

**THE  
PARLIAMENTARY DEBATES  
OFFICIAL REPORT**

**[VOLUME 3]**

**PROCEEDINGS AND DEBATES OF THE FIRST SESSION OF THE NATIONAL  
ASSEMBLY OF THE SECOND PARLIAMENT OF GUYANA UNDER THE  
CONSTITUTION OF GUYANA**

41<sup>st</sup> Sitting

2.00 p.m.

Monday, 13<sup>th</sup> October, 1969

**NATIONAL ASSEMBLY**

**The Assembly met at 2 p.m.**

**Prayers**

**Mr. Deputy Speaker in the Chair**

**Present**

His Honour the Deputy Speaker, Mr. O.E. Clarke

**Members of the Government**

**Ministers (8)**

The Honourable L.F.S. Burnham, Q.C.,  
Prime Minister

Dr. the Honourable P. A. Reid,  
Deputy Prime Minister and Minister of Finance

The Honourable R. J. Jordan,  
Minister of Agriculture and Natural Resources

The Honourable M. Kasim,  
Minister of Communications

The Honourable H.D. Hoyte,  
Minister of Home Affairs

The Honourable C.M.L. John,  
Minister of Local Government

Mrs. the Honourable S.M. Patterson,  
Minister of Education

The Honourable B. Ramsaroop,  
Minister of Housing and Reconstruction

#### **Parliamentary Secretaries (4)**

Mr. J.G. Joaquin, E.B.E., J.P.,  
Parliamentary Secretary, Ministry of Finance

Mr. W. Haynes,  
Parliamentary Secretary, Ministry of Works and Hydraulics

Mr. A. Salim,  
Parliamentary Secretary, Ministry of Agriculture and Natural Resources

Mr. J.R. Thomas,  
Parliamentary Secretary, Office of the Prime Minister

#### **Other Members (11)**

Mr. J.N. Aaron

Miss M.M. Ackman

Mr. K. Bancroft

Mr. E. F. Correia

Mr. M. Corrica

Mr. E.H.A. Fowler

Mrs. P.A. Limerick

Mr. S.M. Saffee

Mr. D. A. Singh

Mr. R.C. Van Sluytman

Mr. C. E. Wrights

### **Members of the Opposition (18)**

Dr. C. B. Jagan, Leader of the Opposition

Mr. Ram Karran

Mr. R. Chandisingh

Dr. F.H.W. Ramsahoye

Mr. G. H. Lall

Mr. M. Y. Ally

Mr. R. D. Persaud, J.P.

Mr. R. Ally

Mr. E. L. Ambrose

Mrs. L. M. Branco

Mr. Balchand Persaud

Mr. Bholu Persaud

Mr. I. Remington, J.P.

Mr. R. P. Sahoye

Mrs. E. DaSilva

Mr. M. F. Singh

Mr. J. A. Sutton

Mr. R. E. Cheeks

### **OFFICIALS**

Deputy Clerk of the National Assembly – Mr. M.B. Henry

#### **Absent**

His Honour the Speaker, Mr. R. B. Gajraj, C. B. E., J. P. - on leave

The Honourable N. J. Bissember,  
Minister of Trade and parliamentary Affairs - on leave

The Honourable W. G. Carrington,  
Minister of Labour and Social Security - on leave

The Honourable S. S. Ramphal, C.M.G., Q.C.,  
Attorney-General and Minister of State

The Honourable M. W. Carter,  
Minister of Information

The Honourable H. Green,  
Minister of Works and Hydraulics

The Honourable H. O. Jack, Minister without Portfolio	- on leave
Dr. the Honourable Sylvia Talbot, Minister of Health	- on leave
Mr. P. Duncan, Parliamentary Secretary, Office of the Prime Minister	
Mr. J. Budhoo, J.P.	- on leave
Mr. L. I. Chan-A-Sue	- on leave
Mr. M. Zaheeruddeen, J.P.	- on leave
Mr. D. C. Jagan	- on leave
Mr. E. M. G. Wilson	
Mr. A. M. Hamid, J.P.	- on leave
Mr. E. M. Stoby	
Mr. V. Teekah	- on leave

**ANNOUNCEMENTS BY THE SPEAKER****LEAVE TO MEMBERS**

**Mr. Deputy Speaker:** Hon. Members, I wish to announce that leave has been granted to the following Members:

- (i) the hon. Minister of Agriculture and Natural Resources (Mr. Jordan) from the 15<sup>th</sup> October to the 30<sup>th</sup> November, 1969;
- (ii) the hon. Minister of Labour and Social Security (Mr. Carrington) from the 10<sup>th</sup> October to the 20<sup>th</sup> October, 1969;
- (iii) the hon. Minister of Health (Dr. Talbot) an extension to the 18<sup>th</sup> October, 1969;
- (iv) the hon. Members Mr. Chan-a-Sue and Mr. Zaheeruddeen for today's sitting

**PRESENTATION OF PAPERS AND REPORTS, ETC.**

The following Papers were laid:

- (1) Seventy-eight Annual Report of the Chamber of Commerce of the City of Georgetown for the year ended 31<sup>st</sup> December, 1968. [**The Minister of Local Government on behalf of the Minister of Trade and Parliamentary Affairs.**]
- (2) (a) Financial Statement of the Trotman Trust Fund for the year ended 31<sup>st</sup> December, 1968;  
(b) Customs Duties (Amendment) (No. 6) Order, 1969 (No. 38), made under section 9 of the Customs Ordinance, Chapter 309, on the 17<sup>th</sup> of September, 1969, and published in the Gazette on the 20<sup>th</sup> of September, 1969. [**The Minister of Finance**]

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National Assembly

2.10 – 2.15 p.m.

PUBLIC BUSINESS

BILL – SECOND READING

THE MUNICIPAL AND DISTRICT COUNCILS BILL

A Bill intituled:

“An Act to make better provision for Local Government in the City of Georgetown and the Town of New Amsterdam and in other areas of Guyana.”

[The Minister of Local Government]

2.15 p.m.

**The Minister of Local Government (Mr. John):** It is proposed to proceed with the Bill No. 24 of 1969 before the Bill No. 23 of 1969, to the stage where the vote is taken on the Second Reading.

**Mr. Ram Karran:** I wish to observe that the hon. Minister intimated to me this morning that he would wish to deal first with Bill No. 24 on the Order Paper. Unfortunately, members of our group were in no position to complete consideration and give enough thought to Bill No. 24 and I have the feeling that the same position prevails among the members of the United Force, who will undoubtedly wish to speak for themselves. Having regard to the size of the Bill and the amount of work required for its careful study and intelligent debate in the House, I feel it is asking much too much for hon. Members to be in a position to debate Bill No. 24.

**Mr. M. F. Singh:** I am very deeply concerned that we in this section of the House have not been afforded the courtesy of being told. They, the P.P.P. – were told this morning that the Government would proceed with Bill No. 24 before Bill No. 23. I am learning for the first time this afternoon that it is proposed to deal with Bill No. 24 before Bill No. 23 and in the circumstances I must vigorously protest because we came here prepared, as the Order Paper stated, to deal with No. 23 first.

**The Leader of the Opposition (Dr. Jagan):** When these Bills were introduced last week, the hon. Member, Mr. Ram Karran, because of the voluminous nature of these Bills, asked that more time should be afforded members of this House to go through this Bill carefully to prepare Amendments, etc.

**Mr. Deputy Speaker:** We are dealing with whether Bill No. 24 should be taken first. You are talking about another matter.

**Dr. Jagan:** It is related to this matter. Only yesterday we had a meeting on the Corentyne where people from all over the Corentyne, Berbice, were meeting to discuss the Bill and surprisingly some of them had not seen the Bill before. A few of them had seen the **Official Gazette** but they had no time to study it. This is the general practice we have been complaining about in this House. At the last moment the Minister decides to change the order. Why does the printing in the agenda state that one Bill will be taken after another if the Government knows it is going to take them in reverse order? I wish to join in the protest against the way the Government conducts business in the House and the time should come when the Chair would put a stop to this practice.

