
THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1991 - 96

SENATE

Wednesday, December 8, 1993

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, December 8, 1993, at 11.15 a.m.

PRESENT

His Honour Senator M. deL. JORDAN, (President);
His Honour Senator J. J. Payne, (Deputy President);
Senator the Honourable L. V. H. LEWIS (Minister of the Environment, Housing and Lands) (Leader of the Senate);

Senator A. MORRISON;

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

Senator A. J. N. PHILLIPS;

Senator the Honourable Dr. C. D. CLARKE
(Minister of State, Ministry of Economic Affairs) (Deputy Leader of the Senate);

Senator Miss Y. V. WALKES;

Senator Mrs. M. BARKER-WELCH;

Senator Dr. E. A. SIMMONS;

Senator Mrs. Ada STRAUGHN, G.C.M.;

Senator Mrs. M. WALCOTT, S.C.M.;

Senator W. Leroy INNIS;

Senator the Venerable Archdeacon J. L. SPRINGER,
G.C.M.;

Senator J. G. BELLAMY;

Senator J. A. F. COLE;

Senator T. E. BARKER;

Senator Miss M. A. MOTTLEY;

Senator T. C. BECKLES.

Prayers were led by Fr. Errington Massiah.

Mr. PRESIDENT: The Senate is in Session.

PRESENTATION OF PAPERS

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

The Report of the Accountant General for the Financial Year 1992-93.

The Annual Report and statement of Accounts of the Insurance Corporation of Barbados for the year 1992.

The Annual Report of the Caribbean Broadcasting Corporation for the year 1991.

The Annual Report and Accounts of the National Insurance Board for the year 1992.

Certain guarantees under the Exempt Insurance Act Cap 308A to the following:

The American Benefactor Insurance Limited

Boulevard Insurance Limited

East River Indemnity Company (Barbados) Limited

Pan Providence Insurance Company Limited

Scottish International Insurance Company Limited.

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

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I beg to move the suspension of Standing Order 45(2) to enable the Honourable the Senate to proceed with the first item on the Order Paper.

The question was put to the Senate and agreed to.

INTRODUCTION OF BILLS

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I beg to move the First Reading of a Bill which would provide for the establishment of a fund into which revenues realised from the disposal of certain public assets are to be paid, the management of the fund, the investment of moneys paid into the fund and related matters.

PUBLIC BUSINESS

ORDER NO. 1 – TO MOVE THE SECOND READING OF A BILL TO PROVIDE FOR THE ESTABLISHMENT OF A FUND INTO WHICH REVENUES REALISED FROM THE DISPOSAL OF CERTAIN PUBLIC ASSETS ARE TO BE PAID AND FOR RELATED MATTERS

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, the Bill before us seeks to provide for the establishment of a fund into which revenues realised from the disposal of certain public assets are to be paid and for related matters. Specifically the purposes of the Bill are as follows:

- (1) to establish a fund to be known as the public assets disposable fund to receive revenues from –
 - (a) the proceeds of the disposal of an enterprise, or
 - (b) a return on any investment undertaken by the Government in any enterprise, and
 - (c) to provide for the application of the resources of that fund to finance –
 - (i) the repayment of the public debt,
 - (ii) the rehabilitation of enterprises in the public sector, and
 - (iii) specific investment projects.

It should be noted, Mr. President, that under this Bill there is no indication that Government must dispose of all of its holdings in the enterprises listed, and

- (2) the Minister of Finance may by order amend the Schedule, that is, either add to or delete from the Bill before us.

By way of background, Mr. President, the Democratic Labour Party in its 1991 Manifesto clearly indicated and spelt out the policy on divestment and privatisation. It is therefore misleading and erroneous when we hear said from

time to time that the divestment and privatisation programme of this Government is the result of some foreign agency determining what our policy should be.

Mr. President, Government as a matter of policy has come to the realisation that over time some public commercial enterprises will lose money for any of several reasons. Consequently if the drain on the public purse is to be halted, then in accordance with the mini-max principle, that is, we either maximise profits or minimise losses, Government should divest itself of such enterprises provided that the public good or general welfare will be no worse off because of such action.

Another reason for divestment may be as a result of some enterprises, although profitable but given Government's pursuits of a policy of economic enfranchisement, may seek to sell some of its share so that more Barbadians will have a share in the wealth of the country, that is, this will be an attempt to ensure a wider distribution in the holding of the wealth of the country. Such action will also afford Barbadians more opportunity to diversify and enrich their portfolios in addition to more opportunities for savings and investment.

By way of specifics Government has stated as policy the following objectives, that is, 80% of all divested assets will be offered to the following agencies and organisations: 20% to the National Insurance Board, 20% to the cooperative sector, 20% to workers organisations, another 20% to specified established social organisations and 20% to the general public. That will make 100% of the 80% of divestment that we are undertaking.

As a further precaution to ensure wide public participation any resale of shares by a preferred organisation must be offered to one of the listed institutions and in the last resort to the Government. This Government will continue to function as a catalyst in promoting productive activities especially those that have the capacity to earn foreign exchange. The preferred method of such investment will be the joint venture approach between the Government and local and/or foreign capital. Although the joint venture approach is preferred where Government discovers that there are investment opportunities which will enhance the general welfare of the country by providing jobs, earning foreign exchange, facilitating economic growth and promoting sustainable economic development but which the private sector is unable or unwilling to undertake or reluctant to become a joint venture partner at the most propitious, Government would want the flexibility to fill that investment void knowing full well that it has the capacity to divest itself of those shares at some later time.

11.25 a.m.

So far, Mr. President, the implementation of the Divestment Programme has been generating revenue and expenditure flows. Revenues have arisen from the sale of assets and expenditures have been incurred in conjunction with the raising of those revenues. Hence, in order to monitor these flows in such manner as to ensure full accountability while providing maximum flexibility, Government will need new legislation. Failure to enact such legislation will mean that all incomes will have to be paid into the Consolidated Fund and expenditures arising therefrom, anticipated well in advance and placed in the Estimates of Expenditure at the beginning of the financial year and/or if expenditures are to be undertaken then supplementary provision will have to be sought. But we are aware, as you know only too well, Mr. President, that in business timing is everything. The current method of going to Parliament to seek permission in advance to expend funds from the Consolidated Fund served us well in the days of pre-audit. Today, for the benefit of some members of this Chamber who are much too young to remember the days of pre-audit, before any expenditures were allowed to take place from the then Treasury all vouchers had to go to the Audit Department first to be checked before funds were paid out and then it went to the Treasury where funds were then disbursed where the audit came after to check again. In this day and age of the information explosion, we would hope that we could discard and dispose of the horse and buggy approach to financial accounting in the public sector and upgrade the overall operations.

