

SECOND LEGISLATIVE COUNCIL

(Constituted under the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956).

Wednesday, 25th February, 1959

The Council met at 2 p.m.

PRESENT :

Speaker, His Honour Sir Donald Jackson

Attorney-General, Hon. A. M. I. Austin, Q.C.

Financial Secretary, Hon. F. W. Essex.

} *ex officio*

- The Honourable **Dr. C. B. Jagan**—*Member for Eastern Berbice*
(Minister of Trade and Industry)
- „ **B. H. Benn** —*Member for Essequibo River*
(Minister of Community Development and Education)
- „ „ **E. B. Beharry** —*Member for Eastern Demerara*
(Minister of Natural Resources)
- „ „ **Janet Jagan** —*Member for Western Essequibo*
(Minister of Labour, Health and Housing)
- Ram Karran** —*Member for Demerara-Essequibo*
(Minister of Communications and Works).
- Mr. **R. B. Gajraj** —*Nominated Member*
- „ **W. O. R. Kendall** —*Member for New Amsterdam*
- R. C. Tello** —*Nominated Member*
- F. Bowman** —*Member for Demerara River*
- L. F. S. Burnham** —*Member for Georgetown Central*
- S. Campbell** —*Member for North Western District*
- A. L. Jackson** —*Member for Georgetown North*
- „ **B. S. Rai** —*Member for Central Demerara.*
- „ **S. M. Saffee** —*Member for Western Berbice*
- „ **Ajodha Singh** —*Member for Berbice River*
- „ **J. N. Singh** —*Member for Georgetown South*
- „ **R. E. Davis** —*Nominated Member*
- „ **H. J. M. Hubbard** —*Nominated Member*
- „ **A. G. Tasker, O.B.E.** —*Nominated Member.*

Mr. I. Crum Ewing — Clerk of the Legislature

Mr. E. V. Viapree — Assistant Clerk of the Legislature.

ABSENT :

The Hon. the Chief Secretary, Mr. M. S. Porcher (acting)—on leave.

Mr. A. M. Fredericks.

The Clerk read prayers.

Hausards
W. O. R. Kendall

MINUTES

The Minutes of the meeting of the Council held on Tuesday, 24th February, 1959, as printed and circulated, were taken as read and confirmed.

PAPERS LAID

The Financial Secretary: (Mr. Essex): I beg to lay on the Table the

Report of the Executive Commissioner, Board of Commissioners of Currency, British Caribbean Territories (Eastern Group), for the year 1957.

and the

Progress Report for the quarter ended 30th September, 1958, on the Development Programme 1956-1960.

The Minister of Natural Resources (Mr. Beharry): I beg to lay on the Table the

Report of the Director of Audit on the Accounts of the Government Produce Depot for the year ended 31st December, 1957.

INTRODUCTION OF BILLS

The Minister of Community Development and Education (Mr. Benn): I give notice of the introduction and First Reading of the

Prison (Amendment) Bill, 1959.

ORDER OF THE DAY

BILL — FIRST READING

The following Bill was read the First time:

A Bill intituled, "An Ordinance to amend the Prison Ordinance".

MOTION

CUSTOMS ORDER IN COUNCIL No. 6 of 1959

DUTY CONCESSION TO MANUFACTURERS OF ALUMINIUM PRODUCTS

The Financial Secretary: I beg to move the following Motion:

"Be it resolved that this Council in terms of section 9 of the Customs Ordinance,

Chapter 309, confirms Order in Council No. 6 of 1959, which was made on the 24th day of January, 1959, and published in the Gazette on the 7th of February, 1959."

I do not think I need say very much on this motion. It is merely a further step in the Government's policy of encouraging local industry. As hon. Members have no doubt observed, a new industry has been set up in this country for the processing of aluminium, aluminium alloys, plate glass and sheet glass, etc., into finished products such as household utensils, venetian blinds and louver windows.

This industry has been granted a tax holiday and the normal exemption of duty on machinery imported for use in the manufacture of such goods. This Order is to complete the process by allowing duty free importation of the main materials which will be used in the industry. This is something which is normally done to encourage new industries here and to put them on a competitive basis with finished imported articles, and after careful consideration, the Government has decided that this concession is justified in this case. The duty on household utensils at the moment is 20% and 30%, and the new duty on aluminium furniture is now 36% and 52%, so that the Company has a fair measure of protection. I feel sure that Members of Council will agree to this Motion.

The Minister of Trade and Industry (Dr. Jagan): I beg to second the Motion.

Question put, and agreed to.

Motion affirmed.

LOCAL GOVERNMENT (VALUATION OF PROPERTY) BILL.

Council resumed the debate on the Motion for the Second Reading of the Bill intituled:

"An Ordinance to provide for valuation of property for rating purposes and for purposes connected therewith."

Mr. Speaker: The hon. Member for Georgetown North was speaking at the adjournment, and if he wishes to continue he may do so now.

Mr. Jackson: During the course of my address yesterday, I endeavoured to join the company of my colleagues on this side of the Table who described the presentation of this Bill as untimely. My comments in reply to the hon. the Attorney-General were based upon the fact that it is not always advisable to import into this country in their entirety the things which exist in the United Kingdom.

I tried to point out that the valuation basis upon the market value of property at this time in the history of the Colony will result in further disadvantages to the entire population. It is true that, under the provisions of this Bill, Local Authorities may improve their financial position, but to assess rates on the current market value is to do so on inflationary prices. This is not a sure foundation upon which to build a financial structure for any Local Authority, because the present market value will not always be the value which will form a basis for calculations.

In our present condition where there is a shortage of housing accommodation, and where there is a keen desire for the possession of land, prices have skyrocketed considerably. However, it is likely that in the very near future the market value of property will fall.

More and more people are building houses, and as far as one can gather, several persons are interested in the setting up of housing estates, which will make the pressure less severe than it is at the moment. If this process continues, with the possibility of land being placed more and more at the disposal of the people it is almost certain the market value will fall, so that in the long run Government may be forced to return to another system which it is now trying to avoid.

But let it be assumed that my premises are erroneous, and that there will

be no fall in the market value of property within the foreseeable future; the assessment by this method of valuation is certain to impose a great deal of hardship upon the people, for if the valuation is made upon the present market value then it seems to me abundantly clear that rates and taxes which may be payable by property-owners will be far in excess of that which is being paid today; and if that is the case it is certainly going to bring about more confusion in the hearts and minds of people in this country.

It is not the safest foundation upon which to build a financial structure of any local authority. It does not seem to have much stability and it does appear to me as though the experience of the Georgetown Town Council will be the experience of the Government in the future. The system that is tried and found suitable is the one that we should take as the basis for the valuation which the Government has in mind. According to the figures quoted by the hon. Nominated Member, Mr. Gajraj, the number of appeals from the decisions of the Georgetown Town Council Assessment Committee has been very small indeed, so that there has been scarcely any need to frequent our Courts for final judgment on the assessment value of properties.

What is going to happen in the proposed valuation system? If I read the Bill correctly, after the Valuation Officer has made his decision, any property-owner who disagrees with the decision can appeal to a Panel, or a Committee which will be drawn from a Panel to be appointed by the Governor or the Governor in Council. The Panel will be entitled to hear those appeals (and it is reasonable to conclude that those appeals will take quite a long time before any decision is arrived at by the Panel or the Committee appointed for the purpose) and if the appellant is not satisfied with the work or the decision of the Committee, the appellant can further appeal to the Supreme Court. And if we are to gauge the speed with which appeals are heard under present circumstances, it will be clearly seen that much time will

[MR. JACKSON]
pass before this matter can be settled—
several months, or perhaps a year.

If, again, the appellant is dissatisfied with the findings of the Supreme Court, the appellant can go further, by appealing to the Federal Supreme Court. The effect of this will be that if the Federal Supreme Court decides against the appellant, then the appellant would have to pay rates from the date on which the Valuation Officer's decision was made. It is surely going to mean that the process suggested will be so long that it will impose an additional burden upon the taxpayer or, as it is in these cases, upon the property-owner. In addition to that, the cost of the appeal might be so heavy for the appellant that when all the factors are given due consideration, many a poor land-owner will fight shy of seeking redress in our Courts, even though he might have a justifiable claim, and even though he might feel quite justified in doing so. He will be afraid to go to Court because of the cost which it will involve.

Government should in all its activities and intentions endeavour to reduce to the minimum the processes by which persons can obtain justice, and it does seem to me that this is one of the processes that should be reduced to the minimum.

This Bill is untimely because of the provisions of Clause 39, and I propose to move; "that further consideration of this Bill be postponed for six months." Clause 39 reads :

"The Governor in Council may make regulations generally for carrying this Ordinance into effect and also for prescribing anything which by this Ordinance is to be prescribed including the form of any return, list, objection, proposal or other document which is required or authorised to be used for the purposes of this Ordinance and such regulations shall have effect as if enacted in this Ordinance."

Now, Sir, on one occasion in this Council I heard it said, when a layman was referring to the law, that fools rush in where angels fear to tread. I am going to run that risk because as a layman I

am not fully versed in the law as those who are trained in it and who are luminaries in the legal world.

I moved the postponement because if Clause 39 is passed as it is printed, it will give the Government the power to draft regulations which will have the effect of law, to be embodied in this Ordinance. This Council will not have any knowledge of these Regulations, nor an opportunity to discuss them in their proposed form, and it will mean that we will be giving power to Government to introduce something which may be very controversial in its nature.

This Bill is seeking too much authority, and in the circumstances I am certain we on this side of the Table will not agree to giving the Government power to draft Regulations "as if enacted in this Ordinance", without having had the opportunity to discuss them.

Mr. Hubbard : I have listened to this debate—

Mr. Speaker : Just a moment; I understand that a Motion was moved.

Mr. Jackson : Yes.

Mr. Tello : I beg to second the Motion.

Mr. Hubbard : I have listened to what has been said during this debate and there were two points which have impressed themselves upon me, and on which I would like to comment. Those two points are the threat of a filibuster made by the hon. Nominated Member, Mr. Gajraj, and the charge made by the hon. Nominated Member, Mr. Tasker, that categorical undertakings on behalf of the Government were given—

Mr. Speaker : Are you speaking on the Motion that the debate on the Second Reading of the Bill be postponed for six months?

Mr. Hubbard : I was not speaking on that, Sir.

Mr. Speaker: That is the question before the Council now.

Mr. Campbell: I agree with the Motion to postpone the debate on this Bill and I would like to repeat his quotation that "Fools rush in where angels fear to tread." I will try to be wise by saying very little. I have no qualifications on the subject because I have had nothing to do with the valuation of property, but it seems to be a very controversial subject, and I heartily agree that a little more time is needed for Members to give the Bill deeper thought. For myself I shall begin from now to study this subject of valuation of property.

Mr. Speaker: As no other Member wishes to speak, I shall put the Question.

Mr. Tello: This is too much of a vital question that has sprung up, and I am very grateful to the Mover because I hope Government will recognize the importance of the question referred to by the hon. Member for Georgetown North (Mr. Jackson). Two points were developed during the debate on the Bill yesterday. The timing of the presentation of the Bill was very much criticized and, secondly, it was felt that Government was embarking on something to which sufficient thought had not been given. It must also be agreed that in his presentation of the Bill the hon. Minister was very hesitant and uncertain; he did not seem to be familiar with the subject. On this side of the Table are experienced politicians associated with local government who have pointed out several weaknesses in the Bill, and now this very important point has cropped up.

