESIDENT: The Senate is resumed.

SENATOR THE HON. SIR JAMES TUDOR: Again, Sir, I apologise to Your Honour and Members of the Senate for detaining them. We are now ready to proceed

and I am asking leave for Senator Lewis to take charge of the Resolution in connection with the land acquisition in St. Peter.

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION BY THE CROWN OF A PARCEL OF LAND SITUATE AT BATTALEYS, ST. PETER

Order No. 2 was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Battaleys, St. Peter for the construction of the new Speightstown Primary School.

SENATOR THE HON. L. V. H. LEWIS: Mr. President this Resolution is for the compulsory acquisition of a parcel of land measuring 8 588 square metres or thereabouts, lands abutting and bounding on Battaleys Plantation, lands of the National Housing Corporation and a roadway and other lands of the National Housing Corporation.

This land in St. Peter is being acquired for the construction of the new Speightstown Primary School. This school was one of the projects agreed to as part of the second World Bank education project and the dealings for the land have been going on before 1986, some time in 1985; and indeed as early as January 1986 a decision had been taken to acquire the land.

The school to be constructed represents continuation of the programme of merging of the primary schools which had in the past been sited in locations where there was no opportunity for any sort of playing field attached to them. In addition, the rationalisation of the actual numbers at the schools suggested that it would be wise to amalgamate the schools.

So this Resolution is presented to the Senate in pursuance of that earlier decision to acquire the land. In fact, not only has action been continuing but the ground breaking ceremony was held in September of 1988. The Resolution is now being pursued in order that the Crown may obtain an indefeasible title to the parcel of land.

I beg to move that this Resolution do now pass.

SENATOR B. A. MILLER: Mr. President, Sir, this is an occasion when I am pleased to second and support this Resolution.

As Senator Lewis has said, this is one of the schools in the second World Bank education training project. This site was very carefully chosen – lands at Battaleys to house the new primary school which services Speightstown and its environs. The decision to amalgamate was part of a general policy of the Barbados Labour Party at that time towards co-education. We were careful in the selection of the site to be sure that at last the pupils who attend the Speightstown Schools would finally have a school that was not abutting and bounding literally on to a busy street and highway. For the first time, they were going to have, as Senator Lewis carefully pointed out, a proper playing field and other such facilities which they had never been able to enjoy since almost from their inception. The Speightstown Schools, both of them were huddled into the centre of the busy town which Speightstown was and is again today.

So I am very pleased that at last the school can be underway so that the future students can have an environment which will encourage their mental and their physical stimulation. And we hope that we would see more rounded and perhaps better results from what will be a new school in and for Speightstown.

I am pleased to give my support to this, Sir.

The question that this Resolution do now pass was put and was resolved in the affirmative without division.

TENANTRIES FREEHOLD PURCHASE (AMENDMENT) BILL, 1988

Order No. 1 was called – To move the resumption of debate on the motion for the Second Reading of a Bill to amend the Tenantries Freehold Purchase Act, Cap. 239B.

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, it is clear that we are engaged upon a most important debate to which Senators have contributed on all sides some extremely valuable points which the Government would like to consider without prejudice to how Senators may wish to vote when the matter is being concluded or when voting time comes.

But we do want to pay some attention and to scrutinise with some thoroughness what has been said to us on both sides, and therefore I do not propose to proceed to much more debate on this matter today, except to help the course of the debate and more clarity of understanding outside of this Chamber on one or two points which have been raised so far to which I could perhaps make some interim response.

Sir, arising out of contributions made to this debate by two Senators, there would appear to have been a misunderstanding of the draft and purport of the arguments they provided both in the newspapers and elsewhere, but particularly in the newspaper, the daily newspaper. I

believe it was *The Advocate* of January 12, in what purports to be a report of the previous day's debate.
12. 00 noon.

The report under caption had said that "Two said there is no need for Act", and it stated that Independent Senators Canon Ivor Jones and Leonard Shorey said that the Town and Country Planning Act provides all the ideals for which this controversial piece of legislation is intended.

While it is true that this is generally the sense in which the Honourable Senators spoke, they spoke rather more than that. They tried to give a broader treatment in the debate to the matter which was before them and I think that perhaps because a fuller report of their speeches did not reach the media there may be some confusion in the public's mind.

If I may say, therefore, and make a few comments on it, I would like to say this. I am advised that the Town and Country Planning Act does not provide any machinery for compelling landlords to sell tenantry lands to tenants nor does it provide powers for the acquisition of tenantry lands by Government or any other authority for developmental purposes.

The Tenantries Freehold Purchase Act of 1980 provides but only in certain circumstances the machinery for compelling landlords to sell tenantry lands to tenants. The land acquisition of private land by Government could be used for public purposes. The comment, therefore, which was attributed to Senator Jones that Government tended to abrogate the Constitution and violates fundamental rights and privileges of people is much nearer the mark and probably to the gravamen of what we are debating. In fact, that same point has been made by the previous Government who realised this and therefore had sought to use a device which they described, so my understanding goes, as a non-textual amendment to the Constitution to achieve the objective of guarding against unconstitutionality. This device is contained in Section 36 which says: "To prevent uncertainty, Section 16 of the Constitution is altered by this Act to any extent necessary to ensure the constitutionality of this Act."

Whether or not this was an effective way of modifying Section 16 of the Constitution which precludes against the deprivation of property without adequate compensation was not I think or perhaps was never definitively settled. Although questions were raised about its propriety, the issue so far as I know has never been litigated in court and there is no decision from the highest court of appeal on the issue.

I would, therefore, think that this issue needs to be tested in the courts and, of course, for that one would need a willing party who is prepared and able to go all the way to the highest court in the land.

Let me, however, pause here to say this. I did take seriously the comment from the 2 Senators about the necessity to try out all of the resources of the Town and Country Planning Act. It would be a good point if in fact it can be done that way. I am not certain that it can. But in any case since their objection to this amending Bill is that the original Bill ought not to have been passed, then I would suppose that any measure coming before Parliament which attempts to make the original Act a better one or a less abrasive one should be welcomed. I could not therefore see the logic of their contention. If a child has got colic from eating green golden apples and is in great pain and you have some magnesia to hand, it seems to me a very peculiar argument to say that I am not going to help you ease the colic because you should not have eaten the apples in the first place. This is the kind of way that I see the argument. I may, of course, not be as fair to them as I should be but this is how I see it.

So that what I want to say to continue, is that in the absence of legal challenge to the efficacy of Section 36 of the present Act, we think that the best approach to this matter if we are to do any good at all would be the pragmatic approach to deal with what exist and not what should be. So that when we accept the text on face value and when we assume that the so called non-textual amendment is effective, it would create property rights in favour of tenants. It seems to us that once these rights have been effectively created they cannot now be taken away nor can the landlord's right to own and enjoy and use this property as he wishes be restored, except by payment of adequate compensation to the tenants for loss of that right to purchase, or, indeed, by a provision in the Act that would guard against unconstitutionally depriving tenants of their newly acquired rights in property.

I am also advised that an unusual feature of the 1980 Act is that the constitutional changes which it purports to have rob itself if effective, would have thereby created constitutional rights in favour of tenants which are themselves protected against infringement except within, and what is permitted by, the Constitution. Therefore, in this 1989 amending Bill we have, I think, included provisions for compensating tenants for the loss of their right to purchase that the 1980 Act appears to have given them, and provides for aggrieved parties to apply to the courts. I may also make this comment that the section in the 1989 amending Bill relating to modification of the Constitution which has excited Senator Shorey's concern has been put in out of an abundance of caution as a pragmatic way of dealing with the problem created by the same 1980 Act which conferred on tenants the rights to purchase the freehold of the tenantry lands which they occupy.

So Sir, if what is called the non-textual device in the 1980 Act, if that had the effect of effectively modifying the Constitution so as to confer rights on tenants,

then the same device used in 1989 would have the effect of ensuring the reversal of the rights conferred in 1980. So that if you argue that way then if the device of 1980 was ineffectual, then obviously so would be the one of 1989. But the only purpose of 1989 device is to counter where possible the effect of the failings of the 1980 Act. It is probably not a perfect way of dealing with the problem but it is a practical and pragmatic way of doing so. Now you may ask at this point if this is what you are saying, why don't we repeal the 1980 Act and be done with it? Well, the answer to this is quite simple. There is never, at least in my experience, an Act passed by Parliament which does not achieve some good to greater or lesser degree.
12:10 p.m.

I am advised by my colleagues who were members of the Other Place when the 1980 Bill was going through its stages that they accepted a considerable portion of it, had reservations about one or two points which dealt with the constitutionality of property rights and so on, but did not feel it necessary to make a stand against the Bill lock, stock and barrel.

There is a consistency here now in what the Government is doing. It is trying to look at what it perceives as the inferences or the disquieting aspects of the present law and it is taking a pragmatic approach to those aspects of it by this amending Bill.

Another argument being advanced by spokesmen in the House of Assembly during the debate on the Bill was put forward in another section of the Press in an editorial carried on January 4, and the same point was taken up again during debate in this Senate. That point is that provision of Section 22 of the 1980 Act could be used to achieve all those ameliorating objectives which we are seeking.

It has been pointed out to me that Section 22 of the Act reads as follows, – I have not myself seen it, I did not have time to, but that is what I understand, 22(1) says:

> "The right of a qualified tenant to purchase the freehold of a lot may not be exercised by him when the Chief Town Planner certifies, on the application of the landlord of the tenantry or the Minister, that the lot is unsuitable for purchase because of its location in relation to other lots or for any other reason."

Subsection (2) reads:

> "The right of a qualified tenant to purchase the freehold of a lot may not be exercised by him if the Minister, by notice published once in the *Official Gazette* and once, on a weekday, in each of the newspapers published in Barbados, declares that the lot or the tenantry in which the lot is situated is required for public purposes by the Crown or a statutory board."

I do not know. I would understand this section to mean that the qualified tenant is denied the right to purchase if the Chief Town Planner on the landlord's application certifies that the lot is unsuitable for purchase because of its location in relation to other lots or for any other reason. Any other reason in this context, I am advised, can only relate to a town planning reason within the purview of the powers of the chief town planner under the Act which he has a power and a duty to administer. Such a reason, maybe for instance that the lot is too small, or that it is in a restricted water zone area.

Under subsection (2) of the law as it stands the tenant is denied the right to purchase if the Minister declares that the lot or the tenantry in which the lot is situated is required for public purposes by the Crown or a statutory board. I think therefore what we are trying to do in this amending Bill is to find easier and perhaps more pragmatic ways of allowing tenants and landlords their rights under the Constitution, but at the same time, since what we call landlords in this context are themselves small people, to allow them the free disposal or the free use of their properties within the law as is convenient in particular circumstances.

I therefore would like to give Senators a little more time to consider these very weighty problems and to, if they wish, bring to the notice of the Government helpful indications of what the present difficulties are, and suggestions as to how the purposes of this Act, and I want to stress this, the purposes and the intentions of this amending Act can be made better and more meaningful. We will be willing to discuss these matters and to give serious entertainment to suggestions arising therefrom.

But I want to make it clear that I give no undertaking other than that, because we believe that we have a mandate in this respect, but we also consider that in discussing matters which affect even small numbers of people, let alone large ones, the same forbearing attitude, the same carefulness, the same broad-mindedness ought to be brought to bear on those matters as would be the case in matters of larger concern.

So since I believe that Senators may wish to give a little more thought and attention to this Bill, I am therefore proposing again that further consideration be now postponed.

The question that further consideration of this Bill be now postponed was put to the Senate and agreed to, the Senate dividing as follows.

AYES: SENATOR M. DeL. JORDAN, SENATOR the HON. SIR JAMES TUDOR, SENATOR the HON.

L. V. H. LEWIS, SENATOR A. MORRISON, SENATOR N. W. BOXILL, SENATOR D. A. COMISSIONG, SENATOR Mrs. V. C. FRASER, SENATOR Mrs. G. L. EASTMOND, SENATOR A. J. N. PHILLIPS, SENATOR T. A. PRESCOD and SENATOR the HON. C. D. CLARKE – 11.

NOES: SENATOR Miss B. A. MILLER, SENATOR L. R. TULL, SENATOR J. C. W. WICKHAM, SENATOR the Rev. Canon I. McK. JONES, SENATOR L. A. WARD, SENATOR Mrs. P. Y. FORDE and SENATOR L. L. SHOREY – 7.

ABSTENTION: SENATOR C. A. BLACKMAN – 1.
12:20 p.m.

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, I think that we may have come to the end of today's sitting, but I should just like to say that three or four items of private Members' Business standing on the present agenda have been referred to the Attorney General who is giving attention to them because they are some legal and other implications which he has been asked to study. So I want to give the assurance that active consideration is being given to these items of Private Members' Business, and that we are hoping that by the time we are here again at least two of them will have come out of the bag.

COMMITTEE TO DRAFT ADDRESS TO HER MAJESTY THE QUEEN

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, before I move the adjournment, I want to draw to Your Honour's attention that the visit of Her Majesty the Queen in connection with the celebrations of the 350 Anniversary of this Parliament requires among other things that the Houses of Parliament each separately moves and passes in its own Chamber an Address to the Queen to which Her Majesty will be graciously pleased to make a reply on the occasion when she is sitting with Members of Parliament of which she is a Member.

It therefore requires with respect to this Chamber that a Select Committee to draft an Address to the Queen be appointed by this House, and I wish with Your Honour's permission to nominate the following Honourable Members:

Your Honour, as Chairman, and Members being Senator the Hon. C. D. Clarke, Senator A. Morrison, Senator Miss B. A. Miller, Senator J. C. W. Wickham, Senator C. A. Blackman and Senator the Hon. Sir James Tudor.

The customary processes of consultation have been done and I believe that there is unanimity in the House in respect of this selection. It only remains for Your Honour to say for yourself whether you are willing to chair the Committee and also perhaps to indicate which of the Clerks at the Table will service the Committee in the capacity of its Secretary, and I so beg to move.

The question that those Senators as named constitute the Committee to draft the Address to Her Majesty the Queen was put to the Senate and agreed to.

THE ADJOURNMENT

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, this brings us to the end of today's business.

I wish to thank Your Honour and through Your Honour I wish to thank Honourable Members for attending. I don't know how Honourable Members would feel about a *sine die* adjournment!

I beg to move that the Senate be adjourned *sine die.*

The question that the Senate adjourn sine die was put to the Senate and agreed to and Mr. President adjourned the Senate accordingly.
12:25 p.m.

