

No. 6

Tuesday

First Session

18th October, 2011

Ninth Parliament

SAINT VINCENT AND THE GRENADINES

THE

PARLIAMENTARY DEBATES

(HANSARD)

ADVANCE COPY

OFFICIAL REPORT

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THE PARLIAMENTARY DEBATES

OFFICIAL REPORT

PROCEEDINGS AND DEBATES OF THE SIXTH MEETING, FIRST SESSION OF THE NINTH PARLIAMENT OF SAINT VINCENT AND THE GRENADINES CONSTITUTED AS SET OUT IN SCHEDULE 2 TO THE SAINT VINCENT AND THE GRENADINES ORDER, 1979.

THIRTEENTH SITTING

18TH OCTOBER 2011

HOUSE OF ASSEMBLY

The Honourable House of Assembly met at 10:10 a.m. in the Assembly Chamber, Court House, Kingstown.

PRAYERS

MR. SPEAKER IN THE CHAIR

Honourable Hendrick Alexander

Present

MEMBERS OF CABINET

Prime Minister, Minister of Finance,
Economic Planning, National Security,
Grenadines and Legal Affairs
Dr. the Honourable Ralph Gonsalves

Member for North Central Windward

Attorney General
Honourable Judith Jones-Morgan

Minister of Education/ Deputy
Prime Minister
Honourable Girlyn Miguel

Member for Marriaqua

Minister of Housing, Informal
Human Settlements, Physical Planning,
Lands and Surveys
Honourable Clayton Burgin

Member for East St. George

Minister of Agriculture, Forestry
and Fisheries and Rural Transformation
Honourable Montgomery Daniel

Member for North Windward

Minister of Tourism and Industry
Honourable Saboto Caesar

Member for South Central Windward

Minister of Health, Wellness and
The Environment
Honourable Cecil McKie

Member for West St. George

Minister of National Reconciliation
Labour, Information and Ecclesiastical Affairs
Honourable Maxwell Charles

Member for Central Leeward

Minister of National Mobilisation,
Social Development, the Family,
Persons with Disabilities, Youths,
Sports and Culture
Honourable Frederick Stephenson

Member for South Windward

Minister of Foreign Affairs, Foreign Trade
And Consumer Affairs
Honourable Dr. Douglas Slater

Government Senator

Minister of Transport and Works, Urban
Development and Local Government
Honourable Julian Francis

Government Senator

Parliamentary Secretary in the Office
Of the Prime Minister

Government Senator

Honourable Elvis Charles

Honourable David Browne

Government Senator/ Deputy Speaker

OTHER MEMBERS OF THE HOUSE

Honourable Arnhim Eustace
Leader of the Opposition

Member for East Kingstown

Dr. the Honourable Godwin Friday

Member for Northern Grenadines

Honourable St. Claire Leacock

Member for Central Kingstown

Honourable Daniel Cummings

Member for West Kingstown

Honourable Roland Matthews

Member for North Leeward

Honourable Nigel Stephenson

Member for South Leeward

Honourable Vynnette Frederick

Opposition Senator

Honourable Anesia Baptiste

Opposition Senator

ABSENT

Honourable Terrance Ollivierre

Member for Southern Grenadines

SAINT VINCENT AND THE GRENADINES

HOUSE OF ASSEMBLY

TUESDAY 18TH October 2011

PRAYER

Honourable Speaker of the House, Mr. Hendrick Alexander reads the prayer of the House.

DR THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members, I crave the indulgence at this continued sitting from the last meeting of Parliament to speak on a matter of urgent public importance which concerns the fire which occurred on Saturday evening at the Financial Complex. I think most Honourable Members would know by the now the fire was controlled within a narrowed area on one of the floors of the building which housed the Census. Also on that floor there is a unit which deals with certain...the capital projects particularly those out of the European Union and some also issues with the Caribbean Development Bank. The RIDO, the Regional Integration and Diaspora Unit is also on that floor so too invest SVG, but most of the floor space is taken up by the Ministry of Finance. So though the fire was concentrated in the narrow area of the Census, in the process of controlling the fire through the use of water one would appreciate that there was a lot of flooding on that floor so there has been a significant amount of damage which has been caused by the very water itself, you know, tiles, the matter of carpets and those sorts of things. The fire service of St. Vincent and the Grenadines and the Police Officers did an excellent job and they did fairly swiftly and I want to congratulate them and thank them. [Applause]

Also displaying tremendous courage were public servants those who work in the Financial Complex, persons from the Treasury, the Acting Accountant General, she and members of her staff went downstairs in the Treasury when it was deemed convenient safe enough for them to go to see if a lot of water came down, what is the problem, was there any fire which we didn't see on the outside and to move any sensitive equipment and they did that and they were able to prevent any damage in that particular area from the process of controlling the fire. Now the Treasury is very important obviously because payments have to be made and we have to make sure that the functions of the Treasury continue on an ongoing basis without disruption. I want

therefore to commend those Treasury staff who went in, the Director of Planning and members of her staff, other public servants in the Ministry of Finance and Planning who actually put on masks and went up when it was deemed safe from the standpoint of not getting burnt because the fire was under control but still it was a dangerous situation. Smoke, and there was still a lot of smoke and I really want to thank them. You know we have a lot of good public servants and these were among the exceptional ones and I want really to thank them and to congratulate them for their work [Applause].

By yesterday afternoon, Monday which was the first working day after the fire, because... I should point out, Mr. Speaker, that public servants went in also on the Sunday. I want to thank and congratulate the workers from the Electrical Inspectorate from BRAGSA and from VINLEC for the prompt responses too. As Honourable Members would be aware, or ought to be, this is the only building really owned by Government on which we have insurance and the insurance is up to date both the building and the contents, the other buildings we self-insure them. It is a conscious decision taken to self-insure from a cost stand point, insurance is about risk and cost. Where do we go from here, well I should point out that the insurance personnel, the assessors went in yesterday morning so that we couldn't do much until they had gone in to make their own assessments, for us to make our claim properly we cannot go and disturb the property, we have to put it in a manner in which it was left as a consequence of the fire and the controlling of the fire, and they work yesterday. And I spoke to Mr. Sam Goodluck, the Chief Executive Officer of VINSURE and he assured me that by yesterday afternoon the assessors would be out and we would be able to take control of the building and by yesterday afternoon the entities referred to, that is to say the Electrical Inspectorate of the Ministry of Works, VINLEC and BRAGSA, the electricity was back on all the floors except the floor of the Ministry of Finance which housed the aforesaid buildings which I have described. In short we have the electricity back in the Treasury, we have the electricity back in Planning, in Foreign Affairs and the Office of the Prime Minister including the Ministry of National Security.

Now right as I speak, members of staff are on the various floors, they have opened all the windows because we have to get the smoke out. As we go up in the elevator for the Ministry of Finance going up to the Prime Minister's Office there is still smoke in the elevator but in the building itself I didn't smell it but I am not an expert and we have to be careful that persons' health are not adversely affected. So we have the Public Health Personnel from the Ministry of Health, they are there at the moment checking out all the health issues. I want to say that Mr. Maurice Edwards the Director General of Finance and Planning under whose office the control and suzerainty of the building is lodged, all the necessary arrangements had been made in

respect of cleaning up and for moving. The Ministry of Finance, that floor was about 10,000 square feet occupied by them including RIDO and including the small unit which deals with some projects and the Census area. We are getting I have been advised 8,000 square feet of floor space which is one of the floors at the Reigate Building which is being reserved by the Bank of St. Vincent and the Grenadines for rental to the Government to house the Financial Services Authority, well you know that Bill is coming to the House today, it will go in Select committee, so that will not be ready for the Financial Services or the Financial Services Authority will not be ready for that space until sometime in January, by then of course we would have done everything at the Financial Complex, the Administrative Centre Building for the temporary movement to the Reigate Building to come to an end and go back into the repaired Ministry of Finance quarters. But the 8,000 square feet will not be able to house every single entity which is on that floor, so the idea is to have Invest SVG and the Ministry of Finance go to the Reigate Building, for space which is available at the NIS because there is a floor which is not completely used which is to house, I have been advised, the proposed Health Insurance Program so we can put the Census Office there, that department and the Cabinet Secretary told me this morning that RIDO, they are seeking to make space available in another area of my portfolio in the building which houses the Ministry of Telecommunications. RIDO will be about seven, eight persons, they may not have as much space as where they are but it is a temporary situation and we all have to make do. So as you will notice we have been covering the bases to get back to work as quickly as possible.

Now I want to speak to the Census. June 14th was Census Day, for persons who have knowledge of how a census is carried out and it is the preparatory work which needs to be done, a fair amount of preparatory work was done before June 14th to have the date declared Census Day, a lot of training, recruitment of personnel to go and do the interviews, training of those persons and the like. And then the carrying out of the field work and over the last several months since June until just about two weeks ago when I had been advised that the field work was completed and they were making the necessary checks or completed making the checks to see that all the forms are properly completed and then the stage now, they had come to me just last week and said they are hiring these persons five or six persons to do the actual collating of the data to input the data to do all the tabulation and everything in preparation for the relevant persons to do the analysis and to provide the census report. Sadly, in the information available to me, the bulk of the material or at least a significant portion of the raw material, these are the forms which people ticked off with their interview or ticked off with their pencil or circle with their pencil, that is the data which had to be inputted, it having been checked to make sure that every form is properly completed, that a significant amount of the forms, the Director of

Planning who suzerainty over that process as a responsibility under me for that particular process, she simply tells me that we have to do over the census. I am to speak to her later today, hopefully during the lunch period to see how we are going to proceed because a census, you know throughout the region we choose June to be the Census Month and there are technical issues which are connected to holding a census. So I will have to discuss with her whether we can actually do the field work before or whether we will have to wait until June next year. If we have to wait I am sure that we can use our experiences thus far and I think we can train more people, have more people in the field so if the field work took four and a half months, maybe we will be able to complete in the field work in two months or two and a half months so that we can still save some time in redoing the census. But this is very important because the census data is vital for all sorts of socioeconomic purposes and for planning and for everybody and also it is a legal requirement and a provision in the Constitution connects with the census, that is to say the issue of constituency boundaries and the like, so the census is of real importance. I have been advised that what we have actually spent or monies which we have to pay out on work done will be close to \$1 million. The census, the cost of it is \$1.5 million, that is what we budgeted for, Honourable Members will remember that in our Capital Estimates, so it has a cost, but more important than the cost is the delay and we have to get on it as swiftly as we can and to move with expedition. Hopefully those who have done the census before they will be able to do it faster and better because they had a run so to speak not so long ago.

I want to speak on a practical matter towards the farmers arriving from the fire. The Ministry of Agriculture and the Accountant General Office, the officials are fine-tuning the list which we have approved at Cabinet which was sent to us by the Ministry of Agriculture to make sure that everything is in order for the banana farmers and the plantain farmers, as you know they are getting money for the banana assistance in respect of the Black Sigatoka, the banana farmers and a four tranche of income support amounting to \$1.66 million and then the plantain farmers is about in excess of \$450,000. Yesterday we should have completed, the Ministry of Agriculture and the people in the Treasury, should have completed that exercise and send a cheque to WINFARM because WINFARM, the farmers organization, the WINFA grouping, they are the ones who are paying out...that is how we have dealt with the income support. We give them a cheque, we have a list and they have the accounts of all those persons, ninety something percent of the farmers, for the few they do not have who may not belong to WINFARM for instance, they will still pay them unless it is a company like SVG Producers, we will pay SVG Producers directly. They finalising that, they couldn't do anything yesterday obviously because the Treasury was not operational and the Director General of Finance and Planning this morning before I came to Parliament, he has advised that sometime before the end

of today that that list should be completely reaffirmed and verified by the officials and the cheque would be sent over to WINFARM to make those payments to the banana farmers. I am hoping that they complete their work today so that the cheque can go tomorrow. So I just indicate to the farmers what is happening there. In relation to the plantain farmers they will have to take after the banana farmers are done, the similar verification process and hopefully by Friday or Monday next week the latest we will have the Treasury in order to be able to make the payments because for the plantain farmers the individual farmers will have to be paid through the Treasury, and that is quite an exercise because I have been advised and Minister Daniel can correct me if I am wrong here, it is about 2,000....oh he has gone already, oh yes he has to go to Costa Rica today. A significant number of plantain farmers, so that is where we are with that matter with the fire and the immediate consequences.