We are opposed to the principle of the Bill for many good reasons, and with our anxiety about the principle of the Bill we will have sleepless nights over the sort of Regulations which will become part of the Ordinance without our having an opportunity to express our views on them. This matter is too revolutionary for us to rush into. I am satisfied that the hon. Member for Georgetown North is correct in saying that Government has

not yet made up its mind as to the correct procedure obtaining in the United Kingdom to be incorporated into the life of British Guiana, and it is wrong to have the whole system transplanted into this country. The change is too great.

All the knowledge we have has been imparted to us by a few experts, and if we look through the advice of those experts we will discover that they themselves have disagreed. The Marshall Report has not been accepted in its entirety. Dr. Marshall was of the opinion that the system operated by the Georgetown Town Council is a very good one, but he was not certain that it was the best system to be adopted in the rural areas. Subsequently, other advisers thought that some of his recommendations are not acceptable, and Government has said so too. The Minister himself said yesterday that while he did not agree with all that had been said, we could take the risk of embarking on this legislation.

I stress those points which were made yesterday to point out that already we are very much disturbed about the principle of the Bill, and I think it is unfair and unjust, and almost an indictment on Government, to try to rush this Bill through, and in secret conclave prepare Regulations which will be part of the Ordinance. But for the last two lines of Clause 39 one would not feel so disturbed about the situation. If Members of the Government look at this matter with some degree of fairness they will readily accept the Motion by the hon. Member for Georgetown North. Anyone who has some regard for fairplay and justice will recognize that the least that could be done would be to give this Council an opportunity to study the Regulations.

Possibly it would have been quite all right if this Bill had gone through without the amount of opposition it received here yesterday. Even then it would have been gambling to a certain extent. It would have been taking a certain percentage of risk to allow a Government, quite new in the administrative field and with a lot of revolutionary ideas

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and far too young in experience, to be entrusted solely with this very important matter of making these Regulations. It is not that we do not trust the Government but we have found so many weaknesses in the principle of the Bill that I think it would be unfair to proceed further.

I shall always be grateful to the hon. Member for Georgetown North for moving his Motion. I must admit that when I spoke yesterday I had not observed the implication of Clause 39, and it was not until the hon. Member referred to it that I read and analyzed those few words. I like to beg. I feel that sometimes one can appeal to reason by humble supplication rather than superimpose one's will on other people. I want to plead with the hon. Minister that he should have no fear in admitting that he himself would be very glad for an opportunity for further study of the implications of this far-reaching Bill if it becomes law. I want him to admit that he owes it to his constituency and to British Guiana to give this Legislature and the people's representatives an opportunity to publicly express their views and voice the people's opinion on this Bill.

I know that he is one of the great advocates of free expression of opinion and expression of the people's will in open Council. I am least among them because I am not an elected Member, but I think the elected Members will agree that the Government owes it to the people of this country to give Members of this Council an opportunity to study this Bill a little more, and what is most important, to have the Bill and the Regulations passed together in this Council. It would be in the interest of this country and in the interest of the reputation of this Legislature. I feel that this young Government should show its sincerity and progressiveness by allowing the people's representatives an opportunity to examine both the Bill and the Regulations. I hope that Government will harken to my plea for justice.

The Attorney-General (Mr. Austin): The hon. Member has vir-

tually pleaded guilty to not having done his home work, by asking for further time to study this Bill which has been published for seven weeks. Surely that is long enough for the hon. Member to study the Bill, even though he has other duties, for in the past he has been a most active legislator. I think that in that space of time he could have examined the Bill which contains no more than 40 Clauses. I wish to register my opposition to the Motion because I do not think any valid reason has been advanced for a postponement of this debate, except a tactical one. The two reasons that seem to have been advocated, which I do not think are reasons at all, are, first of all, that the Georgetown system of assessment is satisfactory, therefore why change it? Secondly, that this new system of valuation is the United Kingdom system, and just because it may be satisfactory in the United Kingdom we should move cautiously and not adopt it entirely here.

So far as the first reason is concerned, no one has denied that the present system in Georgetown is perfectly adequate in the circumstances of today. But Georgetown is a city which is surrounded by a large part of the country which is not under local government, and the intention of the Marshall Report is eventually to bring the whole of the country under a system of local government. So that whereas Georgetown is now a solitary planet it will, in future, be a planet in a large constellation, and the changes to come will be in an atmosphere or climate which makes it necessary to alter the system to suit the new circumstances.

I think there has been some confusion in the minds of several Members in comparing the United Kingdom system of valuation with what is contained in this Bill. Members on the other side of the Table have suggested—

Mr. Gajraj: On a point of order! Is the hon. Attorney-General speaking to the Motion before the Council? We are now considering a Motion for deferring this Bill for six months.

Mr. Speaker : I think he is trying to show that there is no good reason why this Bill should be deferred for six months.

The Attorney-General : I was saying that one of the reasons which has been put forward is no reason at all, because the hon. Member is saying that the system is taken from the United Kingdom. That is not so, because in the United Kingdom the capital value basis is not used. The part that is taken from the United Kingdom is that which deals with the central valuation authority. I say, therefore, that no good reason, except possibly a tactical one, has been given to show why this Bill should be deferred for six months.

Mr. Jackson : On a point of order. I object to the statement that this is a tactical move.

Mr. Speaker : That is merely the opinion of the Attorney-General.

Mr. Gajraj : I am afraid that the argument adduced by the Attorney-General has not convinced me. Even within recent times we have been presented with legislation which in part has been designed to take away from this Council its power of legislation. I say so because there is provision in this Bill giving the Governor in Council power to legislate for very important and essential features which would carry out fully the intention of this Ordinance. It means that by this act this Council is surrendering to the Cabinet or Executive Council more and more of the authority inherent in Legislatures. I am convinced that this is a point which must be stressed very strongly. Unless we draw attention to this sort of thing, we will find, as time goes on, similar provisions will be inserted in other Bills and the rights and powers of the Legislature will be taken over by the Executive Council.

In other Ordinances we have delegated to the Executive Council the power to make Regulations. In such cases as the

one we had before us today where the hon. Financial Secretary moved a resolution to confirm an Order in Council, we have the right to state here whether we agree that the Order should be promulgated. However, in the Bill under discussion there is no such provision and, therefore, whatever the Governor in Council feels like doing will immediately become law without our having an opportunity of expressing our views on the matter.

In this particular case I think it is right that hon. Members on this side of the Table should draw attention to this particular aspect of the matter and, having regard to the fact that so much criticism has been levelled from this side of the Table yesterday — criticism that is not trivial because it dealt with important points of practice — it shows that the honour of the Government is at stake.

We have not yet heard from any Member of the Government a contradiction or a denial of the charge made by the hon. Nominated Member, Mr. Tasker. It is because of these things that we feel that we cannot permit the Executive Council to usurp the functions of this Council in relation to this Bill.

For the proper execution of the provisions of this Bill, if it is passed as printed, it will be necessary to have a number of forms prepared in keeping with the terms of the Bill. Whereas the Bill deals scantily with certain things it will be necessary to fill in omissions by means of Regulations. Formerly when certain Bills were brought before this Council great care and time were spent in preparing the necessary forms in connection with the Bill so that we would have everything before us for consideration. How can we consider matters properly when we do not have everything before us? Therefore it is only fair and right that we should take cognizance of these things.

I should like to point out that we are not sleeping representatives in this Council, and we have to keep an eye on

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any legislation which will have the effect of hurting the average man in this country. It is possible that some people may get hurt, but we will try to alleviate as much as possible and endeavour to anticipate things in order to make conditions better for the people of British Guiana. This is the reason I advance for supporting the Motion which has been moved by the hon. Member for Georgetown North that the Bill be deferred for six months. That period of time will not give Members on this side of the Table a further opportunity to study the Bill, as the hon. Attorney-General has charged my hon. colleague on my left, because although this Bill was printed about four weeks ago Members of the Government themselves thought we would have been working very hard in Finance Committee today.

Government must realise that this Bill calls for a lot of work. Members on the other side of the Table must realize that some of us on this side are laymen and may not understand all of the niceties of the law, but we can give our points of view as a result of a debate on the matter. That is why a debate is so important in these matters. That is why we have asked the Members of Government to join us in debate and express their points of view so that everybody will benefit from it. We know that when a piece of metal is rubbed against another piece one becomes sharper than the other. We realize that we have a big job on our shoulders. We have to bear that in mind and time will be useful to all of us. Even if the Minister may have thought it his duty to get this bit of legislation through, on the other hand the passage of time can help him to see other points of view and, perhaps, he may have second thoughts on certain matters.

The Minister of Labour, Health and Housing (Mrs. Jagan): I can only presume that the last speaker was speaking on the Motion before the Council, but in listening to him I had a very difficult time trying to find out what his objection to Clause 39 had to do with the Motion

for deferment of the Bill. If the hon. Nominated Member, Mr. Gajraj, does not like Clause 39 which deals with the powers to be given to the Governor in Council to make Regulations, surely the correct time to voice his objections, as he well knows, is when this Council goes into Committee.

I presume that Members of this Council appreciate the reason for discussing a Bill. We are here to go into the Bill and discuss it fully. Members need not ask for a postponement of the Bill in order to voice their objections and, obviously, they will vote in the manner in which they are so inclined. I cannot see how a deferment of the Bill will assist Members in understanding it any better.

Hon. Members can see that this Bill was published on the 3rd January, 1959. If hon. Members stand up here and confess openly that they have not yet studied the Bill and would like it deferred, then it shows that they are not showing very much respect to this Honourable Council. I would ask hon. Members quite seriously to get on with the job. We have a tremendous amount of work to do. We have this Bill, another very lengthy one, and the financial position of the country to consider in relation to the Budget. I feel that any further delays will only prolong the work we have before us.

I can assure hon. Members that this side of the Table has given this Bill very careful consideration. It was not brought here at a moment's notice. We have already deferred the Bill on one occasion to allow Members to have more time to peruse it. The hon. Minister of Community Development and Education who is piloting this Bill has spent many long months going into the various aspects of it in the greatest detail. For Members to come here and suggest that this is a hasty bit of legislation, merely shows that they do not understand the situation. I would not speak any longer because I am anxious for us to move at the most rapid pace possible without infringing on the right of all Members to express them-

selves freely. I am sure that Members in this Council will not agree to the allegation that they have not been given an opportunity to express their points of view on this Bill. I would suggest that we start moving and do the work we have before us.

Mr. Burnham: I support the Motion moved by the hon. Member for Georgetown North. It is true that I did not have the advantage of hearing everyone on this side who has spoken on the Bill, but I do not know that any Member on this side has confessed that he has not studied the Bill —

Mrs. Jagan: Mr. Campbell tells us that.

Mr. Burnham: I am very grateful to the Minister because I have a *penchant* for being accurate. I have not heard any Member apart from Mr. Campbell admit that he wants a deferment of this Bill in order to study it.

The hon. Minister of Labour, Health and Housing has reminded us of the obvious — it was published on the 3rd January, 1959 — and we are grateful to the Attorney-General for his calculation that that was seven weeks ago. We are also particularly indebted to the Minister of Labour, Health and Housing for the information she has given us as to the length of time and the number of hours the Minister of Community Development has spent on this Bill.

But I think it is obvious to Members who heard him yesterday that his halting presentation of this Bill was referable to the fact that he himself did not fully understand all the implications of the Bill, and furthermore he was seeking authority and support where they did not exist. It is a complicated matter. To the simple, all things are simple. A Valuation Bill is not something you pull out of the bag. I have no doubt the Minister was briefed, but some counsel are not very capable although their solicitors have briefed them well. So that it is not that this side wants further time for consideration, not having studied the Bill, but that certain

implications have become obvious since the debate on the Second Reading began.

I understand from the Minister of Labour, Health and Housing that there are many other Bills. I am really gratified at the sudden burst of energy now being shown by the other side. It is the same way the Shops Bill came up, when they told us —

Mrs. Jagan: Nonsense!