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MILLER, SEN. B. A.
TUDOR, SEN. THE HON. Sir JAMES

THE

SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1986 – 91

SENATE

Wednesday, February 8, 1989

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

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 Honourable Sir James Tudor, K.C.M.G., (Minister of Foreign Affairs) (Leader of the Senate);
Senator the Honourable L. V. H. Lewis (Minister of State for the Civil Service);
Senator A. Morrison;
Senator N. W. Boxill;
Senator D. A. Comissiong;
Senator Mrs. V. C. Fraser, B.S.S., M.F.C.A., J.P.;
Senator Mrs. G. L. Eastmond;
Senator A. J. N. Phillips;
Senator T. A. Prescod;
Senator Miss B. A. Miller;
Senator L. R. Tull, Q.C.;
Senator J. C. W. Wickham, M.B.E.;
Senator the Reverend Canon I. McK. Jones;
Senator C. A. Blackman, Q.C.;
Senator Mrs. P. Y. Forde;
Senator J. S. Goddard;
Senator Dr. L. L. Shorey;
Senator the Honourable Dr. C. D. Clarke (Minister of State for Finance).

Prayers were led by Senator the Reverend Canon I. McK. Jones.

Mr. PRESIDENT: The Senate is in session.

ANNOUNCEMENTS BY HIS HONOUR THE PRESIDENT

Mr. PRESIDENT: I have received the Annual Report of the Ombudsman for Barbados for the year 1988.

PRESENTATION OF PAPERS

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

1. The Annual Report of the Caribbean Broadcasting Corporation for the year 1987.

2. The Civil Establishment (General) (Amendment) Order, 1989.

3. The Civil Establishment (Teachers) (Amendment) Order, 1989.

4. The Civil Establishment (Part-Time Officers) (Amendment) Order, 1989.

5. The Senate and the House of Assembly (Remuneration and Allowances of Members) Order, 1989.

6. The Ministers and Parliamentary Secretaries (Remuneration and Allowances) (Order, 1989.

PUBLIC BUSINESS

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, we do not propose to proceed with Public Business today. I understand that the other House wishes and has arranged to hold the continuation of its sitting which it began yesterday in its Chamber today, and in the light of that I think the Senate is in duty bound to surrender the Chamber to them at the earliest possible opportunity.

That being so, Sir, we do not propose to proceed with Public Business today.

SENATOR L. R. TULL: Mr. President, am I understanding the Leader of the Senate to be saying that there will be no Public Business today because we are being displaced by the other House?

Mr. PRESIDENT: That is what he said.

SENATOR THE HON. SIR JAMES TUDOR: No, Sir. He may have understood me to say that, but his understanding is somewhat hazy. I understand that a resumed session which had started yesterday of the House of Assembly will continue today in this Chamber as from 12.00. In the light of that we have to postpone or defer our own business until a more appropriate day, hopefully this very week. That is what I mean, Sir.

SENATOR L. R. TULL: Now, Mr. President, that I have understood clearly what the Leader of the Senate said, I must speak very straightforwardly in this matter. I think that this is a total contempt of this House. The date for this session was set some time before, and certainly the members of the Other Place must have known that the Senate was due to meet and work here today, and to treat us with that kind of disdain cannot pass without a comment from this side.

Certainly, Sir, if there is work to be continued by the House there was no reason why they could not meet tomorrow, because we are not meeting tomorrow.

Aside.

SENATOR L. R. TULL: Do not tell me about Cabinet, Cabinet could meet at night or meet on Friday or at any time.

Asides.

Mr. PRESIDENT: Order, please. The point has been raised. Stick to that. We will not have a debate on that. I am not going to have a debate on a matter like this. This is not a matter up for debate. A point has been raised which is not an item on the agenda for debate. This is not up for debate.

The question is that you have raised an objection to the point that the Leader of the Senate made, that the House, which has the right to sit here, will be meeting today and unfortunately this is the day they want to meet and the Senate will want to meet again. The Senate cannot meet in the same Chamber with the House at the same time.
11.25 a.m.

You cannot tell the Other Chamber how they are to meet. It is out of order to tell the other Chamber what they should do. They cannot tell us what we should do and we cannot tell them what they should do; so do not let us pass these remarks from one Chamber to another. It is out of order for any member of this Chamber to say what the House of Assembly should do. If the House passes that they are going to meet today, that is what the House has done. If you want to hold them up in contempt for that, you have to bring a substantive motion in here to that effect.

SENATOR L. R. TULL: Am I understanding Your Honour to be saying that I cannot speak to this motion?

Mr. PRESIDENT: I am saying that the remark you have made about the Other Place you cannot make because you have been informed that you cannot meet today because the House is meeting. Get it clear what I have said.

SENATOR L. R. TULL: I have heard Your Honour, but I also think I should be heard.

Mr. PRESIDENT: I have heard you.

SENATOR L. R. TULL: But I have not finished yet, Sir.

Mr. President, it is very important that debate on these matters be allowed to flow as naturally as they can. I do not know what Standing Order I am in breach of. I was summoned to a meeting of the Senate today and I am making the point that arrangements to stop the Senate from meeting today should not have been made. There are other ways in which these things could have been done, and it is my opinion, Your Honour, that this represents a contempt of the members of this Chamber. We cannot tell other people when to set their days of hearing or where to hold them, neither can they tell us when we should set ours and where they should be held, and I felt I had a duty to record that that is how I feel about the matter.

We are all busy people and have things to do and to be summoned to a meeting of the Senate and then when I get here hear that the other House is meeting and therefore we cannot continue with business is in my view behaviour that is most reprehensible.

SUSPENSION OF SITTING

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, I am going to suspend, but in doing so I just want to make a comment that this is probably a matter which could be dealt with by mutual forbearance and commonsense. I do not know if the Honourable Senator remembers that we have allowed the Other Place to use our Chamber when this was being repaired, and I do not know specifically if there has been an occasion when we had to use it and preempted it, but it is the sort of thing that could happen in this kind of situation, and I do not think we need to be so indignant about it, and I am sure that members of

the Other Place meant no discourtesy to members of this Senate, and I certainly do not feel that that has happened.

Sir, I am therefore moving that this sitting be suspended until Friday morning at 10 o'clock, and I would hope that whatever business we have to do we will conclude it on that day, and also, Sir, perhaps Your Honour might like to direct, if it is convenient to you, that a meeting of the Select Committee which is to prepare an Address to the Queen may wish some time during that day to meet. If Your Honour would summon the Members of that Committee perhaps at 9.30 a.m. in advance of the meeting of the full Senate, if it is convenient to you as Chairman, then perhaps Your Honour might so agree to direct and let that take place then before the full meeting of the Senate.

I beg to move that this sitting be suspended until Friday, 10th February, 1989 at 10.00 o'clock.

Mr. PRESIDENT: It has been suggested that the Committee selected to prepare the Address to Her Majesty the Queen meet on Friday morning perhaps at 9 o'clock or 9.30 prior to the meeting of the Senate at 10 o'clock. If this is agreeable to Honourable Members, I should like them to stand ready to so meet.

The question that the sitting be now suspended until 10.00 a.m. on Friday, 10th February, 1989, was put to the Senate and agreed to, and Mr. PRESIDENT suspended the sitting accordingly.
11.30 a.m.

RESUMPTION

Mr. DEPUTY PRESIDENT took the Chair.

Mr. DEPUTY PRESIDENT: The Senate is in session.

PRESENTATION OF PAPERS

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, I am commanded to lay the following:–

The Customs Prohibited Import Toy Gun Order 1989.

The Ombudsman (Salary) Order, 1989.

SUSPENSION OF STANDING ORDERS

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, I beg to move that Standing Order No. 45(2) be suspended for the remainder of this sitting.

The question that Standing Order No. 45(2) be suspended for the remainder of the sitting was put to the Senate and agreed to.

INTRODUCTION OF BILLS

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, I wish to give notice of the following:–

A Bill to amend the Judges Remuneration and Pensions Act.

A Resolution to approve the Order entitled the Ombudsman (Salary) Order, 1989.

Mr. DEPUTY PRESIDENT: Let it be recorded that the Bill was read a first time.

PUBLIC BUSINESS

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, notwithstanding the fact that we have a quorum, it seems to me that in as much as the President and others are presently doing business of the Senate in that subcommittee dealing with the Address to the Queen on the occasion of her visit that I would wish to move that this sitting be suspended for 15 minutes to give them time to complete their business.

The question that the sitting be suspended for 15 minutes was put to the Senate and agreed to.
10.20 a.m.

RESUMPTION OF SITTING

Mr. PRESIDENT resumed the Chair.

PRESENTATION OF PAPERS

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I am commanded to lay the Ombudsman (Salary) Order, 1989.

PUBLIC BUSINESS

ORDER NO. 3 – RESOLUTION TO APPROVE THE CIVIL ESTABLISHMENT (AMENDMENT) ORDER, 1989

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Civil Establishment Order before us represent the culmination of discussions which have taken place for more than six months between the representatives of the Government and representatives of the several unions and associations who represent public employees.

Some 30 meetings were held during that period and adjustments were made in respect of the submission by these various unions which, in the first place, sought to have Government respond to demands in excess of $400

million. That sum excludes amounts which may or may not have been paid to statutory bodies by way of grant.

After several meetings, agreement has been reached with the various associations and with unions, except for two unions who, in spite of clear indications from Government about its inability or ability to pay a substantial wages bill, held out until the eleventh hour.

The records of these various unions will show that ever since 1966 in the case of one of those unions there has never been any agreement with any Government negotiating team except for one occasion when that union was joined in negotiations with another union.

In the case of most of the other unions, there has from time to time been an inability for the unions to agree with Government's proposals. Nevertheless, on this occasion, there has been general agreement for a settlement on salaries on the basis of increases of 8.18% at the bottom to 5% at the top in the first year plus a 2% across the board payment for the second year.

The Government of Barbados has a responsibility to the people of this country and it has to determine to advise and come to Parliament to indicate on its ability to pay in terms of its responsibility for the leadership of this country.

It will be recalled that, ever since Independence, negotiations for salaries and wages have been conducted in the public sector through the process of collective bargaining. This is a consequence of the reform in 1964 of the Trade Union Act which permitted civil servants to belong to trade unions of their choice and although certain of these officers are not able to form unions, Police, Fire Service and more recently the Prison Services, they are all committed to submit their proposals to Government and to receive due consideration.

This most recent set of negotiations have been the ninth which have taken place since Independence.

There is a general pattern of increases which have been provided to civil servants down through the years and I believe that it is instructive to note that the increases which Government has come to Parliament with this year bear some relationship to the sort of increases which private sector organisations were able to negotiate with the various unions representing workers. So that the proposals of Government this year are clearly an indication of what the country is able to bear without finding itself in the difficulties in which Governments of neighbouring countries have found themselves.
10.40 a.m.

Now this pattern of growth in the Civil Service salaries has been reflected in a narrowing over the years of the differential between the top and the bottom of the structure. It represents a relativity in terms of disposable income of four to one bottom to the top as compared with ten to one some thirty years ago.

It is probably a tribute to the various Governments and the trade unions representing civil servants over the past twenty years that they have recognised this need for a levelling. So that when comments are made that the persons at the bottom tend to suffer more then those persons have obviously not been able to examine or understand that the gap between the so-called have-nots and the haves has been substantially lessened where the public servants are concerned. I am certain that if relativities in the private sector were examined, it would be discovered that the differential would be substantially greater.

The other thing which I would wish the Senate to take note of is that the wages bill of Government has been rising year after year. In terms of the total public purse, the wages bill is now so substantial that Government needs to stop and take a good look at where the country is going in terms of the cost of paying its public service. Because if the budget is to be kept within and under control, then it is necessary that not only the wages bill be kept under strict surveillance but in terms of the total expenditures of Government, but also the percentage paid for salaries needs to be kept within a certain measure of control.

Historical evidence will show that over the past two years, the cost of living increase has been cumulatively less than 6%. This moderate growth of the economy bears some relation to Government's attempt to settle the just claims of public officers for an increase in respect of the period 1988–1990.

I believe, Mr. President, that all members of the Senate would recognise that, in terms of Government's ability to meet these claims, the provisions now being sought represent a justifiable submission on what the country can best afford.

I beg to move that this Resolution relating to the Civil Establishment General (Amendment) Order be now passed.

Mr. PRESIDENT: The question is that this Resolution do now pass...

SENATOR Miss B. A. MILLER: Mr. President, I hear with great interest the words of introduction coming from Senator Lewis who is also the Minister of the Civil Service, among other things.

I do not think I need to labour the point that this legislation now before us has been the subject of much debate in another place and particularly so in public domain.

I as a taxpayer, as a member of the only genuine Opposition to the Government in Barbados....

Laughter.

SENATOR Miss B. A. MILLER:.....am deeply concerned about the way that events have unfolded.

The Prime Minister and Minister of Finance at an early date, the earliest possible date that he could use in the Manifesto of his Party, the Manifesto of 1986, made the point that his Government or what subsequently became his Government would strive to explore all of the negotiating options available when it came to the matter of salary negotiations. The Prime Minister and Minister of Finance reiterated all of this at an early time during the course of the last year when the salary negotiations had started. At a later time in the year when the negotiations, we understood, were much advanced, the same Prime Minister and Minister of Finance was heard to say in emphatic terms that he would never intervene.

We have a lot of difficulty in the Opposition with appreciating how genuine, how serious, how realistic the Prime Minister was in advocating what we viewed to be his right and indeed his duty at some point as Minister of Finance to intervene in the negotiations. How on the one hand do you say that you are going to explore and exhaust all possibilities, all possible avenues for negotiation and then on the other hand say that you as a prime actor in the whole thing, as the Minister of Finance, would not intervene?

We wonder, Sir, whether the Prime Minister and Minister of Finance took any advice from his Ministers. He has a Minister of Employment, more like a Minister of silence. A lot of people in this country do not remember that there is a creature in this country called the Minister of Employment. He has a Minister of the Civil Service. And whether or not it is the custom that these people are publicly consulted, one wonders whether he consulted with these Ministers in an effort, as he himself put it, to exploit all the possibilities for bringing salary negotiations to good and positive resolution.

I must tell you, Sir, that what the people are saying out there yesterday and I have heard it again this morning is that they do not understand, and I am talking about ordinary people, working people, working class people, the man in the street, however you may choose to term it, people are saying that the Prime Minister and Minister of Finance speaks with forked tongue when on Tuesday of this week he can get up in the Other Place and say that he did not have money to pay the civil servants all of what they were asking and then on the next day, Wednesday, in the same Other Place could get up and say that he could find money for salary increases for himself and for Parliamentarians.
10.50 a.m.

That is what you are hearing on the shop corners out there, in the supermarket out there, at the bus-stop out there, at the corner of the street out there. People have grabbed on to that, not that they are not discussing other aspects of this whole issue. Because you know, Sir, in Barbados we are dealing with perhaps some of the most if not the most politically aware people in the world. That is what people are saying. So do not let us fool ourselves that there is not any appreciation of the distinction between saying that you are going to exploit all possibilities of negotiations and then abdicating your right or absenting yourself from those negotiations in which you can probably and rightly have a role, or that they cannot distinguish between your saying on Tuesday that you do not have money to give the civil servants all that they asked for and you are talking about another $3 million in the context of $40 million. Then the next day you say that you could find money to pay yourself and your Cabinet and other parliamentarians substantial increases.