I really, I thank Almighty God that it was not worse, part of the reasons why people elect Leaders is when there are challenges we deal with them and we address them properly, urgently, promptly and the public servants have been very good in this regard and my Cabinet Colleagues, they have all called, they are enquiring what is happening and actually everybody is concerned that we get everything in order. Yesterday I worked the whole day at home. I must just say something in passing, the Private Sector Entity, SVG TV found me at home to do an interview with me so that they can inform the viewers and actually they would have used that on their sister Radio Station. I didn't call API neither did I call the state owned radio station, I just want to record to parliament that neither API nor the National Radio Station called me to find out, they apparently heard my voice at a public meeting on Sunday night as I was informing people about it and thought that it was sufficient. Obviously things happen on an on-going basis, now I am not criticizing anybody in the leadership of those two institutions, I am just recording that it did not happen. So if anybody did not hear my voice on radio, I am talking about the radio station in some formal way bringing an update yesterday. Please, I didn't see why I had to call the radio station or API for them to come to do something and transmit it to everybody else that is why they exist. I know having said that I have made perhaps a number of other critics who would criticize me about other things but not criticize me for the reason what I have spoken truthfully, but I feel that when I have been in this business as long as I have been that I must be able to talk freely and speak the truth so those who are aspiring may have some reason to bridle their tongue and speak politically correct, but I do not really have that encumbrance and maybe when I have gone pass sixty five as I have done, some have said that I have become a senior citizen, maybe senior citizens can afford to speak like that particularly those who are not aspiring. So I make that point in relation to API and NBC Radio.

Now I, Mr. Speaker, if you may just permit me to make one announcement, which I have made elsewhere but which I think is my duty to make it in Parliament since Parliament is meeting. I, as Honourable Members would know the Heads of Government of the Commonwealth, that meeting takes place on the 28th, 29th, 30th, in Perth Australia. For me to get there I will have to leave the latest on the 26th which means that I will not be here for Independence, well I have tried, I have not missed an Independence Day, the Parade and the day in the near eleven years since I am Prime Minister and though I respect the Commonwealth and my colleagues leaders, all of whom I know, I really find it difficult to leave on Independence Day, for me to leave on Independence Day it has to be in my judgment and especially event of great importance, important as the Heads of Government meeting is. I may be wrong about this but that is my judgment and I have asked our High Commissioner in London to be our representative but clearly he would be our representative meeting in the executive sessions but he cannot go the retreat: the caucus. So I have asked the Prime Minister of Antigua and Barbuda to represent my views on some issues. He will not be able to represent St. Vincent and the Grenadines per se but he can certainly represent my views. And there are a couple of issues on which in fact which I have communicated with the Commonwealth Secretariat about like for instance some matters which are very much concerned to Her Majesty's Government in the United Kingdom and the fifteen other countries in the Commonwealth where you have Her Majesty as the Head of State. You know they want to be changes in respect of the succession to make it gender equal and so on and so forth. There are three issues relating to the reform of the succession system and the monarchy and I am in agreement with all the reforms if they want to have and that will be one issue which will be discussed there.

Mr. Speaker, those are the matters which, I know today is a day when we are not allowed to make any ministerial statement because it is a continuation but I had asked you in advance and under the rules you can permit me to raise a matter of urgent public business and I taught the fire and what is happening to be a matter of urgent public business. I am obliged.

HONOURABLE MR SPEAKER: Are you going to invoke (12) 5.

DR THE HONOURABLE RALPH GONSALVES: Mr. Speaker out of an abundance of caution I do not believe we are going to be here beyond midday, out of an abundance of caution I will like to invoke the provisions of (12) 5 and so move.

I beg to move that the proceedings of today's sitting be exempted from the provisions of the Standing Order hours of sitting in accordance with (12) 5 of the Standing Orders.

Question put and agreed to.

ORDERS OF THE DAY

1. FINANCIAL SERVICE AUTHORITY BILL, 2011

DR THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members, I beg to move that a Bill for an act to establish the Financial Services Authority to regulate certain entities in the financial sector and to provide for related matters be read a first time.

Question put and agreed to.

Bill read a first time.

DR THE HONOURABLE RALPH GONSALVES: Mr. Speaker, we had agreed that we will put this matter to a Select Committee and I am hoping that we can work feverishly at it within a two, three week period so that we can get back to Parliament to have it debated before we have the prorogation of Parliament for the Estimates and for the Budget. I am hoping of course that the fire and the movement and everything that it does not delay us with the Estimates and thus the Budget and I will speak to that some other time when I have good discussions with my professional staff. But I doubt, as presently advised, I doubt that we will have a delay.

I want to suggest five persons from this side of the House plus the Honourable Attorney General who is a public servant. I want to, Mr. Speaker, the Honourable Minister of Tourism, the Honourable Minister of Health, the Honourable Minister of Ecclesiastical Affairs, the Parliamentary Secretary in the Office of the Prime Minister, the Prime Minister himself and the Honourable Attorney General.

HONOURABLE MR. SPEAKER: Honourable Leader of the Opposition.

HONOURABLE ARNHIM EUSTACE: Mr. Speaker, the Honourable Representative for South Leeward, Nigel Stephenson, the Honourable St. Clair Leacock, representative for Central Kingstown, Honourable Godwin Friday, representative for the Northern Grenadines and myself.

3. ARCHITECT BILL, 2011

HONOURABLE MR. SPEAKER: Honourable Minister of Works.

HONOURABLE JULIAN FRANCIS: Mr. Speaker, I rise to move the second reading of a Bill for an Act to provide for the establishment of an Architect's Council to make provision for the registration of Architects to regulate the practice of Architects and the practice of Architecture by organizations and to provide for matters incidental thereto and connected therewith.

Question put and agreed to.

Bill read a second time.

HONOURABLE JULIAN FRANCIS: Mr. Speaker, you will recall that a Select Committee was established and the report of the Select Committee was tabled at this House. That Select Committee was appointed on the 5th April and you will recall, Mr. Speaker, that date is both famous and infamous. The Opposition did not find it necessary at that time to be in Parliament as they were continuing their protest to bring down an elected Government that was recently elected on the 13th December 2010, when 200 or so of their members took to the streets of Kingstown to carry out such a protest. So they were not in Parliament to be named to the Select Committee and subject to correction, but I think they were invited subsequently and no one was appointed to this Select Committee, but we went in to Select Committee and I want to say how grateful I am to all the Members of the Architect's Institute which exists in St. Vincent and I will talk a little bit more about that, who participated in that Select Committee on three or four meetings I believe we had about three meetings and made significant contribution as this Bill basically is to facilitate the formation of an Architect's Council to govern and guide the practice of Architects and Architecture in St. Vincent and the Grenadines.

The Bill as presented, Mr. Speaker, carries six parts and three schedules:

- Part i: basically deals with preliminary matters,
- Part ii: the establishment and functions of the council appointment of Officers
- Part iii: register and registration, entitlement to be registered, power of the Council to require examination, special registration et cetera.
- Part iv: deals with certification of authorisation and cancellation of certificates
- Part v: deals with disciplinary matters under this council

- Part vi: deals with licence and appeals
- Schedule i: deals with the constitution and procedure of the council
- Schedule ii: deals with the categories of persons who may be specially registered
- Schedule iii: constitution and procedure of a disciplinary committee

Mr. Speaker, in my first term as Minister of Works that is between 2001 and 2005 I did try at time to bring about a formal construction association in this country and I invited to a couple of meetings leading members of that industry and we had some discussions at the Red Cross Hut. But from information that I had gathered since then it never materialised into the sort of organisation that I intended although I believe that there is an organisation of contractors but I do not know how functional it is or if it is functioning. But it would appear that the technical disciplines may prefer to go into their individual dealings and hence their requests for Parliamentary support to get the Architects organised into a formal body.

Mr. Speaker, I prefer to speak to the Bill by first going to the schedules because I think the schedules or schedule one in particular, and that is found on Page 29, would give you an idea of what the council would represent and then we can deal with some other sections of the Bill. Mr. Speaker, basically, this is the constitution of the council, and it says, ‘appointment members’:

“The council shall be appointed by the Minister and shall consist of -

Not less than four and not more than eight registered architects nominated by the association known as the St. Vincent and the Grenadines Institute of Architects.”

So there is, existing an organisation in St. Vincent called the St. Vincent and the Grenadines Institute of Architects which is a Private Sector body basically a club of architects, not in a social sense but in a working sense.

“One member appointed by the Chamber of Commerce and Industry; and

Not more than three other members nominated by the Minister one of whom must be an attorney-at-law of at least seven years standing.”

So the maximum you would have this council comprising of would be eight and one, nine and three, twelve. Twelve persons sitting on this council and... [Interruption] yeah

HONOURABLE MR. SPEAKER: Honourable Member.

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, I am in a bit of confusion, I [inaudible] the draft of this Bill which is different from the one I have in my possession and I went to the Clerk's office this morning to ask that I get the latest version of the Bill which I just received but there are significant deviations from what the Honourable Minister is reporting on, from what I have and I am wondering whether that is part of the changes coming out of the Select Committee or he is reading from a draft that has that because what he is reading is different completely from what I have here. So I am wondering which Bill are we referring to?

HONOURABLE JULIAN FRANCIS: Mr. Speaker, laid in this Parliament, is a report of the Select Committee and the date of the report is the 16th May and the date it was appointed I referred to earlier on the 5th April, and all the notes with regards to the changes in the original Bill which came before this Parliament are in the Select Committee. I believe at the last meeting the Clerk circulated a copy of the amended Bill including the changes that came out of the Select Committee. Am I not correct, Madam Clerk?

MADAM CLERK NICOLE HERBERT: The meeting after the Select Committee everybody got one.

HONOURABLE JULIAN FRANCIS: So it should have been in each individual Parliamentarian package.

HONOURABLE DANIEL CUMMINGS: ...so that is why I am confused, because I just a moment ago got the latest copy from the Clerk's office, that is why I asked what is happening. I just got this and this is the same one I have, what is going on?

HONOURABLE MR. SPEAKER: Just a minute, just a minute ...

HONOURABLE DANIEL CUMMINGS: ...I was out of the country when all of this was going on, so I do not know...

HONOURABLE MR. SPEAKER: ...you see that is not the same copy that...could you verify whether it is the same copy as the one that he had previously....just a minute Minister let me just get this thing clarified. Everybody else has that problem? Okay Honourable Member, we are getting the matter solved there is no need for any further....we do not want to hold up this proceeding, I just want to establish whether the correct copy was sent to the Honourable Member. It could have been that it was misplaced or something, so if you can in the meantime while we continue with the debate just try and get another copy of that since as the Clerk established the correct copy like any other persons was sent to the Honourable Member. So maybe his copy might have been misplaced somewhere in his office or somewhere along. So in the meanwhile while we address that matter we will continue with the debate on the Bill. Honourable Member.

HONOURABLE JULIAN FRANCIS: Mr. Speaker, I believe that a proper analogy might be a student needing to prepare his SBA before classes next morning or to present to school and wait until he reaches to school to realise that he didn't have the right paper.

HONOURABLE MR. SPEAKER: Just continue the debate for me please.

HONOURABLE JULIAN FRANCIS: Mr. Speaker, it is all part of the debate.

HONOURABLE DANIEL CUMMINGS: That is a very disparaging remark....

HONOURABLE MR. SPEAKER: Continue with the debate for me please, Honourable Member.

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, I stand on a Point of Order with your permission and I say that the statement by the Honourable Minister is a very disparaging and I kindly asked that it be withdrawn.