Mr. Burnham: Mr. Speaker, before the squeak I said that it was the same way the Shops Bill was 'studied' and before the debate was through, Ministers admitted that they would have been glad if they were given some time to consider our ideas because they did not understand the Bill.

Mrs. Jagan: Nonsense!

Mr. Burnham: I had another squeak. I remember how chivalrous the hon. Lady was when the Minister did not know which way to turn. Bills of this type are normally the type of Bills referred to Select Committees. I appreciate the anxiety of some people to convince us of their willingness to work.

We do not doubt that, but we say that they do not understand all the implications of this Bill.

You say that you are implementing all the recommendations of the Marshall Report. We have not heard yet from the Government why this particular Bill must take precedence over all the other Bills. For instance, this Bill talks about the Local Authorities doing this or doing that. It would seem to me you are giving the Local Authorities power to do some things before they come into existence.

Mr. Speaker: Will you allow me to read these words of wisdom from Lord Campbell?

"Debate upon such a motion must be strictly relevant to the reasons why it is desirable to adjourn (the House, or) the debate."

Mr. Burnham: I do appreciate those words of wisdom, and I hope others, including the learned Attorney-General, have heard them. One of the reasons I am advancing in support of this Motion is the fact that the Bill, neither as a result of explanations, nor on the face of it, has been proved to be the first Bill that should be put up here with respect to the reform of Local Government.

I am supporting the Motion for the deferment because I am submitting that before we start to discuss what these Local Authorities can do and what they cannot do, and whether we should be valued or we should not be valued, the Local Authorities should be set up. Nowhere in matters of this kind does one find the power of appraisal or valuation given to any local authority or any local government agency before the local authority or the local government agency becomes an entity. This is a case of putting the cart before the horse. Perhaps this is only a draft Bill, because we have not got access to these files yet.

A Member: No?

Mr. Burnham: You will be surprised to know that we are not as good as those who can get Drill Manuals.

A Member: No?

Mr. Speaker: Order, Order!

Mr. Burnham: Nor have we any contact with the printers. We are saying that before this Bill, there should be one defining boundaries, and powers of the Local Authorities and the extent of Government's preparedness to subsidize or give grants to those Authorities. It is important that these and other ancillary matters be first discussed.

Mr. Speaker: If there is no other speaker, I will put the question.

Mr. Jackson: As mover of this Motion for the deferment I should like to observe that neither the Attorney-General nor the Minister of Labour,

Health and Housing seems to have recognized the reasons given for the Motion. I did not ask for time to study this Bill at all. I have a responsibility to my constituency and to this Colony, and since this Bill seeks to empower the Government to make Regulations which would in effect be as laws made by this Council, and since that is something not to be given to Government lightly, I feel that we should consider this matter further.

Regulations must be presented to this Council before the Government can have them implemented, and it is a very appropriate thing. In that case we can discuss them as we have discussed this Bill, as we have been doing since yesterday afternoon. We must know what these Regulations are before we agree that they should be put into effect. It is better to study these Regulations in detail so we can say we have done our duty to the public. And the reason why this Motion was moved was to have discussion on the Regulations in conjunction with the debate on this Bill. What is the point of hurrying them?

Mr. Speaker: Hon. Members, the question is,

"That this Bill be postponed for six months".

The Council divided and voted as follows:

<i>For</i>	<i>Against</i>
Mr. Tasker	Mr. Ajodha Singh
Mr. Davis	Mr. Saffee
Mr. Tello	Mr. Rai
Mr. Gajraj	Mr. Bowman
Mr. Jackson	Mr. Ram Karran
Mr. Campbell	Mrs. Jagan
Mr. Burnham	Mr. Beharry
Mr. Kendall.—8	Mr. Benn
	Dr. Jagan
	The Financial Secretary
	The Attorney-General.—11

Mr. Speaker: I declare the Motion lost. We will resume consideration on the Second Reading of the Bill.

The Minister of Community Development and Education (Mr. Benn): We on this side of the Table have listened to several hours of discussion from the opposite side, the majority of whose Members have given a clear indication that there is considerable confusion of thought and misunderstanding of the present system as obtains in Georgetown, and the system which is proposed for adoption by this Council. We have listened to arguments, many of which were not relevant to the Bill, and then we had suggestions that the Bill has been rushed, that the Municipalities had not been consulted, the Local Authorities had not been consulted, the Marshall Report had not been discussed, and so on and so forth. I would like to discuss those points before I go further. The Sessional Paper on Local Government which was laid on the Table some months ago contained certain proposals. I wish to quote paragraphs 67 and 68 of that Sessional Paper. —

“67. — Recommendation.

- (vi) The general rate would be levied on the capital value of all lands and buildings. The charge for some services might fall mainly on buildings.”

“68. — Proposals of the Governor-in-Council.

Accepted in respect of the new Districts as well as Georgetown and New Amsterdam. It is considered that the basis should be uniform. Special provision will be made for industrial premises.”

This Sessional Paper was laid on the Table of the Council some time in August last year and at the same time I read a short statement from which I should like to quote a short passage —

“I would like to ask all those who wish to comment on the proposals contained in the Sessional Paper to be so good as to furnish them to me, through the Commissioner of Local Government, not later than the 15th October.”

As I said, the Sessional Paper containing Government's proposals on Dr. Marshall's recommendations was laid in this Council, and the Minister of Community Development and Education

called for comments on the proposals in the Sessional Paper in which the principle of this Bill was set out. But what do we find from some of the Members who are making the greatest noise? It should also be remembered that some weeks ago when the Bill came up for Second Reading I asked for a deferment in order to allow further consideration by Members of this Council. Some weeks ago the Georgetown Municipality held a special meeting, and as a result of that meeting I received a letter from the Town Clerk dated 3rd February, asking me to meet a deputation from the Georgetown Town Council to discuss the Bill, which was published on the 3rd of January. The second paragraph of the letter read :—

“The members of the delegation are His Worship the Mayor, the Deputy Mayor, Councillors C. V. Wight and E. M. Gonsalves, and the Town Clerk.”

As a result of this letter I had a personal conversation with the Mayor, the hon. Member for Georgetown Central (Mr. Burnham), and we decided to have a meeting with the delegation on the 5th of February. Arrangements were made for that meeting, which was to have taken place at 1 p.m. on that day. At 12.30 p.m. a letter was received from the Town Clerk of Georgetown stating that it was impossible for the delegation to turn up, so the Minister had to put off that meeting. Later I had a personal discussion with the Mayor, and it was decided that we should hold a meeting at 1.30 p.m. on the 16th of February.

The hon. Member for Georgetown Central recently sought to protect me against an expatriate officer who, he said, had snubbed me. The Mayor and other members of the delegation were expected to turn up at 1.30 p.m.; the Minister waited until 2 p.m. but no delegation arrived. At 3.30 p.m. a minor clerk of the Town Clerk's Office telephoned the Commissioner of Local Government to say that the delegation could not turn up. We heard in this Council last week the hon. Member for Georgetown Central protesting against the treatment meted out to a Minister of this Govern-

[MR. BENN]

ment, that is myself, but as he had said that the Minister of Education had no policy on education, apparently he suggests that the Minister ought to have been given an opportunity to tell the audience at Queen's College that he had no policy.

Mr. Speaker: Need you go back to that?

Mr. Benn: Will you allow me to develop my point?

Mr. Speaker: I do not think what happened at Queen's College has anything to do with the Minister's reply to what has been said on this Bill.

Mr. Benn: We were lectured in this Council at length on the respect that civil servants should have for the Ministerial system and the Ministers. We were told that expatriate officers should have respect for the Ministers.

Mr. Burnham: I never said anything about expatriate officers. I do not draw such distinctions on such a question. Whether they are expatriate or local officers they must pay due respect to the Ministers.

Mr. Benn: I am not surprised that the hon. Member has ruled —

Mr. Speaker: I have ruled. I said that I did not think the reference to Queen's College has anything to do with the Minister's reply to this debate. He is quite in order to point out what pains he had taken to acquaint members of the Town Council, but I have ruled that the reference to Queen's College has no bearing on his reply to this debate.

Mr. Benn: Very well, Sir. I maintain, however, that the attitude of the Mayor and the delegation to the Minister and to the Ministerial system has been most reprehensible, and is an insult to the very Ministerial system which the hon. Member for Georgetown Central says that people must respect. My Ministry did everything possible to have a discussion with the Mayor and Town Council of Georgetown on this

very important Bill, but the delegation never turned up. We were told in this Council that the Marshall Report was not discussed, and that the Ministers are incompetent. As in the case of the Marshall Report, full opportunity has been given to everybody to discuss this Bill and to bring forward points for discussion. The hon. Member for New Amsterdam (Mr. Kendall) said that the present Government should have brought the Marshall Report to this Council for discussion. Why did the Interim Government, of which the hon. Member was a Member, not do so?

Mr. Kendall: I never said anything about the present Government. If the previous Government did not do anything about it why hasn't the present Government done something? It is no use talking about the past Government. You are in the Government now and you undertook to do certain things which you should carry out.

Mr. Benn: The hon. Member said that the Government should have brought the Marshall Report before the Council for debate rather than force it on the people of this country. What has been done about the Marshall Report which is dated May, 1955, and about which nothing was done until the present Government assumed office? It has produced a Sessional Paper and one Bill, and has almost completed two other Bills to bring before this Council. The New Amsterdam Municipality wrote this little slip of paper (*exhibited*) on the Marshall Report and the Sessional Paper, and they speak about those who do not understand. These are the comments of the New Amsterdam Municipality. The Georgetown Town Council and the hon. Member for Georgetown Central, who is the Mayor, say that the Minister of Education does not understand. The hon. Member did not have the courtesy, or perhaps the understanding, to make sensible comments, for unto this day the Georgetown Municipality has made no comments on the Marshall Report. May those who talk about incompetence show how competent they are, and what they have done in the interest of the people of

Georgetown since the Marshall Report and the Sessional Paper were laid on the Table in this Council.

Another point I wish to discuss before dealing with the meat of the Bill is the suggestion by some Members on the other side, that there has been a breach of faith on the part of the Government. It was the hon. Nominated Member, Mr. Tasker, who said that Government had given certain undertakings that machinery would be derated.

Mr. Tasker : On a point of correction. I said that Dr. Hill, on behalf of Government, had given that undertaking to the Sugar Producers' Association.

Mr. Benn: I did not know that he could have given an undertaking on behalf of the Government to the Sugar Producers' Association. I do not see how Dr. Hill comes into the picture at all. It is true that there have been discussions between Dr. L. C. Hill, Head of the re-organization team, and Sir Howard Roberts, on behalf of the Sugar Producers' Association, on the question of extra nuclear houses, valuation, etc. Nowhere is it stated that an undertaking had been given by Government, or that Dr. Hill should give an undertaking on behalf of the Executive Council of British Guiana.

As a matter of fact the hon. the Chief Secretary (Mr. Jakeway) informed the Sugar Producers' Association that the decision on the question of extra nuclear houses and so on would have to be approved by the Executive Council. Therefore there is no breach of faith on the part of Government. Government never gave an undertaking to stand by any agreement made by Dr. Hill. Of course proposed agreements may have been worked out, but it is for the appropriate Minister of the Executive Council and the Government to approve proposals for agreements between Government and the Sugar Producers' Association.

We have heard the hon. Nominated Member, Mr. Gajraj's, comments on the

Bill. I am rather disappointed to find that one who is the Chairman of the Assessment Committee has said so little about the system which he is supposed to be working. Why have there been very few appeals from the Assessment Committee? The answer is because very few of the members of the Assessment Committee as well as the people in Georgetown understand the system on which the rating is done.