Parliamentary salaries, Sir, are always a highly emotive issue. At a time when the Barbados Labour Party was the Government of this country or was managing the affairs of this country we felt that a formula or mechanism of some kind had to be found or devised in order to take this vexed and I just said highly emotive question of parliamentarians negotiating their own salaries out of their hands – a very vexed question. Of course, we know, Sir, that it will not be possible to entirely remove the question of parliamentarians negotiating their own salary increases out of their own hands because in the end it has to come to Parliament and they themselves have to vote it. That brings us in here today as part of that process. But it was thought at the time that at least we could take partially the move. Let me put it that way – that we could partially remove parliamentarians from the business of negotiating their own salary increases by linking parliamentary salary increases to Civil Service salary increases and that is where we are at today, and that is why the parliamentary salary increases come before us in the way that they come before us today.

Yet at the same time, Sir, we have to recognise that parliamentarians, or at least Cabinet Ministers, are at a bit of a disadvantage. When I say a bit of, I am really understating the latter, gravely understating it. They are hybrid creatures, the Cabinet Ministers. They are neither civil servants nor self-employed people and yet sometimes they are made to behave like one and sometimes they are made to behave like the other, and sometimes at one and the same time they are regarded as both things. For instance, Cabinet Ministers are not creatures of the Constitution in the way that the Leader of the Opposition is or in the way that the Attorney General is, although he too is a Cabinet Minister. But Cabinet Ministers are not properly speaking treated as civil servants although they are paid from the Consolidated Fund. Cabinet Ministers are expected to pay

their National Insurance Contributions as self-employed persons which we all did in my time and I believe they are all doing today. I hope for their sakes that they are.

Asides.

SENATOR Miss B. A. MILLER: Well, some are drawing other benefits. Some are entitled to draw other benefits under the National Insurance Scheme. But Cabinet Ministers who are not pensioners are treated as self-employed persons in respect of the National Insurance Scheme and yet they will discover when their turn comes and when their time comes as ours did that they are not going to be entitled to unemployment benefit under the said scheme to which they contribute. Oh yes, you are going to discover that in due course – sometimes sooner, sometimes later.

Laughter.

SENATOR Miss B. A. MILLER: But at the same time, Sir, like civil servants, they are paid from the Consolidated Fund. So they are neither as we say in Barbados – fish, fowl, or well you do not get good red-herring nowadays, mediocre red-herring.

So the attempt to link salaries of parliamentarians to those of civil servants was an attempt, not an entirely successful one, but the best that seemed to be available to us as an alternative at the time was somehow to create an environment that would be less emotive when this whole business of salaries of parliamentarians would arise.

It is my view, Mr. President, Sir, that a methodology more acceptable to all still has to be found in addressing this matter not only of parliamentary salaries but of Civil Service salaries altogether. The mechanism is clearly lugubrious. It is clearly unsatisfactory when you look at the number of times that salaries in the end have to be legislated without negotiations having been concluded, Because, as the Prime Minister obviously points out, in the end all salaries have to be legislated. We distinguish between those which are legislated without negotiations having been closed or resolved and those having been legislated in the opposite situation where negotiations have been amicably resolved. But some formula or methodology still yet has to be devised in respect of both parliamentarians and civil servants, because in my view I do not know that it can go on like this. I have never been a party to these negotiations or negotiations like these, so I am not entirely sure of all the matters which are canvassed in the negotiations. I have an idea, as you must have heard, and we all must have our own individual ideas of what is said and what is debated when these negotiations go on. But I also have an idea, Sir, of some of the things that are not, and I am fairly sure not, debated when these negotiations go on.

I have a healthy suspicion, Sir, that there is no reference to productivity when salary negotiations are on the way, however many meetings, 30 something or 40 something or 130 something. I have a deep suspicion that there is no real or proper discussion about productivity and there is another serious reservation that I have too, Sir.....a very serious reservation. It has to do with the attitude of the unions. I do not believe that the unions, none of them, in this country – I am sorry in this context, Sir, that I have to point out to the President of the Senate....

Asides.

11.00 a.m.

Mr. PRESIDENT: It has nothing to do with what you are saying about the Unions. You are free to speak. Do not utilise the President's name in the debate.

SENATOR Miss B. A. MILLER: I am addressing you, Mr. President.

Mr. PRESIDENT: I am only telling you, do not bring the President into the debate in the argument you are using.

SENATOR Miss B. A. MILLER: No, I am not, Sir. I am addressing you, Mr. President. It will be necessary for me to criticise the General Secretary of the Barbados Workers' Union, as I will criticise the General Secretary of the National Union of Public Workers, and the Barbados Union of Teachers, and the Barbados Secondary Teachers' Union and all the Unions in Barbados and say they are not interested nor caring for the unemployed of this country. By extension, neither does the Government of this country seem to care for the unemployed.

The unemployed is a term that is bandied about, but when we talk about the unemployed, Sir, we are talking about 20% of the work force of this country, one-fifth, which cannot be overlooked, cannot be ignored in the way that I do not care how many, how great a number of Unions, will sit down to negotiate. I do not believe that there is any reference to the unemployed any more than there is any reference to productivity in salary negotiations, and in my view these are singular, each a single omission.

I believe, Sir, that in these negotiations not a word is ever said about time sharing. I do not believe that a word is ever said about worker participation. Worker participation is a principle, and I cannot put it any higher than that or make it any larger than that, to which the Unions, all of them, in this country give only lip service because they fear for an erosion of their influence and their power, and when you hear Union Leaders talking about that, in my view they too are speaking with forked tongue.

Now, it is not only salary negotiations that I want to make reference to this morning, Sir. There is the process of the regrading of salaries. I would like to hope, since that is

still outstanding and since it is a promise made by the Government that it will regrade Civil Service salaries, which I have every reason to believe, when I listen to the Prime Minister and Minister of Finance, the Government will honour the promise to regrade salaries, I would like to think that these many considerations, and there are many more than those which I have mentioned this morning, will be entertained by the negotiating parties. I would like to think that productivity would be a matter on the agenda.

I would like to think that the unemployed and the whole question of unemployment and whatever employment is available in the Civil Service might be shared to ameliorate the condition of the unemployed. I would like to think, Sir, that these issues – and we had better believe that these issues are critical in the estimation of the people out there, particularly the 20% of the work force that is unemployed today – and we are coming toward the end soon, in a matter of weeks we will be toward the end of the tourist season, the crop season, the school leavers will be coming out, so the unemployed may well be more than 20%, and I bear in mind that in most of the major productive sectors of Barbados employment is seasonal.

This is not a matter now of taking sides. The only side that we can be on, that I am on this morning is the side of people who work, people who want to work, people who are qualified to work, people who want to become qualified so that they can find work in this country. We are not a nation of indolents.

I cannot, Mr. President, support the Government in this matter. It is not possible, because I am of the view, as is the Barbados Labour Party, I, as a member of it, as a representative of it in here, am of the view that all avenues for negotiations have not been exhausted as promised. I am of the view also that the gap is so narrow, that is the gap between the Civil Service demands and the Government's preparedness to pay, in the context of over $40 million, that money is available to pay.

I cannot support these measures because also in my view the Government has settled with those Unions who represent a minority of public workers. I am forced to ask the question. Is this a democratic process? Have we arrived now in Barbados at a point where the few can dictate the increases for the many? The Government has settled with the Barbados Workers' Union which represents no more than 12% of public workers. It has settled with the Barbados Secondary Teachers' Union which also represents a minority of the teachers in this country. The Barbados Union of Teachers represents the vast majority of teachers. The National Union of Public Workers represents the vast majority of public workers. How democratic is it in 1989 when, as I put it, the few can dictate for the many?

I know that there are times in a democracy, Sir, when the views of the minority must be heard, but I would submit that this is not one of those times and that the nature of the bargaining process precludes this kind of settlement. It is my view that the Prime Minister and Minister of Finance, having decided, against his earlier promise, to legislate Civil Service salary increases without negotiations having been concluded between the Government and the Civil Service and the various Unions, he has broken his promise in that respect, nobody can contradict that. Excuses may be made, reasons may be given as to why, rationals may be found as to why, but he gave a promise and he broke it. We know that salaries all have to be legislated in the end. I have made that point already, the Prime Minister has made it, everybody knows that. You do not have to be a Solomon to know that. Nobody can pay it until it passes through the Parliament, but the Prime Minister and his party gave a promise that they would exhaust and exploit all the possibilities of negotiation. In my view they have not, but it is also my view that the Prime Minister and Minister of Finance is not finished with this matter, the legislating of salaries is only the beginning.

11.10 a.m.

The legislating of salaries is only the beginning because, Sir, the Prime Minister and Minister of Finance must now address other questions which impact upon these salaries which are to be legislated. The Prime Minister and Minister of Finance has to address the matter of how rising inflation in Barbados is going to impact on these salaries, and do not let us be in any doubt about rising inflation. It is rising slowly but consistently.

I see Senator Clarke writing. He should have done that homework before he came in here because he knows that inflation is something that I always advert to, and whether I am in here or not I am going to continue to advert to it. It is the price that conservative Governments pay in the 1980s and I believe will continue to pay in the 90s for conservative policies, especially conservative economic policies. They pay the price in terms of unemployment and they pay the price in terms of rising inflation. In a developing country there is a third price, social unrest, and we are going to wake up one of these mornings if this Government continues on the way that it is going, and it does not matter to me whether it is part of 1986 July or April 1987 or of April 1988, because we now have two Democratic Labour Parties in Barbados subscribing and laying claim to the same manifesto. Something called the National Democratic Party and the Democratic Labour Party are both laying claim to this manifesto and to the policy that is in it. They are only quarrelling about the style of execution of the policy, and that is why I said at the beginning that I am representative of the only genuine and real Opposition to the Government's policy in here.

In developing countries like ours, for economic policies such as Government now pursues and started to pursue from June 1986 and still pursues today, whoever is the Minister of Finance or whoever is the Prime Minister or

whoever is not, we are going to pay the price and we are beginning to pay the price in rising inflation. We are going to wake up one morning and find it in double figures and wonder how it happened. I cannot remember the last day or year in Barbados when inflation was in double figures and we are going to wake up and find it so one of these mornings. We are going to pay the price in rising unemployment, and I do not have to predict that. That of rising inflation is a fact of economic life in Barbados today, and eventually as we have seen right here in the Caribbean, I do not have to go outside this region to draw an illustration, and I would not be invidious to name countries, we will see that part of the price that we pay too is social unrest. We are seeing the beginning of it in Barbados today.

Sir, for the first time in many years now we see demonstrations as we saw during the course of these salary negotiations. Industrial disputes we are accustomed to, but now we see major and critically important sectors of the civil service rising in demonstration and dispute. It happened in our time, but that in my view was political. That was not industrial action. What we saw in 1976 every Thursday during the month of April, every Thursday during the month of March of 1986 that the Cabinet met, every Thursday morning they would come down there by Government Headquarters in Bay Street and form fours and demonstrate. That was a political demonstration which ultimately found its expression in the ballot box on 28th May, 1986. Now we pay the price.

Now in all these negotiations, these 31 meetings, this dissatisfaction, not one of them found their way up to Bay Street Thursday morning, Tuesday, Friday or any other kind of morning to demonstrate. That is why I distinguish clearly and say that they were political demonstrations, but in 1988 we saw many more than we have seen in many, many years. We saw several industrial demonstrations or demonstrations fuelled by industrial dispute, and there is going to be more of them. We see it in Trinidad everyday. Perhaps the journalists of this country do not think it important enough to report on a regular and daily basis what is going on in our neighbouring countries in the Caribbean. You get a general election in Jamaica and people fly down there and so on. Why don't they fly down to Trinidad and see every day that civil servants are demonstrating in the streets outside the Red House? These are the parallels that need to be drawn. We do not have to worry about who is killing whom in the rice paddy and canefield.

Mr. PRESIDENT: I think you are straying.

SENATOR Miss B. A. MILLER: Another matter which in my view the Prime Minister and Minister of Finance must address in consequence of what is taking place in here today is not only rising inflation, because we know that, Senator Lewis used the word "relativity", there is a lot of relativity between the inflation factor and salaries, but he has to consider how these salaries will be impacted upon by the consumption taxes, many of which were rained down on our heads in April, 1987, although Dr. Haynes does not like to remember that. Many more were rained down on our heads in April 1988, and I have no doubt that in April 1989, if we have a budget, that many more will be rained down on our heads.

The Minister of Finance must be deeply concerned that he must, we demand that he address the way in which his future taxation policies will impact upon these salaries which are being legislated.

He must also consider too in my view, Mr. President, how employment, depending on who you are, or unemployment also depending on who you are will impact upon these salaries, because, don't fool ourselves, do not let us be in any doubt about it, the unemployed have to eat; somebody has to feed them. The unemployed have to sleep under a roof whether it is a mortgaged one or a rented one; they have to sleep under a roof. We are all distressed at the recent number of people that we see sleeping at the side of the road, not under any kind of roof. We begin to be disturbed in this country at the number of people who are scavenging on the garbage heaps and in the garbage cans. But the majority of the unemployed, if not all of them, are looking to sleep under a roof, are looking to eat at least one hot meal a day, are looking to wear clothes, and so when I say that the Minister of Finance and the Prime Minister and the Government still have to address the question of how unemployment, if you are one of the unemployed, or employment if you are one of the employed, will impact on salary increases, because those of us who are employed have to try and help to carry the unemployed. It will mean more mouths to feed in a particular house, another bed sometimes in a particular household where jobs are not increasing, but in some instances are decreasing. How far will the salary stretch? That is what I mean about impact, and as I have said already and it bears repetition, we have to determine that the unions do not care about the unemployed. They never have. They are preoccupied with their membership, in other words, the employed.
11.20 a.m.

I can understand that but it is time that workers unions in the developing world learn that they cannot ape mindlessly the strategies of workers unions in the developed world. In the developed world there are mechanisms, there are institutions, etc. which cater to the unemployed. That is not true in the developing world.

Even the Unemployment Benefit within the National Insurance Scheme in Barbados was criticised by that Government, today's Government. Even that was criticised and that is one of the mechanisms that we use to cushion, not the pinch, not the squeeze but the hoist of unemployment but we do not have those built-in mechanisms in the developing world.

We certainly do not have them in Barbados to the extent that the unions and the Government and the Opposition too, the real and genuine Opposition, could feel that the unemployed are to be ignored, that they are a fact of life and that it is just a statistic. It is only a figure that either goes up or comes down or refuses to budge.

The unemployment represents, as I said, 20% of the workforce of this country, the people, not things. It is not 20% of trucks, or lorries, or buses in the Transport Board. It is people like you and me who can find themselves unemployed any moment and those of us who are employed better not take any large comfort from the fact that we are employed today. Tomorrow we can be unemployed but the unemployed in Barbados do not seem to feel the converse. They do not seem to feel, well, I am unemployed today but tomorrow I can be employed.