HONOURABLE MR. SPEAKER: I honestly think that we are just simply making a mountain out of a molehill and maybe, Honourable Member, Minister kindly withdraw that statement since the Member is offended by it and we shall not use offensive statements in Parliament. I am asking that you withdraw the statement and let's move on with the...

HONOURABLE JULIAN FRANCIS: Mr. Speaker, may I say something before I withdraw it?

HONOURABLE MR. SPEAKER: No, just withdraw it, unconditionally.

HONOURABLE JULIAN FRANCIS: So it is an order from the Speaker to withdraw it?

HONOURABLE MR. SPEAKER: Yes Sir.

HONOURABLE JULIAN FRANCIS: Well I cannot refuse that, Mr. Speaker, I do withdraw.

HONOURABLE MR. SPEAKER: Thank you very much, let us continue with the debate. But you know, Parliament is a place where we are able to give and take certain statements and things like that.

HONOURABLE JULIAN FRANCIS: So Mr. Speaker, I will go back therefore in my debate to the report of the Select Committee, Mr. Speaker, which was laid on the table of this Parliament subsequent to the final meeting of the Select Committee and this document should have been in the possession of every single member of this Parliament whether they got the wrong Bill or not and had we read the report of the Select Committee point by point we would have realized three months ago that we have the wrong copy of the Bill. That is all I was saying. Because in a Select Committee report, Mr. Speaker, it goes clause by clause, word by word, the first thing I did, Mr. Speaker, that is when I realized that I also was preparing from the wrong copy to present to this Parliament but I had the right copy. So when I started going through my report I changed the old copy then I realize that I had the right copy in my possession. The only change is an and that should come out that is typed in, that does not belong in the report from the Select Committee, so preparation when coming to Parliament, Mr. Speaker, is an important factor in getting this thing done.

So I was trying to explain for the benefit of those who didn't read the Bill that is eight from the St. Vincent and the Grenadines Institute of Architects, one to be nominated by the Chamber of Industry and Commerce and three to be nominated by the Minister which will be eight and one, nine and three, twelve. And the appointments of the Members of the Council shall be by instrument in writing. But, Mr. Speaker, before we get to that there is supposed to be a temporary council established and I will deal with that as we go through the Bill. So following on that appointment of Members;

“The council at its first meeting shall elect one of its numbers to the chairperson and other than the first such election, an election of a

Chairperson shall be held at the first meeting of the Council after the 1st January of each year.”

So, each year we have elections and then it goes on to tenure of office, publication of membership, and the seal and so on. I thought I will just read that part of it first before we go into the other sections of the Bill. So Part 2 of the Bill deals with the Architects Council and it says;

“The establishment of the council, it shall be a corporate body with perpetual succession and common seal”.

The functions of the Council have spelled out in that Part 2, Clause 4:

- **To register architects**
- **To conduct in association with this Act examinations of persons applying to be registered under this Act.**

Appointment of Officers, Remuneration, now let me say this, remuneration is coming from the council not from the government. Funds of the council;

The funds of the council shall consist of:

- **Fees collected by the Council under this Act**
- **Subventions, donations, benefactions, endowments or bequests given to the Council by any source including regional and international organizations; and**
- **All other sums**

So that is where they got their funding from, and it is expected that the Council will maintain their accounts and the accounts must be audited annually by an auditor appointed by the Director of audit.

Part 3 of the Bill deals with the registration, how people are registered and I think this aspect of it, it's fundamental; I believe that bringing this Bill to Parliament will give the architects in St. Vincent some sense of security and some form of protection. Although we live in a free world where especially now with the OECS and everything we have persons can come in work, but this Bill covers all aspects of it for non-regional, international individual, persons who are

coming here to be temporarily working so if a firm gets a job here and then an architect is involved in that firm, he can have special registration for the period of his employment here. And the architects here will therefore be in touch and in tune with what is happening for they themselves could understand sometimes why they didn't get the job because sometimes I get questions as to how come we are getting this matter done, this building designed and so on and what not from local architects.

So it goes through, Part 3 will deal with the entitlement of the individual to be registered, qualifications for registration, the powers of the council to require an examination if they are not sure and not comfortable with the qualification. You know sometimes you get persons going to different parts of the world to get themselves qualified and certified and get certain certification and then we come here and we need to examine some of these. Sometimes we can buy these things online and as many persons try to do these days. But this entire section deals with temporary registration, reciprocity, in that if there is an architect wanting to come here and we register them here, then there is to be a reciprocal arrangement with the country from which that architect comes, and to have the power to carry out and investigate the certificates and certification presented and if they are not happy and they are unsure of the person, they will require them to do an examination.

Application for Registration; and it tells you the process for registration, there is a non-refundable application fee and it tells you;

“If the applicant is not a CARICOM national, must be accompanied by satisfactory evidence that the applicant sufficient practical knowledge of the local peculiar to the practice of architecture in St. Vincent and the Grenadines in addition to the particulars referred to in previous paragraphs.”

Mr. Speaker, we are a very strange country in structure, we are a very mountainous country and this is one of the cautions I want to throw out to the architects here in St. Vincent. There is too often an individual goes to an architect or a draftsman to get his plan drawn, they architect does not have a topographical survey and he has never seen the land on which the house is going to be built, but he gives him a floor plan, three bedroom layout and two bathrooms with each bedroom having its own bathroom with a nice patio outside and so on and what not, beautiful, love it, charge the fees, you pay for it but that is the end of the architect's work in most cases or the draftsman. When you take your contractor to the site you end up that have a 16 foot height from the back to the front and you have two more stories to deal with down below and this is

one of the cautions I want to throw out to the practice of architecture here in St. Vincent, I myself, having suffered, not to the extent of 16 feet but more like 12 feet when I built my first house. In my youthful exuberance I didn't have the experience that I do have today. I could understand them putting this in because I kind of love the formulation, it says;

“You must have sufficient practical knowledge of the local conditions peculiar to the practice of architecture in St. Vincent.”

So apart from the geography, the architects in St. Vincent have peculiar ways of operating. Well that is what we have written in the Bill.

I am pleased to see in the audience Mr. Speaker, in the gallery some members of the St. Vincent Institute of Architects and I do welcome them this morning.

Mr. Speaker, so that is Part 3 dealing with registration and I was speaking of reciprocity just now and that section which is Clause 8 reads as follows:

“The Council may, on application, register a person who furnishes it with satisfactory proof that-

- (a) He is registered as an architect in another country whose requirements for registration are, in the opinion of the Council, no less exacting than those required for registration under this Act;**
- (b) Reciprocation arrangements exist between St. Vincent and the Grenadines and that other country; and**
- (c) He has sufficient practical knowledge of the local conditions peculiar to the practice of architecture in St. Vincent and the Grenadines.”**

So that is Part 3. When applications are done and members are accepted Section 23 tells you what the Council must do, publication of notice of suspension, sorry, that is notice of suspension but the one for registration after they must report in a local newspaper and in the Government Gazette the names of all registered architects in St. Vincent and the Grenadines. The rest of this Section deals basically with '*suspension or cancellation of registration*', '*notice of the suspension*' and '*practice of architecture of persons other than those registered under this Act*'. I believe that maybe one of interest that we may go into, Clause 27 which is in keeping with the building codes and guidelines, I think that this Clause was put into the Bill, which would become an Act and says:

“Subject to Section 8, nothing in this Act shall prevent a person who is not a registered architect from

(a) Engaging in those aspects of the practice of architecture that include the drafting or supervising of works as owner, contractor, superintendent or clerk of works”.

HONOURABLE MR. SPEAKER: Honourable Member, did you say section 8.

HONOURABLE JULIAN FRANCIS: Clause 27

HONOURABLE MR. SPEAKER: Yeah but you said subject to section 8

HONOURABLE JULIAN FRANCIS: No, no, no 28, subject to section 28.

And (C) in particular, this is basically to cover draftsmen who under the building code and guidelines are allowed to do designs up to 2500 square feet and not more than one storey. So if you look under Clause 27 (C):

“Providing architectural services for single-family dwellings other than where multiple production of houses is involved or where the buildings concerned are to be of more than 2500 feet and one storey in height;

(d) Providing architectural services for business premises –

(i) of no more than 2500 square feet;

(ii) where no more than one storey is involved; and

(iii) where there is not likely to be multiple production of such buildings;”

So the first part of the Clause deals with the work of the architect and then under the building code and guidelines as I am saying (d) subsection i, ii, iii would allow for persons like draftsmen and so on to be able to design those buildings.

When I was talking about the report on the Select Committee, the only **“and”** that should take out on this Bill is on Page 17, and Madam Attorney General I do not think that **“and”**, sub

clause iii, that “**and**” should be deleted. Because we are not going to a committee of the whole house so I am just indicating that to her, it does not seem to be in place.

Mr. Speaker, I did say initially that there should be a first Council to be established and I think I should deal with that now on Page 28 I believe that allows us to get an insight as to what would be there. Transitional provisions, so until we have the persons formally appointed into this Council there shall be a temporary first Council and Page 28, it says, transitional provisions:

(1) “Notwithstanding anything in this Act, a person who is immediately before the date of commencement of this Act was practicing architecture in St. Vincent and the Grenadines may upon such commencement continue to do so without being registered.”

So it allows you to continue if you are practicing architecture;

**(a) for a period of six months beginning on that date; and
(b) if before the expiration of that period he applies for registration under this Act, until he is registered or until such application is finally refused or is withdrawn.**

(2) “Notwithstanding anything in this Act, the first Council shall include not less than four and not more than eight persons who are eligible to be registered under this Act and who shall be appointed by the Minister acting in accordance with the advice of the association known as the St. Vincent and the Grenadines Institute of Architects.

(3) A member of the Council appointed under subsection (2) shall hold office for a term of six months beginning on the date of his appointment by the Minister but shall be eligible thereafter for membership of the Council.”

So when I was reading from that Schedule we were dealing with what the permanent Council would be, but to get that permanent Council in place there is a six on which the Minister will be advised by the St. Vincent and the Grenadines Institute of Architects of a maximum of eight qualified architects who will sit on the first council and this first council will be the transitional organisation to take us into that full operation. I thought I would deal with that now as we were dealing with registration and how persons get registered.

Part 4 basically deals with getting organisations in other words apart from individuals to get organisations involved and the responsibilities of individuals being members of organisations, like there are some of them here in St. Vincent, firm of Architects rather than individual architects and this Act also allows for that organisation to be registered, that is what Part 4 is all about.

Part 5, the establishment of disciplinary proceedings, the council will have disciplinary powers but there are sections of this Bill where certain matters will have to go to the Court of Appeal and the Council itself will be setting up under part 5 a disciplinary... and maybe we should read one or two of those sections in part 5.

HONOURABLE MR. SPEAKER: Just a minute please, Honourable Member, I wish to draw to the notice of Honourable Members in this House, under rule 40 (b), rules for Members behavior;

“Members shall not read books, newspapers, letters or other documents save such as related to the business before the House.”

I called no name but I just bring that to Members attention. Thank you very much. Continue.

HONOURABLE JULIAN FRANCIS: I was wondering, Mr. Speaker, if you were referring to me because I was reading from Bill [Laughter].

There shall be a Disciplinary Committee established and this comes under Clause 32;

“The Council shall appoint, from among persons who are registered architects and who are not members of the Council, a Disciplinary Committee consisting of not less than four and not more than seven persons, as the Council may think fit.”