Mr. Burnham : Do you?

Mr. Benn : It is written somewhere, "He that is silent does not bear testimony against himself". There are many people who do not know what is going on in the Assessment Committee. It is not my policy and I do not set out to condemn the system that obtains in the City of Georgetown outright, but rather to introduce a better system of valuation in this country.

An hon. Member on the other side of the Table said that I do not understand the Bill. Alfred Crane's Manual of Rating Law in Georgetown states at page 1 —

"In every rating office, there should be found a section of trained and expert staff officials practised in the methods of valuing immovable property. This body of assessors must also possess a sound knowledge of rating law".

I think the hon. Nominated Member, Mr. Tello, suggested that the system now obtaining in the Georgetown Assessment Committee should be spread all over the country. How can that be done? The present valuation of properties in Georgetown is almost a year late. In New Amsterdam it is also a year late.

Mr. Burnham: I should like to make a correction. The valuation in Georgetown is done quinquennially; this is 1959 and the valuation will have to be complete by 1960.

Mr. Benn : The valuation in Georgetown is a year late, and the same thing can be said about New Amsterdam.

Mr. Kendall : On a point of order. New Amsterdam is late because the Minister indicated to the Mayor that it would be necessary to wait until the Marshall Plan had been dealt with.

Dr. Jagan : That is not a point of order.

Mr. Speaker : If Members sit in their seats and say "it is not a point of order" that is not good enough. If hon. Members want to raise a point of order, I am sure they are aware of the proper way to do it. It is very elementary and I am sure hon. Members are conversant with the way in which it should be done. Please do not run away with the excitement of the moment.

Mr. Benn : I am not surprised at the regular interruptions. Members on the other side have been making their usual attacks on the Government because they get the usual headlines.

Mr. Burnham : You get yours in the "Thunder".

Mr. Speaker : Order, please.

Mr. Benn : What will happen if the system which is so little understood by the people who are supposed to be working it were spread all over this country? Why should Georgetown be left alone? Why should Georgetown which forms a very small unit of the Local Government System be allowed to do as it wants? Why should the system in Georgetown be taken all over the country? Is it because the Georgetown Town Council speaks of its ancient rights and privileges of which we have heard so much yesterday? I am of the opinion that ancient rights and privileges should not be allowed to bedevil national progress.

Hon. Members on the other side of the Table spoke of uniformity in the system obtaining in Georgetown. We are not striving for uniformity in Georgetown alone. Some Members think of British Guiana in terms of Georgetown, but we are thinking of British Guiana in

terms of the country as a whole. We do not want this ill-conceived, "witch doctor system" in Georgetown to be spread all over the country. Let us examine the manner in which some properties are rated in Georgetown. One Member says that you can get the rental value and from that the capital value. I have never heard anything like that before. Can you work out capital value from rental?

Sir Alfred Crane states :

"The accuracy of the gross annual rent will, of course, depend upon the reliability of the capital value of the land and buildings, and the unit value of the land and the percentage rates adopted by the Committee."

Mr. Burnham : Explain that.

Mr. Rai : Order, please.

Mr. Benn : I know that some Members are perturbed and they do not want me to speak about the system used by the municipality in Georgetown.

Mr. Burnham : I want you to explain it.

Mr. Speaker : Then stand up and say so.

Mr. Benn : The hon. Member says that I do not understand what is written in the volume from which I am reading. Crane develops the way in which we should rate public buildings. He states:

"A Public Building	\$
Land 87,400 square feet at 30 cents per square foot ..	26,220.00
Buildings valued on the cubic contents ..	177,136.00
Total value	203,356.00"

After that the Assessment Committee starts to work on the annual rental value. How do you rate the Demerara Electric Company in Water Street? Some months ago a number of experts came here—

Mr. Gajraj : On a point of correction. May I suggest that the hon. Min-

ister quote from the top of the page instead of from the bottom. He quoted from "A Public Building."

Mr. Benn: The hon. Member is interrupting me.

Mr. Gajraj: He is not giving us the full picture.

Mr. Benn: The hon. Member must wait until I finish.

Mr. Speaker: Are you ruling?

Mr. Benn: I am not ruling, Sir.

Mr. Gajraj: I am saying that the hon. Minister should quote from the middle of the page where the figures are said to have been given by the Government's Chief Draftsman. "The figures are purely hypothetical and in no way represent actual facts," says Sir Alfred Crane.

Mr. Benn: No matter who gave the figures, it shows more incompetence on the part of the municipality if they are unable to make their own valuation. I wonder what happens in the case of the Electric Company in Water Street?

Mr. Gajraj: That is where Mr. Crane's argument comes in.

Mr. Benn: Some months ago a team of experts visited this country and valued the works in Georgetown, including the Demerara Electric Company. Many of them are not only Chartered Surveyors in the valuation sections, but some of them are Electrical Engineers of long standing. Is it suggested here that the Georgetown Assessment Committee can properly rate the Demerara Electric Company? Crane sets out how the Lighthouse is to be rated. Are we to understand that the Georgetown Assessment Committee does this?

But it may be interesting to look at the relative rates of some of the properties which have been rated. A property which was recently sold for \$60,000 in the City had an assessment of \$2,000. That represents 3% on the capital, in-

cluding all the allowances and so on. Another property worth well over \$100,000 is assessed at over \$5,000. And how are the properties of these poor widows of Georgetown rated, as compared with properties, say, in Water Street? Dealing with one at random, a property valued \$20,000 has been assessed at \$1,500, and that represents 7½% on the capital, etc. Compare this with the property worth \$100,000 rated at 3%. I am not blaming hon. Members for not studying the Bill properly because they do not understand it.

In another part of his Manual, Crane suggests a certain manner in which we can arrive at a figure. On page 10 he states:

"In Georgetown it would be much lower, the estimate based on figures given in the diagram above being 5.99 years' purchase, a mere measure of the value of a property in relation to its gross rent."

The valuation of properties is usually published and anyone can find out about it. Let us take one property, the Radio Demerara building: square feet 5,572, land 34,524 square feet, assessment \$4,200. Are we to understand that by multiplying \$4,200 by 6 we arrive at the capital value of these premises? They are supposed to work from capital value to arrive at the rental value. Let us quote Crane *ad nauseam*.

Mr. Burnham: Well said.

Mr. Benn: Speaking of the distinction between local taxes and rates on property and income tax, he states:

"An income tax is a yearly tax charged in respect of:

(a) the income arising from the property in, or the occupation of, all lands, tenements and hereditaments;

(b) all profits arising from interests, public annuities, dividends and shares of annuities payable out of any public revenue;

(c) the annual profits or gains arising or accruing from any trade, profession, employment or vocation;

(d) income arising from securities out of the United Kingdom; and

(e) every public office or employment of profit and every annuity, pension or stipend payable by the Crown or out of the public revenue."

[Mr. BENN]

Crane then goes on to the portion to which I referred yesterday :

"Taxation for local purposes is levied on the value of the property, and so partakes of the nature of a levy on capital."

And earlier in the book is the section which the hon. Member said I did not understand. Was it capital value? The hon. Member in his cynical way said that the Minister of Education does not understand. I will not explain. Let me do his homework. Let me read from the Manual at pages xxi and xxii and tell him the difference later on.

Mr. Burnham : Yes, teacher.

Mr. Benn : One or two Members spoke of uniformity and said that the Government seemed to be mentioning that word over and over again. Yesterday I stated the reason why uniformity for rating and valuation purposes in this country was desirable. Another important point which I ought to have mentioned was that it was considered necessary to change the Regulations now, so that Government would not have to make several attempts to do so later on in respect of several Local Authorities. There would be uniformity in a regular Code applying to the whole of British Guiana.

I recognize the obvious feeling of the Municipality of Georgetown in respect of valuing, but valuing is not the principal occupation or responsibility of a local authority, and I mentioned yesterday that in England the authority responsible was the Inland Revenue Department. I may add to that that when I mentioned England I was not speaking in relation to the system of valuation; I spoke of England in relation to the authority which was doing this work, and I think I quoted from the speech of the President of the Institute of Municipal Treasurers and Accountants, Inc. I will not worry this honourable Council to read it over again.

Mr. Burnham : Thank you.

Mr. Benn : There was a lot of talk about our seeking to put the English system into force in this country. But

the English system is the rental system and it is carried out by extremely capable whole-time officers, while the system as obtains in British Guiana is carried out by part-time people—very well-meaning people but who neither understand nor have the time to apply it properly.

But let us see further what Crane said. At page 11, speaking of the United States, he wrote :

"In America, however, the 'full value' is determined on scientific principles. The value of the land, apart from the structures, is ascertained on the basis of land value units allocated to varying lot depths in a percentage table compiled by experts. The value of the buildings and other erections is determined also by recognized methods used by architects and building contractors. The buildings are reduced to units of quantity in the form of square feet of floor space, cubic feet of contents, or, in some instances, square feet of land area covered. The unit value is deduced from the cost of constructing similar buildings."

Then he goes on further to describe the system as it obtains in America. The system we are putting before this Council is not dissimilar to the system that is in vogue in the United States. So that it must not be thought that it is some alien thing. As a matter of fact, Crane suggested the very system of valuation of property which we are proposing today.

One hon. Member spoke of the higher penalties and deposits in connection with appeals. Another Member, referring to Clause 39—*the power to make Regulations*—suggested that the Regulations should be approved first by this Council. I have no objection to such a proposal. I think it is laid down in one of these Ordinances that as soon as possible after Regulations are made they may be laid before the Legislative Council, and if after having been laid for 21 days and they are not approved, what would happen, and so on.

On the question of penalties and appeal the Government is not unreasonable and would, of course, listen to the points raised by hon. Members. That is as

it should be, and that is why we go into Committee stage [**Members:** Hear, hear.] There was considerable discussion in this Council about the qualifications of the Valuation Officer, and I admit that in any new system one has to be extremely careful that whatever is done, all the difficulties which may arise in the future should be scrupulously avoided. The Valuation Officer should be a Chartered Surveyor—one Member said that I said 'Land Surveyor'. What I did not say was that he should be a Member of the Royal Institute of Chartered Surveyors in the Valuation Section.

I hope that that will satisfy those Members on the other side who fear that the person who is to do this valuation will not be a competent person. I am not a legal luminary, as one hon. Member said, and I do not know whether the qualifications of all professional officers are mentioned in the various Bills which come up from time to time, but perhaps that is a subject for the hon. the Attorney-General to deal with. I may say that Government is hoping to recruit a very capable person with those qualifications, so that the embarrassment of persons in dealing with officers who are less qualified professionally will not occur regularly. The whole question of rating of plant and machinery is a very complex one, and hon. Members will agree that a qualified and efficient person should be employed to do this type of work.

A point was made about the skyrocketing of the prices of properties, and the suggestion was made that rates will go up. I want to make it quite clear that there is no reason to fear that when the new system of valuation is put into operation rates will go up. The levying of rates is the responsibility of Local Authorities. If a Local Authority needs to raise a revenue of \$10 in a year and properties in the area are assessed at a value of \$100, the Local Authority will probably levy a rate of 10 per cent. If the present system is changed and the same property in the area is valued at \$200 the method of ar-

riving at the revenue of \$10 would be to levy a rate of half of 10 per cent.

I hope that it will be clearly understood in this Council and everywhere, that what Government seeks to do is not to interfere with the amount of rates and taxes which people are paying in Georgetown. That is the responsibility of the Local Authority of Georgetown, New Amsterdam and in other parts of the country. If those Local Authorities desire to provide more dams and canals and to dig larger trenches, that is their responsibility, and they will levy rates in order to secure the amount of money which they have to spend in order to carry out the works they proposed to do. I would like hon. Members to appreciate that the question of the amount of rates charged does not come into it at all.

