

LEGISLATIVE COUNCIL

FRIDAY, 15TH SEPTEMBER, 1950.

The Council met at 2 p.m., His Excellency the Governor, Sir Charles Woolley, K.C.M.G., O.B.E., M.C., President, in the Chair.

PRESENT:

The President, His Excellency the Governor, Sir Charles Campbell Woolley, K.C.M.G., O.B.E., M.C.

The Hon. the Colonial Secretary, Mr. J. Gutch, O.B.E.

The Hon. the Attorney-General, Mr. F. W. Holder, K.C.

The Hon. the Financial Secretary and Treasurer, Mr. E. F. McDavid, C.M.G., C.B.E.

The Hon. Dr. J. A. Nicholson (Georgetown North).

The Hon. W. J. Raatgever (Nominated).

The Hon. C. P. Ferreira (Berbice River).

The Hon. G. A. C. Farnum, O.B.E., (Nominated).

The Hon. Capt. J. P. Coghlan (Demerara River).

The Hon. D. P. Debidin (Eastern Demerara).

The Hon. J. Fernandes (Georgetown Central).

The Hon. Dr. G. M. Gonsalves (Eastern Berbice).

The Hon. W. O. R. Kendall (New Amsterdam).

The Hon. A. T. Peters (Western Berbice).

The Hon. W. A. Phang (North Western District).

The Hon. G. H. Smellie (Nominated).

The Hon. F. E. Morrish (Nominated).

The Clerk read prayers.

The minutes of the meeting of the Council held on the 14th of September, as printed and circulated, were taken as read and confirmed.

UNOFFICIAL NOTICES

CONSTITUTION OF RICE COUNCIL.

Mr. LEE gave notice of the following motion:—

WHEREAS the rice farmers of the Colony are dissatisfied with the manner and method in which the Electors of the thirteen districts were elected at the last election, in that the ballot was not done secretly;

AND WHEREAS several members were nominated to the Rice Council after having been rejected at the polls by the rice producers at the election;

AND WHEREAS the Rice Producers Ordinance does not, in fact, carry out the intention and wishes of the rice producers in the selection of members of the Rice Council;

BE IT RESOLVED that this Council recommend that Government cause the said Ordinance to be amended immediately to give effect to the intention and wishes of the rice producers in that the members of the Rice Council should be chosen and elected from among the electors who were elected by the people, to select from amongst themselves not less than nine rice farmers, five manufacturers and four landlords;

AND BE IT FURTHER RESOLVED that on the above amendment being made in the said Ordinance, a new election be made of electors, and that the election be conducted by secret ballot.

FIXED PRICE OF CASSAVA STARCH.

Mr. DEBIDIN: Before the Order of the Day is taken, I crave your indulgence, Sir, to mention a matter on account of its urgency. The whole rural districts

engaged in the preparation of cassava starch are laid up, and at the moment a number of the people would like to come to Georgetown and interview Your Excellency on the price fixed for starch — 16 cents per lb. — which, they claim, is far below what is economical. They further claim that after they had prepared their starch and were ready to sell it, the fixing of the price was so sudden that they had been unable to do anything in the way of refraining from preparing the starch. The fixing of prices has been done, I understand, to keep down the cost of living in Georgetown by several points. At the same time I am asking Government to take due notice of what I have brought to its notice and to see its way, if possible, to fix the price of starch at least at 24 cents per lb.; otherwise I fear it will have a disastrous effect on the people who have already prepared their starch, and severe loss will be occasioned to those people.

The PRESIDENT: It is the same price as last year's!

Mr. DEBIDIN: It appears that the cost of production this year has been more; because of the scarcity of cassava due to the floods they have to buy at enormous prices and the transportation from other districts has made the cost go up to 24 cents per lb. Arrowroot starch, which is imported, is being sold at 28 cents per lb.

The PRESIDENT: That is a matter which Government may look into. I have not heard of that.

Mr. DEBIDIN: It is a matter of great urgency. The people do not know what to do.

ORDER OF THE DAY.

SUSPENSION OF STANDING RULES AND ORDERS,

The ATTORNEY-GENERAL: I beg to move that the Standing Rules and Orders be suspended to enable me to take the two Bills on the Order Paper through all their stages today.

Dr. NICHOLSON seconded.

Question put, and agreed to.

Standing Rules and Orders suspended.