There is a lot of rhetoric, Mr. President, Sir, in the country coming from certain quarters which talks about the masses, and the poor people but it is only rhetoric, cheap talk and too much of it coming from the mouths of politicians but what do we do?

One of the deepest, if not the deepest issue lying immediately under the skin of this legislation that is before the Senate today is that it makes a statement not so much about the Civil Service, or the Government, or the unions, but it makes a statement about how we all behave in respect of the unemployed.

Unemployment and the unemployed is the unspoken issue buried deep in this salaries legislation because they cannot aspire to one cent of this $40 million and more dollars. They are excluded. In the words of a particular Barbadian, "it is not for them" and the cruelty of it too is that they know it. They are not in any doubt. They are not under any illusion out there that it does not concern them.

Mr. PRESIDENT: I have heard you long on that, Senator Miller. I will advise you to get to the Resolution.

SENATOR Miss B. A. MILLER: But this is the Resolution. That is the essence of what I am saying, Sir.

Mr. PRESIDENT: But as unemployment is something specific in our legislation that we have dealt with and it is not now an item that you are dealing with, do not worry to spend the whole afternoon on unemployment. If for any reason you have finished with the points you are making on the Resolution before you let me know but get back to the Resolution, please. The Resolution is before you, please.

SENATOR Miss B. A. MILLER: Yes, the Resolution is before us.

Mr. PRESIDENT: Do not go all over the sun on any aspect you can find in the Resolution.

SENATOR Miss B. A. MILLER: If I have to submit to your ruling, Sir, and I must, then I must come to the end of my contribution because the essence of what I am saying is that the hidden agenda, if you want to call it that, because the real issue that we are debating in here is not salaries.....

Mr. PRESIDENT: We do not have hidden agendas in this assembly. We have agendas that all the members....

SENATOR Miss B. A. MILLER: But I am contending that there is.

Mr. PRESIDENT: There is no hidden agenda.

SENATOR Miss B. A. MILLER: I am contending that all of what we are talking about salaries and salary increases and salary negotiations is hot air gone under the bridge, cold water gone under the bridge that what we ought to be talking about in here and what is endemic in this, and implicit in this has to do with the people who do not get any of the salaries. That is what we should be talking about and if you, and you are entitled to your ruling, Sir, rule that I may not discuss this matter then I will have to take my seat.

Mr. PRESIDENT: I do not see the need to talk on unemployment. If you want to take your seat you may.

SENATOR Miss B. A. MILLER: Yes, I will take my seat because I have said all that I wish to say about salary negotiations, salary legislation and so on and so forth.

Mr. PRESIDENT: I am aware of that.

SENATOR Miss B. A. MILLER: I have not said all that I want to say about unemployment and the unemployed but I will take my seat and I thank you, Sir.

Mr. PRESIDENT: Thank you.

SENATOR Dr. L. L. SHOREY: Mr. President, the motion before us deals essentially with the matter of increasing remuneration to persons employed in the Public Service of our country. There are a few aspects of this whole matter which are of particular concern to me and about which I have very serious reservations.

Like Senator Miller before me, I am not persuaded that Government did, in fact, examine and exhaust all possibilities and options. When we move on to one or the other territories, there are two further comments I should wish to make in respect of that statement.

I am particularly worried by what appeared to be the implications of the whole state of circumstances that have evolved around this issue. As in money matters, there is no doubt that different people will draw different conclusions, Mr. President, but I think that there are certain things that

can be termed statements of fact. Those include the situation in which the Government settled with the Barbados Workers Union which represents what I would call a small minority of employees in the Public Service of the country.

Another of the facts is that Government found it, in its view, impossible to find the means of settling with other unions which represent a very large majority.
11.30 a.m.

It is very difficult not to believe, not to conclude and I have certainly heard this view expressed by more than one citizen of the country, that the agreement with the union representing a small minority was in fact used as a means of attempting to pressure unions representing large majorities into accepting the level of agreement which the other unions had accepted. It is very difficult, if not impossible, to adduce proof that this is so. I can only say that when one looks at the facts of the case, it is very difficult not to draw that kind of conclusion and this is one of the things that concerns me very greatly. Because I do not think, it does not seem reasonable that action of this sort by Government should have been taken in the circumstances.

There is another matter which I should like to touch on in my brief comments this morning and that is that while I do not at all question the desirability of providing what one might call good salaries for Members of Parliament, Ministers included, and while I am quite aware that there is something of a case to be made for seeking to establish perhaps some reasonable relationship between Ministers of the Crown and the senior officials in the Public Service, I find it more than passing strange that Government can on the one hand turn to a large group of employees and say, we cannot go any further along the line with you in terms of your request, but can at one and the same time decide to increase the salaries of its own Members. This to me smacks of inconsistency and I feel that it is one of the things I must comment on.

Before I left home this morning, Mr. President, I received a call as I occasionally do, and what the caller said was much the same thing, words to the effect that I see that Government is now increasing salaries for Ministers. How come they could not do more about what the unions were asking?

I believe that it is one of the matters which still deserve consideration. I happen to have been in this very room when discussions were going on in the Other Place and I would have to say that, though I do not share necessarily a lot of the views of one of the speakers, certainly on this point, I thought that one of the persons in the Opposition made a very valid point, and I would wish to repeat what I understood the person to be saying in my own phrasing, that he would wish, he was of a view already expressed this morning by a previous speaker on this matter, that the difference between what was being requested and what was being proposed was a relatively small one, given the total quantum of what was involved and that Government should be encouraged to re-examine its position with a view to meeting what was proposed. I can only say, Mr. President, that that seems to me an eminently reasonable proposal, and I would wish to recommend such a course of action to the Government.

I cannot, in the light of what I have said, support the Resolution.

SENATOR N. W. BOXILL: Mr. President, Sir, I rise to support the Resolution. But before I conclude what I have to say I should like to start by saying I am really appalled at some of the arrant nonsense that I have just heard coming from the other side. I should also like to say that Senator Miller today was far from being at her best. She was really rambling and I was saying if we were in the Other Place, years ago, I should have asked you to move that the question be put because she was repeating herself when you stopped her. You were correct because she was running out of what really to say.

But getting down to the Resolution before us, Sir, let me start by saying Senator Miller said that the Prime Minister spoke with forked tongue or whatever it is she said, that he said one thing in the Manifesto and he has come back and done something that he said he would not do, that is about legislating salaries. Senator Miller either did not read, and before I go on let me say this to Senator Miller, people who have elephantiasis, that is what we call big feet, should not walk about in mini skirts because people would laugh at them, Senator Miller apparently did not read her own Manifesto in 1976 because in the Manifesto of 1976 of the Barbados Labour Party it was specifically stated that they would never ever legislate salaries and this is exactly what they did in less meetings, far less meetings and the workers were asking for far less than they had asked the Democratic Labour Party prior to 1976.

When the Barbados Labour Party was in power, they had a few meetings and without hesitation the Prime Minister brought the salaries to be legislated and legislated the salaries. Do not tell me that somebody cannot make a statement and then withdraw it. Do not tell me about any forked tongue. You stop talking about speaking with forked tongue. There is nobody who spoke with more forked tongue than the Members of the Barbados Labour Party.

But let us get down now to some basics. They had 31 meetings. The Barbados Labour Party is good at always trying to create disturbances. If you remember, Sir, and let me digress here a little bit, not too far, Sir.

Mr. PRESIDENT: Not too far.

SENATOR N. W. BOXILL: Not too far, Sir.

Mr. PRESIDENT: I do not want you to digress.

SENATOR N. W. BOXILL: With the Independence we had in 1966 they ran up a hill and down a ditch. They did not want Independence for Barbados. They were having meetings from 1962. I do not know how many more meetings they expected to have. The Prime Minister was exhausted.
11.40 a.m.

Mr. PRESIDENT: That point is made.

SENATOR N. W. BOXILL: Right Sir...getting down now to basics. They had 39 meetings with the union, 5 with BUT, 5 BSTU, 5 BWU, 8 NUPW, 4 Fire Service, 2 Head Teachers, 1 Police and 1 Prisons. Of these 31 meetings, Mr. President, BSTU agreed, Barbados Workers Union agreed, Fire Service agreed, Head Teachers agreed, Police agreed, and Prisons agreed. The NUPW – the Honourable Members on the other side should do their homework before they come in here and try to mislead people – had agreed and I am making this statement boldly and categorically but they got a telephone call about 1 o'clock in the night or morning...

Asides.

Mr. PRESIDENT: Senator Miller, do you believe you are in order?

Laughter.

SENATOR N. W. BOXILL:.....telling certain people to hold out a little longer. These people had agreed. Do you know what was the disagreement? When I hear Honourable Members on the other side talk about it was so close, they could have come today. Because the other unions agreed they wanted to make it look as though they have better negotiators than the Barbados Workers Union or any of the other unions. So they must hold out a little longer for a half pint more, not even a half point but half pint. That is all they were holding out for. So as a result this is why in any case we would have to come here to legislate the salaries whether they had agreed or not.

But the point I am trying to make is that the Honourable Members who spoke before me are trying to give the impression that the Government of the day is so hard-hearted and callous that they are going to legislate salaries in respect to what happened because of these people. But what the Honourable Member does not seem to realise is that of the so called 8,000 NUPW workers that they claim to have, they called a meeting one evening after 5 o'clock. When they call a meeting during Government's time, they can get all the workers to come out on Government time. They called a meeting one evening after 5 o'clock and less than 100 people came. These are facts that the Honourable Members on the opposite side should try to acquaint themselves with before they come in here and try to set up themselves as these sanctimonious people that they are.

Mr. President, Sir, let me say something for the benefit of the other side too because they do not do their homework. When they talk about the top and the bottom of the negotiations, the top is getting $272 more and the bottom is getting $75 more.

Asides.

SENATOR N. W. BOXILL: But listen to what is going to happen now. The top of that $272 has got to pay between $106 and $115 which is being deducted from out of the top. I have got my figures. I am different from you. The bottom now, Mr. President, who is getting $75 deductions are only carrying away out of their $75 between $2 and $3 out of $75. So you see it is less than $3.00 that they have to pay out. That is in National Insurance and maybe the barefoot tax that people talk about and that kind of thing. So you see the difference is this. But the point is that everybody in here should know and Senator Shorey is a teacher and he should know this. The BUT has never agreed to anything yet. If we had agreed to all they wanted, they would have come in here and say that they are not satisfied. They want something more. These are facts that people got to know in this society and what I want to say to the unions of this country, especially those unions – the day for confrontation has passed. These are days for negotiations. You put up your proposals and the Government put up theirs. That is for negotiations, but do not come up with this confrontation that you intend to confront somebody irrespective of what happened and that is all that they were trying to do.....confrontation. There is nothing wrong with somebody having a political view or belonging to a political party. That is their right, their democratic right. If you want to join a political party that is all right. But I know for a fact that one of these same negotiators who was formerly a member and joined the Democratic Labour Party in 1984, then he runs over now to join another party. So if another party comes up now which will be the sixth party, he will belong to that too. Well, you cannot confront a Government if you are a proper negotiator and when people are talking about the Barbados Workers Union is in cahoots with this Government, let me mention something here for the benefit of all.

The Barbados Workers Union came to an agreement because the Barbados Workers Union discovered, and it is being run by people with intelligence and integrity and people who have this country at heart.....the Barbados Workers Union does not want to see this country falling into the same category as countries like Guyana, Jamaica and Trinidad and I have been pointing out to people constantly. Jamaica has bauxite. Guyana has bauxite.

Trinidad has oil. They will come back. Barbados only got black people. Nobody wants them. It is about time that we get realistic. For a small country without any of these things, we should keep ourselves going in the way we are going. What these people want to bring us to now is just like these other countries. Well, that is what they are trying to do. Let me say something now for the benefit of the unions.

The Barbados Workers Union came to an agreement long ago because they saw what was happening. But is it right to say that they came to an agreement because they are in cahoots with this Government? Well then they came to an agreement with the Hotel Association. The BET, Barbados External Telecommunications the sugar industry, the provision merchants, BLP and I do not mean the Barbados Labour Party. I am talking about Barbados Light and Power – BL&P, UWI, now would you say the Government is in cahoots with all of these people? The Barbados Workers Union came to an agreement with these people and had a settlement. Can you say that because they had a settlement with these that they were in cahoots with these people? It is about time that people who are supposed to be responsible act responsibly and do not come in here and try to mislead people about what you could have had another day. We had 31 negotiations and I think they had a lot because if they were listening to me they would have gone down ever since. I knew from early that these people intended a confrontation. They did not intend for a negotiation. When everybody come to an agreement, and I said before and I am going to repeat it again, the NUPW had agreed. Then when you thought that everything was settled then they come back and talk about they want another meeting. Everybody wanted another meeting like a Pentecostal Church that they want to testify and thank God for saving their dear souls.

Asides.

Laughter.

SENATOR N. W. BOXILL: But we have got to be realistic and this is our country, and people have got to understand that when you dig pitfalls for other people, you have got to be careful that you do not fall into them yourselves. This is the problem that we are faced with. Here it is people who are outside of the country, and when I say outside of the country, outside of the Cabinet can start to say that you have got enough money that you can pay. So you have enough money that you can pay the civil servants. So what about your debt charges?
11.50 a.m.

What about your other charges you have to pay? What about the $94 million we have to look for to pay for the road that was just finished? What are we going to do? Pay the Civil Servants all the money and then have nothing to leave back? How are we ever going to get money to run the country? The next thing you would know is that this country would be far below the other countries I just called – Trinidad, Jamaica and Guyana – because of bad management.

Mr. President, Senator Miller said it was political. Yes, it is political. Sure, it is political. The whole gist of it is that they would like to make the leaders of this Government look ineffectual, look inept, as if they do not know what they are doing, but because of the steady progress, whether you like to accept it or not, that this country is making under the leadership of the new Prime Minister, it has all of them confounded, it has them befuddled. So they are going to do anything within their power to say I told you so, but nobody has any more legacy on this country than anybody else. Erskine Sandiford is the Prime Minister of this country and he is the Minister of Finance, and I guess he will be that until the people of Barbados decide otherwise, so do not let anybody get out there and mislead themselves.

I would like to say, before I close, Mr. President, I heard Senator Shorey and Senator Miller talking about Ministers legislating their own salaries. There are 12 Ministers and three Parliamentary Secretaries. Do you mean to tell me that you are going to compare the Ministers with the civil servants? Do you have 12 civil servants? Are there only 12 civil servants you are going to pay? This sounds as stupid as the argument I heard the Police were putting up one time about the Chief Justice having a big car. Do we have 800 Chief Justices here? There are 1200 policemen. Do we have 1200 Chief Justices?

Aside.

SENATOR N. W. BOXILL: The point I am making is that you said that the Ministers have no right – you did not exactly say that, you implied that – raising their salaries along with the civil servants' salaries.