I have discussed the system as it applies in Georgetown, and I wish to assure hon. Members that the people in the rural areas are well alive to their responsibilities. The Village Chairmen's Conference, unlike several other organizations, forwarded a long memorandum to the Minister of Community Development on the Marshall Report. Representatives of the Village Chairmen's Conference also met me on two occasions and had long sessions on the recommendations in the Marshall Report and the proposals set out in the Sessional Paper.

I should like to make it quite clear that a uniform system will make it much easier for people to understand how the valuation of their properties is carried out, and to be satisfied that the valuation of similar properties in the same area is done on the same basis. I have mentioned what happens in Georgetown. We all know what takes place in the rural areas. It has been said that the Georgetown Municipality spent nearly \$25,000 to do a certain amount of work in order to carry out its valuation system. Let me assure hon. Members that the work done by that body will be most useful to the valuation officer and his secretary, and I am quite certain that it will not cost the Municipality anything like that sum when it is carrying out its revaluation,

[MR. BENN]

because a section of the staff will be doing this work regularly, paying attention to changes, reconstruction and so forth all over the country.

Several other points have been made but I think that some of them were brought out when I moved the Second Reading of the Bill. I want to assure hon. Members that in trying to take over this responsibility from the Municipalities, Government also has in mind handing over more responsibility to the Municipalities and to other Local Authorities all over the country. Mention has been made of grants and loans to Local Authorities. This is not the place to discuss grants. You do not discuss grants before you set up your Local Authorities, and you cannot set up your Local Authorities before you know on what system you are going to levy rates in order to carry on those Local Authorities. This is the first step; it is a pre-requisite. This must be done if we are going to take in additional areas in Georgetown, and some areas of capital value—Newtown and Campbellville. There is also a new area on the Upper Corentyne. While some Local Authorities levy rates on capital value, or what they believe to be capital value, they will all have to be put on a uniform basis as between themselves. This will take in the large Skeldon area which is not yet rated.

On the question of loans I would say that in 1958 the sum of \$150,000 was voted for loans to Local Authorities, but that sum included an amount of \$60,000 as a re-vote to carry on the work on the Sussex Street canal, so that the actual amount was \$90,000. This year we propose to provide for loans to Local Authorities a sum of \$100,000. From time to time various Local Authorities make application to the Central Government for loans, and Government has to see how its finances are going later in the year to be able to decide whether it can increase that amount to about \$150,000, which would be a considerable increase on what has been loaned in the past.

I think I have spoken at length in reply to the various points brought out in the debate. Whatever points have not been answered will probably come up again when we go into Committee. I wish again to appeal to hon. Members to let us all approach this problem like men facing a serious problem, and let us take this step today, the first step in the direction of a unified system of Local Government in British Guiana.

Question put, and agreed to.

Bill read a Second time.

COUNCIL IN COMMITTEE

Clause 1.—*Short Title*—agreed to.

Clause 2.—*Interpretation*.

Mr. Tello: I beg to move that the definition "local authority" be amended by deleting the words "the Mayor and Town Council of Georgetown, the Mayor and Town Council of New Amsterdam and" between the word "means" in the first line and the word "any" in the third line.

Mr. Burnham: I beg to second the Motion.

Mr. Tello: I think the debate on the Second Reading of the Bill is sufficient to support this Amendment. It has been expressed that the system of rating in Georgetown and New Amsterdam is sufficiently adequate and sufficiently successful that some of us feel that the proper thing to do would be to adopt and extend it to the coastal areas. Of course Government feel otherwise, but I think we are entitled to express our opinion.

Mr. Burnham: I desire to support this Amendment. The hon. Minister has not told us why Government has rejected the Marshall recommendation on this question *viz* that Georgetown should continue with its present system of rating. As I see it there are certain unsatisfactory features about the system that obtains in Georgetown. I think there should be some amendment to the Ordinance which deals with rating of pro-

perty, but Government should not seek to bring Georgetown under this allegedly new system. I repeat that the hon. Minister has not told us why he has rejected Dr. Marshall's proposals. That difficulty has arisen because the Minister has not had his Sessional Paper debated in this Council. The appropriate thing for him to have done was to have had the Sessional Paper debated. He should not have waited until certain points were raised by some Civil Servant.

Mr. Ram Karran *rose*—

Mr. Burnham: Of course the Minister of "Humour, Communications and Works" would not understand it. Why do you want to change the system of rating in Georgetown? Do you want to get control by legislative action when you cannot get it at the polls?

Mr. Rai *rose*—

Mr. Gajraj: I am grateful to the hon. Member for Central Demerara for giving way. I am prepared to support the proposed Amendment, because I feel that this proposal in the Bill indicates that Government is biting off more than it can chew at one time. I admit that the unscientific conditions of appraisalment and valuations in the areas outside of the Municipality area of Georgetown should be corrected. Dr. Marshall himself said so.

Some of what Dr. Marshall said was mentioned in this Council yesterday. One would expect that the implementation of this new system which Government has in mind, the recruitment of this valuation officer with special qualifications and the setting up of his office would take some time. If the officer is to be recruited from beyond the shores of British Guiana he will take some time to acquaint himself with local conditions and local values. Therefore I would have thought that if the Municipalities of Georgetown and New Amsterdam were exempted—a lot of money and time have been spent in preparing the Municipalities to use this system—from the provisions of this Ordinance, Government could use the new

system in other areas which really need such a system. I am sure that a lot of experience would be gained in the course of time.

As the hon. Nominated Member, Mr. Tello, has said, the two methods of valuation are somewhat similar except that one deals with rental value and the other with capital value. As they develop side by side it is conceivable that some degree of amalgamation might then ensue. But I cannot see that at a time like this when, as the hon. Minister himself has pointed out, the areas for Local Government outside of Georgetown are so much greater in size than Georgetown itself, you should create a condition whereby they might suffer from lack of concentrated work on their particular problems. I believe that if the Members of Government were to keep this aspect of the matter before them they will realize that there is a great deal of merit in the suggestion which has been crystallized in the Amendment before this Council.

Mr. Rai: I am opposed to this Amendment because it seeks to take the Mayor of the Town Council of Georgetown and the Mayor of the Town Council of New Amsterdam outside of the ambit of this Ordinance. Members must realize that the municipalities of Georgetown and New Amsterdam are units of Local Government.

The system of rating now prevailing in Georgetown is an unscientific one. Under the Assessment Committee (Valuation) Rules which form the Second Schedule to the Georgetown (Valuation and Rating) Ordinance, Cap. 154, one reads:

"1. The committee shall fix the annual rent of—

- (a) every house, building or erection or part thereof in the City together with its appurtenances used as a separate dwelling-house, store, shop, counting-house, manufactory, factory, workshop, dock, wharf, warehouse, stable, shed or for any other purpose and the lands on which the same is respectively built, erected or standing, and any other lands appurtenant to or occupied with the same respectively. . . ."

[MR. RAI]

It does not specify what is a fair method of assessment. Naturally there is no method because the assessment is done by people merely looking at a building and taking a few measurements. Whereas the system which is now proposed will be based on capital value.

Mr. Burnham : So far as I am concerned, in supporting this Amendment I want to point out that I never thought that the two corporations were not part of the Local Government system. We were seeking to exclude them from this Ordinance because our contention was that there is no necessity to bring them within the ambit of this Ordinance. In fact we say that it is inadvisable to do so.

My hon. and learned Friend may be reminded of the fact that even though Georgetown has been part of the Local Government system, it has never come under the Local Government Board. It has never had its Estimates approved by any Government Officials or Statutory Board. I think he is sufficiently learned in the Law to appreciate that various authorities may be part of the same system but not subjected to the same types of control. There is nothing irregular or wrong about Georgetown Town Council and New Amsterdam Town Council being part of the Local Government system and yet, for the purposes of the Local Government (Valuation of Property) Ordinance, not be included in the definition of Local Authorities.

The hon. Member for Central Demerara is now trying to impress upon us that the system now proposed by Government is a far more scientific system than the one used by the Georgetown Town Council. When market value is the basis, is that going to be a scientific system ?

What is scientific about inflationary prices ? What is scientific about two people haggling over a business site, the value of which is based on ordinary value ? I wonder whether the Member for Central Demerara has read Part II, 4, of this Bill where it states that "the capital

value shall be the market value. . . " He knows very well that here is nothing scientific about an inflated price paid for bits of property, not only in Georgetown but in the country districts. If he had said that the new system is likely to be less inequitable or less scientific, then there would be room for argument. I am sure that my learned Friend, on realizing his lack of precision of language, will now retract his remark.

Mr. Rai : I am glad that my learned Friend has conceded that the present system can be termed as somewhat unscientific. As my Friend speaks of inflation—that is, the changes in the price level—I will remind him that there is provision for reappraisements every five years, which will take into account the upward and downward movement of prices.

Mr. Burnham : What I said was, if the hon. Member for Central Demerara had said that the new system was less unscientific, there would have been room for argument. I choose my language and my words carefully. I am saying there is no room for argument at all when he made such an absolutely false statement with respect to market value being scientific. And, Mr. Speaker, may I at this stage draw your attention to the clock ?

The Chairman : We have to get back into Council.

Council resumed.

Mr. Speaker : The sitting of this Council is now suspended until five o'clock this afternoon.

Council adjourned for tea.

RESUMPTION

Council resumed at 5.05 p.m. and resolved itself into Committee.

The Chairman : At the adjournment we were discussing Mr. Tello's Amendment. If no other Member wishes to speak I shall put the Question.

Mr. Tello : I am sorry that you are so anxious to put the Question, Sir, as I know that the hon. Member for Georgetown South (Mr. Jai Narine Singh) is anxious to speak. The hon. Member for Central Demerara (Mr. Rai) has forgotten that whether the system in operation in Georgetown is sufficiently scientific or not, a very qualified person Dr. Marshall, thought it was a very good system and recommended no change. However, he did not think it was a system which he should recommend for use in the coastal areas, where he said he would recommend capital value as the basis of valuation.

It is no use saying that the proposed system is more scientific. What we say is that the present rating system in Georgetown has proved successful, and we feel that Government is embarking on too great an experiment. Government should exclude the two Municipalities especially that of Georgetown, whose rating system has earned the high opinion of Dr. Marshall. We feel that while Government is experimenting with its new system in the rural areas the Georgetown system should be kept alive, and if the experiment proves successful it might convince the Georgetown and New Amsterdam Municipalities to adopt the new pattern.

The hon. Minister has spoken at length in his reply, and he has agreed that from his interpretation of the thesis of a son of the soil, this is what the late Sir Alfred Crane wanted done. We suggest a compromise; that Government should embark on its experiment in the rural areas and compare the results with the present system operating in Georgetown. Whether an Assessment Committee is the best is something that should be considered by the Town Council with a view to improving its personnel or its functions, but that is no justification for abandoning the entire system of valuation which has proved satisfactory.

Mr. Jai Narine Singh : Earlier today I heard Members on both sides of the Table, especially on the Government side, refer to this new system as being based on a scientific method, and that the system in

operation in Georgetown and New Amsterdam is not of a scientific nature. I do not know whether the hon. Member for Central Demerara has any experience in the matter of the valuation system employed in Georgetown. If he had I am sure he would not call it unscientific, because the system is based on floor space and the type of material used for the building, the site of the building and the value of the area. If that is not a scientific method I would like to know if a capital value would be a scientific basis when properties in a single street would have various values placed upon them.