Thus given this information explosion, Mr. President, we need to be in a position to respond more promptly if we as a Government are to become more productive. That is, as a first and necessary step, we must become more efficient and hence more productive. Government will therefore need to review its entire rules and accounting systems to bring them in line with the information age. For as Government was able to move from the days of the pre-audits when the bottlenecks presented by pre-audits had to be overcome, today there is a crying need to give more financial autonomy to our accounting officers if efficiency, cost effectiveness and productivity are to be achieved in Government.

As you are aware, Mr. President, the Divestment and Privatisation Programme has been progressing and I believe that it would be appropriate at this time to give some update as to what has transpired so far. The Divestment Programme has involved to date the sale of the Government shares in Barbados External Telecommunications Limited and the Barbados Telephone Company Limited to Cable & Wireless West Indies Limited. These shares were sold for a total of \$48.8 million and provided the Government with the foreign exchange to help fulfil certain of its financial obligations. The Government has also completed the transfer of the majority of shares which it held in Barbados Mills Limited and its

subsidiaries to the foreign partner Maple Leaf Mills Limited. This was achieved in April 1992. However, Government has retained a ten per cent participation in the company to afford it a seat on the Board. We must recognise at this point that Government is not prepared to give up its monopolistic rights to private individuals. I will have more to say on that in this presentation. But I just wanted the Chamber to be alerted to this distinct possibility of the inherent difficulties that could arise, but this Government recognise the pitfalls and have already taken steps to ensure that any such difficulties are minimized. It should be noted that these two companies, Barbados External Telecommunications Limited and Barbados Mills were profitable and the negotiations for the sale of the shares required that a fair price be received and that arrangements to ensure that the interest of the public as consumers were concluded. However, the sale of enterprises, and I will deal with those later in the presentation, which have been incurring substantial losses or whose profitability is yet to be demonstrated is proving to be somewhat more problematic. Take for instance the case of Arawak Cement Company Limited. The preparatory work for the sale of Arawak was completed in December 1992. Three proposals for the purchase of the company have been received and negotiations with the bidders were held during the first seven months of 1993. The shareholders of Arawak have selected one bidder for detailed negotiations and these are still continuing.

Turning now to Barbados Dairies Industries Limited. During 1992 the Government sold \$267 758 of its shares or 13.4 per cent of its shareholding in Barbados Dairies Industries Limited. The Government has now offered one million of the remaining shares to the Inter-American Investment Corporation as part of a package of equity purchase and loan financing of the expansion of plant capacity. The remaining 732 242 shares will be sold through public and/or private placements in conformity with the formula which I spelt out earlier in this presentation.

11.35 a.m.

The preparatory work for the sale of the Barbados National Oil Company Limited and Barbados Petroleum Corporation has been completed and the Office of Privatisation has received a number of proposals and negotiations for bidders have continued into the third quarter of 1993. The sale of these enterprises should be completed, hopefully, by the end of March 1994.

Turning to Heywoods Hotel, preparatory work for the sale of Heywoods Hotel was completed in 1992. To date all offers received for the purchase of this enterprise have been substantially below the valuated flow price. As a result, efforts to market and sell the hotel are still continuing so that a fair market price can be obtained for the institution.

In terms of Caribbean Broadcasting Corporation, the Insurance Corporation of Barbados and Caribbean Aircraft Handling Company Limited, 20% of the equity of each of these enterprises will also be offered to the public with preference being given for these three enterprises to the employees of these enterprises. The restructuring of them is now in progress and it is hoped that the sale of these shares will take place during the first quarter of 1994.

Whenever there is a change, Mr. President, the more conservative of those amongst us become somewhat concerned about what controls we are giving up and will we be in a position, after implementing or introducing a new system, to continue the same types of oversight and auditing as we have had in the past. I want to assure and reassure this Honourable Chamber that once this new fund is established it shall be administered by the Accountant General – clause 6 of the Bill is explicit on this – who shall prepare quarterly reports of the accounts and economic activity of the Fund and shall deliver to the Minister of Finance, not later than 21 days following the end of the quarter – this is spelt out in clause 9(1) of the Bill – and the Minister of Finance shall, as soon as practicable after receiving a report, cause a copy to be laid on the Table of both Houses of Parliament. This is contained in clause 9(2).

Mr. President, in this divestment and privatisation programme, this Government is fully aware of the dangers inherent in the creation and establishment of monopolies, especially unregulated monopolies in the private sector. We are aware that monopolies, if left unregulated, become inefficient. They tend to stifle creativity and innovation and they adopt a customer-be-damned attitude. To the extent that such monopolies are in the public sector and remain in the public sector, then users of the services of such monopolies can hold, and will hold, the political directorate responsible. However, there is little that can be done about private sector unregulated monopolies.

Government is therefore committed in ensuring that competition – and I am not here talking about cut throat competition, which could be just as wasteful – but honest competition which will promote efficiency, reduce the bureaucracy, foster and nurture innovation and, above all things, recognise that the consumer and the customer is king. These rights will have to be guarded and guaranteed. These actions are not designed to reduce Government's sphere of activity, but rather to give the people of Barbados better government and governance.

Finally, this action is but a first step as Government recognises and embraces the philosophy as enunciated by a Mr. E. S. Savas, who is in the Department of Business at the University of New York. His philosophy, which we are coming to accept, is that Government in the future will be required to do more steering of the ship of state and less of the actual rowing of the boat or ship of state.

With those comments, I beg to move that this Bill be read a second time.

SENATOR T. E. BARKER: Mr. President, we have before us continuing results of the 1991 IMF Agreement, because in that Agreement Government pledged itself to a programme of privatisation which is not, in my view, in keeping with the philosophy which has guided Barbados since Independence. So we are seeing a turn around in the philosophy of Government and indeed, Sir, we see a turn around in the very way that Government is handling the affairs of this country, because as I shall go later to state in more detail, all of these companies that are now to be privatised have served a tremendous social need and have proved extremely beneficial to the people of Barbados over the period of time in which they were operating. But what we have is a narrow view of profits and costs. Rather than a global picture of profitability, we are seeing the result of narrow thinking along those lines. I shall expand on that a bit later.

Sir, I want to get to the Bill in hand. First of all, I want to argue the point that this Bill might very well be unconstitutional. I shall go to the Constitution of Barbados and I shall read, for the benefit of Honourable Members, Section 107.

Aside.

I shall ignore the rantings of members on that side. Section 107...
11.45 a.m.

Mr. PRESIDENT: I do not hear any rantings over on any side, Senator Barker.

SENATOR T. E. BARKER: Sir, I stand by your ruling. Section 107 says, "There shall be..." I am reading word for word from Section 107 of the Constitution of Barbados.