SENATOR Miss B. A. MILLER: On a point of order, Sir. As usual, Senator Boxill is grossly misrepresenting what I said. I said that the Barbados Labour Party, in an effort to try partly to take out of the hands of parliamentarians the whole business of negotiating their own salaries, linked parliamentary salary increases to Civil Service increases. I never said or even suggested anything that he is suggesting now. If he wishes to suggest that, let him have the courage to say it in his own right.

SENATOR N. W. BOXILL: Are you making a statement again? You made a speech already. You did imply that, because Senator Shorey.....

SENATOR Miss B. A. MILLER: Oh, no, no. Please, Sir, on a point of order. He must not say that I implied it. I am a woman, plain spoken. I do not imply anything. If I have to say anything I say it.

SENATOR N. W. BOXILL: Is that a point of order? Who do you think you are in here?

Mr. PRESIDENT: Senator Boxill, you must take your seat.

Aside.

Mr. PRESIDENT: Do not say you are not sitting down.

SENATOR N. W. BOXILL: When you tell me to take my seat. She has no more say in here than I do.

SENATOR Miss B. A. MILLER: He just told you to take it.

SENATOR N. W. BOXILL: No, he did not tell me that. If the President tells me to sit down I will sit down. You sit down and know your place.

Mr. PRESIDENT: No, Senator, you will have to withdraw those remarks. You cannot be making those kinds of remarks loud enough that I can hear them. You make those remarks that I cannot hear.

SENATOR N. W. BOXILL: Yes, I withdraw those remarks, but that was *sotto voce*, that was not meant for your ears.

Mr. PRESIDENT: They must be low enough that I cannot hear them.

SENATOR N. W. BOXILL: All right. Senator Shorey said he had to agree. Do you want me to call back the reporters?

Mr. PRESIDENT: No, it does not call for all that.

SENATOR N. W. BOXILL: Senator Shorey said he had to agree with what Senator Miller said about the salaries.

Mr. PRESIDENT: But he did not quote anything. He said he agreed.

SENATOR N. W. BOXILL: He never really quotes anything. That is true. The point I was trying to make was that it was the Barbados Labour Party, and Senator Miller just got up and confirmed what I am saying, who had decided to put the salaries of parliamentarians on to the salaries of the civil servants. I am talking about the raise. This was it. This is the point I was trying to make.

Mr. PRESIDENT: You made the point.

SENATOR N. W. BOXILL: Before I close, which will be shortly, I just want to repeat, reiterate, a statement I made earlier to the majority of the Unions, that the day for confrontation has passed and the days for negotiations have stepped in long ago, not yesterday or the day before, ever since, and it would serve them a lot better if when they come to negotiate they come with an open mind and not come thinking that they can bring down this Government or any other Government because of their intransigence and their stubbornness.

I saw in today's paper, Sir, where a denial was being made about the reason for the confrontation, that it was because of political views. That is another story, but when this country has come to that, then you can look for a bit of polarisation in the society. It does not augur well for any of us to adopt this sort of an attitude, and I will suggest to the people in the NUPW in particular to remember that during the Barbados Labour Party's regime they called out the nurses very big and bold and up to now the nurses had to crawl back in like a slug going around a corner without the Labour Party coming to any agreement with them.

I do not want to see this happen in this country again. The time has come when commonsense should prevail at all levels.

I thank you.

SENATOR L. R. TULL: Mr. President, I have just come in and I have only heard the last speaker, but what amazes me about these debates is that the more things change the more they remain the same. I heard Senator Boxill and he could have been a BLP person speaking in the last administration, the things that he said.

I do not know what else has been said so far, but I believe that this whole business of civil servants', public officers' salaries, has got to find a new method. I have been in the Legislature for the past 18 years and the nature of these debates on one side or the other is largely dictated by which side you are on at the particular time. But the situation today is difficult for the Government because of a number of irresponsible positions it took as recently as three years ago.

There was a time when the present Government in Opposition would say that there must be no wages suppression. That was the catch word at the time, no wages suppression, give the workers what they want, and leading spokesmen for the then Opposition, the Democratic Labour Party, both in and out of Parliament, gave the impression to the people of Barbados that the then Government was nasty and mean because it said that salaries have to be kept within a certain level. It does not fit well in the mouths of the members of the Government now to be making the kind of pious statements they are making today.

12.00 noon.

What they should be doing is donning sackcloth and ashes, expressing some abject apology for the folly of the

past, and say look we are sorry about that, but from now on let this be the line that we are going to take. But we cannot continue, Sir, forever in Barbados every two years to come before Parliament for increase in salaries for public officers and have the same kind of animus being expressed from one side to the other over whether it is enough or whether you negotiated enough and this kind of thing. But the chickens are coming home to roost, because as I said, the Government took a position that was diametrically opposed to the position it is taking today when it was in the Opposition not very long ago, Sir.

The Greek Philosopher Thales said that life is in a constant state of flux. When I was a student I thought the flux was flowing all in one direction going along, but I realised as I got a little older and I deal with people in politics in Barbados in particular and particularly members of the Democratic Labour Party that flux means flowing around and around and around; not flowing like a river; around and around and around. And it took me all these years as a classical student and all that to realise that that is what this philosopher meant.

Now I don't know what was said about the unions, but one of the things that trouble me about the unions, everybody is talking about the poor and the disadvantaged when it suits them, but I think we have to look at some track records to realise who is sincere and who isn't. But with respect to the unions, Sir, because I believe fault lies on the side of the Government who is the employer in these things, and fault lies with the unions. Because of the tremendous egos of the union leaders in Barbados, they prefer to preserve a balkanization of labour in this country. All of them have big egos, and nobody wants to make any concession, so the unions are fighting among themselves to keep the egos of the leaders bright and shining, and the only people who are suffering as a result are the workers.

This business of 31 meetings is as ludicrous as those who state it. That is as ludicrous as the people who let that come out of their mouths, because you aren't dealing with one union with 31 meetings; you are dealing with about ten of them, union and quasi-union and negotiating body and all of that, so when you say you have had 31 meetings, all it means is that you had a few five minute meetings with some of them, two or three, so don't let's go in for this kind of specious and superficial argument. These matters are far more important than the kind of facile statements being made by people who should know better, and this same thing is going to happen within a year's time because I understand the civil servants are due for another pay raise in a few weeks' time. So that would come up again, so unless we are prepared to grapple with the real problem, the endemic problem in public service wage negotiations and come out with a system that is creative and fair and that can be accepted by the broad masses of people in this country, the workers and others, we are constantly going to be on this treadmill wasting everybody's time and talking a whole lot of foolishness.

I myself am personally fed up with all the cant and hypocrisy by those who could very easily make out very strong cases for the rich in Barbados, the ones who could espouse and articulate an economic policy that is based on nothing more than putting large sums of money in the hands of rich people and murdering the poor people by massive indirect taxation to make up for the money they give to the big shots.

Now the Democratic Labour Party Government has learned that lesson to its cost; they are paying the price for it. That is why, for instance, Mr. President, about 100 private sector people, business people in Bridgetown who might support a political party with contributions are now putting their money somewhere else, because those who promised them a new Jerusalem, a land flowing with milk and honey, are prepared to go with them because it was not only the promise they went through a period of a year or two years when they actually were walking on the streets paved with gold and lapping up the milk and honey. So now that you have this little dislocation, those people are following the ones who provided this milk and honey and so on and have them in trouble, but they would not learn. So I don't want to be burdened with all this cant and hypocrisy. The workers were saddled with nearly $200 million in indirect taxation to line the pockets of the big business in this country, and the Democratic Labour Party was part and parcel of that act.

When I am talking about the Democratic Labour Party, I am talking about the old Democratic Labour Party and its bastard child that was given birth a week ago. I am talking of both the dirty dingy parent and the bastard child that it spawned a week ago.

Mr. PRESIDENT: Senator Tull, I have allowed you a wide sweep, but you have to come back now to the Resolution. He is making a good speech because it might enlighten you, but he has a Resolution before him.

SENATOR L. R. TULL: Mr. President, that is the problem when I speak because I get cut short when I speak what I consider words of wisdom, but others don't think so. We are in a situation of deja vu, and Senator Boxill is a little bit too ignorant to understand the meaning of this. I am willing to talk with him outside the Chamber and explain these things to him.

Mr. PRESIDENT: But you have to speak in here in basic English.

SENATOR L. R. TULL: He would know about deja voodoo, but I am talking about deja vu. You see, Sir, I really did not intend speaking in this debate because for one thing I hear my days are numbered and I did not want to

cause any confusion before I left, and secondly, as I say, I am a bit tired every biennial, every two years....

Mr. PRESIDENT: Senator Boxill, I can hear your voice clearer than I can hear Senator Tull's.

SENATOR L. R. TULL: He inspires me, Sir. He makes the words come out, so I like to hear him. But the other reason why I really thought I would not have taken part in this debate today is that I did not bring any papers. At one time I was not sure I was coming because I am tired of every two years going through this same charade and fooling the public of Barbados that really something is happening.

I have a few points to make, however, Sir, and I will make them. As I said, I believe there is a new system required for public workers' negotiations. We cannot continue with the system that has been going on all the time. It is flawed and the situation is compounded by a lack of trust between public officers and the senior public officers who negotiate on the part of the Government. The senior public officers who negotiate on the part of Government who are perceived by the mass of public workers as more interested in putting the case of the DLP Government than in putting a case for the public workers; so they see a dichotomous system where a man is a public officer, but he is seen as a traitor to the cause because he is not really looking after the public workers, he is looking after the Government; so there is that lack of confidence and something has to be done about that.
12.10 p.m.

The question arises, Sir, whether since the Government has the right to legislate salaries and now it has become a habit ever since the Democratic Labour Party started in 1975 or 1976, ever since they started legislating salaries before there was an agreement between Government and unions, it has become routine these days and since that is the case, the question might well be asked whether the Public Service wage discussions are truly, genuinely really negotiations as known in industrial relations context. In industrial relations context there is no such thing as a big brother who will say, "I have enough, I am legislating."

I heard Senator Boxill mention about Cable and Wireless, the University and all of these. These are not people who can come and legislate anything. They have to agree between the two sides. Only a fool can see the Government's discussions on wages for public workers as the same kind of industrial relations exercise and bargaining for salaries as you see between the unions and private sector.

It is a different kettle of fish altogether and it seems to me to be a colossal waste of time for us to continue to fool ourselves that that is what it is. No Government, DLP Government or BLP Government is going to allow any union to extract from the Treasury of Barbados a price higher than that Government in its own deliberate judgement believes a Government can bear.

The Democratic Labour Party refused to accept that when we were in Government and now we are being hoisted on their own petard. Get up with a little humility and say, "we have made some errors in the past but this is a new dispensation and that is not the way we are working it."

Now, I know that in the nature of adversarial politics in Barbados that you have to tear up people on the other side and that is good circus but I get distressed the older I get over the kind of what I call a charade being worked out that does nothing more than fool the mass of the people in the country. That is what it is.

Now, I want to make one brief comment about the approach of the Prime Minister. I heard a defence for the Prime Minister that you must not touch him but he must be touched because the Prime Minister, when he was in Opposition, insisted that the Government must not intervene by legislation that we should let the wage negotiations between the two sides work themselves out and late last year the Prime Minister reiterated that as his belief and he said it was a principle aim and he was not moving from it and he was adopting a hands off approach. He was not getting into it.

Now, I think two things are wrong with that. One is that it is a serious misunderstanding of the role of Government in a democracy such as ours. No Prime Minister in any country in a system such as ours can tell the country that in important and critical matters he has nothing to do with it, he is just going to let it work itself out. That is not what people expect from Governments and Prime Ministers in this country. They want when there is a crisis of any sort to hear that the Prime Minister and the Government are taking a direct and leading role wherever a crisis looms. That is what they expect so he was wrong in that regard.

He also was wrong in that he knew and verily believed, as the lawyers say, that if negotiations with the unions had not reached a successful conclusion that he would have done exactly what he did, that is, come before Parliament and say, we have done enough – to use his favourite expression in the last 10 or 12 months, "we have come to the end of our tether." That is his expression and, therefore, we are bringing some legislation so when he said that last time he was doing himself and the people of this country a gross disservice in saying "I am Prime Minister. There is a crisis but I am not getting into it."

Now, I go further, Sir. This business of salaries for public workers in any section of the community in

Barbados cannot be seen in isolation. It must bear on the level of unemployment in the country and the rise in prices in the community.

The unions, regrettably, are so short-sighted that they pursue the shadow and, quite often, miss the bone because when Government gives a lot of trifling increases with the kind of taxation policies in place in Barbados, they really do not get anything but they are involved in a numbers game. They do not seem to be involved in the far more critical areas of general conditions of service and so on that, in my view, are definitely far more important than the nugatory amounts of money that are given bi-annually to the workers in the Public Service of this country.

When I was talking about the balkanisation of the unions, not the unions, but labour, when the NUPW is pulling against the BWU and the BUT pulling against this other group and all of that, I was saying that the only people who really suffer and are the victims are the workers. I was making that point and that is in a large measure responsible for the fact that the unions are so obsessed with numbers that they cannnot see the real substance in what they can do and wring out of Government for the workers that they represent.

The politicisation of the Barbados Workers' Union and the National Union of Public Workers, and to a lesser extent the Barbados Union of Teachers is, in my view, tragic in a small island community where politics is so important an aspect of the lives of people in this community.

Nobody can gainsay the fact that this country deals with people and situations almost entirely in political terms and, therefore, it is a little bit foolish to suggest to the unions that their involvement in politics, either formally or informally, does not affect, to a very large extent, the attitudes of the people who they seek to represent.

I read somewhere in the last few days a Minister of this Government making accusation on the floor of Parliament about another Member of Parliament calling up a union leader at 2 o'clock in the morning and exhorting him to hold out. Do not agree.

I do not doubt it, Sir, I do not know if it is factual or not and like Senator Boxill, I do not have any access to eavesdropping on people's telephone calls. He knows what people talk about. I do not know. I have heard the Minister say that.

What troubles me, Sir, is that within 48 hours of that very serious charge being made in Parliament where Members of Parliament are calling a union leader and saying, "Do not give in. Hold out," a charge that was not answered in Parliament.... the same union leader to whom reference was made declares himself to be a member and supporter of the Party of the Member who is making the phone call. Now, what are they doing to the people of Barbados? When people see the level of cynicism that is growing up in Barbados and particularly among the young people, it is frightening. And a lot of change is taking place in this society, and people like Members of the Legislature are either too old, too set in their ways, too ignorant or too out of touch to realize that there is a revolution going on among the young people in this country and that they are not prepared to accept the flawed values and standards of a generation before them. And this kind of thing, Sir, is what is causing me a great deal of concern and indeed consternation.

12.20 p.m.