**Mr. John:** I wish to say in reply to the strictures by the hon. Member, Dr. Jagan, that in the first place the bringing of the legislation now before the House was made very clear by the Government at the beginning of the Session. More than that, when we laid the Memorandum dealing with the Bill before the House, there was a statement on the Memorandum in which I indicated that the Memorandum would be taken with this Bill. In my discussions with the deputy Leader of the Opposition, Mr. Ram Karran, I mentioned that these two Bills concern the same matter and for practical purposes should be taken together and cross references should be taken together. I am sorry the hon. Member, Mr. Ram Karran, has had to make the objection but I do not think the objection has much merit.

I do not take objection to the statement of the hon. Member, Mr. Singh, it is true I did not inform him of the order but in actual fact, the Bills refer one to another almost throughout their entirety and in no way can one appreciate one without the other. In the course of the debate on the clauses, it will be observed that there are cross references.

**Mr. Deputy Speaker:** Hon. Members, while I appreciate that it is necessary, for proper debate to take place, that members should have reasonable time during which to consider the proposals in any legislation to be brought to this House and also for hon. Members to be properly acquainted with the order in which the legislation will be brought, I think that having regard to the fact that the hon. Minister on the last occasion when the Bills were introduced also at the same time laid a White Paper – which White Paper I believe to be the basis of discussion generally on local government reorganisation, and I am sure that all hon. Members had enough time to read that White Paper – we should not try today to prevent the Government from proceeding, because I feel that we will have lots of time during the course of debate on the Second Reading and in Committee to go into the details of the legislation.

I would therefore not wish, even though as I said I would consider it necessary that Members on both sides of the House should have enough time, to defer the debate. I consider, having regard to what has been done before, the laying of the White Paper and the fact that we have had some time to look at the Bills which were laid, that we should proceed today to discuss as the Minister stated, Bill No. 24 on the Order Paper.

I myself got the impression that this matter was agreed between the hon. Member responsible for this legislation and members of the Opposition, and therefore I did not anticipate this situation. Unfortunately, it seems that my impression was not generally correct. I would however urge hon. Members to co-operate with the Government in this particular matter since in my estimation, the fact that we have had the White Paper and I think we have had one week in which to consider the Bills which were laid on the last occasion, we ought to proceed and not let ourselves and the passage of this Bill be inhibited. Hon, Minister.



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2.15 – 2.25 p.m.

**Mr. John:** In February of this year, the Government stated on page 7 of the Speech from the Throne, I quote:

“We can no longer postpone the modernising and expansion of our local government system, the granting of greater autonomy and responsibility to its agencies, and the introduction of universal adult suffrage aimed at making it truly representative of the areas and people it serves.”

The introduction of the Municipal and District Councils Bill and the Local Authorities (Elections) Bill was designed to fulfil this undertaking and to meet the targets which were set in the White Paper of February this year.

**2.25 p.m.**

At the same time a memorandum has been laid on the subject of local government reform and the purpose of that memorandum was explained at the time of laying. As a result of local government reform having been canvassed for more than a decade, and the abortive attempts which have been made from time to time to have it carried out, we have reached the position in this country today where many have come to believe that local government reform will never be made a reality. Ironically, this misgiving is entertained by many in face of a consensus that such a reform is both an urgent and real necessity.

However, despite the frustrations which have occurred in the past of the reform, and with such frustrations that have characterised the attempt in the bringing about of that reform, we approach the question of local government reform with an open mind and, though a memorandum gives a short historical account of the false starts, the abortions, and the unsuccessful attempts which have been made, this has been done out of necessity beforehand in order to set the records straight and to refresh the memory of those who, in the course of this debate, might be prone to suffer from occasional lapses.

Aside therefrom, there is little that can be gained from continuous repetition of the shortcomings of the past, even though the righteous should be impelled to feel that there is some justification in openly confounding those who predicted recently both within and without this House, that even for the next decade local government reform would not be made a reality. Before proceeding to give a detailed account of the reform which we propose, I consider it meet to make certain pronouncements with regard to our hoped-for reform particularly in the context of Guyana today in the momentous year which lies ahead.

On a subject of which so much debate has been canvassed, people have become impatient and are unwilling to listen to further argument. What they want is deliberate and forthright action. It is appreciated that there are many who feel that, on embarking in a reform of this magnitude, one must be very certain that all the different elements are taken care of beforehand in order to attain success, but I venture to say that even with a greatest amount of human ingenuity it will not be possible for one to prophesy all the various problems that will arise in the course of the reform which we have proposed. What then should be our attitude in a leap forward such as this?

It seems to me that the first thing is to settle the philosophy and to make certain we know in which direction we are going. Once we know in which direction we are going, once we are satisfied as to what we want, then, if the main plan has been covered with some reasonable substitute, I think that we can embark on the journey even if all the paraphernalia for the greatest possible comfort on the journey are not present. For if we were to pretend to have all the "t's" crossed and all the "i's" dotted in any scheme for local government reform beforehand, we would never be able to begin. We are not groping in the dark, and we have sufficient self-reliance to be optimistic that when we embark on the journey we will make headway.

Having decided that the time has come for us to bring about meaningful reform, the next thing is to decide what character the reform must take. Are we to find ourselves condemned as a

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slavish copy of the British whose system we have inherited, or are we to look for some system bearing the particular hallmark of importation because we want to make sure that it is a system that has been tried somewhere else or by someone before? To my mind, that would be an irrational approach to the problem.

We are not unmindful of the fact that political analysts have sought to put local government patterns in four different categories broadly. By that I mean the communism which has been associated with the French, the doctrine of corporate personality which has been associated with the British possessing some relative independence from the jurisdiction of the central government; there is also democratic centralism associated with the Soviets which insists on a chain of commands moving from the centre downwards and, of course, which must be mentioned; the others which have been lumped together from time to time as being the traditional forms, forms which in one way or other are really indigenous to the particular country to which they belong. We are at one however with all historians that, even of the first three of those four broad forms of local government, none can be said to be particularly unique to any of the countries that have been mentioned before even though those are the countries with which those forms have been associated from time to time.

Now, a young country, such as ours, trying to forge a new philosophy always finds it difficult to put that philosophy within the ambit of a particular schism and I think that in this regard we are making no pretence to originality in all aspects of our reform. I think therefore that we can be spared the fruitless search for a doctrine concentrated within a term to which we can put the touchstone or originality. Ours is a quest for a philosophy and a goal in which local government begins with a critical examination of the systems which have hitherto obtained to this country. It proceeds with an examination of systems which have obtained outside of this country and then seeks, as a final triumph, the forging of a philosophy which, though revolutionary in the sense that it is a breakdown from the past, takes so much from our discovery of what has obtained and what has otherwise been tried in order to create a new image upon which to build our society and to give it an impetus so that it can continue to grow generating on

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its own steam. We agree with a statement that local self-government is the life blood of liberty – a statement which, of course, is attributed to J.L. Motley in *The Rise of the Dutch Republic*.

As we said, in the memorandum, our reform seeks to make local government an important concomitant of the democratic way of life. Now that we seek to shape a new path in local government we are fortified in our conviction, however, that no plans of radicalism, however well intentioned, can transform any society. We feel that reforms, therefore, must be bold, they must be fundamental, they must be far-reaching and they must, above all, transcend limited remedies which have hitherto existed.

2.35 p.m.

It seems to us, sir, that in 1839, when the village movement began with the freed slaves purchasing the plantations of their erstwhile masters, and setting up their own system of running them, they gave meaning to one important concept, and that is, that their possessions belonged to the community. They devised means for administering and utilising same for the benefit of the community, I think, in a manner which is not dissimilar to the operation of the communities – some of which has been associated with the French system to which I referred when dealing with one of the concepts which were termed commendable.

But we recognise that by the term of century much of that which they sought to build had implanted upon it the British system of local government. To some extent, this became necessary because from the centre there was movement into the areas by way of the appointment of commissioners and inspectors who had to deal with matters, such as partitioning of land, and health particularly, for in those days the ravages of Cholera of Typhoid Fever and of Yellow Fever were very grave and this added to the urgency of the rate at which the system which was taken by the villagers who were then administering it were put upon the system which those ex-slaves had created. We realise that eventually what resulted was a pattern fashioned after the British co-operate system, but I think what was unfortunate was that sufficient emphasis was not given to the community aspect which the persons who devised a means of running these

plantations after 1839 and particularly between 1839 and 1848. Sufficient emphasis was not given to the community aspect which they had introduced in their local government, particularly with reference to the fact that their possessions belonged to the community, and that their possessions must be operated in the interests of the community and that any move or work done in local government, must have that as a pre-disposing factor.