"There shall be in and for Barbados a Consolidated Fund, into which, subject to the provisions of any law for the time being in force in Barbados, shall be paid all revenues of Barbados."

Sir, we are here debating on a Bill and again I am going to read from Objects and Reasons of the Bill which says:

"This Bill would provide for

- (a) the establishment of a fund into which revenues realised from the disposal of certain public assets are to be paid;"

I want to suggest that this Bill is at variance with Section 107 of the Constitution of Barbados. I heard in the Other Place the Attorney General stating, when questioned on this point, that there are precedents for such a fund. Although he may have been referring to certain levies which were created between 1981 and 1982 and I want to remind members that at that time the Democratic Labour Party under the leadership of the late Errol Barrow was very vehement in its objection for the same reason that they thought it was contrary to the Constitution of Barbados. Ten years later what we are having is that the same Party which was vociferous in opposition to the levies now comes and turns around in creating a special fund which I am suggesting is contrary to the Constitution of Barbados.

Sir, I am not a lawyer and I have no such pretensions and I am not arguing as a lawyer but I would like to think I can read. Section 107 is quite clear that unless there was a law already in existence at the time that the Constitution came into effect all revenues must be paid into the Consolidated Fund. What we are doing is creating a new fund not putting money into an existing fund.

Sir, I have a problem. But how can this problem be resolved? That is the question. Now, Sir, I am calling for the establishment of a Court. It does not have to be a standing Court. It could be an *ad hoc* court where the judges in Barbados can help in this regard so that members of the Senate and the Other Place can hear from the constitutionally appointed guardians of the law their views as regard to this particular piece of legislation.

I do not believe that we in this Chamber should be doing anything which is against the Constitution because we have pledged ourselves to uphold the Constitution of Barbados. So I have extreme difficulty with this piece of legislation and I feel that if the Courts of Barbados were called upon to pass a judgment on this legislation that we would be in a much better position on how to proceed. Not only that, but this same point about revenues being paid into the Consolidated Fund is reinforced in the Financial Administration and Audit Act which came into being in 1964 and which was subsequently refined and reviewed on many occasions until 1990 when there was the last amendment to the Financial Administration and Audit Act.

I am going to read Section 3 (1) of this Act. It says:

"Subject to the provisions of this or any other Act for the time being in force, the revenues of Barbados shall be paid into the Consolidated Fund."

It seems that this Financial Administration and Audit Act reinforces the constitutional point about revenue being paid into the Consolidated Fund. But Government seems to

be silent on this particular constitutional point and I feel it is too important a matter that we should let it rest. I feel very uneasy about this particular piece of legislation.

There is a simple reason for that. The representatives of the people, not us in this Chamber but in the Other Chamber are mandated by the people of Barbados as a result of the mandate given to them at election time to look after the financial affairs of this country. Sir, as we very well know, every penny that is spent from that Consolidated Fund has to be approved by Parliament because every March in both Chambers the Estimates are laid and discussed so that the Members of Parliament, the people's representatives, know before hand what money is being spent on and how much and so on. That, Sir, is an essential part of our democracy where the revenues are subject to the control of the people's representatives.

This particular fund has no such provisions because the fund is administered by the Accountant General who himself would be under the direct supervision of the Minister of Finance. So, Sir, it would not be Parliament calling the shots but the Minister of Finance who will have direct control over the monies that are paid to this Fund. The funds are administered by the Accountant General and nowhere in this particular piece of legislation is any mention being made of recourse to Parliament for approval to spend money from this particular fund.

Sir, I want to remind members that every single entity that is on the schedule to this proposed bill, the money for that was paid for out of the Consolidated Fund either by way of loan, grant or some sort of guarantees. The money for the oil company was borrowed as well and Parliament had to make certain approvals of certain funds for these institutions. The Transport Board. Every year Parliament gives a large subsidy to the Transport Board. So the people's money went into these institutions and I believe that the people, through their representatives, should have a say in the disposal of these funds. What we are having is a situation where the Minister can instruct the Accountant General as to how monies are to be spent and Parliament has no say in the matter. Sir, I think that is wrong.

SENATOR THE HON. Dr. C. D. CLARKE: On a point of order. I believe if Senator Barker has read the Bill before us... In my presentation, I was at pains to point out that within 21 days after a report has been submitted it has to come to Parliament. This is contained in the Bill at Section 9(1):

"The Accountant General shall prepare quarterly reports of the accounts and economic activity of the Fund and shall deliver the reports to the Minister of Finance not later than 21 days following the end of each quarter."

(2) The Minister of Finance shall..."

which means "must"

"... as soon as practicable after receiving a report referred to in subsection (1) cause a copy to be laid on the table of both Houses."

So it is erroneous to let the Chamber believe that Parliament will not have an opportunity to see, discuss and debate the reports.

SENATOR T. E. BARKER: Sir, the Honourable Minister does not understand the point I am making. The point I am making is that before the money is spent Parliament does not have to approve anything. All that will happen is that according to the same section that he read, after the money has been spent, then you come and lay the report in Parliament. The people's representatives do not have a say as to how the money is to be spent. All they can do is after the fact talk as much as they like.

When it comes to the Consolidated Fund, before money is spent, Parliament can say, "Look, we do not approve of your spending this money on this particular project." This is not the same thing as laying a report after the money has been spent and that is the point I am making. I am sure that there is a fundamental difference between how the Consolidated Fund operates and how this Fund would operate because nowhere in this Bill does it say that Parliamentary approval has to be sought before money is spent. All this is saying is that after you have spent the money then you must report to Parliament how the money is spent and so on.

11.55 a.m.

Sir, now that he mentioned Section 91, there are lots of statutory corporations in Barbados. I talk about this with regard to other corporations where they have similar provisions and for years – the BMC is one of them and the ADC is another one – we cannot find a report but still the Act requires that reports be laid – so do not come to me with that foolishness. The point is, Parliament must have control over the people's money and any Bill that takes away from the people's representatives that element of control flies in the face of the constitutional requirement with regards to finance and the electoral representatives.

Sir, I am sure that a lot of members in here share my difficulty that we cannot reconcile this Bill and the Constitution. I wish, as I said before and I will repeat the point with your permission, that there need to be some judicial statement when it comes to these particular pieces of legislation which would help us, especially the non

lawyers, in order to determine whether to vote "yea" or "nay" on a particular piece of legislation.