I was making the point, Sir, that these salaries are a big thing and you talk about who are getting more and all that kind of thing. That to me is secondary to the overall economic situation in Barbados. Unemployment is running at a high of over 18% which is higher than it was when the present Government came into control of our affairs, just under three years ago, over 18%. High among unemployment are the people between the age of 16 and 24. The vast majority of them are among people in that age, and no wages policy in a situation such as that can have any meaning unless it bears some relation to that important fact that unemployment is high and young people in this country cannot get work. So that when all the talk comes in about the figures and it is unaccompanied by a proper and strategic policy for creating and improving the employment situation in this country then it is a policy of no account.

Anybody who goes in the supermarkets in the last six or eight months will know that the prices in this country are escalating beyond recognition. The prices in the supermarkets, and I see Senator Clarke with a book in his hand, let him go in the supermarkets like myself or the Leader of the Senate and we would tell you that we do not need any book to tell us that the prices in Barbados are escalating at a phenomenal rate in the past few months.

Aside.

SENATOR L. R. TULL: Hate me for Caviar. Caviar has gone up and corned beef has gone up. So do not worry about my Caviar taste.

Aside.

SENATOR L. R. TULL: So any policy on wages that has no relation to the level of prices in this country and the level of unemployment in this country is what they call the truth, but not the whole truth. And that is what we are concerned about.

I understand, Sir, that the Minister introduced this Resolution with a certain diffidence, a certain lack of conviction, almost like a man who is about to get the hood

put over his head and march up the step to the gallows. I understand that that is the way it was introduced. There is no need, as I said, for the Government to because it is now shell shocked and traumatized by the outstanding apostasy in its ranks...

Aside.

SENATOR L. R. TULL: .....there is no reason, because of that, because it is shell shocked and traumatized by the outstanding apostasy in its ranks, there is no reason because of that for it to come in here and trivialise matters of such great import.

Now the Barbados Workers' Union, Sir, has seriously compromised itself. The Barbados Workers' Union used to be in the vanguard of social and economic change in this country. This is in the old days, Sir. You could rely on the Barbados Workers' Union to be out there prodding and searching and helping move this country towards new and better and progressive heights.

Regrettably, Sir, that image is tarnished. And it is tarnished because of its ambivalent position between its ties with the Democratic Labour Party government and its workers. Sometimes one gets the impression, Sir, that when it is something between one and the other, the workers and the Government, that the Barbados Workers' Union is more prepared to lie down in bed with the Democratic Labour Party than to lie down with the workers whose dollars and cents pour into that union and help it to maintain an enviable position among the hierarchy of that. The people at the top do not do too badly, Sir. So they can afford to abandon the workers to lie down in bed with the Democratic Labour Party Government. So its image is tarnished. And that is why from a union that is boasting of.....

Mr. PRESIDENT: I am not stopping you but you are making some remarks that border on the lines of lack of honesty on one of the institutions in Barbados. And I do not think that is favourable in a debate of this nature. I think you have to be careful about those remarks you are making. And I would ask for those words to be taken down so that they will be there as a permanent record for the institution to see them. Because I think you should be aware of the remarks that you have made of the institution that you are talking about. I think I must draw it to your attention what you have said.

SENATOR L. R. TULL: I am very well aware, Sir, of what I have said. There is nothing you could draw to my attention.

Mr. PRESIDENT: I draw it to your attention because they are very damaging to the institution that you have made. That they prefer to lay down with some in preference to go with the others. And, therefore, they can be very damaging to the integrity and reputation. And though it is made in this Chamber, I think they will have a right to see that for themselves. I am not representing them. I am only drawing that to your attention.

SENATOR L. R. TULL: Mr. President, Sir, I am well aware that every word I say is being taken down, and I want it taken down.

Mr. PRESIDENT: I understand that.

SENATOR L. R. TULL: And I also want it promulgated outside the walls of this Chamber.

Mr. PRESIDENT: Well we cannot promulgate it outside.

SENATOR L. R. TULL: I want the world to know what I said today, Sir.

Mr. PRESIDENT: We take them down. I am not carrying any debate outside the walls of this Chamber.

And do not challenge me about a ruling I made.

SENATOR L. R. TULL: What is your ruling, Sir?

Mr. PRESIDENT: That these words you make should be taken down for the purpose of record.

Aside.

SENATOR L. R. TULL: Man, you are only interrupting me.

Mr. PRESIDENT: You could be rude but I do not mind. You are old enough to be rude. But I only want to say if you become too rude, I will deal with it in accordance with the Standing Orders.

SENATOR L. R. TULL: That is all right with me, Sir. That is all right with me.

Mr. PRESIDENT: I know it is all right. But it is all right with me too. If you continue I will deal with them in that way. I am not afraid to deal with them.

SENATOR L. R. TULL: I do not mind. I was saying, Mr. President, that I am aware that every word I say is being taken down. That is why there are Shorthand Reporters in Parliament. And every word I say will come out in Hansard.

And I am saying I want my word when it comes out in Hansard to be read by everybody. And what I say, I am not moving back one inch from what I have said, Sir. Every

word I say I believe. And if any institution feels that my words are damaging to it, let them answer me. I have a mouth, they have one. Let them answer me.

And I reiterate, Sir, that the position of the Barbados Workers' Union is tarnished. I am not withdrawing or moving away from my position. It is tarnished. The Barbados Labour Party one year offered 22% at the top in the Public Service and 38% at the bottom, and the Barbados Workers' Union refused to agree.

What are you telling me, Sir? I am not backing off from anything. The Barbados Workers' Union had great difficulty in agreeing with anything with the previous Administration. And now can be out front, out front agreeing for monkey figures like 8% and things for the workers and setting the mood for Government legislation of salaries in this country.
12.30 p.m.

Now the Barbados Labour Party in Government dealt with salaries in this country for public workers at a time of the worse devastation by any international economic recession in the history of man in the early 1980's, the most devastating recession. All kinds of pressures were being brought on the economic system of Barbados for all kinds of reasons, Sir. We do not need to recount them whether it related to the prices you were getting for your consumer goods or the question of prices and the drying up of markets, whatever, the worse period ever, and they made more substantive offers to the workers, not substantive, substantial, than are being made now. The unions, including the Barbados Workers Union, refused to go along with the Government of Barbados at this time.

I started off, Sir, wanting to be a little philosophical and objective about this whole thing.

Mr. PRESIDENT: I beg to inform you that your time is up.

SENATOR L. R. TULL: My time is up, Sir?

Mr. PRESIDENT: Yes.

SENATOR L. R. TULL: Sir, it was normal practice to give a little indication that the time has come, but anything goes.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, having listened to this debate, I am not quite sure what I have heard coming from the other side. There are certain points raised by Senator Miller which I would like to address. Senator Miller stated that this Government does not care for the unemployed and in the same breath Senator Miller went on to quote from the DLP's Manifesto in which it was stated that the Government will strive to explore all negotiating options before coming to this Chamber to legislate salaries. I want to state here now that it is exactly for this reason that we do care about the unemployed that it was necessary to take the action that we are proposing here today.

Government does not operate in a vacuum but it operates in an economic society. What Government does is clearly taken and more or less sets the stage for what the other sectors of the economy expect will happen to the extent that there is uncertainty within the economy. With Government in protracted labour negotiations going on, it means that other business sectors, agricultural sector, hotel sector – these will all sit back and wait for the settlement that will take place within the Government sector to the extent that the settlement in the Government sector is higher and bears no relationship to what has been happening in the economy. The net result of this would mean unemployment, and maybe a failure to undertake new investment opportunities and thereby hire other people. So Government, confronted with the situation of protracted negotiations and based on the debate so far negotiations which may not have been taking place in good faith, was forced to act to ensure that the uncertainty was removed and people can get on with the business and thereby keeping people employed.

Asides.

SENATOR THE HON. Dr. C. D. CLARKE: The question about rising inflation, I have here the Economic Review December 1988 and at page 3 of that document and I will read, and they are talking for the 12 months ending September 1988 – "For the 12 months ending September 1988 retail prices were on average 5% higher than the corresponding period in 1987", and this bears no relationship to the 10% that was uttered on the other side. Perhaps some of the reasons....

SENATOR Miss B. A. MILLER: On a point of order, Sir. I never said anything about 10%. I said that inflation is rising slowly but consistently in this country and that one morning we are going to wake up and find that it will be double figures. I never said anything about 10%. If Senator Clarke wants to say that that is where it is getting to now, let him say so. But do not put words in my mouth. I can speak for myself, Sir.

Mr. PRESIDENT: Do not make another speech. The point is made.

Asides.

SENATOR THE HON. Dr. C. D. CLARKE: ....Double figures, all right but 5 is a long way and half the minimum double figure which is 10. Now perhaps we should touch upon some of the reasons beyond the control of any of this Government to control the creeping rate of inflation at the modest 5% rate. As you are aware, the

Barbados dollar is tied to the U.S. dollar. The U.S. dollar has been falling *vis-a-vis* certain European currencies to the extent that we import goods and services from European sources. We must give more money for this and to that extent and not to anything happening within the economy itself that would lead to this inflation. I will go over that again and slowly.

Asides.

Mr. PRESIDENT: Senator Clarke address the Chair.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, yes I am addressing you, Sir – to the extent that much has been said about the unions here today. Although I do not represent any union, I must take issue with some of the comments made. I think it is most unfortunate when we, as serious and mature people, can begin to attack institutions in this country. We may take issues with individuals in institutions, but the institutions themselves should remain inviolate, I think. The settlement reached by the Barbados Workers Union – a union that has vast experience in negotiating other agreements on a fairly frequent basis in other sectors of the economy – that was the first major union to settle. Once this union had settled, and taking into account the experience and its familiarity with the economic conditions prevailing within the society, Government felt that the leading union had spoken and this was sufficient reason to go ahead and settle the economy. I believe, and I am speaking subject to memory now, that in 1986 a similar situation arose when BWU was the first union to settle and up to that point the NUPW had not yet reached a settlement.

On the question, I think Senator Shorey quoted from a statement, he heard that the quantum represented about $3 million or something like it and that Government should have been encouraged to go ahead. It was a small percentage and you heard Senator Shorey mentioning as to the small amount that if we had not settled with the NUPW we could have gone on a little further because it would have only cost us an additional $3 million. The net result of that would have been, if you paid it out – as you negotiate with Government, Government can pay anything it wants – but then the other side of it is that you will turn around and tax; and you say well you have given on this side and here it is you are taxing on the other side. It is to this extent that a reasonable and responsible Government would try to ensure that it does not send the wrong signals to the other areas of the economy. So one, it is not correct. I think that Senator Tull was the person who said that this Government has not been creating jobs and unemployment is rampant. I will read here from the Economic and Financial Statistics December 1988 and I will go back to the last quarter given here which is the 3rd quarter, and I will compare the third quarter period.

12.40 p.m.

"In 1984 people employed at the end of the third quarter, 94 900; third quarter 1985, 91 000 people; 1986, 93 300; 1987, 98 400 and 1988, 100 700 people employed."

Aside.

Mr. PRESIDENT: Senator Miller!

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, I think I have put paid to the question of unemployment and our lack of caring. I think I have put paid to the rate of inflation and the point for it.

With those few comments, Sir, I support this Resolution.

SENATOR C. A. BLACKMAN: Mr. President, the cessation of negotiations between the Government and the Unions has excited some comment, a lot of comment, the sticking point being the amount which is to be paid at the lower end of the scale. I think that negotiations which span a ten month period probably represents a long enough period during which some agreement can be made, and I think that with the financial year 1989–90 about to start shortly Government had some responsibility of coming to a finality as to what figures are to be put in the Estimates which we will consider in the next six weeks.

One observation I will make is this, that when I look at the Order before us I see that the Z.39 scale has been struck out in the new salary scale and that the bottom scale in the Order is now Z.38, which means, Sir, that all those persons who were formerly at that level have in effect almost received something in the order of a 10% increase and not just 8.18. In fact it is more like 9.6 from my analysis of the percentage difference.

What appears to me to be curious is the alacrity with which all the Unions were able to arrive at an agreement for those at the top and the middle without any sort of bother or consideration as to what impact that might have for those in that position. I say this, Sir, that over the years this narrowing of the differential between the bottom of the scale and the top of the scale is creating some unhappiness and some degree of discomfort for those who are in responsible, supervisory and senior executive positions in the Public Service.

Just over a year ago the Head of the Civil Service, in an address to the National Union of Public Workers at their 44th Annual General Conference, made the observation in relation to the impact of the disposable income of the top manager in the Public Service to that of the person to bottom being only four times that of the person at the bottom, and he made this comment: "Can we continue to effect increases in salaries which allow a higher percentage to be granted to the lower levels than to the top echelons without severely endangering the country's capacity to

recruit and retain top managers with skills that are indispensable to the successful management of the public sector and the efficient development and implementation of national policies?"

He went on to say, Sir, that "in 1967–68 the relativity was ten to one before tax and eight to one after tax. In 20 years the incomes of persons at the bottom have increased in percentage terms twice as fast as those at the top, whereas 30 years ago the comparison had reached the ridiculous extent of 16 to one."

The situation is developing, Mr. President, that people in the Public Service, people in the Teaching Service and the middle and upper levels are unwilling to accept additional responsibilities or to seek promotion, because they are saying that the pay differentials no longer make it worth the hassle, the headaches and frustration of seeking those senior positions.

When I look at the Order before us and compare it with the Order which now expires, I am a little perplexed to see how quickly what levels we start to determine whether someone is at the top or the bottom. I am curious to see that someone at the grade of a Met Assistant or a Staff Nurse is not treated as someone at the bottom, they are treated as someone in the middle, and their rate increase is of the order of 6%.

Now Senator Boxill gave some numbers in terms of what the gross or net difference is in take home pay will be for those at the bottom and those higher up. My figures are slightly different from his, but it comes down that my analysis shows that the person at the bottom of the scale is going to come off to about $78 net in their hand after suffering the NIS deduction, because they will not have to pay any income tax, whereas the person in the grade of a Met Assistant or a Staff Nurse, whose paper increase is of the order of $114 a month is going to come back getting probably 85 cents more than the person at the bottom of the scale, when you take off a 20% tax bite as well as the National Insurance, and people are asking themselves is it worth it to seek promotion, to seek additional responsibilities.

Some time last year I met a young woman who is the Deputy Head of a school. She just got her degree at Cave Hill and at that time an ad had appeared in the paper advertising a number of vacant headships. I enquired whether with her new qualification she was looking to move on and she said it did not make any point. She did not want the additional headache for the difference in salary, because the net difference between her position and that of her Head was one that she did not see any need to go for that senior post, bearing in mind the difficulties that there are.

I think that these anomalies are compounded the further up the Service you go. I think that we have to take some greater look at this levelling process which is taking place and recognise productivity as well as responsibility.
12.50 p.m.

The people whom we look to to provide management, whom we ask to work on occasions without regard to time and who certainly probably are not considered for over time pay, these people ought to be looked at and considered, and I hope, Sir, when the regrading process is undertaken that some regard is had to this. It is in my view, Sir, a very popular thing to be generous at the bottom, and I have no quarrel with seeing the provision of a good salary or wage for those persons, but it is at the level of the decision makers, the advisers that we have to rely on that we need to come to grips when addressing some measure of anomalies.