Sir, our system accepts the proposal of local authorities being corporations, each carrying out a programme within its own sphere. We feel that fundamental in the operation of our system itself, must be a greater participation at the community level, that participation at the community level must be an integral part and must be the great emphasis in our local government reform. We feel also that the need for a link with the centre is equally important. What is important to keep in mind is the essential unity of Government as a whole – unity which is predicated upon a legal sovereignty which is indivisible and a social . . . that is complete.

In the course of this debate, therefore, it will be seen that ours is a bold leap forward in which we give new powers to local authorities but still maintain the two important concepts which I have outlined before: the essential nature of the community spirit which must be the pre-disposing factor in the work of local authorities, and the maintenance of the unity of a Government as a whole. The system of proportional representation which will now be the system of elections, and the manner of elections of councillors generally, will show that emphasis is given to the development of party politics in local government – development we feel will go hand in hand with the extended powers still maintained in local areas, an image and patterns of parties which participate in Government at the centre. I think that it can safely be said that ours is not a contentment to remain within the narrow vista of the co-operate personality, but in fact to give something new, something which is particularly important in our own context.

By the Municipal and District Councils Bill, we seek to create a code of legislation for the City Council of Georgetown and the Town of New Amsterdam, and the Councils of Local

Authorities which we have to set up. The system will be a one-tier system and I hope we shall set at rest for all time, the arguments which have been canvassed from time to time about more than one tier because we feel that for a small country it will be too expensive to administer. It remains to be said how the scheme is to be brought into play at the present time. As we know, the Local Government Ordinances of 1945, with the several amendments to that Ordinance, covers all the areas outside of Georgetown and New Amsterdam, and the Georgetown Town Council Ordinance and the New Amsterdam Town Council Ordinance deal with those two municipalities. These three Ordinances together cover most of the activities of municipalities, village districts, country districts, and local districts and they include the holding of elections, the system of running these elections and the manner of dealing with controversies arising out of elections.

We now have one Act which supplies the code of administration for Georgetown, New Amsterdam, other municipalities which are to be created, and also for the rural districts. It is proposed that the Municipal and District Councils Bill will apply to all municipalities now created, as well as the local government districts created as a result of that Municipal and District Councils Act when passed. It will be necessary in the general debate on this Municipal and District Councils Bill, as I said before, to refer to some aspects of the Local Authorities (Elections) Bill. That has been made a separate Bill because as will be seen, the list to be used for the purposes of the local government elections will be the list for national elections which are run under the responsibility of the Minister responsible for national elections.

2.45 p.m.

And though, as I said, all the three Ordinances which formerly operated in relation to Georgetown, New Amsterdam and areas outside of Georgetown and New Amsterdam are brought into one in the Municipal and District Councils Bill, so far as that Bill affects the general administration of municipalities and local authorities, one will from time to time refer to the provisions that will operate while some areas are not yet brought under the Municipal and District Councils Bill.

It is proposed that the new elections will be held on resident qualifications only. As I said before, those lists which are the National Elections lists will be used, but they will be corrected with the necessary deletions or additions in relation to the particular areas to which they refer. But, by and large, since those lists have been revised up to June this year there will be little change envisaged in them in relation to the particular areas for which they are relevant.

In relation to the area and extent of the new local authorities, Georgetown and New Amsterdam will continue with the extension to their boundaries and therefore, on the coming into operation of the Municipal and District Councils Act, the Georgetown Town Council Ordinance and the New Amsterdam Town Council Ordinance will be repealed. In the case of the Local Government Ordinance, since all areas cannot be brought under the Municipal and District Councils Bill at the same time, or immediately, the Local Government Ordinance, with amendments, will continue to have force and effect, but in its practical operation it will apply only to those areas that have not, by virtue of a specific order, been brought under the Municipal and District Councils Bill.

Shortly after the coming into force of the Municipal and District Councils bill, a number of areas will be declared to be district councils with relevant powers in the constitution ordinance. I think that lest one be in any doubt as to what is involved in an administrative arrangement about the change-over – as I see some brows have been raised since I pointed out that all the areas could not reasonably be brought under the Municipal and District Councils Bill immediately – I have had a look at an old copy of the Daily Argosy – it was 11<sup>th</sup> August, 1959 – which I picked up in searching. There I saw the headline which read:

**“No Universal Adult Suffrage in Local Govt. Elections This Year  
Administrative Difficulties Stall Measure”**

The article went on to speak of the difficulties which have been put forward in the bemoanings of that time, but it seems as though someone had been labouring under the view that

the entire country could be administratively changed and brought under a new Act all at the same time. I think that the passage of time has shown how unwise would have been such an attempt because in fact, although in this article the person then propounding the change, and responsible for it, spoke of the temporary delay caused by the administrative difficulties those delays persisted for the last ten years.

In the case of the municipalities, it is proposed that after the Municipal and District Councils Bill is enacted to proceed with the creation of the municipality of Georgetown, which will embrace the area proposed to cover Greater Georgetown under the Costello Plan, that is to say, the area bounded on the North by the Atlantic Ocean, on the South by the southern boundary of Plantation Rome, on the West by the Demerara River and on the East by the eastern boundary of Cummings Lodge.

In relation to Georgetown, preliminary discussions have already been embarked on with a view to seeing how best this amalgamation can be brought into effect smoothly, particularly in relation to the various services of the corporations that are now existing in the suburb areas.

Georgetown, as we know it, has a very long history dating back to 1812 when it assumed its present name having been previously called Stabroek. It was, however, incorporated in 1837 and although several areas have been extended piecemeal from time to time, this is in fact a major change, not only in its area but in fundamental issues, such as the persons entitled to vote and the power and duties of the Council in its administration generally.

There are some who have doubted the efficacy of proceeding with incorporation that brings about such major changes in content and structure, and they will caution a programme of “hasten slowly” in relation to the changes proposed. As indicated before, we feel that the time has come when we should move forward positively and if we were to wait another century we could not guarantee that all issues upon which there is likely to be some arguments will be resolved. Nor can we guarantee even our fondest hope that there will be unanimity in respect of



every sphere of reform and I think a look back at history will help us to look at this problem, for I was examining the Minutes of the Court of Policy of 1837 when this same Georgetown was being incorporated and strangely enough even at that time there was not unanimity in relation to proceeding with its incorporation, in relation to the size of wards, the nature of the wards, how many persons they should elect and, in fact, is recorded:

*“The question was then put whether the said Bill do pass, and the Court divided:*

*For it*

Honourables Rainy  
 Sheriff  
 Attorney-General  
 High Sheriff  
 Chief Justice  
 Governor

*Against it*

Honourables Waterton  
 Arrindell  
 Rose  
 Croal

The Honourable Mr. Waterton stated that his reason for voting against the Bill was not because that he entertained any objection to its enactments, but because of the unconstitutional mode in which a part of it had been carried by the casting vote of the Governor.

The Honourable Rainy, Arrindell, Rose, and Croal, reserved their right of recording their opinions on the Minutes.

The Bill was declared to be passed, and the following title was then given to it:

“An Ordinance to establish a Mayor and Town Council for the Superintendence of Georgetown.”

If you go into the more detailed matter you will see where long arguments proceeded and they were not resolved, as to whether Columbia – which it was called – should be a separate ward from Lacytown, how many persons they should elect having regard to the returns from that particular ward and so on.

Although we are dealing with the situation more than 130 years after the incorporation of Georgetown itself, we still come to a point where, in dealing with the several issues, one cannot necessarily find unanimity in respect of every detail among the persons who have to exercise

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judgement on that question. I think that we must profit by these experiences. What we want, I think, is an approach to the question with an open mind, and once we are fortified in our conviction that the result is desirable and that it can reasonably be obtained, I think we ought to proceed to try and get that result.

2.55 p.m.