SENATOR THE HON. Dr. C. D. CLARKE: On a point of order, Sir, for the benefit of Senator Barker, I believe the Constitution has spelt out clearly the separation of powers and I cannot sit here, as a member of Parliament and accept Senator Barker suggesting that we pass on the contents and merits of legislation to the Judiciary before it actually gets before them. There is a fundamental concept here, Senator Barker, where you have the separation of powers, the Executive, the Judiciary and the Legislature. I am sure this is elementary. You learn this in 2nd Form or somewhere like it. I am really surprised that Senator Barker is trying to make this a point now.

SENATOR T. E. BARKER: Mr. President, I beg to ask you to ask the Honourable Member not to try to lecture me because he cannot lecture me. If he has a point of order to make, let him make it without trying to be derogatory and all of that. It is not becoming of him.

Mr. PRESIDENT: All right.

SENATOR T. E. BARKER: Sir, with regards to the disposal of public goods, I want to read again from the same Financial Administration and Audit Act. This is section 39(1). It says: "The Cabinet may". I want to emphasise "may". "The Cabinet may make rules for all or any of the..."

Mr. PRESIDENT: Senator Barker, are you sure that that section applies?

SENATOR T. E. BARKER: I never said it applied. I am just quoting because I want to use it to make a certain point, Sir.

Mr. PRESIDENT: Oh, I see. It does not necessarily apply in this case.

SENATOR T. E. BARKER: Yes, but if you would allow me I am bringing the point I want to make.

Mr. PRESIDENT: Go ahead.

SENATOR T. E. BARKER: Sir, this is section 39 of the Financial Administration and Audit Act. It says: "The Cabinet may make rules for all or any of the following matters" and I want to go to paragraph (f) because it says "providing for the purchase, receipt, custody, issue, sale, transfer or delivery of any stamps, securities or other property of the Government or statutory body". Clause 2 of that same section says "All rules shall be subject to negative resolution." This section says that Cabinet may make rules including the sale of public goods, securities or other property of the Government or statutory bodies.

Sir, when Government, through Cabinet, wants to divest itself of Government property, this section envisages that Cabinet will make rules. The important word there is "may" and "may" gives some discretion to the Cabinet. But the fact is that when the framers of our laws, because remember this is a 1964 Act, were framing this, Government was not engaged in the sort of activity that it is engaged in now because a lot of the corporations about which we are talking came into being after 1964 so that in 1964 Government was not really involved in the sort of large-scale enterprises as it is now as this is somewhat almost a different scenario.

I want to suggest, Sir, that this "may", even although it gives the Cabinet some sort of discretion in the matter, in fact, should be a "shall" because if I can read the intent behind this particular section, this is saying Government has a duty to the people of Barbados, therefore if they are divesting itself of property that the people's representatives should be made aware of the rules that govern such a divestment. Not only that but the people's representatives then would be able to say "Look, we do not agree with the rules that you have laid down because this section 39 says that it should be subject to negative resolution which means that Parliament can negate any such order that the Cabinet institutes for the disposal of these assets."

Sir, we are discussing very large corporations. We are talking about the Arawak Cement Plant which may have cost well over \$100 million to build. We are talking about Heywoods which may have cost \$50 or \$60 million to build. We are talking about the Oil Company where a tremendous amount of public funds have been used to purchase them and so on. We are not talking about a few millions. We are talking about hundreds of millions of dollars.

I believe, Sir, that when this Financial Administration and Audit Act was brought into being, that it did not envisage the situation we are in today where there is a wholesale divestment of very large public corporations. I believe that Cabinet should really before they actually get rid of these, come to Parliament with a plan and say "Look, this is how we intend to invest them" and let Parliament then, if a member so desires by way of a negative resolution, either agree or disagree with the plans.

What we are hearing from the Minister is a verbal statement on how they plan to proceed but they have not put it in a form which would allow the other Chamber, or this Chamber for that matter, to introduce a negative resolution on the matter. To talk about the matter just like that, in my view, is not enough. Cabinet must bring down the rules so that the people's representatives can have a say in how these particular entities are divested. But again, who will make Cabinet act, in my view, and I am interpreting the "may" rather liberally – not so liberally but in a strict

fashion. I feel the intention of "may" was "shall" to make sure that Government in disposing of public assets involve the people's representatives in the particular thing.

Sir, this may very well be a case for a review of this particular piece of legislation. I believe so. I spoke about this on many occasions. If Government wants to sell an old disused bath for a few thousand dollars they have to come to Parliament. On many occasions we have discussed Resolutions approving the sale of an old disused bath for a few thousand dollars and we had the opportunity to say no you cannot sell it. But we are hearing now that \$48 million dollars in shares in the Telephone Company and BET were sold and Parliament, the people's representatives did not even know until after the sale was consummated. I feel that is wrong. I feel that the framers of our Constitution and our Laws did not envisage such a thing happening because it bypasses the people. Because Government is not the owner of these entities but only the Managers. By Government I mean Cabinet. I should say Cabinet does not own these assets, they manage. But they are owned by the people and the people's representatives are the Board of Directors. Cabinet would then be the managers. I do not believe that the Manager of a property has the right to sell the property. I believe that the Board of Directors, the people, should have the final say on how the company is disposed of. I might be naive.

12.05 p.m.

Mr. PRESIDENT: Are you finished, Senator Barker?

SENATOR T. E. BARKER: No, Sir, I am just catching my wind.

Mr. PRESIDENT: That is all right.

SENATOR T. E. BARKER: Be that as it may, in spite of all the legal and constitutional points I want to come to some specifics about this particular piece of legislation. As I said before we are uncertain as to whether or not the fund is constitutional but in section 2 (1) (b) it says:

"To provide for the application of the resources of the fund to finance:

(1) the repayment of public debt."

Under the Financial Administration and Audit Act the public debt is a charge on the Consolidated Fund. The public debt of Barbados is a charge. I can read the relevant section, Sir. Section 3 (2) of the Financial Administration and Audit Act says:

"The public debt of Barbados, including the interest on that debt, sinking fund payments and redemption moneys in respect of that debt and the costs,

charges and expenses incidental to the management of that debt, shall be a charge on the Consolidated Fund."

It is clear in this Act that the public debt is a charge on the Consolidated Fund. But what we are having here now is that Government is creating a new Fund. Part of the purpose is the repayment of public debt. How do I reconcile this Act with that section of the Financial administration and Audit Act which already made provision for the payment of public debt. Again I have all of these problems with this Bill because provisions are already made for the public debt and now you are bringing a new piece of legislation which part of the purpose is to repay public debt. I do not understand it, Sir.

In my 3 years I have seen some bad pieces of legislation but this cuts the cake so to speak because it goes against established practice. It goes against law, it goes even against the Constitution.