The Disciplinary powers of that Council;

“If a registered architect is convicted of a criminal offence which in the opinion of the Council renders him unfit to practice architecture or is, after due enquiry by the Disciplinary Committee, judged by the Council to be guilty of professional misconduct, the Council may –

- (a) reprimand the registered architect;**
- (b) impose on the registered architect such fine as may be prescribed by regulations made under this Act;**
- (c) suspend the registration of the registered architect for a period not exceeding one year; or**
- (d) Remove the name of the registered architect from the Register.”**

And that is internal Disciplinary Powers of the Council, and when the person is suspended their payments are suspended and Rules for professional conduct. Mr. Speaker, I am hoping that after the architects have gotten their Bill passed in this Parliament that other professionals in St. Vincent would ask for their profession to be brought to Parliament. And we get similar rules for professional conduct. I know having made that statement the first thing they are going to say, the same should be done for parliamentarians and politicians but at least we have the rules and order of this House by which we operate and the Constitution of St. Vincent and the Grenadines. But 34 says;

“The Council may, with the approval of the Minister, make rules in relation to the promotion by the Council, in the public interest, of acceptable standards of professional conduct among registered architects.”

And I want to hold the Council to that section for early action and I would be following up that section.

“Without prejudice to the generality of subsection (1), the Council may by rules prescribe a code of ethics to be observed by all registered architects.”

That follows on from the same, so it is Clause 34 (1) and (2).

Part 6 deals with licensing, and I want to say something, the licence I am referring to here, Mr. Speaker, and the Minister of Finance I am sure will have particular interest in this, has absolutely nothing to do with the professional fees. This licence basically is to be part of the architect’s club, the Architects Council to be able to register and practice, but there is still the professional fee which is part of, the Minister of Finance’s budget annually where all professionals in St. Vincent ought to be paying a fee to the Government to operate in St. Vincent. I just want to make that very clear to the members of this council, not because you are

paying licence to the Architect's Council means that you are not going to be paying a professional fee, you will have to...

DR THE HONOURABLE RALPH GONSLAVES: [Inaudible.]

HONOURABLE JULIAN FRANCIS: Well for now...

DR THE HONOURABLE RALPH GONSLAVES: [Inaudible.]

HONOURABLE JULIAN FRANCIS: Yes, so that is what I am saying, for now it goes, everything goes, Mr. Speaker, so I just wanted to point that out.

“A person registered as an architect under this Act shall if he intends to practice in his professional capacity, require in addition to registration, an annual licence for which he shall pay to the Council the prescribed fee.

That fee has not yet been established.

“A person who fails to obtain the annual licence and pay this fee shall not practice in his professional capacity during any licence year and any person who knowingly contravenes this section commits a disciplinary offence.”

So you go to the Disciplinary Committee and there they deal with you, they can take you off of the register and cancel your licence and so on. But as I was saying there is a differentiation between the disciplinary actions of this Council and the Court of Law which is dealt with in the next section, *'Appeal to Judge in Chambers'*;

“An appeal against any decision made by the Council, other than a decision with respect to the entitlement of a person to be registered under this Act, shall lie to a Judge in Chambers and every appeal shall be made within such time and in such form, and shall be heard in such manner, as may be prescribed by rules of court.”

So the entitlement of a person to be registered under this Act is basically a decision of the Council. The Council is the one who will be assessing your application, do diligence on your background, on your certification and they can refuse you, but anything other than that you can appeal to the court for redress.

'Architects Registration Appeal Tribunal', so if in the registration you do not take it to the court you will be able to take it to the Architect Registration Appeal Tribunal. So in the Act it allows the Council to establish such a body, the Appeal Tribunal.

(1) “There is established an Architects Registration Appeal Tribunal which shall hear appeals in connection with the registration of architects...”

So any question that you have with the Council, if they refuse you then go and appeal to this Tribunal.

(2) “The Tribunal shall consist of-

(a) An attorney-at-law, of at least ten years standing;

(b) A registered architect, of at least ten years experience; and

(c) A person with knowledge and experience in construction and architecture.

(3) The members of the Tribunal shall be appointed by the Minister for a period of three years and shall be eligible for reappointment.

(4) The members of the Tribunal shall receive such remuneration as the Minister determines.

Madam Attorney General, Page 28 I did say? I think that was, I will find it back for you just now, when we have to remove that “and”.

HONOURABLE MR. SPEAKER: 17.

HONOURABLE JULIAN FRANCIS: 17, Okay, Speaker would have made a note of it.

HONOURABLE MR. SPEAKER: B (3)

HONOURABLE JULIAN FRANCIS: So

“a person who is aggrieved by the refusal of the council to grant him an application for registration may –

(a) within three months of such refusal appeal to the Tribunal;

(b) where he is of the view that there are additional facts or that fresh circumstances have arisen which warrant the reconsideration by the Council of his application for registration, reapply to the Council for such consideration no sooner than twelve months.”

So there are steps that you go through in registration, acceptance of your registration, decision making, appeals, if you are down and a decision Sub-clause 7 under Clause 37;

“a decision of the Tribunal with respect to the entitlement of a person to be registered under this Act is final.”

I think that ends that aspect of it.

Mr. Speaker, Schedule 2, there was some debate as to whether persons employed by Government and statutory bodies and so on as to whether they should have special privileges to practice here in St. Vincent and Schedule 2 covers Categories of persons who may be specially registered, and I think we should show some interest in that Schedule and that is found on Page 32 of the Bill and these are;

- 1. “Employees of the Government who are engaged in an architectural capacity and who satisfy the Council that they possess the knowledge, experience or qualifications necessary for the practice of architecture in that service.**
- 2. Persons who are on the permanent staff of the St. Vincent and the Grenadines Community College or any other tertiary institution in St. Vincent and the Grenadines approved by the Minister and who are engaged in a teaching or research capacity in architectural work or any branch.”**

So that covers those special persons who can have special registration.

Constitution and Procedure of Disciplinary Committee, ‘the tenure of the office of Disciplinary Committee’, we dealt with that and Schedule 3 gives you the Constitution and practice of the Disciplinary Committee.

Mr. Speaker, that is my opening presentation on this and I will pause here for other members input. Thank you.

HONOURABLE MR. SPEAKER: Further debate on the Bill, Honourable Member for West Kingstown.

HONOURABLE DANIEL CUMMINGS: Thank you very much, Mr. Speaker. Mr. Speaker, Honourable Members, I am elated as a Member of this Honourable House, as a Civil Engineer and still practicing Civil Engineer and a citizen of this country to partake in the discussion on the Bill relating to architects in St. Vincent and the Grenadines. I have been a member of the association of Professional Engineers and indeed I am past president and I believe it is during the tenure of Engineer Lennox Morris as President that an attempt was made to have the registration of professionals involved, that is engineers and architects and there has been considerable collaboration over the years between these two bodies. Though I am a bit disappointed that we have not seen the registration of engineers as I said I am indeed elated that the architects have taken the first step through the Honourable Minister of Transport and Works and I applaud him for that.

Mr. Speaker, when this Bill was first presented to this Honourable House I was indeed incapacitated and hospitalised and recuperating in Trinidad, on my return I have seen the draft Bill quite some time now and have been studying it from then. Indeed I have held considerable discussions with a number of architects and engineers and indeed members of other professional associations in the country. I therefore wish, Mr. Speaker, to make a number of critical observations relative to the Bill before us and I pray that these comments – suggestions would be taken in the spirits in which they are intended because I believe they are indeed very germane to the process.

Firstly, Mr. Speaker, I wish to call attention to schedule relating to the Council, the appointment of the council and in particular the section relative to a quorum and I have to be careful because I have my notes on the old draft and I have just the current draft. That section speaks of a quorum and before I deal with a quorum I need for us to look at the Membership Council, the schedule speaks of the appointment of not less than four and not more than eight members of the architect's profession, one member from the Industry of Chamber and Commerce and three members appointed by the Minister.

There is nothing, Mr. Speaker, in the schedule which requires the members appointed by either the minister or the chamber to have any knowledge of matters architectural, the work of the council is essentially requiring an understanding of matters related to architecture and administration with a minimum input of law. Therefore my concern is if you have the establishment quorum by simple majority with proviso, very strange proviso I may add that at least of whom shall be a member nominated by the Minister, that in itself is not a problem but I call the attention of this Honourable House to the fact that under this very schedule you could have a quorum four architects, one member from the Chamber, three from the Minister, eight persons. So a quorum comprise of five person could be three members appointed by the Minister, one from the Chamber and one architect making five a natural majority, simple majority. But I believe Mr. Speaker, that in itself is an injustice to the purpose of this Bill and I would humbly suggest, as I said I have no quarrel with at least one being nominated by the Minister but I would suggest that they also need to have stipulation with respect to the number of architects or persons with architectural skills and or training comprising the board at any time there is a quorum.

My reason for this point, Mr. Speaker, is not mere arithmetic; it is a critical issue in the functioning of the Bill. Akin to that, Mr. Speaker, there is a Clause which gives me a little bit of pain in the similar vein it speaks of the, and I refer to the section; special registration schedule 2, Clause 16 subsection (2):

“Subject to negative resolution of the House of Assembly, the Minister may by Order published in the Gazette amend Schedule 2 to add to or to remove any of the categories of persons specified in that Schedule.”

There is in this Bill, Mr. Speaker, nothing pointing out rationale for doing so or implying whether or not the Minister shall be guided by the architects institute or such body. It gives sole discretionary powers to the Minister to amend the Schedule in a most fundamental [way] with absolutely no reference to the professionals. And this is nothing to do with the current Minister, but I think that is an anomaly in my own humble judgment which needs to be correct. While I appreciate the need from time to time to have these interventions I humbly submit that it ought rightly to be done is discussions and consultation with professionals of the body.

Mr. Speaker, I turn my attention to Page 17, that I believe is Clause 27, subsection (3):

“Nothing in this Act shall deemed or construed to prevent the practice of their professions by –

(a) Engineers registered under any enactment providing for the registration of engineers.”

Mr. Speaker, if this Bill were to pass, with 30 years experience in Civil Engineering I would be prohibited from practice in this country for the simple reason that there is no body...

HONOURABLE JULIAN FRANCIS: What section are you reading from?

HONOURABLE DANIEL CUMMINGS: 27 (3) (a).

There is no such registration of anything called an engineer in this country under any shape, fashion, colour, what have you, no such provision exists in this country for the registration of engineers and I say this makes sense if the Bill registering and licensing engineers and so on it takes place, in other words Mr. Speaker, a simple proviso ought to be included here to allow engineers to practice until such time as there is an opportunity for engineers to be registered because there is no such possibility right now.

DR THE HONOURABLE RALPH GONSALVES: Mr. Speaker, if my Honourable friend gives way, I am section as a lawyer and I am trying to follow the Honourable Member for West Kingstown, it says,

“Nothing is this Act shall be deemed or construed to prevent the practice of their professions by –

- **Engineers under the Act, Land Surveyors, Physical Planners, Landscape, naval architect, interior decorators or future designers.**

if such persons do not use the term “architect” in its unqualified form with the intent to mislead the public.”

So it does not stop an engineer who is practicing as an engineer or any of these categories of persons even though there is not an Engineering Act does not stop you from doing your business as an engineer. All you do is just saying that nothing in this prevents you from doing

this as long as you do not go about and say that you are an architect and you are not an architect, this is what it says.

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, I am glad I am not a lawyer, because I repeat in simplicity, if this draft Bill had said simply, engineers as it does for physical planner, land surveyors are licensed, doctors are licensed other professionals are licensed, I am saying categorically there is no such person as a registered engineer in this country, there is no process for registering engineers in this country therefore because the Bill requires you to be a registered engineer it excludes you from performing engineering work it is a simple deduction, it does not require legal training to understand that...

DR THE HONOURABLE RALPH GONSALVES: [Inaudible.]

HONOURABLE DANIEL CUMMINGS: ...it is as logical as you can have it. If Mr. Speaker, the intention is to permit engineers to practice it should *simple Section (a) engineers point finale. But when you go on to specify engineers registered under any enactment providing for the registration..

DR THE HONOURABLE RALPH GONSALVES: Mr. Speaker, if my Honourable friend would give...

HONOURABLE DANIEL CUMMINGS: I give no way, Mr. Speaker...