I do not think that we have any room for Canutes, people who try to stop the oceans rolling, for in any case the point has come when they have to go on. I think that we must remind ourselves that much work has already been done even though, as I pointed out, the earlier part of the last decade was characterised by so many abortions and false starts. Added to that, we have today the emphasis which has impelled us in that there is an overspill of township activities in the areas outside of Greater Georgetown and the urgent need for bringing about these reforms cannot really be over emphasised.

It is proposed, therefore, in proceeding with this expansion of Greater Georgetown, to have a council comprising not less than 25 and not more than 30 as will be enacted in the Constitution Order to be promulgated shortly after this Bill is enacted. There are some questions which, obviously, are likely to arise and to present some thinking, questions like accommodation in relation to the new councils, but we have been assured that that can be taken care of. There will be questions like resolving the position in relation to the persons who will be employed by that authority, but that again has been provided for in the transitional provisions of the Bill. Naturally, the local authorities now in the area, that is to say Kitty, Newtown, Bel Air, Alexander Village, Meadow Bank, McDoom and Agricola will be dissolved and the assets and liabilities will be taken over by the new council.

As will be seen in the Bill, the valuation lists operating in those areas will continue to be operative, despite the repeal of the relevant sections of these Ordinances, because those valuation lists will be used until such time as the new valuation lists under the Valuation for Rating Purposes Act are put into force. There are also in these areas a few unorganised areas

contributions from which will have to be negotiated until such time as the operative aspect of that Bill is put into effect. There are some also which are administered by the Government and the system of administration, in one way or another, will be available for the use of those who will have to administer to the council.

For the Greater Georgetown, the committee system will be operative and, in addition to the main officers of the Town Clerk, the City Treasurer, the Clerk of Markets, the City engineer, the Medical Officer of Health, there will be provision to add to that list any other officers as are considered desirable. In the case of New Amsterdam, this will also be enlarged to take in some areas which are not now within the New Amsterdam area and they will have a council of not less than 12 and not more than 15 members. They will, of course, have powers similar to Georgetown but, in the case of Georgetown, the constabulary which they already have will be retained.

In relation to the office of Mayor, the title "Lord Mayor" will no longer be operative and the person exercising the functions will be styled simply as "Mayor" as is contemplated by the Bill which is now before the House. Those titles which have existed since the time of the incorporation of Georgetown have not always had their period related to the necessity even at the particular time, because if you examine even from the time when Georgetown was incorporated in 1837, you will find that the Mayor then used to be called the "Worshipful Mayor" and the obvious reason for that is that if you look at the Ordinance incorporating it in 1837 you will see that Georgetown was originally constituted a court for the trial of petty offences and so the Mayor used to be called the "Worshipful Mayor".

Since 1839, when Ordinance No. 2 of that year was passed, it was clearly stated:

"WHEREAS Experience has proved the inexpediency of investing Judicial Functions in the Mayor and Town Council, in conjunction with the duties of Superintending the General Municipal Regulations of Georgetown:-

Be it therefore enacted, that from and after the promulgation of this Ordinance, all and every part of the Ordinance No. 9, anno 1837, entitled an Ordinance to constitute a Mayor's Court in Georgetown, and to define the jurisdiction thereof, shall be, as the same is hereby declared to be repealed and annulled."

Even though the appellation of His Worshipful mayor existed because Georgetown originally was constituted a court in 1837, one can see that despite the abolition of that court in 1839, that same appellation persisted for a number of years and then at a later stage we have come to the present one which was introduced. We feel that, in the present context, the prefix of "Lord" before "Mayor" is no longer necessary or desirable, and it obviously will come to an end. [Mr. Ram Karran: "It was not necessary at all."]

Thank you, hon. Member.

In relation to the other municipality which we have in mind, and that is the Mackenzie/Wismar/Christianburg municipality which is an area now covered by the Mackenzie/Wismar Christianburg Act enacted in 1967, a new Constitutional Order will be made after the enactment of this Bill which will constitute that area into a municipality within the area as contemplated by the Act of 1967. A valuation list for that area, which is a prerequisite to meaningful operation of the municipality, has already been compiled with opportunity to property owners to challenge and to raise any questions to the list which they consider necessary. It is the hope of the Ministry that such challenges will in fact be made so that when the whole period is passed we can move forward in that area to meaningful reforms so that that area which has so much need for local government development can really have more permanence and move forward from stage to stage.

In the interim, in a number of rural areas opportunity will also be taken to amalgamate or otherwise extend the boundaries of areas where it is considered desirable. In some areas action will be delayed because it is proposed to bring them within the ambit of the Municipal and District Councils Bill.

But since it will not be practicable to do that before the elections, and it will be desirable having brought them so shortly after the Act for them to have elections, those will be delayed and will be done shortly after elections in respect of the . . .

In relation to the Local Government Board, the abolition of which will come about very shortly, this will have to be done by an Amendment to the Local Government Ordinance which will be tabled in this House after the enactment of the present Bill, but the amalgamation of local authorities will be proceeded with notwithstanding. As I said before, the Local Government Ordinance in its operation will continue in relation to such areas as are not brought within the ambit of the Municipal and District councils Bill and as they are brought from time to time within the ambit of the Municipal and District Councils Bill, the need for the Local Government Ordinance will be lessened until eventually there will be no further need for it, when that Ordinance will be repealed.

Sir, that is the scheme along which we intend to proceed. As I go to the several aspects of the Bill, it will be seen where the other points made in the introduction to the contribution on this debate, are emphasised from time to time as one deals with several sections of this Bill.

I feel it is necessary to refer early to the question of the new powers which will be given to local authorities particularly in the light of the fact that one of the pillars of our reforms is to give greater powers to local authorities. One hon. Member has asked what about the powers of the Minister. I could tell him that they are not unusual and are only such as are necessary to maintain the unity of government at . . . And the effective running of the authority. Those powers include those contained in the clauses of the Bill set out as clauses 301 and 302.

Apart from those detailed in 301 and 302 to begin with, there are now substantial powers relating to the acquisition and dealings with land and those powers include powers with the consent of the Minister to acquire land and appropriate and sell and let or exchange land. New powers are given to the council to acquire land by compulsory process, a power which is

available to many municipalities but unfortunately which the present council does not have. There will, of course, be the usual safeguards in relation to compensation, but the power relating to acquisition by compulsory process, I am sure, when exercised within the ambit of the new powers contemplated by this Bill, will certainly enable councils to move ahead much more swiftly than they are.

New powers are given to a council also to deal with partitioning of land. There are also powers in respect of this acquisition which will be useful to give the council ability to carry out the aim of participating more in community services than is the position at present.

In Part IX, the functions of the council in relation to drainage and irrigation are set out and although I shall come a little later to some confusion of thought which I saw in one section of the press, I should point out that what is sought is to enable a council with the consent of the Minister responsible for local government to create local government drainage areas. In other words, to create drainage areas within the ambit of the council.

It is not as falsely set out in that section of the press that there is an attempt here to muzzle the activities of the council or act in conflict with the Drainage and Irrigation Board because the activities of a council in drainage and irrigation must be subordinate to the general scheme contemplated by the Drainage and Irrigation Board, for certainly, councils should not be allowed to try to invent their own drainage systems that might run contrary to the Drainage and Irrigation Board and so put the whole system of drainage out of compliance.

What is in fact intended here, is an extension of the limited system which now obtains whereby the Drainage and Irrigation Board in respect of some councils actually delegate certain sections of their functions if those councils show a capacity to carry them out. For instance, there are some areas like the Canals Polder area where the Drainage and Irrigation Board gives certain limited powers and the council either carries them out as agents of the Drainage Board or

there are powers which are delegated to the council to be carried out in its own right, so long as that power of delegation still exists.

I think it must be realised that all areas of the country are not covered by the Drainage and Irrigation Board and it might be necessary in an area covered by a district council to have a council drainage area an area which might not come within an area contemplated by the Drainage and Irrigation Board, and even if it did come within the area contemplated by the Drainage and Irrigation Board, the scheme of the Act is that the overriding power must lie in the Drainage and Irrigation Board in deciding that system of drainage in the final operation.