Be that as it may I want now to look at the Schedule of the Bill. There are 9 companies listed there. Section 3 of the Act says:

"For the purposes of this Act "enterprise" means an enterprise specified in the Schedule."

which I take to mean that these enterprises are the ones which are earmarked for privatisation. This is in keeping with the ministerial statement on privatisation which we received I think it was during this present year. There are a few companies there that I have a lot of problems with as far as privatisation goes. Where better to start than the very last company listed, the Transport Board?

I do not want to misquote the Parliamentary Secretary, he was then the Parliamentary Secretary in the Ministry of Transport where he was telling us that Government is rethinking its position on the privatisation of the Transport Board. He may not have said so in those words but that is the gist of what he was saying.

Mr. PRESIDENT: The Parliamentary Secretary has not yet spoken on this Bill.

SENATOR T. E. BARKER: Sir, I am just quoting what I heard in debate. I apologize. But the point I want to make is that Government does not have a clear policy on transport. One minute we are hearing that Government is committed to a Transport Board but now we see that the Transport Board is listed as one of the public companies to be privatised and the path in which it is to go into this particular Fund.

Everyone knows that as a result of the demise of the dissemination of the Transport Board that public transport in Barbados is in a chaotic state. No one would gainsay

that. There is absolute chaos on the road. A lot of it is as a direct result of the woes of the Transport Board.

The party that I represent, I think it was in the middle fifties – they actually set up the Transport Board – and in the late seventies they brought all transport under the direct control of the Transport Board. Sir, remember in those days there were 3 companies in the late seventies. There was the Elite Company, the Rocklyn Company and there was the Transport Board. Because of the difficulties experienced especially in the country areas Government felt that the only way to provide a proper service for the people of Barbados was to nationalise the other two companies and have one state run Transport Board. Although the Transport Board was subsidized by Government it was beneficial and provided a reasonably good service to the people of Barbados. But in recent years we see the service has deteriorated to the extent where it was no longer reliable and as a result we got private interests coming in. First of all it was the minibuses then you had the ZM vans and so on to the extent where now the Transport Board no longer operates in urban or semi-urban Barbados, but it just operates in rural Barbados. The result is that in the St. Michael area, what do we have on the roads? We have chaos and no community. Because the motives for the public and the private operation are different. They are fundamentally different. The private operators, quite rightly, are able to make a dollar. But the public company looks beyond the dollar and tries to provide a social good. But part of the problem is that we have this accounting view of profit. In other words, if a particular entity does not make profit we do not think it is profitable. We do not look at the macro view of profits and the Minister quite rightly said, social benefits.

We have a problem in Barbados where there has been a lot of migration from rural Barbados into urban Barbados. The result is that we have an almost overcrowded St. Michael and an under populated urban settlement because St. Andrew and St. Joseph and, to some extent, St. John are losing people daily primarily as a result of the lack of services that are available to the people in those countries. All of us know that in years gone by the last bus from St. Andrew was 7.00 o'clock from Bridgetown. A fellow who came to town to go to the Cinema, if the cinema started late, they had to leave before the film was completed in order to get back home. We have come a long way from that and I want to suggest that the reason why we came a long way is because of the operation of the Transport Board.

Mr. PRESIDENT: Senator Barker, while it is perfectly in order for you to make passing reference to the Transport Board we are not going to have a full scale debate on the Transport Board. You may proceed.
12:15 p.m.

SENATOR T. E. BARKER: Sir, what I was trying to prove is that the Transport Board should not be in this schedule at all. Sir, that is what I am suggesting, that the list of companies to be privatised should not include the Transport Board and I was trying in my own way to give reasons. But, Sir, if you want me to desist I will have to bow to your wishes.

Sir, I just want to say that it would be wrong for Government to privatise the Transport Board because what would happen, Sir, is that the rural Barbados would suffer and as a result, I made this point earlier, our pensioners who after giving years of service to Barbados, working for next to nothing, to use an old expression, were allowed to travel free on Transport Board buses. Now, Sir, when they want to get from Grazzettes to Bridgetown or from Grazzettes to Eagle Hall to pick up their old age cheques they have to pay because there are no Transport Board buses on these routes.

Sir, while the Parliamentary Secretary is saying they still ride free on Transport Board buses I agree with him but what Government has done is to make sure that they pay by not running Transport Board buses. In effect, Sir, you have given them a right and in a roundabout way you have taken away that right. Sir, I feel very upset about this because I have a thing for elderly folk. They have performed well and we should not be taking away what little privileges were given them. So that is another reason why I would not want the Transport Board to be listed in the schedule.

Sir, I want to move on now to the Oil Company. I would link both the oil company and the National Petroleum Corporation together because in a sense while they are a distinct operation the operation of the oil company must affect directly the National Petroleum Corporation because all of the gas that is distributed by the National Petroleum Corporation comes from the activities of the Barbados National Oil Company.

I think probably, Sir, with the exception of the well in Turners Hall because I am not sure who operates the well in Turner's Hall but most of the gas that the National Petroleum Corporation distributes comes from the Woodbourne district. Because all of our gas comes from the same source I will treat them as one.

Sir, I want to suggest that while there may be an argument that Government can regulate the activities of any company which takes over the Barbados National Oil Company yet, Sir, the evidence is clear that if this is sold to a large corporation that the operation in Barbados would

only be a minuscule part of their total operation so that if they close down the operation in Barbados it might not have a significant effect on their total operation. How can Government insist, after selling the oil company to an entity, that they produce oil? The evidence is that for years General Crude, I think it is, had the rights to prospect for oil in Barbados. For years, Sir, the oil in Barbados stayed where it was. It was only when the company was nationalised, in spite of the objections from the then Opposition, that we saw oil production reach the point where almost half of our needs were met from local production. That, Sir, meant a lot in those years, especially in the early eighties when we were in a sort of foreign exchange crisis and the fact that the operation was such that half of it came from local sources would have eased the situation to some extent. Sir, chances are that if the company was not nationalised we would not have reaped the benefit because the company that had the lease was not interested in developing the oil industry in Barbados.

Sir, we have taken the people's money and by way of grants, loans and so on, we have developed the oil company to the state where it is today. Now that we have made it profitable, because from all reports it is profitable, now that it is not a drain on the resources of the company, what reason is there to sell it? I cannot understand the logic. You have taken a company, you have invested in it and you have made it now one of the better run companies in Barbados and it is producing a good product and it is proving beneficial to Barbados. Now that we have got it there with the people's money you are going to sell it and chances are that no local person will buy this, but rather some overseas corporation.

I heard that the Venezuelans are interested in it but Venezuela has so much oil that the few drops, comparatively speaking, that we get in Barbados, means nothing much to them and what they might very well do is to find an excuse to close down operations here to make sure that we buy oil from them, so I do not understand, Sir, the logic and the rationale behind such a move. It flies in the face of common sense.