PENSIONS (AMENDMENT No. 3) BILL.

The ATTORNEY-GENERAL: I beg to move the second reading of a Bill intituled —

“An Ordinance further to amend the Pensions Ordinance, 1933, with respect to the time for the exercise of the option to accept a gratuity and a reduced pension; to make better provision in respect of officers killed or injured while travelling on duty by air; and to enable officers to whom the provisions of the Pensions Ordinance apply a further opportunity to elect that the provisions of the Pensions Ordinance, 1933, shall apply to them.”

As will be seen from the Objects and Reasons of the Bill, clause 2 of this Bill seeks to enable all public officers serving in the Colony to elect on retirement to receive a reduced pension and gratuity, notwithstanding that they may have already exercised their option so to do under the provisions of section 21 of the Pensions Ordinance, 1933, (No. 20 of 1933). In other words, the officers will have the opportunity up to the time immediately prior to their retirement to exercise that option. Clause 3 seeks to increase the rates of pension payable to dependants of an officer who dies as a result of injuries received while travelling by air in pursuance of official instructions by one-half in the case of a widow, and one-third in the case of each child.

Clause 4 seeks to give to public officers within the provisions of the Pensions Ordinance, Chapter 204, another opportunity of electing to come within the provisions of the Pensions Ordinance, 1933. This clause provides a further opportunity to officers, who are under what is familiarly known as Chapter 204, to exercise the option and come under the provisions of the 1933 Pensions Ordinance. Clause 5 seeks to provide for increased pensions to officers permanently injured while travelling by air in pursuance of official instructions. Clause 6

seeks to provide that where a break occurs in the public service of an officer due to the termination of the Mandate of Palestine on the 15th May, 1948, the public service of such officer shall be deemed to continue until he is again appointed to the public service, or resigns or is removed from office.

I do not think there is anything controversial in regard to these provisions. They are in the interest generally of officers of the Service, and I beg to move that the Bill be now read a second time.

The FINANCIAL SECRETARY & TREASURER seconded.

Mr. DEBIDIN: I would like to take the opportunity on the second reading of this Bill to refer to a promise made by the hon. the Financial Secretary with respect to the revision of pensions for retired local Civil Servants. I am very anxious because of the number of representations which have been made to me, since I moved the motion in this Council, asking me what has resulted from it. I had to explain to each one of them the same thing, and there is grave anxiety over the whole matter of the Pensions being improved or increased to meet the present cost of living rise. I feel that a statement from the hon. the Financial Secretary will be very welcome as to whether he will implement that promise and how soon.

In so far as this Bill is concerned, I am not in a position now to oppose it at all, but there are certain aspects which will need some more explanation. We know that a change has been made, where officers can retire from the Service at 55 with an increased pension and a decreased lump sum gratuity. Something like that had taken place. I would like to know in relation to that, what is the effect of this new change in this Bill; secondly, how much by the provisions of this Bill this Colony will be committed in terms of dollars and cents in the future; and thirdly, whether clause 6 applies to anyone presently employed in this Colony who had been formerly employed in Palestine.

The PRESIDENT: It applies to the hon. the Colonial Secretary, apart from some others who may be here. It has no effect on this Colony. We do not pay anything. It is only to preserve continuity in the officers' service.

The FINANCIAL SECRETARY & TREASURER: On the point about the pensioners and the promise I made, I affirm that I will get down to that as soon as possible. Members will realize that we were indulging in a great deal of oratory which kept me very much pressed. I had to postpone a lot of pressing items on which I would like to work but have not yet worked on in order to be put before Government. With regard to the rationalization of pensions, I must say that I do not understand the questions of the hon. Member. Perhaps if I say this it might clear the way:

Public officers' pensions are granted in two parts—partly by lump sum payment and partly by annual payments—and up to the time of the passing of this legislation the rule was, the option to take a reduced pension and a lump sum gratuity had to be exercised at a certain time—normally within ten years of the officer's appointment. He was compelled to do that, so that the gamble as to whether he should take a full pension or a gratuity should not be wholly one which gave him the complete chance of benefiting by the choice. Now this Bill proposes that an officer shall be allowed to choose between taking any part of his pension in lump sum or a reduced pension at the time of his retirement. It will be found that what one gains in the swing one loses in the roundabout. Some officers retire and die very early after, and there are a few who live very much longer. When you pay reduced pension and a lump sum and an officer dies shortly after, Government loses, but when he lives for a long time Government gains. It is decided it would be fair to allow an officer to choose his pension in the form of a lump sum gratuity and reduced pension at the time of his retirement. That is the main feature of this Bill. There is the first option, as the hon. the Attorney-General has explained, officers have

under Chapter 204, and now they are being given a second chance to elect whether they wish the new Pension terms to apply to them or not.