New and extended powers are given to councils in relation to dealing with roads as well as the water supply. New powers are also given in relation to dealing with pounds. As one knows, in the present scheme of things the Pounds Ordinance is limited in its operation and even though the new powers as contemplated under the Municipal and District Councils Act do not give so much emphasis in relation to the operation of the Pounds Ordinance itself, one effective part is that the powers, which are given to those who are operating the pounds under the Pounds Ordinance, to make their respective charge for poundage fees as well as for caring and dealing with animals will be more realistic. The limited fees, which are now available to persons running pounds that can charge for the release of animals impounded, make it almost not unprofitable for an owner to allow his cattle to stray and then pay 50 cents or 25 cents per day for the feeding of that animal. That is going to be corrected in that by-laws can be made by the relevant council in relation to the charges which that council can impose in respect of animals which have been impounded in what have been referred to as a council pound in the Bill now before the House.

Clause 286 to clause 296 are the sections which deal with those areas of the pound which are now created under the new Pounds Ordinance. Clause 297 deals with burial grounds and clause 299 deals with sub-division of land. In relation to clause 299, provision is made for by-

laws to prohibit the sub-division and reduction in size of parcels of land, providing such a by-law is not inconsistent with the Town and Country Planning Ordinance, section 72.

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But a new power is added in that, notwithstanding the provisions of the relevant Ordinances, the Minister responsible for Local Government could permit at the instance of the council, the subdivision and reduction in size of a parcel of land which is not of the size as contemplated by the Ordinances which deal with the relevant sizes of plots, for which conveyances are to be made in areas now administered by village councils. This, we feel, is particularly important provided recently in areas like Kitty which we call railway lands and in some areas at La Penitence, which now arise, it was necessary when that time came around to pass a special Ordinance in order that the redevelopment of the Kitty railway lands could be carried out because the areas which were affected by the proposed redevelopment were less than the contemplated size of thirty square rods as is enacted in the Local government Ordinance, Chapter 150, which now guide those areas. In the light of this provision it shall no longer be necessary to pass a special Act in order to remedy this delay but the relevant council will be able to make an application to the Minister responsible for Local Government for a particular dispensation in that regard.

In Clause 301, the Miscellaneous powers of councils are set out. They are set out *in extenso* in thirty-seven sub-sections and, as will be seen, some of the sub-sections actually have sub-sections because the aim is to make as clear as possible the various fields in which local authorities can now enter. I do not think it necessary to deal in detail with all the various powers which are set out in those several Clauses dealing with the powers of local authorities.

I should mention that particularly in the case of education and social welfare we have sought to emphasise the new role which a council is designed to play so that one would see the detail in which we sought to set out the powers of local authorities in regard to education in particular, and, to some lesser degree, in social welfare.



There are a number of others but there is one particular power now given to local authorities of which existence was not very clear before and that is provided for in Clause 301 where we give power to the council to deal with industrial enterprises. That is a very important aspect of our reform because it will put within the range of the council, once that reform is approved, a new field by which the council can, if carried out judiciously, be able to supplement its revenue. It is provided for in sub-section 34 of Clause 301 for the council:

“to establish, maintain and control such industrial enterprises and trading services for which no specific provision is made in this section as may be authorised by the Minister;”

The other powers of importance are the powers in general to deal with dangerous buildings and to regulate the style, character and dimensions of buildings and these have been provided for to set at rest certain doubts which arose before in the carrying out by a council of its power to rid the council area of buildings that were either ruinous physically or are dangerous to health by the harbouring of vermin and other undesirable elements.

The powers also to make contributions to associations and bodies, where considered necessary, have also been modified and all these are with the aim, as I said before, of giving more powers to local authorities. There is power to make by-laws subject to the approval of the Minister responsible and this has been extended in a manner to give greater freedom in the government of local councils.

Now, in Clause 302 it is provided that the powers contained in Clause 301 which relate to the Municipalities can be made to apply by the relevant Constitution order of the Minister to any district council which is created as a result of the Municipal and District Councils, Bill. So, in effect, it will be operative not only in the area which are first created but such of these powers will be given from time to time as the necessity arises or as the capacity of the council to exercise them is shown.

Aside from the greater powers which, as I said before, have now been given to the local authorities in order that they can more effectively carry out the new responsibility which has been given to them, I think it is meet to deal from time to time with certain aspects of the bill that bring about changes, and, to enable hon. Members to be at one with me as I go through the several Clauses, I shall try, where possible, to refer to those Clauses as I come to them.

In section (3) which deals with the constitution of the councils for Georgetown and New Amsterdam, it will be seen that provision is made for the committee system and that, under the new committee system, committees other than the standing committees can have members of those committees who are not necessarily members of the council, but those committees will not have power to deal with any matter that calls for the expenditure of money. The aim is to bring within the ambit of the council and to bring to the use of the council a number of persons whose expertise or otherwise could be useful to the council in the administration of its affairs.

The term of the Municipality will not be two years as used to be the case before, but will now be three years and that is the position which will operate also in relation to the new local authorities created by the Municipal and District Councils Bill. Provision is made that the councils will elect a Mayor in case of the Council and a Chairman in respect of the local authorities, but, in a case of the tie, that tie will be resolved by a reference to the electorate. But when you take it back to the electorate, it is quite possible that you will have a tie when the votes are exercised by the electorate and it is in that case that the Minister will be called upon to resolve the tie.

The provisions are set out later in the Clauses as to how the Mayor and Deputy Mayor will succeed to a vacancy; provision is also made for an election of the Mayor and the Deputy Mayor as well as for resolving ties which might arise in the course of such elections.

In Section 17 there is also provision for the person who has to perform the duties of Mayor if the Mayor or Deputy Mayor is unable to act. General exemptions from jury services are provided for. The appointment of persons who serve as Mayor and Deputy Mayor or Chairman of the District Councils as Justices of Peace is also being provided for. Election of the Councils is dealt with in Clauses 23 and 24.

We go on next to the Municipal Council for the Town of New Amsterdam. Now, there is provision there that in relation to the Civic Councils, election shall be held between November and December in any year, but it will also be possible if the election is not held between November and December, either by curtailing or extending the life of the council to make it possible for the council to come to an end. All elections will be held in November and December. The number of registered voters for the City who may under the Local Authorities (Elections) Act, can submit a list of candidates which shall not be less than 100 and not more than 110. Provision is also made for the amount of personal expenses to be incurred by these candidates.

Provision is made, as I said before, for the term of office of the Municipality. In relation to the New Amsterdam Town council similar provisions apply and in relation to the District Councils provision apply with a somewhat smaller number of persons who can put forward a list of persons elected to any council. In the case of New Amsterdam, the number of voters for the Town may, under the section of the Local Authorities (Elections) Act to which I referred, submit a list of candidates which shall not be less than fifty and not more than sixty. The names will be submitted in alphabetical order of the surname of the person, and the person who submits a list shall be entitled to name a representative who need not be a representative of that list, will be decided for the persons who may be extracted from that list and . . . that the operated system at local government level so that the unity of government can be realised. It will be necessary in submitting a list of councillors for any council that the list contained . . . that is to say, there will be thirty-five members and the councils will in the case of national elections, have to submit a

list of thirty-five persons. That is possible in relation to the list which will be submitted in the Local authorities (Elections) Bill.

In relation to the creation of other municipalities, there is provision for the Minister responsible for local government who shall have powers to create areas and local government districts. It is in this regard that it is proposed to have the municipality of Wismar-Christianburg-Mackenzie created early because it shall be set up in the constitution order. For the creation of the municipality or a district council – and this is an innovation – the constitution order shall set out a number of things which shall be provided for in Section . . . This will be the number of councillors subject to section . . . a sum which may be placed at the disposal of the chairman under section 37, and that also gives a new provision not dissimilar to the case where a sum is placed at the disposal of the Mayor as in the case of the Municipalities of Georgetown and New Amsterdam. There will be set up a Standing Committee to be maintained by local government officers and the functions as I have mentioned before, which are listed under Section 301 will be applied to the Council.