DR THE HONOURABLE RALPH GONSALVES: Mr. Speaker, I rise on a Point of Order that the Honourable Member is misleading the public, misleading the Parliament. Mr. Speaker, there is no provision here which prevents anybody from practicing as an engineer. The purpose of the Section is simply to say that these categories of persons cannot use the term; they are not prevented from practicing, if they doing their job as the various things, if the term architect is not used. The Bill does not say that it stops you from being an engineer practicing if you are not registered. The Bill does not demand that you have to be registered as an engineer to practice as an engineer.

HONOURABLE MR. SPEAKER: Honourable...

DR THE HONOURABLE RALPH GONSALVES: The purpose and meaning is very clear, the construction of the law is simple.

HONOURABLE MR. SPEAKER: I am not a lawyer, but, Honourable Member, I understand the point that you are making and I agree with the point and I am asking the Member please to move on in his debate. Thank you very much.

HONOURABLE DANIEL CUMMINGS: Are you saying, Mr. Speaker, that you are proceeding as is? You see, Mr. Speaker, there are lawyers here but there are lawyers outside and this is a matter I have discussed with members of the Legal Profession and as an engineer it gives me much concern because...

HONOURABLE MR. SPEAKER: Honourable Member, just a minute, I have asked you please to move on with the discussion because even from your own side I hear the whisper, Ralph is right. [Laughter] Please continue.

HONOURABLE DANIEL CUMMINGS: That is why, Mr. Speaker, a legal opinion has weight depending on who gives it.

HONOURABLE MR. SPEAKER: Go on, go on for me please. Let us not get into any confusion.

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, and the point is you know, the engineers in the construction industry, not because I am an engineer, to the layman, and I am sure the doctors, the medical professionals could come up with similar analogy in the different branches of the profession. The architects have a very important role to play in insuring the functionality and design and management of construction projects et cetera. Engineers are generally concerned with the design from a structural rather than aesthetic point of view, this is not to say that engineers in their designs do not take account of the aesthetics of the buildings, but it is of critical importance, Mr. Speaker, that the professions of engineers in this country be given a similar boost to what is happening here to the architects because they go hand in glove and it is very essential that as soon as possible that follow-up step should take place which would make this Clause I refer to quite logical. But in the absence of that is a horse of a different colour.

Mr. Speaker, the Section relating to the finances of the Council I found to be very intriguing and I was very pleased to hear the Honourable Minister state that there is a difference between the professional fees and registration fees. Now I do not know, I can speak as an engineer and I know many an engineer would have difficulty in paying one fee much more to pay two fees,

under the current circumstances yes, but and I hope that the architects would be in a position to collect their fees and interestingly I am pleased that the Bill has the proviso, very useful proviso and I am satisfied that the majority of the architects are in agreement it. I find it a very useful proviso of delisting an architect who fails to comply. Well that is a simple mechanism, an effective mechanism to make sure that the Council will have critical funds to do very important and to employ the necessary staff et cetera.

I note also that there is a provision where Government can make a contribution to the Council and I presume that would be part of the registration fee or other such contribution.

Mr. Speaker, I turn my attention to the Building Code referred to by the Honourable Minister in its presentation because I find that the Building Code is very hinged to this exercise, I believe most people are aware, Mr. Speaker, that the Building Code and I must say it is a very interesting piece of work but it is work in progress and there are a number of problems associated with the implementation, like everything else, the implementation of the Building Code. As a people we grow and there are usually growing pains, the Building Code for the first time faces requirement on people in the construction industry to meet rigorous requirements for getting approval to build. That in itself is a welcome change, absolutely necessary. We have seen disasters in this country based on work done by even agencies of the government that had engineering staff and other technical staff. We know that we are a country vulnerable to mudslides, landslides flooding etcetera and therefore it is important that people who are constructing dwelling homes in particular especially in the zones that are vulnerable for them to pay rigorous attention to these requirements. However, Mr. Speaker, one has to be careful not to dent the enthusiasm that our people have for designing their own homes and making it different from any other home in the country is a tradition that gives us a reputation of having some of the best homes in the Caribbean, especially those that are built on the hills. Indeed, Mr. Speaker, when you go around the Caribbean today other countries are now waking up to the value you have from constructing a home in the foothills.

Trinidad for example years ago you could have gotten an acre of land in the foothills for next to nothing nowadays they are finally realising that that is the price part of the country and some beautiful bungalows are going up there not that they are without their problems. They themselves, there was one on television not too long ago where an apartment was leaning precariously following a slide and there are a number of problems associated because of the soil conditions. The point I was making, Mr. Speaker, while the Building Code in itself is a very useful and necessary step there is a need to strengthen the technical capability of the Physical

Planning Unit some more particularly people with experience in matters of engineering and architecture. I myself, Mr. Speaker, had an experience where a simple basic design was challenged and challenged by someone who I daresay I do not know on what basis it was challenged.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, I am following my Honourable Friend with great interest; if my Honourable Friend will just give way. A matter which he raised which is of importance which I think should be corrected. I think when the Honourable Minister was speaking he said and unless my note is wrong that clause 27 after d (3) the “and” is to be deleted and I think he said and or should go in. But I think what we are having there is that the “and” is deleted the “or” is not necessary because where it reads is: “Where the interest of the public is not likely to be affected”. So that it says: “Subject to section 28 nothing in this act shall prevent the person who is not a registered architect to engage in all of these things including providing architectural services for single family dwellings of no more than 25 hundred square feet”. And it has the rider: “Where the interest of the public is not likely to be affected”. So, I think that that without addressing that particular issue it would appear on the face of it that we are going to stop persons from designing their own family home where there is a tradition in so doing, that you can go ahead and do it in so long as the interest of the public is not affected. Because if your design is not properly and it falls apart it is the public who has to get involved to do a number of things, so it helps to maintain a standard but taking account of the tradition which my Honourable Friend speaks. So, I was just making that point from the standpoint that I think that that rider was excluded from the discourse so a wrong impression could be given. That is all I was doing, Mr. Speaker.

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, I am grateful for the clarification but it is really not related to the point I am making. I am speaking of existing situation relating to the Building Code.

What I want to suggest, Mr. Speaker, with respect and until the planning unit can gain some enhancement and I cast no aspersions on the existing staff, it takes time for these things to take root but I want to suggest that a small committee comprising architects, engineers, contractors, draftsmen et cetera should look at coming up with a core of critical issues that the staff should pay deep attention to, instead of the current arrangement where they follow the code by the letter and lock people down in unnecessary details in relative trivia. If this core of critical issues were to be selected and staff given some briefing and training in going through the applications

they can identify these critical factors and if those are found to be okay then the process can be speeded up.

I have seen instances where submissions are held up for undue periods for relatively insignificant matters and again this is probably due to the exuberance and the attempt to do their work. This is not again, Mr. Speaker, I am casting absolutely no aspersions on the staff of the Physical Planning Unit: the planning section. I know that the people are very courteous and I have noticed a significant improvement in the way they deal with the members of the public but I am saying to help them, I repeat coming out of the building code to certain types of construction a core of critical issues be selected which they will use as a sort of grid screening instead of tying people up in small insignificant matters. Because if the core issues are correct, I will suggest that a provisional approval could be granted which would allow people to go ahead with their constructions even as they deal with the smaller issues. Again, Mr. Speaker, this is a recommendation to help to achieve the objectives of the building code. I am very happy for it but I think there are some teething problems which need to be sorted out.

Mr. Speaker, under the disciplinary proceedings and again I am as everyone knows when it comes to discipline I am always for it but schedule (3) section (7):

“Any person giving evidence before the disciplinary committee shall in respect of the evidence given by him or any document produced by him be entitled to all the privileges to which he would be entitled as a witness before the High Court”.

Again this seems to be saying that the disciplinary committee could get steeped in situation where both sides have lawyers because that is my layman’s interpretation of that and I do not think that that is the intention of that committee. I am a little bit puzzled by that tradition there because it makes it explicit that everybody has a right to you know. Normally in these kinds of proceedings it has been found generally that you get better results when you keep out lawyers. [Interjections] It has been found that you get better results and let the lawyers come in when there are difficulties and I cast no aspersions against lawyers, Mr. Speaker, my dear wife is a member of the profession [Laughter] [Laughs] [Interjections] Yes, Mr. Speaker, is so infested by termites and I cannot sleep too easy when the nights come the whole place is under reconstruction and a lot of dust. So, I think that is what the Honourable Member is referring to. But Mr. Speaker [Interjection] [Laughs] [Laughter] no these are termites [Striking of gavel]

Mr. Speaker, under that same section it speaks of the appeals process especially as it relates to registering of architects the Bill says and the other Minister was dealing with it; the Bill says that there is one section that you cannot take before the Court of Law and that is the section

dealing with the registration of an architect and it refers to a tribunal. Again my question is if an architect applies and is turned down appeals to the tribunal and is turned down but still has a beef can the architect go to a court of law? And that is my question is it a matter of procedure? Why specifically rule that from going to a court of law? And I ask it and the legal people again ...

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, If my Honourable Friend, if I may assist. Where a section says as it states here let us say in clause 32, I will get the actual provision 36:

“An appeal against any decision made by the Council, other than a decision with respect to the entitlement of a person to be registered under this Act, shall lie to a Judge in Chambers and every appeal shall be made within such time and in such and in such form, and shall be heard in such manner, as may be prescribed by the rules of court”.

First of all Mr. Speaker, the Minister has read the Law as it is but as lawyers on the other side would advise also you cannot close out the court even on an issue in respect to the entitlement of a person to be registered under the Act. So, long as you can bring it by way of judicial review that one of the reasons that there is an error in procedure; natural justice has not been followed and so on and so forth; that other persons have a right to be heard et cetera. Those are issues which always there is an inherent power in the court to review those so that is there. Secondly, in so far as something from the Judge’s concern, they have an appeal which lies to the Judge, but if the Judge makes any error, any error by the Judge in accordance with the rules of the Court would be able to address. It is a peculiar way; sometimes when sections dealing with the appeals are written it is not always what is seen on the face of it you have to read it in conjunction with the establish jurisprudence. You cannot, for instance, on the issue of the determination of a membership close the Courts out. You can close the Court out on an issue as to whether a person is Tom Jones should be registered or not in respect of the qualifications, but if the Council acts in a manner which is contrary to natural justice, or breach of procedures or so on the Court has a right to intervene.

The Court has a right to intervene in a political party if you expel somebody or suspend somebody without due process and a right to be heard. Even though there is no written law on that in relation to anything for political parties because that is the established law and procedure of the country in another locale at another place. So these matters have to be read always with an understanding of what the existing law is. So, I just want to make that clarification, Mr. Speaker.

HONOURABLE MR. SPEAKER: Honourable Member.

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, I guess that is why lawyers get fees. My simple construction would have been, you know, you cannot go to the Court unless you have been to the Tribunal make it clear; in other words you do not go from the Council to court you have to go through the Tribunal, say that and then anybody would understand that but as it says here, you know that will make lawyers feel that they are important more than other people [Laughter] [Interjection] feel so some [Laughs] [Interjections] But in all honesty, Mr. Speaker, [Striking of gavel] you know I have been engaged in the process with a number of Councils over the years in drafting legislations particularly in the field of water and waste water and I have always found that the people who are engaged in the activity are not involved enough in fashioning the legislation both in the language and in the content. Because you can say what the Honourable Prime Minister just said in a few words, simple, simple change in the structure and every Tom, Dick and Mary would know what it means, you know. But they always tell you that they have to make a living.

Mr. Speaker [Laughs], under Funds of the Council section 7; if I may just go back to that, the first draft, I had spoken of the appointment of Auditor by Council and I see quite correctly that the revised draft says by the Auditor General I believe it is. I have one concern and I hope the members of the Architects Association the Professional Architects have explored this. It does not say appoint an auditor in conjunction or in consultation with, it is the Auditor General who appoints it. My question is who pays that auditor is it the Council or is it the Government? Because if I have no say in whom my auditor is nobody sending a bill to me; eh! And I hope that the architects have considered that because it becomes a critical issue, because you may very well find a quality auditor that may not even charge you anything but if you have to take one from the Auditor General I hope the Government pays that for you; it is something to consider.