The other question the hon. Member did not ask it, but clause 3 merely purports to give a slightly better benefit to the widow of a deceased officer who has been killed or injured while travelling on duty by air. A public officer already gets the benefit of a small special pension being granted to his widow if he is killed or injured on duty. The effect of this is, the widow gets a slightly better pension if the officer is killed while travelling by air on duty. The reason is, air travel is still regarded as a dangerous form of transportation, and officers do not willingly do it; but in these modern days they have to and, if they are killed, the widow gets a slightly additional benefit than if they had been travelling by some other form of transportation. That is all the Bill really proposes to do.

Dr. GONSALVES: I just want to say something in regard to this matter. I am in agreement with the Bill as it stands for the option. I have no desire to hinder anyone getting his right, whether it be position, pension, or whatever it may be. Surely public officers look forward to this sort of thing, therefore they are entitled to whatever benefit is given. The other point I want to make is this: During the publication of this Bill several teachers who are waiting on their pensions have approached me and, I think, it would be a good thing to remind the hon. the Attorney-General that they are eagerly watching with very keen interest, because they are very pressed and would like to see their Bill come out. I just want to bring that forward, as while it has nothing to do with the Bill before us there is relevancy in it. Outside of that I am supporting the Bill as it stands.

Question put, and agreed to.

Bill read a second time

The Council resolved itself into Committee to consider the Bill clause by clause.

COUNCIL IN COMMITTEE.

Clause 5—*Amendment of regulation 15 of the Schedule to the Principal Ordinance.*

The ATTORNEY-GENERAL: I move the insertion of the words "as amended by section four of the Pensions (Amendment) Ordinance, 1934", after the words "Principal Ordinance" in the second line.

Question put, and agreed to.

Clause as amended passed.

Title and Enacting Clause.

The ATTORNEY-GENERAL: Instead of the word "enable" I move that the word "afford" be substituted.

Question put, and agreed to.

The Council resumed.

The ATTORNEY-GENERAL: With the consent of the Council I beg to move that the Bill be now read a third time and passed.

The FINANCIAL SECRETARY & TREASURER seconded.

Question put, and agreed to

Bill read a third time and passed.

PENSIONS (CERTAIN PUBLIC OFFICERS) (SPECIAL PROVISIONS) BILL.

The ATTORNEY-GENERAL: I beg to move the second reading of a Bill intitled —

"An Ordinance to provide for the payment of increased pensions to the dependants of certain Public Officers who lose their lives in the course of carrying out their duties and to provide for the payment of increased pensions to certain Public Officers permanently injured in such circumstances."

I may point out that clauses 2 and 4 of this Bill seek to confer on the dependants of certain public officers to whom the provisions of the Pensions Ordinance, Chapter 204, apply, who lose their lives

in the circumstances specified in paragraphs (a), (b) and (c) of clause 2, pension rights similar to those conferred by section 20 of the Pensions Ordinance, 1933, (No. 20) as repealed and re-enacted by section 3 of the Pensions (Amendment) Ordinance, 1941, (No. 20).

Clauses 3 and 4 seek to secure for such officers, permanently injured in similar circumstances, pension rights similar to those conferred on public officers within the provisions of the Pensions Ordinance, 1933, by regulation 15 of the Pensions Regulations, 1933, as amended by section 4 (a) of the Pensions (Amendment) Ordinance, 1934, (No. 12).

Clause 5 is self-explanatory. It applies to any public officer who comes within the provisions of the Pensions Ordinance. This is analogous to the Bill just passed and permits officers, who come under chapter 204 and who lose their lives in the course of carrying out public duties or are permanently injured in those circumstances, to receive increased pensions. I beg to move that this Bill be now read a second time.

The FINANCIAL SECRETARY & TREASURER seconded.