The Constitution order will also permit that the members of the district councils can submit to the Minister responsible for local government elections, proposals for the payment of remuneration to councillors and if that remuneration is approved by the Minister, those councillors will receive that remuneration. This is another innovation and another concept which we must face in a realistic manner in the life of development today. Indeed, it is nothing new and we must not profess to have originality. The job of serving a municipality becomes onerous and it will be necessary to have some remuneration to those who have to spend time in its administration. In future, the constitution order for municipalities and district councils will provide that under the initiation of that particular council, and on the recommendations of the Minister, remuneration can be provided for the members of that council. This, of course, is a form which will only be exercised having regard to the revenue of that council. This remuneration is of course an entirely different one to the sum which is placed at the disposal of

the Mayor on either of the municipalities as exist. These orders will be laid in Parliament and subject to negative resolution, so that, even at that stage Members will have an opportunity without prejudice . . .

With regard to the Chairman and vice Chairman, the application of the relevant section which is similar to those of Mayor and Deputy Mayor of the City of Georgetown is provided for in Section 37. In Section 38, provision is made for the election of councillors. Provisions are made where a councillor in the circumstances in which a vacancy shall be deemed to occur in the office of a councillor prior to the termination of his appointment by his term having come to an end.

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Those are the usual ones. It includes if he does not, within seven days, take the necessary oath of office, if he is either disqualified from being elected a councillor or if he is not qualified to be elected.

An innovation in that regard is contained in subclause (f) of clause 40 of the Bill in which elimination is introduced if he is elected a member of the National Assembly. This is one which comes home to those of us in the National assembly, but again it is not new and, indeed, there are reasons for it. The two reasons are (1) to try to develop some sort of leadership at the local level which could well be stultified if overshadowed by those who are engaged in much more onerous functions at the centre and (2) to ensure that there is less possibility of a conflict of those who take office in a central government with any local government functions which arise.

We hope that this provision, which is a new one, will be accepted in the spirit in which it is brought for the reasons which I have said before. Though it will mean an end to the local government careers of a few it will, we hope, in the long run be of great benefit to those who have to take up the cudgels of leadership at the local government level.

In the clauses 41 to 46 we deal with the questions of oath of office of councillors, the leave of absence of councillors. Provisions are made for giving that leave where a matter of emergency arises. In clause 44 it is provided that a councillor who –

“absents himself from three consecutive ordinary meetings of the council or of any committee with executive authority or of any standing committee thereof of which he is a member, or fails to attend any meeting of the council or of any such committee for a period of two months whichever period is the longer, shall become disqualified from continuing to be a councillor.”

There again one of our local newspapers seems to have a writer who suffers from confusion of thought because he felt it was not clear and that there was some confusion there. I refer to the *Weekend Post and Sunday Argosy*. I would have been quite willing to ignore it, as is usually my wont, but since it has been given such wide publicity and there might not be an opportunity to correct it before this Bill is passed I think I ought to do so now. In fact, all the proposal provides is that a person may either be absent from three consecutive meetings or be absent for a period of two months. Since there are circumstances under which a council may not hold three meetings for a period of two months, but it may run over a period of four or five months if, supposing, they did not have a quorum for one reason or another, then it will not be possible for a member to escape because it had run over that period. So what is done as an alternative is either within two months or over a period of three consecutive meetings; therefore one is caught by one or the other and that ensures that members of council are more serious in regard to their jobs and their responsibilities.

The same organ went on further and said we had something which was undesirable in that we had provided that a quorum shall consist of one-third and we had provided that in the exercise of powers of suspension of the standing orders no such exercise should be done otherwise than by two-thirds of the councillors present. There again there was confusion of thought and a failure to appreciate the difference between a quorum necessary for holding a meeting which relates to the whole council and the two-thirds for the purposes of creating a suspension of the standing orders which relates to the members present.

If, for example, a council has 30 persons and eleven were to form a quorum, all it means is that you will have 11 for the meeting to go on but if by chance some ambitious 6 members wanted to postpone that meeting they would not be able to postpone it, but two-thirds of that 11 must in fact postpone it. I hope that misunderstanding which has been disseminated by that paper will not go too far. Indeed, I have reason to believe that hon. Members will not be carried away by it even though in their exuberance they like to quote.

Miscellaneous matters are dealt with from clause 47 onwards to clause 50. In Part III we deal with meetings and proceedings of meetings of councils. These are general provisions, provisions for decisions to be carried by a majority, as well as provisions for notification and matters relating to the quorum, to which I referred earlier.

In relation to Committees, it is provided by clause 59 that the council may appoint general or special committees for any such general or special purpose if that matter can better be regulated and managed by means of a committee. It will be seen in clause 58 that there are certain committees which must be maintained – standing committees, which are referred to in Part I of Schedule 5. Those committees, particularly in relation to the municipalities, will be committees which deal, as I said, with finance, with works and other important matters.

There is also provision for appointment of the chairman and vice-chairman of a committee. In clause 61 it is provided that

“A committee of a council may include persons who are not councillors but who because of their special skill or experience will, in the opinion of the council, be able to assist in the consideration of the work of the committee.”

I have alluded to this before, but I think it is important to point out that there is an important proviso in that at least two-thirds of the members of every committee shall be councillors so although we provide, in fact, for the purposes of the use of the particular technical skill on a committee of a local government council of persons who are not necessarily councillors, such persons as are members of council must constitute two-thirds of the committee.

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More than that, no person other than a councillor shall be chairman or vice-chairman of a committee – there again is another safeguard – and thirdly no person other than a councillor shall be a member of either the finance committee or of a committee prescribed by a constituting order.

There we make an innovation under which persons can be brought in as members of committees of a council who are not members of council, but that is insulated by certain limitations which seek to maintain that in effect the real powers still lie in the elected representatives of the council while the availability of expertise is still there.

The delegation of power is provided for in clause 62 which states:

“A council may delegate to a committee with or without restrictions or conditions any functions exercisable by the council”

except, of course, the power in relation to the borrowing of money and

“unless authorized either generally or specifically”

a committee shall not have power to enter into any contract.

Clause 63 deals with the proceedings of council and clauses; 64 and 66 deal with the recordings of proceedings. In clause 67, a provision is made in relation to joint committees, because it is felt that this new power is necessary.

Although I mentioned earlier that the establishment of council follows the corporate system we know inherently this means that within the sphere of the particular constitution order of the corporation, the council is deemed to act. I think it is important for us to have a new system under which one can have committees that deal jointly between several councils. The provision now is that if one council is affected by something which is done in another council –



one of the methods of bringing that about is to have a superior administrative body resolve that difference. If, for instance, the people of Georgetown were affected by some overflow canal from the people of Kitty – say, one local authority or Kitty was affected by some drainage trench – let us say a trench common to them and Plaisance was blocked, even though the powers are not used at the moment, those bodies can appeal to a superior body or if, for instance, there were a nuisance by virtue of something taking place in one council area, and another council area is affected, they can petition the Central Board of Health.

**3.45 p.m.**

What we are providing now is for councils to be able to get together to have joint committees in respect of anything which might affect their . . . . . so that they can delegate certain powers to those joint committees. If there are two local authorities now existing and a common problem arises, which affects the work of both of those local authorities, they could not, by virtue of those provisions, constitute a joint committee existing between those two local authorities and they can delegate certain powers relating to those local authorities for them to be carried out. Those will arise in a number of instances relating to matters like drainage and irrigation in particular. One may have the case where one village easily is land-locked by another but it might well arise in other circumstances and we feel that this innovation is an easier method of resolving it as between the council or before a central government body comes into actual operation.

In clause 68 onwards, provision is made for the disability for exercising a vote in council on account of interest in contracts. This also is a provision which has been elaborated upon to avoid officers trying to make decisions in which their interests are in conflict. It also restrains them from entering certain contracts provided they are not day-to-day contracts for the supply of ordinary necessities which prevents them from dealing in those matters when their interests are pecuniary involved. Indeed, this has brought quite a lot of problems in the operation of the Local Government Board. Councillors have been known to have large shops in which they decide all

the purchases of ropes, twines and materials for the particular village councils and various problems have arisen.

It is not always possible to legislate for all the circumstances under which this exists but it will be seen that we have gone a far way in trying to provide for this and in providing, among other things, that a notice in writing shall be given to the person responsible if there is to be any matter to be discussed in which his interest will come into conflict. A book is provided for the making of these notes and if a councillor fails to comply with that he shall be guilty of an offence.