I know that Clause 10 of the Bill refers to replacement value and the type of material to be used. I do not know whether it contemplates replacement value in terms of the owner of the property or in terms of the Government — whether Government is thinking that the capital value will be one which will vary from year to year, or whether the replacement should be immediate. In a single street there are some buildings worth about \$100,000 occupying the same space, and further down the street there are buildings not worth \$1,000. How is the capital value going to assist in what the hon. Member calls a scientific system of valuation? I think it is going to lead to greater chaos in the matter of valuation.

Take any of the streets in Georgetown, Albouystown or Water Street; take one of the mud lots where you might not find a single building other than a small shop, and tell me how the capital value of replacement is going to operate for the purpose of valuation.

Though we accept that the Mayor and Town Council of Georgetown and the Mayor and Town Council of New Amsterdam come under the structure of our Local Government, we must also remember that they have every right to do certain things in the proper way. The Georgetown Town Council has mortgages of about \$2 million, about 1/20 of British Guiana's Budget, and that is indicative of the fact that it is capable of handling its own affairs.

I feel that this Ordinance was

[Mr. J. N. SINGH]

brought here in the best interest of the management of our Local Government, but to bring in the Georgetown Town Council and the New Amsterdam Town Council at this experimental stage is not the correct thing to do. When it comes to the question of extra nuclear houses on sugar estates, I propose to speak very strongly on the matter because the Majority Party is supposed to carry the burden of people who cannot afford to carry their own burdens. Let the Government be aware of the fact that it is not fair in bringing the Marshall Plan in the manner in which it has been brought. As a matter of right I do not think that Government should include the Town Council of Georgetown and the Town Council of New Amsterdam in this particular picture of Local Government.

Government would be well advised not to interfere with the system of valuation so far as Georgetown and New Amsterdam are concerned. I think Government should continue to use the system that now prevails in British Guiana. When you are embarking on something new and you do not know what fruit the experiment will bring, you should not interfere with a system that is working satisfactorily. I ask the Government to accept the Amendment in its entirety.

Mr. Rai: I think my hon. and learned Friend is not following the first rule of discretion in Committee. He has made a very long speech. When he spoke about mud lots and estates, he failed to mention that the estates would be valued separately. In my opinion he has not spoken about the arguments in favour of the Bill.

Mr. Jai Narine Singh: I did.

Mr. Rai: It is felt that the new system will give better results. In addition to that there is provision in the Bill for an appeal to a Judge in Chambers in the Supreme Court as well as to the Federal Supreme Court. My learned Friend spoke about transport values and about different buildings in the same area. How are they going to be rated with respect to owners or with respect to

Government? My learned Friend should know that capital replacement values have nothing to do with the owners of the buildings or with the Government, but will be based on the materials with which the buildings are constructed. I would seriously suggest to my hon. and learned Friend that he should read the Schedules dealing with lands and buildings.

Mr. Jai Narine Singh: My hon. and learned Friend knows that when a private individual builds a building it may cost him \$10,000, but a similar building may cost Government as much as \$100,000. He also knows the nepotism that exists in matters of this kind. Are we going to rush headlong into this new system the hon. Member for Central Demerara speaks about? When it comes to the valuation of land with buildings thereon it becomes a very difficult matter to value land in a certain area, and I would like to know what scientific method he proposes to adduce for rating land and buildings within the next 200 years. He should realize that land will vary in price within the next 200 years. Can he convince us that there will be no variation in value within the next 200 years? We have buildings in Water Street and Mundy Street, and I would like him to tell me how he proposes to value those buildings.

Mr. Rai: My hon. and learned Friend should read Part II of the Second Schedule which states —

“4. The capital value shall be the market value of such land as ascertained from the prices at which comparable land is currently being sold or alternatively, if no such information is available by taking into account the following factors —

- (i) the purpose for which the land is or may be used;
 - (ii) the situation and locality;
 - (iii) the accessibility;
 - (iv) the public services available in close proximity;
 - (v) the freedom from or liability to flooding;
- and in addition where the property consists of agricultural land —
- (vi) the availability of irrigation water; and
 - (vii) the soil fertility.”

Mr. Jai Narine Singh : I want my hon. and learned Friend to give us a system that is scientific for getting around that. The Schedule refers to accessibility, freedom from or liability to flooding and so on.

Mr. Burnham : I am very happy to find that the hon. Member for Central Demerara has read the Schedule and has referred the hon. Member for Georgetown South to it. The hon. Member for Central Demerara seems to be suffering from a slight attack of myopia when he reads the part which states "... if no such information is available ..." The alternative there may appear on the face of it to be scientific, but the alternative is only to be implied if there is no information available as to the market value as ascertained from the price at which comparable land is currently being sold. Only then does the alternative come into operation.

I am aware that in the scheme of things there can be no scientific system in this matter, because some people are getting fantastic or ridiculously high prices for their properties nowadays. Let us assume that the new system Government has in mind is a fair one; let us assume that it is a better and a superior system, why cannot Government exclude the Georgetown Town Council and the New Amsterdam Town Council *pro tem* and let the other local authorities experiment with the system? I am seriously urging this upon Government.

It is my impression from what the hon. Minister has said, that what is being criticized with respect to valuation is not the Ordinance known as Chapter 154 but the working of it. The deduction seems to be—if we accept everything the hon. Minister has said—that the Assessment Committee and the Municipality of Georgetown are not working the relevant Ordinance and Schedule as they should be worked. Let us accept that and let us have a discussion between the hon. Minister and the Municipality concerned.

Mr. Benn : Again? Do you remember what happened the last time?

Mr. Burnham : The hon. Minister should be fair about that. I apologized to him for my absence on the last occasion and the Deputy Mayor can attest to that. I would not encourage anyone to insult the hon. Minister, and I apologized to him profusely. I repeat that there should be a discussion between the hon. Minister and the Municipality with respect to the working of the Assessment Committee. Perhaps it might be possible to improve on or tighten up the procedure by the introduction of a technical man similar to the person to whom the Minister refers to as a valuation officer. Maybe, by the introduction of certain technical men who could sit on the Assessment Committee, we may be able to improve the efficiency of the Assessment Committee in administering the Georgetown (Valuation and Rating) Ordinance, Cap. 142. I sincerely urge this suggestion upon the hon. Minister.

Mr. Rai : We are being asked to make fish of one and fowl of the other. The hon. Member for Georgetown Central wants Government to introduce a rating and valuation system for the whole country except Georgetown and New Amsterdam. Why should that be done?

Mr. Burnham : Mr. Chairman, my hon. and learned Friend suffers from not being present when the Second Reading was being debated. It is not a question of making fish of one and fowl of the other. It has been conceded by Members on both sides that in the rural areas the spot valuation is highly unsatisfactory. It is conceded on both sides that a multiplicity of systems would hardly be conducive to progress, but the point was made on this side that though we may abhor multiplicity, that is not necessarily an argument for one and only one, and as far as I am concerned, this system is good enough for the rural areas and not good enough for the urban areas.

But what I am saying is this: this system is untested, and since in any case a new system is to be introduced throughout the rural areas, introduce this new system, of which Government thinks so highly, in the rural areas—where, per

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necessity, you have to introduce a new system. Leave Georgetown with the present system, which is the system that New Amsterdam is going to adopt, for a little while, and compare notes, so to speak, how your allegedly new scientific system has been working out as against the old and allegedly unscientific system that obtains in Georgetown.

I am very sorry we did not have the benefit of my learned and hon. Friend's contribution to the Motion for the Second Reading of the Bill.

The Chairman : The question is, that subsection (1) of Clause 2 be amended by the deletion of the words "the Mayor and Town Council of Georgetown, the Mayor and Town Council of New Amsterdam and" between the word "means" in the first line and the word "any" in the third line.

Council divided and voted as follows :

<i>For</i>	<i>Against</i>
Mr. Tello	Mr. Tasker
Mr. Gajraj	Mr. Hubbard
Mr. Jai Narine Singh	Mr. Davis
Mr. Jackson	Mr. Campbell
Mr. Burnham	Mr. Ajodha Singh
Mr. Kendall.—6	Mr. Saffee
	Mr. Rai
	Mr. Bowman
	Mr. Ram Karran
	Mrs. Jagan
	Mr. Beharry
	Mr. Benn
	Dr. Jagan
	The Financial Secretary
	The Attorney-General.
	— 15

The Chairman : The Motion is lost. Clause 2, subsection (2).

Mr. Burnham : The definition of Valuation Officer—

Mr. Tasker : Excuse me, Sir, may I raise something before Clause 2(1) is passed, if the hon. Member will give way? The definition of "owner" reads:

"'owner' means the person for the time being receiving the rent of lands, houses, buildings or erections in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive that rent if the lands, houses, buildings or erections were let at a rent, and, where the lands, houses, buildings or erection are not let includes any person in possession of the lands, houses, buildings or erection;"

I am informed that this wording is somewhat confusing and can be taken to include at one time both the owner and the person in possession, which is not necessarily the same thing. I hesitate to be more categorical than that, because I am well aware of the niceties of legal language, but I am asking the Attorney-General if he can assure us that no such possibility is likely to arise.

The Attorney-General : Sir, it is difficult for me to say much, in the absence of my Friend's suggestions. I understand he is being the good Samaritan and is putting forward a valuable point. I wonder whether we can have a word with him, we can come back to the point later. It could hold things up if we stop at it now.

Mr. Tasker : Yes, indeed, Sir. May I under this same head raise another point, concerning the definition of Valuation Officer? I have already explained earlier my points relating to his qualifications etc., but I see in this definition that the Valuation Officer may give his powers to anybody who may be appointed by him, and this paragraph is very wide indeed. It is more than ever important that the qualifications of the Officer be stated, otherwise it may lead to less well-qualified men—not necessarily in valuation, but not responsible at all—doing the job.

The Chairman : Before we get to that, I do not know if Members agreed that "owner" in the definition Clause should be left over for discussion later.

Mr. Rai : I personally see no ambiguity in the definition.

The Chairman : I want to know before we go on, because it may well be that I understand it to be so, but a little later on I may be told my recollection is not correct. That is why I want to be sure about it. We are all subject to human frailties, and I am only anticipating a temporary lapse of memory.

The Attorney-General : I am afraid I am throwing the ball back to my hon. Friend (Mr. Tasker). The definition of "owner" in this Clause is the same as that which has been in the law for many years. I suggest that it remain, unless the hon. Member presses the view that it is not clear.

Mr. Tasker : I accept it. I was merely informed that it might be misleading, and I wanted to make sure. I accept the hon. Member's assurance.

Mr. Burnham : I beg to move an amendment to Clause 2, subsection (1), that in the first line there be substituted for the word "the" the word "an", and all the words after "3" be deleted and there be substituted therefor the words "of this Ordinance". In other words, if my Amendment is carried, the definition of "Valuation Officer" would read:

"valuation officer" means an officer appointed under section 3 of this Ordinance".

I move this Amendment for this reason: we have been assured by the Minister that we shall have a highly qualified person as Valuation Officer. That assurance I am prepared to accept as far as it can be given from someone not responsible for staffing or Establishment. But even if that assurance is worth anything, there is this difficulty: you have a well-skilled man as Valuation Officer, and for one reason or another he delegates his powers to one of his office staff. The officer may be particularly conscientious, but he may be or may not be trained, and may sign some document or issue some instruction which should be issued by a technical man, and confusion is likely to result.

Or that subordinate officer may make some decision with respect to certain things in the Ordinance without being qualified technically to do so. I am not at this stage asking that the qualifications of the Officer be set out in the Ordinance. There is no precedent for that, and I am not asking for it. I am prepared to accept the Minister's undertaking, but I think we should be sure that "Valuation Officer" means "Valuation Officer", and if perchance the duties of the Valuation Officer are many and varied, there should be others appointed who are properly trained and competent Chartered Surveyors in the valuation field.