You see, Mr. Speaker, in closing I am delighted as the Honourable Members on this side of the House are with the Architects' Bill coming before this Honourable House, as I said I have taken time to discuss issues of this Bill with a number of Architects and other professionals and I restate the question of a quorum with respect to the Council is a matter that needs revisiting to ensure that at no time can there be a majority of members who do not have training and or experience in the matters architectural, and I say again this can be accommodated alongside, quite rightly, the requirement of the Honourable Minister that at least one person should be one of the persons he ... This is important, Mr. Speaker, for the proper functioning of the body because as I said the work of the Council beyond the shadow of a doubt is primarily matters relating to architecture and you need to have, with all due respect to engineers, construction

people it is a specified field of training for which people undergo a considerable period and become qualified and competent; and they, more than any other group of people will be in a position to influence the functioning of that Council.

This is not to say that non-architectural persons do not have a critical role to play but I am saying that the architects should have always a majority position in the Council, Mr. Speaker, [Laughs] [Laughter] I make no comment on the lawyers. Mr. Speaker, and the other issues I have raised, I therefore, Mr. Speaker, I have pleasure in supporting this Architect Bill 2011 and I thank you.

HONOURABLE MR. SPEAKER: Thank you; further debate, Honourable Minister no further debate?

HONOURABLE JULIAN FRANCIS: Mr. Speaker, I want to thank the Honourable Member for West Kingstown for his contribution to the debate on this Bill and to the Honourable Prime Minister for his interventions more on the legal aspect of it. The Honourable Representative for Central Kingstown and myself, I supposed are not as steeped in the law; we are more practitioners but I agree with you, Honourable Member, on the legal language as I was saying to you across the floor I have had many of these arguments and discussions with our Honourable Prime Minister in his former life that they deliberately designed legislations so that they would get a lot of work [Interjections] and we are lucky today and I believe I had some part to play in that new laws now being drafted actually have punctuation in them, commas and full stops. If you read the old laws, plenty of those, a lot of those Mr. Speaker do not have a comma from the beginning of the paragraph; it might be twenty lines long not a comma, not a colon nothing in it; so you do not know how to read it. The only person who can read it is the lawyer. [Laughs] [Interjections]

Mr. Speaker, I want to say to the Honourable Member I can understand his disappointment in his profession not being in the position that the Architects are in today, in that they are not registered. So, I took his debate on that aspect of it from that angle his view of that particular section was coloured by the fact that I think he has tried to get his peers to get his association registered. When I started off my presentation I did refer to discussions I held with the construction industry in the early days of this administration and I was a bit disappointed, maybe even more disappointed than the Honourable Member that only the Architects have come to this level and trying to get themselves registered and I will give him this as a note sent to me by somebody listening who is an engineer. "I am listening to your debate on the Architect Bill it is encouraging there is a functioning Construction Association we will heed the call to

register other professionals especially our engineers and contractors". So, I think that would give you hope, Honourable Member, that there is one other person in your corner to get it done.

Mr. Speaker, I understood the Honourable Member in the beginning of his presentation indicating that because I had referred to the absence of the participation of the Opposition and he quite correctly told us that he was in an institution in Trinidad [Interjection] yes he said he was overseas; didn't he say so? Yes, recuperating from and we understood what he was saying; but there were other Members, Honourable Members, from that side of the House who were in St Vincent and could have gotten involved in the debate and the discussions on the Bill.

On the matter of the quorum while I understand what he was saying there is a preponderance of architects in the structure, there are eight persons from the Institute of Architects, one person from the Chamber of Commerce

HONOURABLE DANIEL CUMMINGS: [Inaudible] four.

HONOURABLE JULIAN FRANCIS: Hold on a minute. And three persons nominated by the Minister. I am appointing the Council or the Minister; you are saying that the four persons coming out between the Chamber of Commerce and the Minister it does not say they should be architects. But I do not see, I prefer to have a mixture where you have eight to four surely you need somebody with finance, surely you need somebody with some legal training, surely you need a contractor

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, the Minister is not representing my view. I have no quarrel with non-architectural persons on the Council I made that point. My problem is the possibility of non-architectural persons in the majority. I made it clear that other professionals have an important and critical role to play in the Council; that is not my issue.

HONOURABLE JULIAN FRANCIS: Well, Mr. Speaker, on the matter of preponderance if you have eight architects and you have four non-architects even if the other four are not architects and there is a quorum for a meeting [interjection] you are going to have eight persons nominated by the Institute of Architects who I expect to be architects. If there is not a preponderance of architects in any meeting of the Council called, I would say they lost interest in their organisation and; therefore, if the Architects have lost interest the Minister ought to ensure the continuation of this organisation. But the only way he could go and change the structure is to come back to the House of Assembly, I cannot administratively change it; I have to come here by negative resolution in the House of Assembly with the Opposition present so we will have a debate on it. Surely, that is not unusual I think that is an excellent arrangement; because I am not secretly in the administrative work of my Ministry going to change the

structure of this Council, I have to come back here to the parliament and that is what the section says. [Interjection]

Section 16, let us go to it, clause 16, he read only two; he read sub clause (2) of clause 16. He said:

“Subject to negative resolution of the House of Assembly, the Minister may by Order published in the Gazette amend Schedule 2 to add to or to remove any of the categories of persons specified in that Schedule”.

But Mr. Speaker, I have to come here to the House of Assembly and it said here:

“A person within any of the categories specified in Schedule 2 may

That is clause 1.

on application to the Council, be specially registered”.

And it goes into.

“Notwithstanding the removal of any category of persons from Schedule 2, any person who at the time of such removal is registered pursuant to subsection (1) within that category shall subject to subsection (1) continue to be specially registered”.

Well, this goes on but the point I am making here is on the tow that you read. I believe that you were trying to give the impression that the Minister will arbitrarily go and change the structure. That is how I read it. [Interjections] but that is how you said it.

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, I really do not believe that the Honourable Minister is being reasonable in that conclusion. Mr. Speaker, I was at pains to point out, Mr. Speaker, that the Minister and I made the point I am not even speaking of the current Minister because the Minister is a legal definition, yes. The point that I was trying to get across has nothing to do with the resolution in the House; the House is not necessarily comprised of persons with architectural knowledge. I am saying if you are going to change something so germane to that is primarily architectural while I appreciate the need for the Minister to have that authority such gross possible change should come with the understanding, in fact it should be on the recommendation of the Council and not arbitrarily by the sole discretion of the Minister, as this law implies and that is the point I am making.

HONOURABLE JULIAN FRANCIS: Mr. Speaker, I made a note of “sole”.

DR. THE HONOURABLE RALPH GONSALVES: May I, if my Honourable Friend will give way. Mr. Speaker, as always we have to read the Section and the Schedule. The clause 16 (2):

“Subject to negative resolution of the House of Assembly, the Minister may by Order published in the Gazette amend Schedule 2 to add to or to remove any of the categories of persons specified in that Schedule”.

These are categories relating to persons who may be specially registered. These are not categories governed by the Architects Council in respect of those for which they have clear jurisdiction. We are talking here about special registration, so the Minister cannot go within the frame here and go beyond the purpose of special registration. And what are the special registrations?

“Employees of the Government in an architectural capacity and who satisfy the Council that they possess the knowledge, experience or qualification necessary for the practice of architecture in that service”.

So, the first category the law precisely mandates what the Honourable Member for West Kingstown is asking that in fact the Council has to be satisfied when he issues these special categories in respect of those who are engaged in architectural capacity.

And it goes to a second category:

“Persons who are on the permanent staff of the St Vincent and the Grenadines Community College or any of the tertiary institutions in St Vincent and the Grenadines approved by the Minister and who are engaged in teaching or research capacity in architectural work or any branch”.

He cannot in the definition of the law in clause 16:2 and in categories of persons who will be specially registered put persons names or categories on that list which will circumvent the provisions lead relating to the Architect’s Council giving their approval for registration. This deals with a narrow body of cases, not the general question of about Architect’s and their rights there is a stipulation already in the law what are the powers you must have. The Minister cannot have a power and this does not give him a power to undermine what is there in the existing law already. One has to deal simply with the construction of a law: of an Act. And Mr. Speaker, the law contemplates that in relation to the first category persons in the government service who are performing the job as architects that those persons who are engaged in architectural capacity and who satisfies the Council, so the employees also have to satisfy the Council.

I may say this Mr. Speaker; the Law in relation to lawyers actually repose more authority to somebody who is already in the government service. A lawyer within the government service does not have to be called to the Bar as anybody else to practice before the Court you know. The fact that they are employed in the Government service by law even though they may not have the qualifications necessary to pass muster with being called to the Bar. In this case this is a category listed here but the government employees must satisfy also the Council in so far as their training and competencies go, it is stated clearly in the first point of those to be specially registered. So, I do not think that we must read a statute in a manner which gives it a meaning which it does not possess on any reasonable legal construction that is the reality which is before us here.

HONOURABLE MR. SPEAKER: Honourable Member.

HONOURABLE DANIEL CUMMINGS: Mr. Speaker.

HONOURABLE MR. SPEAKER: [Striking of gavel] just a minute.

HONOURABLE DANIEL CUMMINGS: Mr. Speaker may I.

HONOURABLE MR. SPEAKER: Honourable Member, No! No!

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, the Prime Minister raised two ...

HONOURABLE MR. SPEAKER: I said please sit.

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, the Prime Minister raised issues relative [inaudible]

HONOURABLE MR. SPEAKER: Yes, and I am also on the floor.

HONOURABLE MR. SPEAKER: I am also on the floor and you have to listen to me. I think enough on this issue has been ventilated and I am asking the Minister please to move on. We cannot go on all day with discussion backward and forward. Please move on. [Striking of gavel]

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, on a point of order, Mr. Speaker, the Prime Minister insinuated comments to me which are wrong and I wish to explain and elucidate the point I made.

HONOURABLE MR. SPEAKER: Honourable Member, I am asking

HONOURABLE DANIEL CUMMINGS: In accordance to the Rules of the House, Mr. Speaker, on a point of elucidation.

HONOURABLE MR. SPEAKER: Honourable Member...

HONOURABLE DANIEL CUMMINGS: I rise to elucidate my point which is misconstrued by the Honourable Prime Minister.

HONOURABLE MR. SPEAKER: Honourable Member, I am asking you please to continue with the debate on this matter.

HONOURABLE JULIAN FRANCIS: Thank you very much, Mr. Speaker.

HONOURABLE MR. SPEAKER: And move on from that point.

HONOURABLE JULIAN FRANCIS: I will because I made my point already on it, Mr. Speaker. It would have been unfair had I not finished my point that I am moving on but I made my point on it already.

The matter of funds and Mr. Speaker, sometimes things are said in this parliament that I think sometimes is done similar to what we were discussing just now what comes across is not what always necessarily the intention of the speaker and in the speaker, I am not speaking to you, the presenter.

HONOURABLE MR. SPEAKER: I know.

HONOURABLE JULIAN FRANCIS: But he was referring to clause 7 [Interjections] [Striking of gavel] Mr. speaker, I thought I was the presenter on this Bill but it looks like other people want to take it over from the other side. [Interjection]

HONOURABLE MR. SPEAKER: Honourable Member, please continue to speak.

HONOURABLE JULIAN FRANCIS: Funds of the Council, Mr. Speaker, I want to read that clause for the benefit of the Member of West Kingstown and for the benefit of the persons listening; because I heard him say

HONOURABLE MR. SPEAKER: What clause?

HONOURABLE JULIAN FRANCIS: Clause 7 on page 8.

HONOURABLE MR. SPEAKER: Okay.

HONOURABLE JULIAN FRANCIS: Funds of the Council. And he said in some way which I corrected across the floor; funds from government: monies from government. I particularly made a note of that. Clause 7 says:

“The funds of the Council shall consist of:

- (a) fees collected by the Council under this Act;**
- (b) subventions, donations, benefactions, endowments or bequests given to the Council by any source, including regional and international organisations; and**
- (c) all other sums which may in any manner become payable to the Council in respect of any matter incidental to its functions.**

It does not say anything about government there.