We, in the putting of these provisions, intend really to try and improve the present situation but I notice that here again, in dealing with this question in this public issue, a point was made that there is something objectionable in our provisions that a person should be bound by any activity either by himself or by his wife, if he knows about it. The paper went on to ask the question that to them it was inconceivable that a man could be part of a contract without his wife knowing about it. I do not know what is the reason for their coming to such a conclusion but I think that they must be very seriously misguided for many a time a man's wife may have contracts of which he need not know at all. *[Interruption]*

It has been brought to my attention that the point has been made although they are living together. I daresay that even though they are living together I do not think that it is hard to conceive that it is not possible for a person to have his wife being involved in a contract without his knowing about it. I still do not agree with that suggestion because this happens very, very often, a man's wife may have contractions of which he does not know. Businessmen behave in that form. No one penalises a man if, in fact, his wife has contractions unknown to him.

In clauses 69 to 71 miscellaneous matters are dealt with, vacancies, and it is now provided that they shall not invalidate the proceedings. Clause 71 states:

“Subject to the provisions of this Act, a council may make standing orders for the regulation of the proceedings and business of the council and of the committees thereof.”

This would give some flexibility in relation to standing orders which a council can make because it is no longer the local government body which may have one set of standing orders that are made, but once the standing orders are made and are subsequently approved, some flexibility will be given to the councillors who have to make these.

The officers are set out in clause 72 onwards for the Town Council to which I have already made references and in clause 73 the officers for the town of New Amsterdam are set out similar to those for the Georgetown Town Council, save that we add the engineer of electricity and water works. There is also another engineer for Georgetown and provision is also made for:

“(f) such other officers as the council deems necessary for the performance of its functions under this Act, the Public Health Ordinance or any other law.”

We have also named the officers of the new district councils, naming which will be different to the . . . officer, a . . . which now exists in one form or another under the present villages. Those officers being a chief executive officer, a chief finance officer, and such other officers as are constituted by the Constitution Order or as are required by the Public Health Ordinance or other necessary Acts.

Status, powers and duties of the clerk are set out in clause 75 (1) which states:

“(1) The clerk shall be the chief administrative officer of the council of which he is the clerk and shall have the general responsibility of co-ordinating the whole of the work of the council.”

We have also dealt with the manner in which he will discharge those functions and all those responsibilities that are imposed on him.

Now it is provided that the clerk or other officer authorised in writing may, subject to the general directions, exercise the powers of the council, and all acts done by him shall be deemed to have been done by the council. He is also given power to administer oaths required to be administered under the Act.

We have also sought to set out in some greater detail the powers of the treasurer and this has been done because since in the scheme of things there will be larger local authorities running much more substantial undertakings than are done at the moment including, as I said before, even industrial undertakings, we feel that it is necessary to set out in great detail the functions of the financial officer or treasurer because local authorities will be required to keep accounts on modern lines. There is provision made for allowances for local government officers as well as for pensions and gratuities.

In clauses 80 and 81 we provide for pension schemes and the obligation to insure and the payment of the premiums in relation thereto. We go on in the remaining sections to deal with the application of insurance moneys. We go right on to clauses 88 and 89. There again there has been some adverse comment because there seems to have been the misunderstanding between the insurance policies to be taken out under these sections and the provisions relating to the National Insurance scheme. The National Insurance Scheme is a scheme operated by Government and the categories and the benefits which are payable under that scheme are set out within the ambit of that scheme.

I noticed that here again the publication went on to state that it was felt that this would have been provided for under the National Insurance Scheme and the point was raised as to why this was dealt with here rather than being dealt with under the National Insurance Scheme. This is what is stated in this paper:

“Clause 80 provides that a Council may institute a Contributory Group Pension Scheme and Group Life Plan for the benefit of its weekly and daily paid

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employees; but it is wondered whether the national Insurance Scheme of the government should not take the place of this private scheme.”

It went on to ask whether the same could be said of clause 81 which provides that local government officers should be life insured and also:

“If Clause 81 were to be accepted, one would have believed that the minister, following the trends of today, would have provided for common law wives and illegitimate children to receive benefits deriving from the payment of the insurance money.”

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Now what is missed there is the fact that the two things operate on different bases. The National Insurance Scheme is a scheme run and carried out by the Government with its benefits set out. It applies to certain categories separate ages and certain forms. These insurance schemes refer to insurance schemes which may be taken by the council but it also . . . insurance schemes that exist because what in effect will happen is, on the coming into force of this Municipal and District Councils Bill, the Georgetown Town Council Ordinance and the New Amsterdam Town Council Ordinance will be repealed and also sections of the Local Government Ordinance that affect these questions will be repealed. But the assets and liabilities which existed in relation to these councils which will be dissolved or even in relation to the councils of Georgetown and New Amsterdam which will not be dissolved but which will be extended, those assets and liabilities will be the assets and liabilities of the new councils and all the relationships regarding these insurances will have to be carried on by the Council until such time, if possible they were to come to an end. There is no reason why they should come to an end because as clearly pointed out by the Ministry to be responsible for national insurance, there is no reason for persons to abrogate and bring to an end their other existing insurances merely because of the operation of the National Insurance Act.

In any case, this is not something which prevents the operation of the National Insurance Act, and contrary to what hon. Members seem not to understand, this section operates not only in

relation to policies now taken but all policies which exist in relation to all corporations whose assets and liabilities are now taken over and will be made to continue under the Municipal and District Councils Bill. *[Interruption]* Unfortunately, the hon. Member does not seem to understand or it might be better to say there is none so blind as he who will not see.

In Clause 91 onwards, we deal with accountability and interest in contracts and there is a limitation in clause 93 upon local government officers taking interest in markets and stalls over which they will have to exercise some amount of power and authority because no local government officer whose service relates to or is at any market belonging to the council in which he is serving shall have any pecuniary interest, direct or indirect in any stand or stall in any market belonging to the council; and for the purpose of this section, the interest of the wife of a local government officer living with him shall, if known to him, be deemed to be an interest of the officer. Here again the whole question comes up that a wife might have an interest in the stall without the officer knowing about it.

From clause 95 onwards, we deal with the Local Government Service commission. It is an innovation in local government and I would like to say here that I hardly think there can be anyone who will quarrel with this innovation. It has been canvassed for a long time and the need for it is seen more and more and it will be particularly important when local authorities are enlarged in size and will need to attract persons of the necessary interest and the necessary calibre to grapple with the extended responsibilities. As such, their service conditions could not be considered *in vacuo* related only to the particular council but to a body responsible to all the councils. May I stop here?

**Mr. Deputy Speaker:** It seems that it is time for us to suspend. The sitting is suspended for half an hour.

*Sitting suspended at 4 p.m.*

*On resumption --*

**Mr. Deputy Speaker:** When we suspended, the hon. Minister had spoken for an hour and thirty-five minutes. I am sure he will wish to conclude.

**Mr. John:** Yes, sir, I was at clause 95 and there we deal with the Local Government Service Commission which I say is an innovation. The Bill now before the House provides for the Prime Minister to appoint a Local Government Service Commission and to determine the termination of the appointment of those commissioners and to provide the work of the commissioners generally. This is desirable and would mean in future that the Commission will be able to make decisions relating to the appointment of members employed on the staff of local authorities.

The Commission will of course be able to delegate some of its functions in a limited manner but among the persons who can be appointed by the Prime Minister to serve as a member of the Local Government Service commission there is a disqualification for Members of the National Assembly, councillors and local government officers. It is also provided that no member of the local government service who has been removed therefrom can be appointed a member of the Local Government Service Commission.

In general, the purpose of this Commission is to enable persons to have greater confidence in their tenure of service knowing that their system of promotion will be determined by that Commission which will also be able to make rules subject to the approval of the Minister for the carrying out of the work of that Commission.

**4.45 p.m.**

Clause 113 provides that a person who directly influences that Commission shall be guilty of an offence and it also restricts that Commission, like other Commissions, from giving out information otherwise than the information which they are so authorised to do.