Sir, I wish the Government would rethink its policy. Not only that, Sir, I mentioned that the oil company and the National Petroleum Corporation are interrelated, because what would happen if the company that buys the Barbados National Oil Company decides, look, it is not very profitable. Sir, we know that accountants can come to anything virtually. They could say it is not profitable and they are losing money on their operations and they close down. What happens, Sir, to the National Petroleum Corporation? What would happen to the thousands of people in Barbados who have invested in putting in gas to their houses? What would happen to them? So, Sir,

you can see the problem that we can be faced with. Here you would have the National Petroleum Corporation owned by one company and the oil company by another. The oil company may say, look, I am finished with that, it is not making a profit as I expect. I am going to close my wells until whenever. As a result thousands of people in Barbados will then suffer.

Sir, I believe that these resources should be in the hands of the people. I am strongly committed to that. They must be in the hands of the people. Let the people control the natural resources.

12.25 p.m.

Sir, I also think of Heywoods. I believe, Sir, that judging from the sort of offer that we made so far that, if we do succeed in selling Heywoods, we will be selling it at a loss and all of the money that we put into Heywoods would have gone up in smoke. Heywoods can be a profitable enterprise. Sir, something strikes me funny. An overseas company has \$35 million to invest because that is the offer I am hearing. Barbados needs a convention centre. Well, forget Sherbourne because I mean a proper convention centre. Why cannot the same company put that \$35 million into a convention centre or if they so desire build another luxury hotel because they need in Barbados more beds in luxury class accommodation? Why do they have to invest in Heywoods when they could take the money and put up a proper luxury class hotel somewhere else? I find that somewhat strange, Sir. Is it because they know that when they buy Heywoods for \$35 million that they are in fact getting it for half the value? Is it because they feel that Government is so hard pressed that it will accept an offer although it is ridiculous? That is why, Sir, I want to reiterate a point that I made earlier that Cabinet has got to bring rules to the people's representative regarding the divestment of these public assets. When I hear the sort of money that is being offered for Heywoods, I am convinced that the decision to sell or not to sell must not only be left in the hands of the executives but the people through their representative must have a say in the whole affair. I am clear on that, Sir, that it is wrong for Government to be in a position where they can sell Heywoods for less than it is worth and the people have no say at all in the matter. I am told, Sir, that the decision was made with the BET and BarTel shares and the money was less than what could have been obtained.

Sir, I can go on and on – Arawak Cement Plant. The latest information indicates that that plant is on the way to overall profitability. You sell it now and you will throw away half the money that you spent on it. You keep it for a few more years with proper management and over time you make back the money that you spent on it. It is a clear choice. Keep the plant. It is very strange, Sir, that one of

the entities who is interested in purchasing Arawak is Trinidad Cement Limited. I was told that they are one of the people who have shown an interest. Now when cement is produced here where is the excess going to be sold? Is it going to be sold in Trinidad? We had trouble in the first place selling cement to Trinidad. That is part of the reason why Arawak was not as profitable as it should have been because the Trinidadians were the ones who reneged on their part of the bargain with regards to the disposal of the cement and now they want to buy it. Why? Is it because in a few years time it will just be an empty shell? I do not know the reason but I have my skepticism on the matter.

Sir, I can go on but my time is almost up. I would like, Sir, for Government to rethink the whole Divestment Programme because it is a garage sale. Sir, it is like a man who has a cow. Every morning he gets a gallon of milk to sell to keep himself going. He runs into a little financial trouble and he sells the cow. He gets a few hundred dollars or whatever which is soon gone. But when the morning comes he no longer can sell a gallon of milk because he has nothing to sell but the money is gone. The point I am making, Sir, is that Government must look for another way of raising funds. They may be in financial trouble – yes, but to sell these corporations especially when you are selling them for less than what they are worth is false economics. We may very well end up like the late Prime Minister Errol Barrow once said, "We are going to wake up one morning and find that foreigners own the place". Sir, it is tragic that his party that he helped to form is the one which seem to be selling out Barbados. I do not mean selling out in terms of a negative way, but when you sell Heywoods and Arawak Cement Plant you are selling Barbados in a real sense because then you have little or nothing left.

Sir, I want Government to rethink this Bill and I invite members of this Honourable Chamber to vote against this Bill. It has nothing good in it for Barbados. It can very well be unconstitutional. It can have legal problems and I cannot see the benefits of this particular Bill. If Government wanted money for investment purposes, they can set up within the Consolidated Fund a special fund for investment purposes, as they have done in the case of sugar and so on. The difference would be that in Parliament the people through their representative would have say before the money is spent and not just giving reports that you have spent money on this or that.

Sir, I note that elections are about two years or so off and I wonder about this Fund.

Mr. PRESIDENT: I do not think that we should anticipate the Prime Minister. We never really know. Thank you. Senator Simmons.

SENATOR Dr. E. A. SIMMONS: Mr. President, I just want to make a few comments on this Bill. I sat and listened very carefully to the arguments and the philosophy put forward by Senator Barker. I think that it would have been a wonderful speech in 1966 or 1976. The reality of the situation is that we are living in the year 1993. Senator Barker started to talk about constitution and he spoke about a constitution as though a constitution is something written in stone and not changeable. Well, when you look at a constitution that was written in 1966 and you look at its application in 1993 and you do not take into consideration the changes and the developments in 1993 and you want to apply everything that was written in 1966, you are going to have some difficulties because actually man changes and situations change.

The responsibility of the Senate and Parliament is to look at the Constitution and see how it applies. If as you said, Senator Barker, there is a flaw – I do not see a flaw – then we have to change the Constitution to adopt it to what must be done today. The reality of the situation however is that we are living in a world that we have to recognise. We are living in a private sector world. We in Barbados do not determine what is happening on the international scene, but we have to live in the international world and we have to live with the realities of the international world. I am quite sure that if Senator Barker has been listening to the developments that are going on in Europe with the GATT negotiations and what is going on in NAFTA, he will understand that the concept of privatisation is nothing that started in Barbados.

I happened to be in Brussels a few months ago and I was listening to the Conservative Party Conference and I was amazed to put it mildly to hear Prime Minister Major talking not only about privatisation but about the privatisation of jails in England, and that there is actually a model jail that is being privatised. They are looking at it and they are saying it is successful. When you look at the airlines in England, British Airways, when you look at the transport system, the British Rail, all that has been privatised. The point I am making is that we have to live in the world of today. The developed world which provides funding for developing countries is putting as one of the positions for funding developing countries that you must develop a climate of private sector co-operation, and that is a reality we have to live with. It is all right for you to say the IMF told you to do this or to do that, but if you look at the developed countries, all of them have gone through structural adjustments. When we talk about structural adjustments, we talk as though only developing countries go through structural adjustments, but developed countries have gone through structural adjustments as well. 12.35 p.m.