Mr. Benn : It seems to me desirable that if there is one officer in the Department, one officer who is in charge of the valuation work, he must have a certain number of trained and efficient assistants, and the provision in this Clause is to enable the valuation officer to have the assistance of persons who will be trained to assist him in carrying out his duties. I should not like hon. Members to lose sight of the fact that the valuation officer will indeed and in fact be responsible for all the valuation work done in any part of the country.

Mr. Jackson : I wonder if the Minister has been losing sight of the words "exercise such powers". He says that the valuation officer will require staff to assist him in the performance of his duties, but the words "exercise such powers" mean that the person would be doing the work of the valuation officer. If that is the case it means that the valuation officer can at any time say to a person who is not an expert, "Do my job". Such a provision should not exist in our laws.

Mr. Burnham : The Amendment was offered in good faith. We have heard that there must be competent persons to be members of the staff. If that is so, the valuation officer must have a competent typist, and the point about it is that it is not proposed that there should be any proof of the delegation, but that a person is just authorised by the valuation officer.

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Under this provision the typist in the office can sign, and there can be no questioning of it, because the provision does not say that the person shall be authorised in writing, or that there shall be any public notice of it. I do not know of any Ordinance which gives such power to any officer, and permits such an informal delegation of power. I am thinking of the Revenue Ordinance and the Intoxicating Liquor Ordinance. In all those Ordinances delegation of power has to be done specifically in writing. If the Amendment is rejected I shall proceed to move another. The valuation officer will not be appointed as an administrative officer, but because of his particular scientific expertise, and I am sure that the hon. Member for Central Demerara agrees with me. As a lawyer he appreciates the point I am making. I wish the Minister would reconsider the question.

Mr. Benn: I have reconsidered the whole question and I do not see any reason for a change in this definition. The valuation officer will be responsible for the making of the valuation list and so on, but it is necessary to give some of his assistants, and capable assistants, the power to enter premises for inspection and so on. If the valuation officer has to visit every single lot to make these examinations the whole system would certainly fall down. He must be assisted by very capable persons who will be appointed to give him the necessary assistance to carry on the work.

Mr. Burnham: I am grateful and I can now advise the hon. Minister of another way to get round the difficulty which he anticipates, and that is to give the valuation officer the power to authorise in writing a member of his staff to enter upon premises. That is how it can be tackled. The other way is fraught with danger. Now that the Minister has explained himself I will advise him, and I hope he will take my advice. It should be done in the same way as the Comptroller of Customs can authorise one of his officers to enter premises, and the Chief Fire Officer does authorise his

subordinates under the Fire Protection Ordinance.

The Attorney-General: I understand that the powers which could be exercised by persons other than the valuation officer are those exercisable under Clauses 8 and 9, and if that is so I think the hon. Member's Amendment could be accepted. That is to say we could delete all the words in the definition of "valuation officer" after the words "section 3", and in Clauses 8 and 9 we could add a special subsection to the the effect that "valuation officer" includes any person specially authorised in writing. I think it would be more consistent if the word "the" remained in the definition of "valuation officer".

Mr. Burnham: I moved the substitution of "an" for "the" because I felt there may come a time when it may be considered necessary to have more than one valuation officer. If we say "the valuation officer" I wonder if the interpretation would not be that there should not be more than one valuation officer. For instance, "the Comptroller of Customs" clearly precludes the appointment of more than one Comptroller of Customs. I do not propose to be persistent about the Amendment.

The Attorney-General: If the hon. Member would not press that point it would assist us, because the whole idea is that the valuation of properties in the country shall be done by one unit which will have a chief officer who will have special qualifications, and it is not intended that there should be several valuation officers — at least at present. From the manner in which my Friend is nodding his head I imagine he is prepared to withdraw his Amendment.

Mr. Burnham: I am prepared to withdraw the Amendment, and I am happy to hear that the Government, represented on this occasion by the hon. the Attorney-General, accepts my Amendment.

The Chairman: I take it that it is agreed that the definition "valuation

officer" be amended by the deletion of all the words after the figure "3" in the second line, and the insertion of the words "of this Ordinance."

Agreed.

Question put, and agreed to.

Clause 2 passed as amended.

Clause 3.—*Appointment of valuation officer.*

Mr. Burnham: I beg to move that Clause 3 be amended by the deletion of the words "The Governor shall appoint" in the first line and the substitution therefor of the words "There shall be appointed". I move this Amendment because I anticipate the day when it will not necessarily be the Governor who will be called upon to make appointments to the Civil Service. I am looking forward to the day when we will have full internal self-government and a Minister will be responsible for such appointments. In the circumstances, I hope all Elected Members will accept my Amendment.

Mr. Rai: While I agree with my hon. and learned Friend that we are looking forward to the day when we will have full internal self-government, I would prefer to see this provision remain in the Bill.

Mr. Burnham: There seems to be some confusion of thought operating in the mind of my hon. and learned Friend. The Governor will be the titular head of the State and that has nothing to do with the national origin of the individual. If the Governor of British Guiana were appointed from New Amsterdam or from Kitty where I was born I would still feel the same way. It is a question of constitutional principle, and not a matter of who the individual happens to be.

Mr. Tasker: I sympathise with the point put forward by the hon. Member for Central Georgetown. I do not quite understand his argument, because it seems to me highly improbable that by making an Amendment now it will save

time when legislation is brought forward for amending the terminology in our Ordinance. Even if we do it in this Bill it will not make any difference to the question of principle when the time comes.

Mr. Burnham: How will you get the covering legislation? Can you say "Wherever the Governor has power to exercise that power shall be exercised by the Minister"? I had experience in this matter in 1953. Let us leave it at "There shall be . . .", and when you get your Constitutional Instrument the Prime Minister can suggest that certain persons should have certain portfolios. Why worry about the day when you will have to amend or repeal it? I am sure that the words "There shall be appointed" will be good enough. There is no need to be tautologous; when we get independence it may be the hon. Minister of Home Affairs—it stands inviolate. It will show that we are looking ahead and not merely mouthing slogans, and are prepared to transpose those slogans into legislative instruments. Elected Members should support me on this point because we are *ad idem* on it.

Dr. Jagan. Obviously the hon. Minister —

Mr. Burnham: I am not a Minister. I do not accept such gratuitous titles.

The Chairman: He is the hon. Member for Georgetown Central.

Dr. Jagan: We appreciate the point which the hon. Member makes that it should be a Minister and not the Governor who should exercise these powers. However, what he is attempting to do by way of an Amendment will not achieve that purpose. We agree with him that the Minister and not the Governor should make appointments and that the Governor should be the representative of the Monarch or Head of State, but his Amendment would not make any difference under the present Constitutional structure. I agree with Mr. Tasker's point of view. We know what took place in Singapore and Malaya after the Constitution was changed and powers transferred to Ministers.

Mr. Burnham: I am merely saying that if we do it now posterity will see that we had an eye on the future. I am not saying that the Governor must not make appointments now. I say let us make the Amendment now so that when the time comes—when the blanket law is ready—there will be an Ordinance so prepared and conceived that the change over will be easy. I am merely applying my lawyer's mind to things, but you need not take my advice.

Mr. Campbell: I observe that we are discussing the Constitution, but if you want to delete the word "Governor" from this Clause you will have to delete everything.

Mr. Rai: I do not think this Amendment is one of substance. If this Ordinance seeks to create a post it must also say how the post should be created. The Clause shows how the matter should be done. It states that there should be a valuation officer and he should be appointed by the Governor. The Governor is the Head of the State, and it is known that appointments are made by him.

Mr. Jai Narine Singh: In a previous session of the Legislative Council we were debating the question of amending the Workmen's Compensation Ordinance. A similar point was raised, and the Majority Party was in favour of substituting the word "Minister" for "Governor" or "Governor in Council". Therefore now that we are making new laws I think it is the duty of Members of this Council to express their sentiments in unmistakable terms. I see no reason why we should not express our views clearly on this matter.

I am surprised to find that Members of the Majority Party are not prepared to take the responsibility to change what is here, because the Members on this side of the Table have expressed themselves on this point. The Members of the Majority Party must not speak with their tongues in their cheeks. They say that they want independence, autonomy and so on, but they shy away from the question when it is put to them that we must take the

responsibility and show what we actually want.

I want the Majority Party to realize that this is not a question of changing the old law. It is a question of giving the Minister more responsibility. I am going to support the Amendment, but it would appear as though the Ministers are afraid of responsibility. I wish to support the Amendment that "the Minister of Local Government" be substituted for the word "Governor".

Mr. Burnham: I am very appreciative of the way in which my Amendment has been received by the hon. Member for Georgetown South, but I was not seeking to put in "Minister of Local Government" for the word "Governor." It seems to me that when we get self-government the Minister of Local Government may not be the Establishment Minister, and that is why I have worded my Amendment "That there should be appointed".

In answer to what the hon. Member for Central Demerara has said, I am sorry that I cannot make him see the substance in the point I have raised. If we use the words "There shall be appointed" the officer will be appointed in the usual manner, and, since he will be carrying out services under the Crown or in the Public Service, it must be by the person or corporation for the time being responsible for appointing or endowed with the power of appointments.

Members of the Majority Party do not seem to be aware of what has happened in many other countries whose leaders do not speak so vociferously about self-government and independence, but whose political leaders take every opportunity to make amendments to laws all along. They took every opportunity to amend the law until they got much more power than they started with. The Majority Party does not understand that and it will continue to celebrate the independence of other countries instead of our own.

Mr. Benn: I have never heard of people obtaining independence by amending laws regularly.

Mr. Burnham: The hon. Minister does not understand what I have said, so I am in sympathy with him.

The point I am making is this: every appreciable power to the Elected Representatives is a further step to self-government. But, of course, he believes you jump!

Mr. Benn: What the hon. Member is seeing as an accretion of power is only the insertion of a few words or the changing of a few words in an Ordinance, and that has very little to do with the getting of self-government.

Mr. Burnham: There is a subtlety behind that which I cannot explain in open Council. But go ahead! Leave it! Put in "Governor"! Because I put it up, you are going to oppose it.

The Chairman: Are you going to withdraw it?

Mr. Burnham: I am not going to withdraw it; I am going to leave it for the record.

The Chairman: The question is, that the words "The Governor shall appoint" be deleted from subsection (i) and the words "There shall be appointed" substituted.

The Committee divided and voted as follows:

<i>For</i>	<i>Against</i>
Mr. Gajraj	Mr. Hubbard
Mr. Jai Narine Singh	Mr. Campbell
Mr. Jackson	Mr. Ajodha Singh
Mr. Burnham	Mr. Saffee
Mr. Kendall. — 5.	Mr. Rai

Mr. Bowman
 Mr. Ram Karran
 Mr. Benn
 Dr. Jagan
 The Financial Secretary
 The Attorney-General. — 11.

Did not vote
 Mr. Davis. — 1.

The Chairman: I declare the Motion lost.

The Attorney-General: I beg to move, that the word "regulations" be substituted for the word "rules" between the words "any" and "made" in the third line. It is an error. In section 39 it reads, "regulations".

Mr. Gajraj: I think we all support the Amendment that has been moved by the Attorney-General. It only goes to prove the point made that in spite of the length of time, there can still be these loop-holes.

The Chairman: I have put the question.

Motion affirmed.

Clause 3 passed as amended.

Clause 4 passed as printed.

Clause 5.—*New Valuation Lists.*

Mr. Burnham: I beg to move that subsection (1) be amended by the insertion of the words "published in the Gazette" between the words "order" and "direct" in the first line. I do not like informal orders by Governors or Governors in Council or by any officers, and I feel that there should be publicity given to every important Order under this Ordinance.

The Chairman: I shall put the Amendment.