Sir, I have another concern in relation to this public service which I would like to ventilate at this time, and that relates to the delays in the public service in filling acting appointments. I would like to congratulate the person responsible for seeing that there was a prompt appointment to the vacant office of Commissioner of Inland Revenue. I think it is to be commended that that senior office has not been left to fall in terms of what was said many year ago in another Government Department, they were all in Hollywood, they were all acting; acting manager, acting this, acting that.

I have encountered a position where there is a pattern of acting appointments for over a lengthy period of time and I think this should be avoided because you have a difficulty, Sir, that when an officer is acting for an inordinate period of time in an office, he gets to believe that he has a right to be appointed, the bucket turn principle, and I am not too sure it is always in the interest of the public service that you should leave people in a place for a long period to raise that expectation, and I think some sort of rule should be in place that really there should be a limit of some six months for an officer to act in a post where the substantive post is vacant. That should provide sufficient time to enable the suitability or other wise of the officer to be appraised and if that cannot be done for other arrangements to be made.

My other concern, Sir, in relation to the public service probably relates to persons to whom we are not paying any attention today, and these are people who have temporary appointments. These persons when they work for the Government sometimes encounter inordinate delays in being paid for the work they do. I see, Sir, that the Ombudsman made some passing reference to it in his report, that there are delays in payment for temporary appointments. I am aware of one person who worked last July and August in a Government Department and still has not been paid, and is being shunted from the Ministry to the Service Commission and to the Department where the

person worked, and hearing that either the voucher has been prepared and now they discover that there is no proper authority for the appointment to have been made. That is not the person's fault, and it seems that really in the course of a year you have got to know that you are going to have acting appointments, and when provision is made for it in the Estimates, put in a line item to provide for acting appointments so that there is a sum of money available to make the appointments, so that at the end of the job he can be paid like anybody else in the private sector. This is a concern that perhaps is not going to be. The unions do not ask for it because people are not employed in the public service on a normal basis.

I think, Sir, this is a matter that I would like the Ministry of the Public Service and the Public Service Commission to address because I think it is unreasonable to treat persons in this way after they have worked and then not to be paid.

I want to say in conclusion, Mr. President, that we are in a position where this country is thinking in terms of pay increases which pay increases may be regarded as of a modest order. I agree with the observation of Senator Clarke that the numbers that are agreed upon by Government could send a signal into the private sector. We do not want to be in a position where in like a neighbouring country we come to the House for a salaries reduction order, and for that reason I thing that in the overall context of Barbados and what the country can afford, the proposals are ones that I can give my support to.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, so much has been said in this debate, in the Other Place and here, that I would not wish to delay the passage of this Resolution except that it would be remiss if we did not ensure that the record stated certain facts. Comment was made about the failure of a union to come to agreement with a former administration, and I think Hansard should properly record the fact that in 1978 the Barbados Workers' Union was the first union to agree with the Government of the day. In 1980 no unions agreed with the Government. Again in 1982 no unions agreed with the Government and in 1984, when the NUPW was the only union I think that agreed with the Government, the BWU agreed to consider the proposals of the Government provided there was a *quid pro quo*, that the keyscale workers should be considered for regrading, and the Government subsequently agreed to the regradings of the key scale. So it is untrue to suggest that that union presented any special difficulty to any previous administration.

There is more to a salaries agreement than money, and this is a lesson that the several unions must clearly understand. When agreement is determined or when salaries are determined even by the passage of legislation, unions, if they are properly representative of the workers, ought to understand clearly that there are adjoining terms and conditions of service which are avenues which they ought to explore on behalf of workers they represent.

Comments were made about various needs, need for parliamentarians' pay to be examined in a different fashion, and I believe that an opportunity will arise for that to happen just as an opportunity will certainly arise for a formula to be determined properly that if unions agreed with Government that only those unions which agree should be provided with increases, and that any union which wish to go on negotiating until the end of time would see those employees which those unions represent not getting any increases, but then that creates other problems for Government. Then you get a situation where expenditures might well balloon and embarrass the Government, and ultimately it is the responsibility of the Government to ensure that business goes on in the country and that it does not destroy itself by accommodating unreasonable increases from unions.

The question of worker participation has been noted. This is a perennial, Sir, and I am certain that in the proposed reclassification exercise, on the idea of worker participation, certainly the Ministry of the Civil Service will continue to explore the possibilities for having this as a reality.

With those remarks, 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, the Senate dividing as follows:

Ayes: SENATOR THE HON. SIR JAMES TUDOR, SENATOR THE HON. L. V. H. LEWIS, SENATOR THE HON. C. D. CLARKE, SENATOR A. MORRISON, SENATOR Mrs. G. L. EASTMOND, SENATOR N. W. BOXILL, SENATOR Mrs. V. C. FRASER, SENATOR T. A. PRESCOD, SENATOR A. J. N. PHILLIPS, SENATOR M. deL. JORDAN, SENATOR J. C. W. WICKHAM, SENATOR C. A. BLACKMAN and SENATOR Mrs. P. Y. FORDE – 13.

Noes: SENATOR Dr. L. L. SHOREY and SENATOR Miss B. A. MILLER – 2.

Abstention: SENATOR REV. CANON I. McK. JONES – 1.

1.00 p.m.

SENATOR THE HON. SIR JAMES TUDOR: Sir, Your Honour has intimated to us that you have to be out of the country from this evening and, therefore, you wish to retire from the Chamber after we have taken the recess or, perhaps, during the recess. I would like to take this opportunity to wish you a very safe journey and a quick and safe return to us.

Meanwhile, Sir, Your Honour will recall that when the Senate last met it appointed under Your Honour's chairmanship a Select Committee to prepare the draft of an Address to Her Majesty, the Queen which the Senate will deliver to her through your mouth on March 9 when she is visiting our Chamber.

I am to report that the committee met this morning under Your Honour's chairmanship and unanimously proposed that the following Address, which I shall read, be presented to Her Majesty, the Queen, on that occasion.

Aside.

SENATOR THE HON. SIR JAMES TUDOR: No, Sir. I am told I must not read it because she must hear it from you. But, members of the Senate have seen it, I believe, and I do not think they have dissented from it.

I beg, therefore, to move that this Resolution do now pass.

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

SUSPENSION OF SITTING

SENATOR THE HON. SIR JAMES TUDOR: Sir, I beg to move that this sitting be now suspended until 2.00 o'clock.

The question that the sitting be suspended until 2.00 o'clock was put to the Senate and resolved in the affirmative without division and Mr. PRESIDENT suspended the Senate accordingly.
1.05 p.m.

RESUMPTION OF SITTING

SENATOR THE HON. SIR JAMES TUDOR: Mr. Deputy President, Order No. 4.

Mr. DEPUTY PRESIDENT: Order No. 4.

ORDER NO. 4 – RESOLUTION TO APPROVE THE CIVIL ESTABLISHMENT (TEACHERS) (AMENDMENT) ORDER, 1989

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, this Resolution to amend the Civil Establishment (Teachers) Order flows out of the same negotiations relating to public employees. I do not propose to cover the same ground, instead to move that this Resolution do now pass.

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

ORDER NO. 5 – RESOLUTION TO APPROVE THE CIVIL ESTABLISHMENT (PART-TIME OFFICERS) (AMENDMENT) ORDER, 1989

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, I beg to move that this Resolution to amend the Civil Establishment (Part-time Officers) Order do now pass.

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

ORDER NO. 6 – RESOLUTION TO GIVE EFFECT TO THE DECISION TO INCREASE THE WAGES OF THE PUBLIC EMPLOYEES AND CASUAL EMPLOYEES OF THE GOVERNMENT WITH EFFECT FROM APRIL 1, 1988

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, I beg to move that this Resolution relating to the key scale rates do now pass.

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

ORDER NO. 7 – RESOLUTION TO APPROVE THE PAYMENT OF INCREASED COST OF LIVING ALLOWANCE TO GOVERNMENT PENSIONERS WITH EFFECT FROM APRIL 1, 1988

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, this Resolution seeks to provide for an increase in the cost of living allowance for pensioners of Government of $25 a month. It is customary at times of salaries revision to grant an increase to pensioners.

Therefore, 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.

ORDER NO. 8 – RESOLUTION TO APPROVE THE SENATE AND HOUSE OF ASSEMBLY (REMUNERATION AND ALLOWANCES OF MEMBERS) ORDER, 1989

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, 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.
2.05 p.m.

RESOLUTION TO APPROVE THE MINISTERS AND PARLIAMENTARY SECRETARIES (REMUNERATION AND ALLOWANCES) ORDER, 1989

Order No. 9 was called – To move the passing of a Resolution to approve the Ministers and Parliamentary Secretaries (Remuneration and Allowances) Order, 1989.

Mr. DEPUTY PRESIDENT: Senator Lewis.

SENATOR THE HON. L. V. H. LEWIS: I beg to move that the Resolution relating to Ministers and Parliamentary Secretaries (Remuneration and Allowances) do now pass.

The question was put to the Senate and was agreed to.

RESOLUTION TO REVISE THE SALARIES OF THE PRIME MINISTER'S PERSONAL STAFF WITH EFFECT FROM 1ST APRIL, 1988

Order No. 10 was called – To move the passing of a Resolution to revise the salaries of the Prime Minister's personal staff with effect from 1st April, 1988.

Mr. DEPUTY PRESIDENT: Senator Lewis.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, this Resolution like the others seeks to revise salaries based on the settlement with the Public Service unions.

I beg to move that the Resolution do now pass.

The question was put to the Senate and was agreed to.

RESOLUTION TO INCREASE THE SALARY OF THE GOVERNOR-GENERAL WITH EFFECT FROM 1ST APRIL, 1988, AND 1ST APRIL, 1989, AND THE DUTY ALLOWANCE WITH EFFECT FROM 1ST APRIL, 1989

Order No. 11 was called – To move the passing of a Resolution to increase the salary of the Governor-General with effect from 1st April, 1988, and 1st April, 1989, and the duty allowance with effect from 1st April, 1988.

Mr. DEPUTY PRESIDENT: Senator Tudor.

SENATOR THE HON. SIR JAMES TUDOR: This Resolution, Sir, is a consequence of the general exercise. And I. should like to draw Members' attention to an Amendment in the figure given for the Duty Allowance in the Resolution by increasing the Duty Allowance payable to the Governor-General from $22 320 per annum to $32 400 per annum with effect from last April, 1988.

With that Amendment, Sir, I beg to move that this Resolution do now pass.

Aside.

SENATOR THE HON. SIR JAMES TUDOR: I understand it was amended in the Other Place.

The Question that the Resolution to increase the salary of the Governor-General with effect from 1st April, 1988 and 1st April, 1989 and the Duty Allowance attached thereto with effect from 1st April, 1988, as amended, do now pass was put to the Senate and was agreed to.

JUDGES REMUNERATION AND PENSIONS (AMENDMENT) BILL, 1989

Order No. 12 was called – To move the Second Reading of a Bill to amend the Judges Remuneration and Pensions Act.

Mr. DEPUTY PRESIDENT: Senator Tudor.

SENATOR THE HON. SIR JAMES TUDOR: I think Members of the Senate are familiar with the terms...

Aside.

SENATOR THE HON. SIR JAMES TUDOR: Sorry.

Aside.

SENATOR THE HON. SIR JAMES TUDOR: Yes. This Bill will go to Committee after the Second Reading, will it not? Therefore it would be necessary for us to make some procedural arrangements for the Committee stage.

I beg to move that Senator Wickham be appointed Acting Chairman for the remainder of the day's sitting.

The question was put to the Senate and was agreed to.

SENATOR THE HON. SIR JAMES TUDOR: As I was saying, Sir, I think Members are familiar with the terms of this Bill. If there are any questions they need to ask, I would be happy to answer them so far as I can.

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

The question was put to the Senate and was agreed to.

On the motion of Senator the Hon. Sir JAMES TUDOR, Mr. DEPUTY PRESIDENT left the Chair and the Senate went into Committee on the Bill, Mr. J. C. W. WICKHAM in the Chair.

Clause 1 was called and was passed.

Clause 2 was called.

SENATOR THE HON. SIR JAMES TUDOR: Sir, I beg to move that Clause 2 stand part.

Mr. CHAIRMAN: It is proposed that Clause 2 stand part of the Bill. Senator Miller.

SENATOR Miss B. A. MILLER: Mr. President, Sir, in respect of Judges Remuneration and Pensions, I should just like to make a short comment on the conditions, the physical conditions of service not only of Judges but of all those who work in and around the Law Courts in the area of the administration of justice.

From time to time, minor, I cannot put higher than minor, repairs and "touching ups" have been done to the physical conditions under which the Judges and those who work under them and around them and with them have to labour day by day. It really is a most unsatisfactory situation.

I have been away from the practice of law for some 12 years. Last year I returned to work in and around the courts not only in the High Court and its environs in Bridgetown but in the Magistrates Courts in the various districts of Barbados. And I have had cause on divers, not one or two divers occasions to remark to Prosecuting Sergeants, Clerks, to presiding officers themselves that nothing has changed, nothing, except perhaps, the law in some circumstances. Because between 1976 and 1986 a great deal of legislation was passed, certainly during the tenure of the Attorney-General at the time when the person who is now the Leader of the Opposition was the Attorney-General. I do not think that Attorneys-General before or since have been as prodigious. And that perhaps is the only thing that has changed.

The courts still leak, they are still cramped, they are still short of furniture, they are still furnished with broken down furniture. It is still possible to fall through the floor, they are ill staffed, under-staffed, and in effect, from that physical point of view, or from the point of view of the physical conditions of work, nothing has changed, except at Oistin where a new Magistrate Court has been built.
2.15 p.m.

And it is hard to imagine, in the coming decade in the 1990's – not only in the way in which litigation has increased but the direction in which it has increased in numerous family law matters, numerous company law matters coming before the Courts, numerous matters to do with industrial action, numerous matters falling under the Severance Payment Act – the disgraceful way in which we administer our public institutions, that the Courts are properly speaking the Cinderella of all the services. I do not think that any other service can rightfully claim to be this badly served. Even though from time to time the judges have their remuneration and pensions increases which we are now proposing to do and that other civil servants whose work it is to service the administrative arm of justice in this country have their salaries increased as all other civil servants have, the physical conditions under which they are expected to work all year round are abominable. I really would like to call upon the Government and, most particularly, upon the Attorney General under whose portfolio these matters fall, together with the Minister of Finance who has to work together with the Attorney General if conditions are to improve, for something absolutely has to be done, because matters have long since reached the stage where not only these people work under intolerable conditions but it has reached the stage where litigants, where citizens of Barbados are being under serviced, not served at all in some respects and very much disadvantaged because of conditions. There are not a sufficient number of Courts. What courts there are are understaffed and so litigation is a slower process than it needs to be in an island country like ours with a population of just over a quarter of a million people. It is disgraceful. When you bear in mind that the Faculty of Law at Cave Hill is turning out more than a sufficient number of young, properly and well-trained attorneys year after year, there really is no excuse for the physical conditions under which those who administer justice must work. I really do believe that it must be given some priority in the immediate future.