Senator Barker talked something about the Transport Board, but if we really look at transport in Barbados, we are an island of 21 by 14. We used to have buses running

into every little corner of Barbados. Look at the number of cars on the roads in Barbados. If you were to do a proper study and you were to ask: Is there a need for Government to maintain the massive transport system that they had up until a couple of years ago, can you justify it? I agree that because of the scaling down of the transport system some people have been disadvantaged, but there is no system that you implement that there are not disadvantages and advantages. You can always argue this is the wrong way or that is the right way, but the point is that changes have got to be made. Senator Barker, in a very interesting type of philosophy, at no time do I think he said there should not be a privatisation programme, but what he argued on one hand was that you should not sell any of the profitable organisations, and then he came back and said you should not sell any of those that are not profitable. You should hold on to them and see.... because Transport Board was not profitable, Arawak was not profitable, and you argued you should not hold on to them, you should sell the oil company....

SENATOR T. E. BARKER: On a point of order, Sir. The Honourable Member, not intentionally, but he has misquoted me a little bit. I mentioned Arawak. I am saying that to sell it now, or to sell Heywoods now, would not make sense because it is now getting back to profitability. Later on, maybe, yes. I am not saying you should not sell Heywoods or Arawak, I am saying to sell now....

Mr. PRESIDENT: All right. You have made your point. Thank you.

SENATOR Dr. E. A. SIMMONS: Mr. President, the point I am making is that the reality of the situation is that Barbados, like most countries in the world, is finding itself in great financial difficulty and you have to address that difficulty. One of the ways the Government is looking at addressing the difficulty is by the sale of assets. That is the reality of the situation. That is not peculiar to Barbados, this is happening all over the world. If you look at the great United States and you go to the state of California, almost every skyscraper is owned by a Japanese company. The pastime of the United States used to be farming in the wild west, the cowboys. Now the cowboy ranches are owned by Japanese. That is the world of the late 20th and the 21st century we are living in. The great Rockefeller Centre that is a showpiece in the United States is now in the hands of the Japanese. The film studios that are supposed to be the epitome of the western world are now in the hands of the Japanese. This is the reality of the world in which we are living.

We do not determine economic policy and economic trends. What we have to do is to try to adjust to maximise what we have. That is where Barbados finds itself. Whereas you argue that you should not do certain things, the philosophy Senator Barker talks about is a philosophy that is a 1970 philosophy, it is not the philosophy of

the 21st century, where the market place has opened up and you have to compete in the global scene. We are talking about the globalisation of the world, and if Barbados does not get on board in the globalisation we will fall off the planet. It is true that a week before the signing of the GATT negotiations the rice farmers in Japan are marching, the wheat growers in France are up and down Paris blocking the roads, because their interest is being threatened, but the reality of the situation is that the markets are going to be opened, it is going to be a private sector world, and if we as a developing country are not prepared for those eventualities, we are going to find ourselves in a serious situation.

This Bill, as I see it today, Mr. President, is a Bill to address the world of the 21st century, to come on line with the mechanisms that must be put in place to be competitive in the 21st century. One can argue that you should change the Constitution first. I really do not know. I do not have the expertise in that. Maybe that is a very interesting argument. The point I am making, however, is that changes have got to be made and the Bill before us today addresses the fundamental changes that must be made in this country to look at the world of the 21st century. Therefore, I give my wholehearted support to this Bill.

I thank you.

The question that the Bill be read a second time was put to the Senate and agreed to, the Senate dividing as follows:

Ayes: SENATOR THE HON. L. V. H. LEWIS, SENATOR THE HON. Dr. C. D. CLARKE, SENATOR A. J. N. PHILLIPS, SENATOR Mrs. V. C. FRASER, SENATOR Miss Y. V. WALKES, SENATOR Dr. E. A. SIMMONS, SENATOR T. C. BECKLES, His HONOUR SENATOR J. J. PAYNE, SENATOR Mrs. A. STRAUGHN, SENATOR Mrs. M. WALCOTT, SENATOR THE VENERABLE ARCHDEACON J. L. SPRINGER, SENATOR W. LeR. INNISS, SENATOR J. G. BELLAMY and SENATOR J. A. F. COLE – 14.

Noes: SENATOR T. E. BARKER and SENATOR Miss M. A. MOTTLEY – 2.

On the motion of SENATOR THE HON. Dr. C. D. CLARKE, the Senate went into Committee on the Bill, His HONOUR SENATOR J. J. PAYNE in the Chair.

Mr. CHAIRMAN: The Senate is in Committee.
12.45 p.m.

Clauses 1 to 10 were called and passed.

SENATOR THE HON. Dr. C. D. CLARKE: I beg to move that the Schedule be the Schedule to the Bill.

The question was put and agreed to.

On the motion of SENATOR THE HON. Dr. C. D. CLARKE, Mr. CHAIRMAN reported the passing of one Bill in Committee without amendment and Mr. PRESIDENT resumed the Chair and reported accordingly.

On separate motions of SENATOR THE HON. Dr. C. D. CLARKE the Bill was read a third time and passed.

ORDER NO. 3 – RESOLUTION TO APPROVE COMPULSORY ACQUISITION AT WALDRONS, CHRIST CHURCH FOR ROAD CONSTRUCTION

SENATOR THE HON. L. V. H. LEWIS: Mr. President, approximately 10 years ago when road construction was taking place at Waldrons, Christ Church the Government of the day utilised the property of the estate of Joseph West in that road construction. Subsequently, Cabinet decided that Government should acquire the land preferably by private treaty but the procedure had to be abandoned when it was discovered that the relevant title deeds were not presented and in fact did not exist. However, a procedure was put in train to acquire the land and to regularise the position and this Resolution before us is a consequence of that.

The beneficiaries of the estate have agreed to accept payment from the Crown so that the Resolution is necessary to enable the Crown to acquire the land and to make the appropriate settlement to the estate.

I beg to move that this Resolution do now pass.

SENATOR Miss M. A. MOTTLEY: Sir, I would like clarification on 1 or 2 things from the Honourable Minister if you could assist me. I know that he has given us a detailed position as to what is the manner of acquisition since the agreement by way of private treaty failed due to a lack of title deeds.

I would like to know exactly, in terms of Government's own position, the number of houses in that tenantry which are being serviced by this road. We certainly have no objection to this Resolution; but we would want to be in a better position to know further details. I would also wish to say that I believe that Government does have a duty for the provision of roads in tenantry areas as both Governments have carried out tenantry road development programmes. Although it is to our regret that the tenantry roads development programme came to an abrupt stop 2 years ago.