The Committee divided and voted as follows :

<i>For</i>	<i>Against</i>
Mr. Tasker	Mr. Ajodha Singh
Mr. Hubbard	Mr. Saffee
Mr. Davis	Mr. Rai
Mr. Gajraj	Mr. Bowman
Mr. Jai Narine Singh	Mr. Ram Karran
Mr. Jackson	Mr. Beharry
Mr. Campbell	Mr. Benn
Mr. Burnham	Dr. Jagan
Mr. Kendall. — 9.	The Financial Secretary
	The Attorney-General.
	— 10.

The Chairman: I declare the Amendment lost.

Mr. Burnham: Mr. Chairman, I beg to move an Amendment to subsection (2) of Clause 5 by the insertion, after the word "order" in the second line, of the words "published in the Gazette". When I moved the last amendment, I thought the good sense and reason behind it was too much to necessitate any argument, but now I hear that an order spelled with a common "o" must be published in the Gazette. An order does not have to be published in the Gazette, as it can be an informal order; and that the Order spelled with a capital "O" is the one that should be published in the Gazette. I thought the Government would have been advised by its legal adviser to that effect. An order is not *ipso facto* published. If you used a big "O" — [*Noises.*] Let us have a joke! As long as the *Hansard* notes these remarks. Some people do not seem to understand, and if they do understand the point I am making, they do not care. However you look at it, Government does not show up in a good light on this question. Either you do not understand the difference between an Order spelled with a capital "O" and one spelled with a

common "o", or you understand the point I am making but do not want to give publicity to Government acts.

The Attorney-General: The Government is most scrupulous in publicising orders made by the Governor in Council, and it is for that reason that in many laws where the Governor in Council is empowered to make orders there is nothing that says they should be published in the Gazette. It goes without saying. I would imagine that no Government would dream of departing from such a fundamental and important practice.

I cannot go with my learned Friend on the question of the difference between an Order with a capital "O" and an order with a small "o". I think my learned Friend need have no fear that the orders will not be published, and even if it were necessary to make reference to publication in the Gazette, it will not be done in every Clause in the Bill, but there would be a reference in one place in the Bill to the fact that all orders made under this law shall be published in the Gazette. This is not the way to do it. My point about legislation is that it should be consistent, and that there should not be new ideas put in here and there. I appreciate the hon. Member's anxiety to ensure that all orders of this nature should be publicized, but I feel that his anxiety is misplaced.

Mr. Burnham: I hold to my point of view as to the difference between a common "o" and a capital "O". In the Evidence Ordinance, Chapter 25, Section 24, it will be observed that a capital "O" is used in respect of Orders of which judicial notice must be taken, and which are to be published in the Gazette, such as Orders of the Governor in Council. If a common "o" is used it should be an informal act which does not have to be published in the Official Gazette, such as Orders of the Governor in Council. If a common "o" is used it should be an informal act which

does not have to be published in the Official Gazette, but a capital "O" makes it compulsory for it to be published in the Gazette. The fact that Government has thought fit to put in a particular Clause supports my contention. It is the sort of thing which only a lawyer appreciates readily, and that is why I blame the hon. the Attorney-General for not advising his colleagues.

An assurance given by the Attorney-General is of no avail. He can only assure me, or this Council, so long as he is in the Executive Council, or so long as he can carry the majority of the Executive Council. Instead of giving this verbal assurance which cannot be referred to in a Court, because every lawyer knows that a debate on a Bill does not assist the Court in the interpretation of an Ordinance, I hope the hon. the Attorney-General will move an Amendment for the inclusion of a subsection to make it compulsory.

The Attorney-General: The fact that Orders of the Governor in Council are referred to in Section 24 of the Evidence Ordinance with a large "O" for the word "Orders" does not necessarily mean that such Orders should be published in the Gazette. It is a recognized form of subsidiary legislation when the Executive declares itself by Order. It is a form of expression which is now used more and more. Formerly, subsidiary legislation took the form of rules, regulations and by-laws, but there is a Section in the Interpretation Ordinance which deals with rules, regulations and by-laws, and which says that all rules shall be published in the Gazette and have the force of law. It is the intention of the Government at, I hope, a fairly early opportunity to amend the Interpretation Ordinance in certain respects to bring it into line with current requirements, as has been done elsewhere, notably in Jamaica, and the word "order" with a small "o" will probably be added to the list of subsidiary legislation which will be covered by this provision to the effect that it shall be published in the Gazette and have the force of law.

Mr. Burnham: This is not subsidiary legislation; it is an executive act, therefore it does not have to be published *ipso facto*. It is the rules that have to be published, and if we accept the definition that this is subsidiary legislation it cannot be included in the definition of rules. Therefore my point is well made. We want to guarantee the utmost publicity, and we want to stipulate in the same way as the Council stipulated in the case of the Greater Georgetown Plan—that the Plan shall be published in the Gazette. It is necessary that people in a particular area know when a valuation list is proposed to be prepared, so that when the valuation is made they will have had time to prepare the basis of any opposition they may have. I am prepared to withdraw my Amendment if the hon. the Attorney-General is prepared to undertake that in a subsequent Clause there will be an insertion to the effect that all Orders made under this Ordinance shall be published in the Gazette.

The Attorney-General: I am prepared to examine more fully than the present moment allows, the contention of my Friend, and to come back later on the matter.

Mr. Burnham: In the circumstances I am prepared to withdraw my Amendment. I accept the Attorney-General's undertaking that he will consider the point. If he considers it unfavourably I will have an opportunity at the end of the subsection to move an Amendment.

Clause 5 agreed to.

Clause 6.—*Transitional provisions.*

Agreed to.

Clause 7.—*Transfer of records.*

Mr. Gajraj: There is a typographical error in line 3; the word "ratng" should have been spelt "rating".

Clause 7, as amended, agreed to.

The Financial Secretary: There is also a typographical error in Clause 6, line 2, where the word "Governor" is spelt with an extra "e".

Question put, and agreed to.

Clause 8.—*Information and returns.*

The Attorney-General: I beg to move that Clause 8 be amended by the insertion of a new section (8) to read as follows :

"In this section and the following section "valuation officer" shall be deemed to include any person authorised in writing by the valuation officer to exercise such powers and perform such duties as are imposed upon the valuation officer by these sections".

Mr. Gajraj : Since this is a new subsection, may I suggest that we leave the Amendment until tomorrow so that the Attorney-General will have an opportunity to put it in writing and submit it to us. We know that it has arisen out of a discussion and we will agree to the idea behind it.

The Attorney-General: I am grateful for the suggestion to defer consideration of this matter until tomorrow. It is a consequential Amendment to a Clause which we have already considered and it affects Clause 9 as well. I suggest that we defer consideration of Clauses 8 and 9.

Mr. Burnham: The hon. Nominated Member, Mr. Gajraj, has suggested that we defer consideration of Clauses 8 and 9. I have an Amendment to make to Clause 8, but I think it may be better to give the Government an opportunity to insert the new subsection first. I would like to hear the views of the Attorney-General on the matter.

The Attorney-General: The only Amendment I propose to move is in relation to the delegation of powers by the valuation officer in Clauses 8 and 9. If the hon. Member has a new Amendment or another point he should put it now.

Mr. Burnham : I beg to move the

deletion of subsection 7 of Clause 8 which reads—

"The local authority shall by their officers give such assistance to the valuation officer with regard to the delivery and collection of returns as he may request and in default thereof any expenses incurred by the valuation officer in performing such functions shall be payable by the local authority".

The relations between the local authorities and the valuation officer will be either good or bad. If they are going to be bad, then the valuation officer should not be given power to compel officers of local authorities over whom he has no control to render him assistance with respect to delivery and collection of returns as he may request. If the valuation office is supposed to be a separate office it should run its own affairs. Let the valuation officer make the necessary arrangements for the work done in relation to his office. He cannot tell officers of local authorities "You must deliver such documents to me and in default thereof any expenses incurred by me in performing such functions shall be payable by the local authority". As a matter of fact if the officer in the local authority fails to give the necessary assistance the valuation officer can do what he likes and charge the expenses to the local authority.

If you are going to give a Civil Servant power to order around a corporation it is most undesirable. In my opinion in some parts of this Bill the thin edge of the wedge is being inserted to rid the local authorities of their autonomy. I am speaking not merely for the Mayor and Town Council of Georgetown, but on behalf of the rural Councils. This is the same system you have in the rural areas where the District Commissioner can order people around. We are told that a Judge held that a District Commissioner could enter a contract on behalf of a Village Council. Fortunately, the matter was settled between the individuals and it did not go any further. We do not want any District Commissioner entering into the business of a local authority, or ordering its officers around holding the sword of Damocles over their heads.

This procedure is contrary to the

spirit of Dr. Marshall's Report; it is contrary to the trend of Local Government to have individuals outside of the local authority ordering around officers of the local authority. I am not referring to surcharging or grants.

Mr. Rai : I really cannot see the merit of the objection of my hon. Friend to the Valuation Officer being invested with these powers. After all, he will merely be an agent of the Central Government, which is the superior body. The local authorities do not have full dominion, and the sooner they realize they have only limited autonomy the better. There must be certain powers given to the Central Government, and Local Government must be made to co-operate with it. I do not see any valid objection to this subsection.

Mr. Burnham : We now see what is in the mind of the Government, because my learned Friend is spokesman for the Ministers. That is no idle flattery. It is a statement of fact that the Local Authorities have only limited autonomy, but within the sphere of their autonomy they are supreme. If you say, for instance, that they can only clear rubbish, well so far as clearing rubbish is concerned, they must not be troubled by anyone. My learned Friend seems to misunderstand that particular concept: that so far as Local Government is concerned, whatever sphere you give them to operate in, they must operate in that sphere untroubled and untrammelled.

Why should a Local Authority have its officers ordered around by a Valuation Officer? He decides he is going to value property on the lower East Coast district, and he calls upon his servants, the officers of the Local Authority between the hours of 9 a.m. and 12 noon on such and such a date to collect the returns that may be made by such persons whose properties might have been valued by him. That is the sort of thing that can happen under this provision. If it is not a piece of impudence! If you allow an officer from outside to be putting a finger in every pie it is going to

bring a lot of friction. Let us delete the provision. He who pays the piper must call the tune. It is the Local Authority to decide what its employees have to do and not do. I cannot see how you can ask for self-government in the centre and seek to restrict the autonomy or competence of the Local Authorities at the local level. It is inconsistent. We are nationalists, and we object to the Imperial Government putting a finger in every pie. It is true we have to suffer it, but what is sauce for the goose is sauce for the gander. Let us consider what we ask for ourselves and give the Local Authorities what is theirs.

I have not heard the reason for the Valuation Officer being given the power to pick a Local Authority officer. Local Government is not a series of substitute bodies — marionettes, whose strings are pulled by the Central Government. These local bodies have certain powers given to them; it is in the contemplation of the law that these local bodies should be free.

Mr. Hubbard : I will not be long. I have tried to follow the hon. Member on this point, but I cannot construe the Clause as he has done. It appears to me that the intention of the Clause is to require the authorities to work together, and I think it is quite desirable that in the Ordinance it should be made clear where expenses are to fall. All the Clause requires is, that if the Local Authority refuses to give reasonable assistance to the Valuation Officer, and he has to get that assistance from outside, the cost of such assistance should fall on the Local Authority; because the Clause nowhere gives the Valuation Officer authority to order the Local Authority to do anything, or to require a civil servant to work nights in the office of the Local Authority.

The Chairman : I think we will have to stop now.

Council resumed.

Mr. Burnham : Mr. Chairman——

Mr. Speaker : Council is now adjourned until tomorrow at two o'clock in the afternoon.