DR. THE HONOURABLE GODWIN FRIDAY: Who makes subventions?

HONOURABLE JULIAN FRANCIS: The government is the only person who can make a subvention?

DR. THE HONOURABLE GODWIN FRIDAY: The government does not make subvention?

HONOURABLE JULIAN FRANCIS: Yes, but is the government the only organisation? If government was going to put money into it the Act

HONOURABLE DANIEL CUMMINGS: Mr. Speaker,

HONOURABLE JULIAN FRANCIS: Mr. Speaker, I am not giving away on this matter.

HONOURABLE DANIEL CUMMINGS: On a point of order, Mr. Speaker.

HONOURABLE MR. SPEAKER: State your point of order.

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, clarification, is the Minister implying that the Government is not making a subvention to the Council because subvention normally comes for the Government and I am asking him, is he saying therefore that the Council cannot expect any contributions from the government is that what he is trying to say?

HONOURABLE MR. SPEAKER: Honourable Minister.

HONOURABLE JULIAN FRANCIS: Mr. Speaker, if it were so intended it would have said subvention from the government. Do not put in the government and impute any improper motive; let us put it this way. [Interjection]

HONOURABLE MR. SPEAKER: Honourable Member, just a minute, he wants you to state categorically it does not imply subvention from the government.

HONOURABLE JULIAN FRANCIS: Mr. Speaker, from my interpretation, it does not.

HONOURABLE MR. SPEAKER: It does not.

HONOURABLE JULIAN FRANCIS: You are asking for my interpretation? My interpretation it does not.

HONOURABLE MR. SPEAKER: It does not.

HONOURABLE DANIEL CUMMINGS: It is your Bill [Laughs]

HONOURABLE JULIAN FRANCIS: Similar aspersions were cast in the presentation with regards to the quorum and the Minister changing it “sole discretion” not going back there but just had to make the point, Mr. Speaker. [Interjections] [Laughter]

HONOURABLE MR. SPEAKER: Honourable Member, No! No! Please...

HONOURABLE JULIAN FRANCIS: Thank you, Mr. Speaker.

HONOURABLE MR. SPEAKER: That side talk I am not going to entertain.

DR. THE HONOURABLE GODWIN FRIDAY: No! No! I am not talking about the Prime Minister. I am not responding to the Prime Minister. The Prime Minister is not leading the debate, Mr. Speaker. I am just [interjection] seeking clarification from the Honourable Minister, following up with what my colleague has mentioned because he said in his interpretation and I want clarification. Subvention does not mean a subvention from government. I would have thought that he would have known because it is his Bill, it is not a subject for interpretation.

HONOURABLE MR. SPEAKER: Okay.

DR. THE HONOURABLE GODWIN FRIDAY: And considering the fact that it has other headings:

“Subventions, donations, benefactors, endowments, bequest given to the Council by any source: including regional and international organisations”.

So, I would think that the Honourable Member for Central Kingstown his question is relevant because subvention here seems to be related to the government. [Interjections] so in any case it should be clarified.

HONOURABLE MR. SPEAKER: Okay, all right, Honourable Member, just a minute, you are saying that categorically it does not include subventions from government. I want a yes or no answer to that.

HONOURABLE JULIAN FRANCIS: Mr. Speaker, I deliberately went back to the section because the Honourable Member for West Kingstown said getting money from government: there is no intention here for government to give the Architects Council any subvention and money.

HONOURABLE MR. SPEAKER: Thank you very much. [Striking the gavel] Continue the debate.

HONOURABLE JULIAN FRANCIS: If it is my Bill as the Honourable Member for the Northern Grenadines said that is the law.

HONOURABLE MR. SPEAKER: Thank you.

HONOURABLE JULIAN FRANCIS: I did not take it as my Bill; I take it as the government's Bill, the people's Bill and the Architect's Bill. When the Engineers bring theirs it is theirs, not mine. [Interjection] I am only in transit here you know; I am in transit if and when you become the Minister of Works it will not be yours either. I said if and when [Laughter]: you thought is "when" I said. But I still believe that if that time comes you will place seniority over him because you prefer that [Laughter]

Mr. Speaker and further in that section I did not particularly appreciate the advice given by the Honourable Member for West Kingstown to the Architects, where if the Director of Audit is appointing an Auditor is that the Architects should not be paying that Auditor. I do not think it is good spirit, Mr. Speaker, for all the statutory bodies that we have established this is standing clause in those when it comes to audit that the accounts of the Council shall be audited annually by an auditor appointed by the Director of Audit because there are some interest in here...

HONOURABLE DANIEL CUMMINGS: But this is not a statutory body for [Striking of gavel]

HONOURABLE JULIAN FRANCIS: Mr. Speaker, my objection to the statement that you made the Honourable Member for West Kingstown: it is improper because you are saying that if we have it in a statute that the Director of Audit of the Government finances should direct and appoint an auditor for such a body.

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, my statement is not improper; the Honourable Minister has just indicated that the government is not even making a contribution to the Council and is requiring the Auditor to appoint an audit firm. And it even makes it more necessary therefore...

HONOURABLE JULIAN FRANCIS: Mr. Speaker, should I be giving way

HONOURABLE DANIEL CUMMINGS: That is not an improper comment, Mr. Speaker.

HONOURABLE JULIAN FRANCIS: I mean two of us cannot be standing at the same time.

HONOURABLE MR. SPEAKER: [Striking the gavel]

HONOURABLE DANIEL CUMMINGS: Nothing improper.

HONOURABLE MR. SPEAKER: Wait, let me ask a question: just let me ask a question I do not...

HONOURABLE DANIEL CUMMINGS: Nothing improper in it.

HONOURABLE MR. SPEAKER: I do not see what the argument is all about. The man said he does not agree with you and if he does not agree with you he just does not agree with you.

HONOURABLE JULIAN FRANCIS: Obviously.

HONOURABLE MR. SPEAKER: That is what he said.

HONOURABLE DANIEL CUMMINGS: He says my statement is improper and I am saying that is incorrect.

HONOURABLE MR. SPEAKER: That is as far as he is concerned.

HONOURABLE DANIEL CUMMINGS: No, Mr. Speaker, the facts speak for themselves in this case.

HONOURABLE MR. SPEAKER: [Striking the gavel] Honourable Member, continue with this debate or let us just close up.

HONOURABLE JULIAN FRANCIS: Obviously, Mr. Speaker, there is no democracy in this House, I cannot have an opinion, I cannot interpret something. [Interjections] “The Council shall establish policies”. Mr. Speaker, this government is facilitating this; Mr. Speaker, when the sidebar is finished I will get up.

HONOURABLE MR. SPEAKER: Sorry about that I was part of the sidebar.

HONOURABLE JULIAN FRANCIS: Thank you very much, Mr. Speaker. Establishing the point, Mr. Speaker, I trust and my final statement on it is that the Architects will not be guided by the advice given by the Member for West Kingstown to insist that the Director of Auditor and the Government pay for their audit. That is my final statement on it.

HONOURABLE MR. SPEAKER: Thank you.

HONOURABLE JULIAN FRANCIS: Mr. Speaker, it is the usual practice that when we are debating Bills that you would find persons ... and they say it is constructive criticism; and the Honourable Member embarked on some constructive criticism of the Physical Planning Development Board and I got the impression listening to him that he was trying to portray that we were trying to stop ... and that is when I believe the Honourable Member the Prime Minister intervened; where he was trying to portray that Architects have to do all the stuff now. In other words, what we are accustomed building and designing ourselves which is a specialty for Vincentian he says.

HONOURABLE MR. SPEAKER: Honourable Member, I do not think you should go over that I think the Honourable Prime Minister dealt with that issue quite reasonably.

HONOURABLE JULIAN FRANCIS: Mr. Speaker, may I protest.

HONOURABLE MR. SPEAKER: Eh! Yes, but without going through the argument on it again.

HONOURABLE JULIAN FRANCIS: But Mr. Speaker, you were [interjection]

HONOURABLE MR. SPEAKER: To be very honest with you, I think we are just sort of nit picking on the Bill let us just...

HONOURABLE JULIAN FRANCIS: Mr. Speaker, I am not nit picking on details because I want to make a specific point on the Physical Planning Development Board that the Honourable Member for West Kingstown became a bit critical and I agreed with his criticism in certain ways, Mr. Speaker, because I really think on the Physical Planning Development Board we have too many public servants on the Physical Planning Development Board and not enough private sector persons who can have the input. We are only allowed to put three persons on that Board but at the same time there is engineering input because the Chief Engineer is on the Board but the Chief Engineer is always busy and it is a fundamental matter that I think needs some discussion so that we can have this matter of physical planning because I think and I agree with the Member that sometimes small persons are targeted by the Physical Planning Development Board and other larger structures are just allowed to continue; when there is absolutely no fundamental problem with the construction that the private and poorer class is carrying on. But yet the pressure is being put on that class of individuals. I mean [let me finish]

HONOURABLE DANIEL CUMMINGS: Elucidation, no on the point, Mr. Speaker.

HONOURABLE JULIAN FRANCIS: No! No! I do not need any reinforcement on it.

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, elucidation the Honourable Minister is misrepresenting me. You know sometimes I wonder if this is deliberate or not. I never made reference to the Physical Planning Board; I was speaking of the need to strengthen the staff of the Physical Planning Unit specifically with experienced engineering ...

HONOURABLE MR. SPEAKER: You did say that.

HONOURABLE DANIEL CUMMINGS: I did not comment on the staff and it had nothing to do with a Bill itself.

HONOURABLE MR. SPEAKER: Yes, you did say that.

HONOURABLE DANIEL CUMMINGS: Mr. Speaker, with all humility what I was offering was a suggestion to enhance the performance of the Planning Unit that was all I was trying to do.

HONOURABLE MR. SPEAKER: Yes, he did speak about strengthening the staff with these persons, so that when a number of these issues come to the Board they can see the...

HONOURABLE JULIAN FRANCIS: Mr. Speaker, I thought I was being supportive of the Honourable Member's point that was what I thought.

HONOURABLE MR. SPEAKER: Yes: that is why you should drop the argument.

HONOURABLE JULIAN FRANCIS: I do feel...

HONOURABLE MR. SPEAKER: Honourable Member, just a minute, I believe we might have a clarification; the Honourable Leader of the Opposition is seeking a clarification on this issue which might...

HONOURABLE JULIAN FRANCIS: Mr. Speaker, could we have it at the end, I mean I have not had two minutes continuously in this debate.

HONOURABLE MR. SPEAKER: Wait just let us listen to the Leader of the Opposition, which is going to bring a different point of view to the whole issue.

HONOURABLE ARNHIM EUSTACE: Mr. Speaker, I do not want to delay this debate any longer but I do have one point of clarification which I want to make clear from the Minister; and that relates to section 11: (c) This is the section which deals with persons who desire to be registered as an Architect under this Act and who is probably applying to the Council.

“If the applicant is not a CARICOM national, be accompanied by satisfactory evidence that the applicant has sufficient practical knowledge of the local conditions peculiar to the practice of architecture in Saint Vincent and the Grenadines in addition to other particulars”.

My question or clarification I seek, Mr. Speaker, most of our capital projects in this country over the years and well in the future, they finance for international or regional financial institutions. I do not believe that we are in a position to impose a condition of that type on members, or Architects from those countries who putting in the Bill to do any projects in St Vincent and the Grenadines. Because this implies to me that we did not change the criteria for evaluation by putting in a provision for this. And perhaps those institutions whom we borrow from or [inaudible] should be exempted from that section and I want to hear the Minister’s position on that.

HONOURABLE JULIAN FRANCIS: Mr. Speaker, when you are on a trend of thought and Members who had an opportunity to debate this Bill, discuss it in Select Committee then we get an opportunity to debate in parliament and nobody debated it but you are responding at the closing up...