I would also want to know whether this is an indication that such a programme as this Government had outlined earlier will be recommencing or whether this is just a flash in the pan so to speak in respect of Waldrons Tenantry.

I would also wish to know whether any arrangements have been made to estimate the value of the land in Waldrons Tenantry prior to the construction of this road on the part of Government and the reason for this is if in the future those tenants are to acquire that land we would hope that they too would not be subject like the tenants in Alleyne's Land to an increased demand in the price of the land due to the fact that Government has been so kind as to put in certain services for them whether it be road, water, electricity or natural gas.

I think the principle that I am driving at, and I would hope that it is being applied in respect of Waldrons Tenantry, is that there must be some sort of idea of the price of the land before development takes place. In section 4 of the Tenantry Freeholds Purchase Act as it relates and refers to Part II of the Second Schedule is very clear as to the fact that no development undertaken by the party who is not the landlord can be used to increase the value of that particular piece of land.

It is important, I believe, that Government at the time when it is carrying these services into the tenantry have on file some record of the value of the land prior to the development so that if there is in future a sale of that land reference can be had to that pre-development value of the land. I think that is critical if we are going to avoid the problems that we are seeing and that we have seen in Lower Estate, in Alleyne's Land, Bush Hall, in Black Rock in certain areas. I would hope that we will not see it in future at Waldrons Tenantry. I am urging this Government in the strongest possible way to have those valuations done and also to develop a policy that will be uniform insofar as Government's developmental role is concerned and as it relates to tenancies across Barbados particularly tenancies that are not plantation tenancies. We know that plantation tenancies are subject to the 0.10¢ per square foot rule but there are a whole host of other tenancies across this country where people have been living for 30, 40 and 50 years and all of a sudden they are met with demands of \$5 and \$6 a square foot which have no relevance at all to that particular land.

12.55 p.m..

As I said, Sir, I would also wish really to be told whether this is just a flash in the pan in terms of Government's Tenantry Road Development Programme or whether, indeed, the Tenantry Road Development Programme has been started again and if it has started again, what are the sources of finance for this because I believe that there was some loan that was obtained before in respect of the financing of the Tenancies Road Programme.

With those few words, Sir, I would support the Resolution provided that the Minister can satisfy me with the questions that I have asked him.

SENATOR THE HON. L. V. H. LEWIS: The Minister will not attempt to answer. I believe that the purpose could usefully be served if the goodly Senator had committed that to paper and made it available to me. I will wait until Hansard is in my hands and I will examine all of the implications in the questions asked by the Senator because it would be folly of me to attempt to reply to them just like that on my feet. But let me say also...

Aside.

SENATOR THE HON. L. V. H. LEWIS: Yes, if you are willing to give me in writing I will be grateful to receive it.

Let me respond though specifically to the question about the flash in the pan about Waldrons Village because nothing is happening at Waldrons Village in 1993 that I am aware of but having served notice I will examine the implications of this acquisition of 184 square metres of land, not a lot of land, because it goes back before 1986, 1985 thereabouts. There are several tenancies going back many, many years where the implications are there.

I suspect that the development at Alleyne's land probably goes back before 1985, probably to the 1960's, as you say, and landlords have become wiser and somewhat unscrupulous, one would say, in pursuing what may be their legitimate actions. But it has to do with whether whenever the Crown develops roads it should not seek, by some legitimate Town Planning laws, to put something in place by way of order to ensure that if the owners of the lands are ready and willing to sell them at some later stage there might not be some limitation on price, or some benefits accruing to the Crown as well, as a result of having expended the money which would enhance the properties which are being sold. The Development Duty legislation is here. We may well have to look at that. So I thank the Senator for the question because it certainly goes a long way in touching on the nerve of what is a real problem.

I beg to move that the Resolution do now pass.

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

ORDER NO. 2 – RESOLUTION TO APPROVE THE
COMPULSORY ACQUISITION OF LAND AT
BRIDGE ROAD, ST. MICHAEL FOR
ROAD IMPROVEMENT

SENATOR THE HON. L. V. H. LEWIS: Mr. President, the Resolution before us concerns the acquisition of a small area amounting to 13.8 square metres of land at Bridge Road in St. Michael which was used during the construction of the new Bridge Road.

In June of 1983 acquisition proceedings under the Land Acquisition Act were initiated in respect of some 21 parcels of land required for the Bridge Road Project. As the Project progressed, certain discrepancies were discovered in the survey work and it was not possible to acquire all of the 21 properties at the first occasion.

On one occasion 12 properties were acquired not including this piece of land. On a second occasion a further 7 properties were acquired. Again, they did not include this parcel of land and the original survey suggested that the land to be acquired from one S. J. Sealy was 238.28 square metres of land. However, when the road was completed and the survey was carried out again, it was realised that only 13.8 square metres of the property of George Sealy was, in fact, utilised. We are now at the stage of completing a transaction that ought to have been done many years ago.

The Resolution for the acquisition of 13.8 square metres of land is before us. I beg to move that the Resolution be passed.

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

ORDER NO. 4 – RESOLUTION TO APPROVE
THE COMPULSORY ACQUISITION OF LAND
AT HOYTE'S VILLAGE, ST. JAMES
FOR ROAD IMPROVEMENT

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Resolution is another one of these which seeks to regularise the use of a portion of land, in this

instance, at Great Glory Gap, Hoyte's Village in St. James. Apparently efforts were made to conclude the acquisition by private treaty and the argument continued and continued and it was decided that in the interest of reaching a conclusion that the provisions of the Land Acquisition Act would have to be invoked and the land compulsorily acquired. This acquisition is of more recent vintage than the earlier Resolutions. In this instance the land amounts to 348.77 square meters of land which was necessary for and had to be utilized for road improvement at Hoyte's Village in St. James.

1.05 p.m.

I beg to move that the Resolution do now pass.

The question was put to the Senate and agreed to.

Mr. PRESIDENT: Senator Lewis.

ADJOURNMENT

SENATOR THE HON. L. V. H. LEWIS: Mr. President, the business on the Order Paper is now concluded and I beg to move that this Honourable Senate be now adjourned until Wednesday the 15th December at 10.00 o'clock in the morning.

The question was put to the Senate and agreed to and Mr. PRESIDENT adjourned the Senate accordingly at 1.07 p.m.

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SPEAKERS IN THIS ISSUE

BARKER, Senator T. E.
 CLARKE, Senator the Hon. Dr. C. D.
 LEWIS, Senator the Hon. L. V. H.
 MOTTLEY, Senator Miss M. A.
 SIMMONS, Senator Dr. E. A.