The Barbados Labour Party coming towards the end of its tenure in office had made very real and concrete plans for the construction of a new Supreme Court which would incorporate a new Registry, a modern and updated Registry, the Magistrates Court certainly, District A Magistrates Court in Bridgetown, the Corporate Registry and all of the other arms of the administrative aspect of the administration of justice. I am not at all encouraged that the present Government has done up to now and appears not to be doing anything either to implement those plans or to amend them or to show us in any way that some attention is being paid to these intolerable conditions to which I refer. There is a rumour, I cannot put it any higher than that, that the Government intends to purchase the lands at the corner of Passage Road and Whitepark from Sir Stanley Blanchette who is the owner of such lands and I believe to acquire as well the premises now known as the Young Women's Christian Association for the construction of a new Supreme Court. It is only a rumour, but let it be more than a rumour.

There is some disquiet in the legal profession and the allied professions, professions allied to law that is, that this would be a most unsuitable location for a Supreme Court. It would be at a distance from most lawyers' offices in Bridgetown. It would be at a distance so to disadvantage them in that they would have now to drive from where they are. Their Clerks, if they are going to have to be attending court, would have to drive from where they are. So we are talking about a considerable parking arrangement.

There is a body of opinion, too, that those of the Police Force, particularly at Central Station in Bridgetown, who have to service the High Court in terms of being witnesses, prosecutors, and the like and highly specialised persons like photographers and forensic experts and so on and so forth would be out of any immediate proximity and they too would have to sacrifice a lot of time that they do not now have to sacrifice simply because of the close proximity of the present site. A man could be in his office and within 10 minutes he can be before a judge in the High Court or before a Magistrate in the Magistrates Court to give the relevant evidence. It would greatly disadvantage not only therefore the Police Officers but the bailiffs and all those other ancillary personnel who have to service the administration of justice in this country. I would like to hope that it is not ever going to be more than a rumour.

I know that several other venues for the possible siting of a new Supreme Court have been canvassed. It has been suggested at one time for instance, Sir, that the site now occupied or formerly occupied by Codd's House and also that occupied by the Jewish Synagogue might have been really quite suitable. Codd's House was demolished to the consternation of some and the Jewish Synagogue survived and I can say out of my own experience by the skin of its teeth because of its historic and religious and other significance. I am not thinking that that is a bad decision. There was talk at one time about acquiring the site known as the old Cotton Factory which abuts and abounds on the site formerly occupied by the Central Foundry, a whole block between Gills Road and Walrond Street, which would have been eminently and I think is still eminently suitable for the siting of a new Supreme Court Complex, or as the Democratic Labour Party says in its Manifesto, a "Judicial Centre", whatever that means. There is even a body of opinion which feels that the present site is still in the final analysis the best site and the most suitable and convenient site. It is not as ludicrous an opinion as might appear at first hearing because it is entirely possible in terms of today's technology for the various departments, courts, and offices that are sited at Coleridge Street to be temporarily relocated elsewhere while a modern custom-built complex is constructed on the now site.

In my opinion the National Trust should have no difficulty with such a suggestion. I do not think that there is any particular architectural significance attaching to the present buildings. The Old Town Hall used to be sited where the present Supreme Court is now sitting and there is a marble plaque on the exterior of the Supreme Court which commemorates that fact.
2.25 p.m.

The now Supreme Court has nothing to recommend it, neither convenience, comfort, architecture, history nor anything else that I can think of, and there is really no good reason why it should not be demolished and a proper six storey building constructed there that would house the Registry, the High Court, the Supreme Court, the Appeal Court, the Magistrates' Court, the Bailiffs, the Civil Offices and all other ancillary services, not to mention adequate parking.

I hope that that possibility is not going to be dismissed out of hand, but something absolutely has to be done. The people who seek justice and deserve justice and expect justice in Barbados are being severely short changed and under served because of the physical terms and conditions under which Judges and all those who have to work in the administration of justice have been working for many years and continue to work today. I would not like to see that continue into the 21st century.

SENATOR C. A. BLACKMAN: Mr. Chairman, my concern in this legislation is one that I have ventilated before and it relates to the anomalous position which has been created by the position where Judges on retirement are drawing full salary as pension. I think this is a situation that, as I indicated to this Chamber on a previous occasion, is leading to a song and dance in and off the Bench.

I also have a concern, Sir, which I have raised in this Chamber before, that provision ought to be made in the principal Act to facilitate the appointment of persons from the private practicing Bar to the Bench and that we move away from the principle where it seems the appointment to the Judiciary is an unerring career path in the Government legal service.

There was a provision in the Act that was taken out some years ago which gave 10 years added service to any person who joined the Judicial Benches who had not been a Government Officer previously. That was taken out some time in the seventies. I think that ought to be looked at, because we are faced with a Judiciary today which has only a Crown experience to guide them in looking at matters for which really a wider breadth of experience is required. The last person we had from the private Bar on the Bench was the late Sir Deighton Ward who served between 1963 and 1975, and practitioners who appeared before Mr. Justice Ward, as he then was, could testify to his breadth of experience and sort of general humaneness that those of lesser experience seem to demonstrate in their dealings with those who come before them.

I have raised this before, and perhaps, Sir, it is like water dripping on a stone. If you keep on saying it often enough eventually someone will listen to you and do something about it.

The other issue relating to this matter is that of.....

Mr. CHAIRMAN: Senator Blackman, we are really in Committee stage, you know, and not in Second Reading.

SENATOR C. A. BLACKMAN: I am sorry, Sir. You should have indicated to me before and I would have avoided that.

Mr. CHAIRMAN: I thought the point was worthwhile making.

SENATOR C. A. BLACKMAN: I am obliged to you. I am sorry, Sir. I should have known that, if not I would not have interrupted.

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

On the motion of Senator the Hon. Sir JAMES TUDOR, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. DEPUTY PRESIDENT resumed the Chair and reported accordingly.

SENATOR THE HON. L. V. H. LEWIS: I beg to move that the Bill be read a third time.

Mr. Deputy President, in moving that this Bill be read a third time, I believe it is not remiss of me to make a comment, which should probably have been made in Committee, but I would just like to comment that the matters raised by Honourable Senators on the other side have been taken note of and I would like to give an assurance that not only is the question of the Supreme Court relocation or replacement high on Government's agenda, but that indeed in terms of one of the other courts, the one at Holetown especially, plans are in active stage for some action to replace the existing court and the rest of the Holetown complex.

With those brief observations, Sir, I beg to move that this Bill be read a third time.

The question was put to the Senate and agreed to.

On the motion of Senator the Hon. L. V. H. LEWIS, the Bill was passed and cited as the Judges Remuneration and Pensions (Amendment) Act, 1989.

ORDER NO. 13 – RESOLUTION TO APPROVE THE ORDER ENTITLED THE OMBUDSMAN (SALARY) ORDER, 1989

SENATOR THE HON. SIR JAMES TUDOR: This is a pro forma Resolution, Sir. It follows all that has gone before and is of the same category as that of the Governor-General.

I beg to move that this Resolution do not pass.

The question was put to the Senate and agreed to.

2.35 p.m.

THE FISCAL INCENTIVES (VALIDATION OF BENEFITS) BILL, 1989

Order No. 2 was called – To move the second reading of a Bill to validate and continue certain benefits enjoyed by Gulf Stream Industries (Caribbean) Limited, which were granted otherwise than in accordance with the Fiscal Incentives Act.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. Deputy President, Gulf Stream Industries (Caribbean) Limited was granted fiscal incentives in 1983, the production date, to produce fans, deep freezers, air conditioners, refrigerators, stoves and cookers beginning in July 1983. The company did not go into production until later in that year. In the first instance it was granted three years fiscal incentives although it was evaluated under the Fiscal Incentives Act as a Grade 2 company, that is a company which would be entitled to eight years fiscal incentives.

Three years were granted in the first instance to ensure that there was an opportunity to evaluate the performance of the company and determine whether or not the incentives should continue or be discontinued. The company was evaluated and it was agreed that the fiscal incentives should continue after 1986 at which time it was intended to give the company a three year period. Unfortunately only a two year period was granted which meant that in 1988 the company ceased to have fiscal incentives.

Under the Fiscal Incentives Act the company could not be granted new fiscal incentives because you are only entitled to one set of fiscal incentives in a period. In order to avoid this irregularity, it was therefore necessary to come back to seek this validation order to continue the fiscal incentives for a further period going through 1991. The company has satisfied all the conditions necessary to retain it as a grade 2 enterprise company which, as I said earlier, would have entitled it to eight years in the first instance.

With those brief comments, Mr. Deputy President, I beg to move that this Bill be read a second time.

SENATOR Miss B. A. MILLER: Mr. Deputy President, I am sorry that Senator Clarke was so brief in his introductory remarks. This is a constant complaint and criticism in respect of Senator Dr. Clarke's introductions and he is not learning any lessons. I believe that, like myself, other Senators would have been interested to know how many Barbadians are employed by Gulf Stream. This would have been an opportunity to tell us a little more about the performance of this company. It is not enough to come and simply ask for an extension of fiscal incentives. We would be interested to know what their domestic market looks like. We would like to know what contribution they are making at the regional market level and even extra-regionally if there is one; not that anybody I

believe is going to oppose this, but this could spark off a really extensive debate, because I am interested to know, even if other Senators might not be, what the Government's present policies are in respect of fiscal incentives for companies other than Gulf Stream Industries.

We have been hearing now for the last two years that manufacturing is in the doldrums, that the Government has given it up and is pursuing other sectoral interests, but I do not believe that that is an attitude that any right thinking person in Barbados should support. Manufacturing, like agriculture and not unlike tourism, is critical to the economy of this country. We know that in view of what is going on in the economies of Trinidad, of Jamaica, of Guyana although we see heartening signs from Guyana. But these are very infant and early signs of some improvement. We do not know what the new Government in Jamaica will bring. We have already suffered great disappointment with what was once recently a new Government in Trinidad and Tobago. None of this augurs confidence for the regional market for Barbadian manufacturers.

We have heard that there has been some movement, certainly the Central Bank's Economic Report, the last one that I saw, suggested that there was some improvement in the garment and apparel industry, but that is only one industry which has still a long way to go in Barbados at any rate before it regains its former prominence. It really is a little bald for the Honourable Senator just to tell us in those few sentences that the Government wishes to increase the fiscal incentives in terms of years only in respect of Gulf Stream Industries, and not take the opportunity to tell us what we very urgently want to hear about the Government's policy in respect of fiscal incentives generally and more particularly and immediately about manufacturing. I hope that we can prevail upon him to tell us something, except of course it may turn out that the Government has nothing to say because there is indeed nothing that can positively be said at this time. Thank you, Sir.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. Deputy President, I regret that the Senator felt that the presentation was rather short, but in answer to some specific questions raised by Senator Miller, employment rose in this company from 47 in September 1985 to 56 in 1987 to 58 in 1988. Income generated from exports in 1988 totalled $410 000. The company's major contribution has been a net foreign exchange for savings.

Since the company has been in operation, brand names in the appliances which I mentioned have now asked the company to produce for them under licence; so brand names which would normally have been imported before are now being produced locally, in addition to which it has been able to reduce the imports coming from other CARICOM countries. During the period the company has also since it has started production added such lines as toasters, blenders and irons to the list of products.

Now touching on the other question that was raised about the level of manufacturing....

Asides.

SENATOR THE HON. Dr. C. D. CLARKE: I told you that under the Fiscal Incentives Act which is not unilaterally determined but one which has been drawn up in conjunction with other CARICOM countries, the MDCs, the more developed countries can only give up to a maximum of ten years and the LDCs can go up to 15 years, and then based on certain criteria such as the level of capital investment, whether or not it is operating as an enclave enterprise, the value added. These are all factors that determine how you classify a company and how many years the company can get. In my earlier presentation.....

Asides.

Mr. DEPUTY PRESIDENT: Senator Miller.....

SENATOR THE HON. Dr. C. D. CLARKE: It is only that the clock ran out on you. The company has been evaluated and adjudged to be a grade 2 company, which means that under the given criteria the years granted for fiscal incentives cannot exceed under the CARICOM agreement eight years; so what we are asking now – the company is operating in limbo throughout 1988 and 1989 – is to evaluate that period and continue through 1991.

Now on the other question that was raised by Senator Miller about the improvement in the manufacturing sector, we know this and again I have in front of me the Economic Review, December 1988, and I read at page 1 under "Production in Export Sectors."

"The manufacturing sector grew by nearly 6 per cent with higher output of clothing 8.5 per cent, chemicals 25.6 per cent and furniture 26.1 per cent providing the impetus for this growth."
2.45 p.m.

If we would like to cast our minds back a little while, remember that the slide in the manufacturing sector started way back in 1982–83 with the imposition of the ECO Orders in Trinidad and the licensing arrangements and from that time there was a steady down-hill slide in that sector, especially within the CARICOM region. Since 1986–87 there has been an up-turn and that trend is continuing through 1988.

Mr. Deputy President, I now 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 motion of Senator the Hon. Sir JAMES TUDOR the Senate went into Committee on the Bill, Senator WICKHAM in the Chair.

Clauses 1 – 3 inclusive were called and passed.

The Schedule was called and passed.

On motion of Senator the Hon. Sir JAMES TUDOR, Mr. CHAIRMAN reported to His Honour the DEPUTY PRESIDENT the passing of one Bill in Committee without division and Mr. DEPUTY PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of Senator the Hon. Sir JAMES TUDOR, the Bill was read a third time and passed.

ADJOURNMENT

SENATOR THE HON. SIR JAMES TUDOR: I think, Sir, that concludes Public Business for today and I do not know if there is any Private Members Business.

Aside.

SENATOR THE HON. SIR JAMES TUDOR: You do not wish to proceed with it now. Thank you.

Sir, I beg to move that the Senate do now adjourn *sine die*. We will have to meet some time, of course, but we will know then. It will be some time before the Queen's visit anyhow.

SENATOR C. A. BLACKMAN: Mr. Deputy President, on the motion of the Adjournment, I just wish to express some concern that there are some questions standing in my name on the Order Paper, one of 11 months standing to which there has been no reply, Question number 7. Question number 8 which has been there for three months and for which I think an answer could be available because I have seen some sort of answer appearing in the Gazette, Question number 10 to which I saw some sort of answer by way of a statement and I think, at least, courtesy to the Senate requires that if the information is available to the department concerned that questions be answered and be answered in a timely fashion.

I should appreciate if the Minister and Leader of Government Business would look into these matters.

SENATOR THE HON. SIR JAMES TUDOR: Yes.

The question that the Senate be adjourned sine die was put and resolved in the affirmative without division and Mr. DEPUTY PRESIDENT adjourned the Senate accordingly.

2.55 p.m.

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