HONOURABLE MR. SPEAKER: Honourable Member...

HONOURABLE JULIAN FRANCIS: Mr. Speaker, I am coming to address the matter.

HONOURABLE MR. SPEAKER: But why do we go into these argumentative situations; the question is it a relevant point of view why do not we just address it. This is parliament you know this is not outside in the market square.

HONOURABLE JULIAN FRANCIS: Yes. [Applause]

HONOURABLE MR. SPEAKER: Let us deal with the matter in an effective way. Honourable Prime Minister, yes Honourable Prime Minister, let us have the Honourable Prime Minister.

DR. THE HONOURABLE PRIME MINISTER: Mr. Speaker, the point raised by the Honourable Leader of the Opposition is not an unreasonable point. The way in which this matter could be dealt with is either that is listed as a category for Special Registration under the Schedule of a category for special registration and we can do that right now Schedule 2 or we can include in the substantive Bill in clause 11: 2 (c): ‘That if the applicant is not a CARICOM national or someone appointed by a regional international organisation with which the government is engaged in a transaction’. So, that in either way...

HONOURABLE JULIAN FRANCIS: Prime Minister, section clause 17, I think covers it, Temporary Registration:

“The Council may, on application, grant temporary registration to any person, not ordinarily resident in Saint Vincent and the Grenadines, who satisfies the Council that he is or will be temporarily visiting Saint Vincent and the Grenadines for the purpose of practicing ... “.

Of this, and that is one, the other area is on Special Registration. So, you have, Mr. Speaker, ah!

HONOURABLE MR. SPEAKER: Honourable Member, just a minute, I think you have not listened quite clearly to the point that was raised by the Honourable Leader of the Opposition neither are you listening to the support given by the Honourable Prime Minister. I think what you are speaking about is something different to what they are suggesting. Let us hear the Prime Minister, I do not think he completed his speech let us listen to the end.

DR. THE HONOURABLE RALPH GONSALVES: It cannot be expected as a practical matter that the World Bank, the Caribbean Development Bank or the European Union any of those organisations which is providing a consultant architect on a project that that consultant architect must have the approval of the Council; because it would always be conditional because the Council may grant or may not grant. So, it is either we state it in the body of the Bill itself under 11:2 (c) or we put it as a third category for the Schedule 2 Registration [interjection] ah! So, it is one of those two areas and I will just speak to the Honourable Attorney General via the Honourable Minister, because I understand the point that he is making that there is a provision which conceivably can take care of it but being involved myself, in the negotiations on many of these things they would wish upfront to know that a tendering process having taken place there is a consultant architect that there is not an impediment possibly or conceivably.

It does not affect in any fundamental way the Bill itself or the work we have done here, but I think it may be useful to include it. It does not do any harm and it may possibly avoid a delay in certain matters.

HONOURABLE MR. SPEAKER: Honourable Minister; and I hope we can go through this thing now with [interjection] while amicably; I want us to go through it [interjection] with dispatch that is the word. [Striking of gavel] and that goes for both sides. Let us not pick on this and pick on that let us go through the thing.

HONOURABLE JULIAN FRANCIS: He has not called me yet.

HONOURABLE MR. SPEAKER: Sorry [Laughs]

HONOURABLE JULIAN FRANCIS: I was just wondering if you are ready for me yet, Mr. Speaker. I am just waiting wondering if you ready for me again.

HONOURABLE MR. SPEAKER: I am always ready for you.

HONOURABLE JULIAN FRANCIS: Mr. Speaker, the final point I want to make on the... and that is why I was going on to make the point on the Physical Planning; it is part of the Bill and it was discussed. I am driving down Lowmans, and I reached Lowmans bus shed and somebody who has house adjacent to the bus shed is putting on a shed roof and the rafters come off the shed roof and end up in the bus shed. [Interjection] Not Mommas, I talking a substantial structure; the bus shed at the entrance, Mr. Speaker, of the road going to the Lowmans Bay School [interjection] yes, she will be given special registration [Laughter] she also has a demolition crew that would demolish you all anytime [Laughs] So, Mr. Speaker, I just wanted to point that out because I know there are many persons listening to House of Parliament. It is really sad to know that the private person would want to do something like that because the rafters come straight unto the back wall of the bus shed ending up in the bus shed itself so when the water run down, it runs down in the bus shed. When the rain splatters it splatters in it. I mean I do not understand how people could do those sorts of things and the Physical Planning Unit will allow that to go by without stopping it. So, I just want some attention being made, I brought it to the Minister for Physical Planning and I trust that those could be done.

Mr. Speaker, to wrap up this matter to this Bill I will like to move ... well I do not know what Mr. Speaker is being formulated.

HONOURABLE MR. SPEAKER: I think it is the third reading. It went to the Select Meeting already.

HONOURABLE JULIAN FRANCIS: No! No! No! I am not wrapping up. I do not know what is being drafted.

HONOURABLE MR. SPEAKER: Oh! The amendment

HONOURABLE JULIAN FRANCIS: As an amendment.

HONOURABLE MR. SPEAKER: Yeah! Yeah!

HONOURABLE JULIAN FRANCIS: The amendment is moved in this reading or in the third reading?

HONOURABLE MR. SPEAKER: No this is ... no

HONOURABLE JULIAN FRANCIS: We are in the second reading, so I have to make the amendment now while I am on the floor.

HONOURABLE MR. SPEAKER: Yes.

HONOURABLE JULIAN FRANCIS: So, I need to know what is being formulated by the Attorney General and Mr. Speaker, just some other matters.

HONOURABLE MR. SPEAKER: What you can do in the third reading, as you move the third reading with...

HONOURABLE JULIAN FRANCIS: With the amendment.

HONOURABLE MR. SPEAKER: Yeah! Yeah, parts with the amendments.

HONOURABLE JULIAN FRANCIS: Mr. Speaker, just some words of caution to the Architects which I think I need to make. I believe in St Vincent we over design, Mr. Speaker, and I want to say that a design and a value architectural fee are linked to design and value; I want to say that. I am not saying that they over design they should get greater fees but sometimes when I see the kind of structures and the designs are really unnecessary and they end up costing the public a lot more money. Government projects as well as private sector projects and I want to just issue some caution because we are here facilitating the operations of the architects but I think that the architects also have to bear these things in mind. It is the bad things that are said about you sometimes that you do not hear that other people have to tell you. The person who is involved is the last person to hear.

Protection of locally produced goods and services that are of acceptable quality: architecture is fundamental both project managers come from the Architectural Firm and we have to start giving serious considerations. I discussed it with them individually but as we are debating this Bill and I am here as Minister facilitating this bill through parliament I think I have a right to mention some of these. Too often we reject projects and services available in St Vincent for regional and international services and products despite my protest and I have seen where second rate material have been used here in St Vincent particularly in government projects or products that are second rated to products being produced here. And I really think we ought to pay some attention to this. [Knocking on the desk] I think the architects have a responsibility to ensure that the building code and guideline are properly instituted and implemented, and to assist wherever those who are not as qualified as them to make sure that we have construction

on the right path and that the designs are not ... every job that comes to you that you have to charge your full architectural fees.

These areas are of some concern to me and now that we are putting your association into law I believe that you have that responsibility to reconsider some of these areas and give us your input. Also in times of disaster I know that sometimes business is bad, business is slow but when business is good you do like the ants you put aside something for rainy days. So, when you get rainy days, I would ask the Architects to pitch in and make more significant contributions in the reconstruction of our infrastructure and I am appealing to them to have that social consideration.

Mr. Speaker, I would therefore wish to move, there is no other debate; I wish to move the...

HONOURABLE MR. SPEAKER: Before you do, I want the amendment to be read and understood so that...

HONOURABLE JULIAN FRANCIS: Well, Mr. Speaker, before that is read could we do the one on page 17. [Interjection] Okay, well go ahead.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members the Honourable Minister of Transport and Works had drawn our attention to an amendment during his presentation of the Bill at clause 27:(d) following Roman numerals iii where there is the conjunction “and”: that “and” the motion is that in accordance with his own presentation that that conjunction be removed, which means that: “Where the interest of the public is not likely to be affected”. Will apply to (a) (b) and (c) as worded, I so move.

Question put and agreed to

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, the other amendment is the one which was raised conceptually by the Honourable Leader of the Opposition which out of the abundance of caution we ought to fashion some words to suit that observation. So, the amendment, Mr. Speaker, relates to 11:2 (c) we will remove the comma after “national” in the first line and insert the following words:

“Or an architect or other likely professional selected through the authorized procurement processes relating to any project or programme of the government which is utilising resources from a regional or international organisation”.

Comma and then the clause continue. [Interjection] Yes, well because we will have the bilateral, it is a government programme; whether it is bilateral or multilateral it does not matter so long as we are engaged in the programme.

HONOURABLE MR. SPEAKER: Move.

DR. THE HONOURABLE RALPH GONSALVES: I so move.

HONOURABLE MR. SPEAKER: Seconded by the Minister of Works.

Question put and agreed to

HONOURABLE JULIAN FRANCIS: Mr. Speaker, I move that this Bill be read a third time by title and passed as amended.

Question put and agreed to

5. Christian Pilgrim Faith Incorporation Bill 2011

Bill for an Act for the incorporation of the
Christian Pilgrim Faith Church read a third time and passed

6. Gospel Halls Of Saint Vincent And The Grenadines Incorporation Bill 2011

Bill for an Act for the Incorporation of the Gospel Halls, 2011 of
St Vincent and the Grenadines Church read
a third time by title and passed

7. Faith Pentecostal New Covenant Ministries Incorporation Bill, 2011

Bill for an Act for the Incorporation of the Faith Pentecostal
New Covenant Ministries, 2011 read a third time by title and passed

8. Our Lady Of Guadeloupe Home Incorporation Bill, 2011

Bill for an Act for the Incorporation of Our Lady of
Guadeloupe Home, 2011 read a third time by title and passed

9. Green Hill Pentecostal Church Incorporation Bill, 2011

Bill for an Act for the Incorporation of Green Hill Pentecostal Church, 2011 read a third time by title and passed

10. St Peters Spiritual Baptist Church Incorporation Bill, 2011

Bill for an Act for the Incorporation of St Peters Spiritual Baptist Church, 2011 read a third time by title and passed

11. Good News Bible Church St Vincent And The Grenadines Incorporation Bill, 2011

Bill for an Act for the Incorporation of Good News Bible Church, 2011 St Vincent and the Grenadines, read a third time by title and passed

ADJOURNMENT

HONOURABLE DANIEL CUMMINGS: For the record I indicated to you earlier that the Honourable Terrance Ollivierre is unable to make it up because of logistical issues. One boat is not running, one is incapacitated and then no flights.

HONOURABLE MR. SPEAKER: Yes, that is quite correct; it slipped me to make mention of that Honourable Prime Minister.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, I am suggesting that the next date we have is November 22nd.

HONOURABLE MR. SPEAKER: Twenty seven?

DR. THE HONOURABLE RALPH GONSALVES: Tuesday November 22nd, at 10:00. And Mr. Speaker, I am also suggesting that on October 31st we have the first meeting at 9:00 o'clock here in the House of Assembly on the Select Committee for the Financial Services Authority. And if we do not finish it on that day we can come in on Tuesday, so that Honourable Members could probably put their calendars in order; because I would like to have this done before we prorogue parliament. The simple reasons why we cannot do those meetings before because for the balance of this week the officials in the Ministry of Finance who would be at that Select Committee are involved in the moving of the fire. I also have to go to the Monetary Council on Thursday and Friday in St Kitts and then of course the following week is

independence with a host of activities, so that is really the first time that we would have to address it.

Accordingly, Mr. Speaker, I beg to move that this Honourable House do stand adjourned until Tuesday 22nd November, at 10:00 a.m.

**Question put and agreed to
House adjourned at 10:00 a.m.
Until Tuesday November, 22nd**