Mr. DEBIDIN: I may ask at this stage that whenever officers are on particular duty Government advance an amount for the insurance of those officers. That is intended to see that they are well provided for apart from anything else. It seems to me that this may be making provision which will commit this Colony to the granting of something which normally was left before to the discretion of Government. Personally I feel it should be left to the discretion of Government. If a person is not well provided for that person is not fully insured, and I admit that something might be done in that case. Indeed there is no doubt that the object of this is clear. It is to make it absolutely clear that the dependants are entitled to claim as a right. That is the difference. If adequate insurance had been provided probably the individual might have taken additional insurance to what the Ordinance provides, and

officers' dependants would be properly covered and adequately provided for. In such a case Government in its discretion could say "We have done what we should have done." That is, Government insures the officer and his dependants are entitled to draw the sum of \$1,500. I am not satisfied that we should permit Government to a hard and fast provision under this Bill

The FINANCIAL SECRETARY & TREASURER: In the first place this Bill is completely analogous to the one just passed. In the one just passed officers serving under the Pensions Ordinance, Chapter 204, have the right to elect to come under the 1933 Ordinance, but there may be a few officers who may prefer to remain under the old Ordinance, Chapter 204. Consequently it was thought only right and proper that we should nevertheless provide these special benefits in respect of compensation for death or injury while travelling by air, and also while travelling by any other means which do not now exist under Chapter 204. Therefore, having passed the previous Bill, it seems only right that we should pass this Bill.

The point the hon Member has made might very well have been taken on the previous Bill. As I understand it, his point is that as Government is paying, or should pay, the insurance premiums on the lives of public officers when they travel by air, that that is a satisfactory way of satisfying any liability there may be for such compensation. In a way he is quite right. With air travel pretty general, officers claimed reimbursement for the premiums which they paid for life insurance, but within the last two years I think Government has been, as the hon. Member knows, reimbursing the cost of insurance taken out as against death or injury while travelling by air. When this legislation is enacted that will no longer apply. Government will not reimburse officers their premiums if they choose to take out special life assurance. In other words Government is carrying its own insurance, and I can assure the hon. Member that it is cheaper. We are spending quite a lot of money insuring the

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lives of Government officers travelling by air in the Colony, and we will save money by not paying these premiums and taking the risk—a very small risk—of compensating the relatives of officers who may die by accident.

The PRESIDENT: I can see no mention of air travel in the present Bill.

The ATTORNEY-GENERAL: It does not actually state that, Sir, but clause 2 provides for the grant of a special pension to the dependents of an officer who dies as a result of bodily injuries received (a) in the actual discharge of his duty and (c) on account of circumstances specially attributable to the nature of his duty.

The FINANCIAL SECRETARY & TREASURER: The explanation is this: that under the Pensions Ordinance, 1933, and its various amendments there is special provision for compensation for death or injury when travelling normally, and the Bill we have just passed adds to that by granting additional compensation for air travel. Under Chapter 204 there is no provision for compensation of any sort. All that this special provision seeks is to provide generally for compensation for injury, and to say that that compensation shall be analagous to what would have been granted under the Pensions Ordinance of 1933 in similar cases.

Question put, and agreed to.

Bill read a second time.

The Council resolved itself into Committee to consider the Bill Clause by Clause.

Clause 5 — Application of Ordinance.
Cap. 204

The CHAIRMAN: Is it correct to say "This Ordinance shall apply to any Public Officer within the provision of the Pensions Ordinance."

The ATTORNEY GENERAL: I would suggest that it be amended to read "This Ordinance shall apply to any Public Officer to whom the provisions of the Pensions Ordinance applies."

Agreed to.

The Council resumed.

The ATTORNEY GENERAL: I move that the Bill be now read a third time and passed.

The FINANCIAL SECRETARY & TREASURER seconded.

Question put, and agreed to.

Bill read a third time and passed.

The PRESIDENT: The business on the Order Paper being concluded, Council will now adjourn *sine die*. I would state for the information of hon. Members that I do not propose that Council should re-assemble for approximately four weeks, so that if hon. Members have other arrangements to make they can take it that Council will not meet before then, unless anything unforeseen occurs. When we do meet we shall have a great deal of business, and we shall carry on to the consideration of the Budget. I shall be very happy to meet hon. Members in five minutes' time to discuss further the revision of the Ten-Year Development Plan.

Council was then adjourned *sine die*.