Clause 116 – the point is made that originally they will deal with officers whose remuneration exceeds four thousand eight hundred dollars per month and in Clause 117 the point is made that the power to appoint a Chief Executive Officer or persons to hold or act in any local government office, the emoluments of which does not exceed four thousand eight hundred dollars per month and the powers to exercise disciplinary control over any persons holding or acting in such offices and the power to remove any such persons shall vest in the council to which the persons are to be appointed or in which they hold office and, in the case of the appointment of a Chief Executive Officer, be subject to the approval of the Minister. We also provide for the exercise of disciplinary control at Clause 118 and provision is also made for appeals in relation to the power to exercise disciplinary control to the Commission.

Provision is made for appointment of deputies in Clause 120 and in Clause 121 to disqualification of councillors for appointment. Provision is made in the Bill also for resignation by the Mayor or Chairman or other officer and the effect that that resignation will take and also in relation to pensions which are dealt with at Clauses 123 and 124.

At Clause 125, the Town Constabulary is dealt with, a Town Constabulary consisting of a Superintendent and such officers of the Town Council as may be deemed desirable who shall be local government officers in service of the council to provide for the Town Constabulary being subject to direction from the Town Clerk and the other regulations deal with the manner of the exercise of their appointment, the dealing with their uniforms, the oath which they have to take and also is listed in Clause 132 the offences in relation to which a Town Constable may be disciplined, offences like sleeping on duty, cowardice and so on. Right now, there are some limited penalties but the general aim is to make the penalties in such a way as to be realistic and also to have the Town Constables inculcate a greater sense of pride and discipline in their work. The provision of Constabulary Standing Orders and routine orders to deal with discipline and training is dealt with in Clause 133 as well as the provision for the delegation of powers, those are dealt with in Clause 134.



Clause 135 provides that they should always be on duty and the delivery of provisions is provided for under Clause 136. Now, many of the powers are not powers which are dissimilar to powers given to members of the Police Force in the lower ranks. At Clause 137 it states that:

“Every member of a town constabulary shall, in relation to offences committed against this Act or by-laws made by the council in which he is serving have like powers, privileges and immunities as has a member of the Police Force, and may lay and make in his own name information and complaints in respect of such offences and conduct the proceedings before the magistrate.”

These provisions are intended to simplify matters so that many of the day to day matters which affect offences can be dealt with by these constables as well as be prosecuted by them. I think that it will tend to relieve some of the powers, some of the duties that are now cast on the Police where those duties relate to purely Town Constable offences, removal of noxious things and matters of that sort, and discipline for small offences which normally are offences which could be more quickly dealt with from day to day by the Police.

The offences of threatening members or causing disaffection are dealt with in Clauses 138 and 139, as well as all offences relating to assaulting members, harbouring members and unauthorised wearing of uniforms, all designed to make the Town Constabulary more respected and a more effective post not only in physically carrying out decisions but also in prosecuting offences relating particularly to the councils of the Constabulary and the markets. Important provisions are those relating to finance contained in Part V of the Bill. As was indicated in the memorandum on local government reform, councils will now be expected to keep their accounts on modern lines and, in the course of dealing with the other aspect of the Bill, one will see where far greater responsibility in relation to finance will now dissolve on council inasmuch as the scope of undertaking which they are empowered to carry out will be much wider than that referred to before. The Bill provides that financial regulations can be made by the Minister responsible, financial regulations for dealing with the business of the council and for enabling the councillors to manage their business. It will, in effect, have the result of enabling the new district councils a greater freedom of dealing with the accounts. It will avoid delays which now

exist in those rural local authorities that are subject to the jurisdiction of the Board that have to go through the extended powers through the Commissioners to enable them to exercise a greater control over their accounts, their bank balances and the like and so enable them to operate their business with greater expediency.

The regulations will provide, as set out in Clause 144, subsection (2) among other things, for the keeping of accounts and balance sheets regulating the procedure and duties of committees appointed for regulating and controlling finances, the purchase of stores, the receipt, transmission and safe custody of cash, the submission of entries, the expenditure which may be incurred in the financial year, the procedure for borrowing – that is an important one – in the light of other provisions which will be discussed later on, the allowance to local government officers – there again that innovation will bring about more responsibility for the councillors – and the procedure in relation to tendering and acceptance of contracts.

Now, proper books of accounts will have to be kept and, in Clause 146, it is provided that:

“the revenues of the council shall consist of all moneys received by the council from any source whatsoever, except moneys received by way of loan and shall be credited to the general rate fund of the council.”

We have also provided for separate accounts to be kept for general purposes and special purposes. In Clause 147 it is provided that moneys received by way of loans shall be credited to the loan fund of the council. And, as is not unusual, on all moneys received by or on behalf of accounts shall be delivered to the Treasurer who shall deposit them with a bank approved by resolution of the council.

The further Clauses 149 and 150 provide for repayments to be made under an Order signed by the Town Council, all cheques for payments of moneys shall be signed by the Treasurer in that regard and countersigned by the Clerk or such other local government officer as

may be authorised by the council on that behalf. In Clause 150 to which I referred already it provides that:

“No moneys standing to the credit of a special purpose account shall be used for any purpose other than that for which they have been provided.”

That will ensure that when the council sets aside an account that carries a particular purpose that they pursue it so far as expenditure in relation to that particular amount is concerned. The provisions are made for a council to ensure its property against risks also against a liability to any person in connection with any of its property or through any action or default of a local government officer as well as against the loss of monies or securities caused by the wilful negligence of local government officers who are employed by the council.

#### 4.55 p.m.

In section 153, provision is made for providing the estimates of the Council which will have its financial year from the 1<sup>st</sup> of the normal current year to the end of that year. It also provides that copies of estimates approved shall be submitted to the Minister and the copies shall be available for inspection. In the case of the Georgetown Town Council and New Amsterdam Town Council whose estimates would not now have to be approved, the provision is that that power of not having their estimates approved will continue to be retained by them. We do not want to move back from any powers which have already been given to a council except in very extreme circumstances. But in relation to the other areas, it will be necessary for the estimates to be approved. In particular circumstances, the constitution order can provide for the Minister to dispense with the responsibility of submitting estimates for approval. That will be the position in relation to a particular estimate. Now, the Minister may approve the estimates of a district council either as submitted or, after affording an opportunity to make representations, with such variations or amendments as he thinks fit to make thereto, and provision is made for those estimates to be open for approval. We provide for the form in which those estimates shall be submitted as well also, provision is made for provisional expenditure pending the approval of a particular estimate.

In Section 160 we have provided for the making of supplementary estimates of the council and in Section 161 for write-offs. The system of grants is provided for, and I do this before I come to the question which shall be discussed later of rates and properties. The general aim is that the Government can make grants to local authorities where it is necessary either to stimulate those local authorities or where a local authority is particularly in a weak position and the giving of a grant is necessary to assist that local authority. But in line with what has been said before, such encouragement will be given emphasis where members of that local authority show a willingness to engage in community work which as I said, underscores the programme which the Government is now propounding.

At Section 163, it is provided that councils may with the approval of the Minister borrow sums of money for any of the following purposes: for acquiring land which it has power to acquire, erecting a building which it has power to erect, or executing any permanent work or other purpose authorized under any law of the borrower, also for any other purpose for which the council is authorised under any law to borrow money. I have seen in the office to which I referred some point made of the fact that we should specify the organisations from which a council should borrow as being known organisations or approved lenders. That would be a very difficult thing to do. In the first place, one will have to have a dialogue as to what really is an approved organisation or one will have to form some yardstick or basis on which to decide on.

[**Mr. Ram Karran:** "GIMPEX."] No, not GIMPEX. But the saving clause is the fact that such borrowing powers are subject to the approval of the minister because it provides in Section 164 that every application to the Minister by a council for his approval to borrow money shall be submitted in accordance with financial regulations. And also when that application is submitted, the Minister shall publish notice thereof, and set out the amount proposed to be borrowed, the purpose for which it is sought to be borrowed, the mode of borrowing, and the proposed basis of repayment, and shall state that any person wishing to object to such application shall forward his objections with the reasons therefor in writing to the Minister before and also the Minister makes the decision to approve that request to borrow money, he shall consider the objections which have been made by . . .

The fear seems to have been entertained that persons will have a roving commission to go borrowing money but this is a fear more imaginary than real, for it must be presumed that the minister will act quite reasonably – *[Interruption]* - and will give regard to the representation made to him by persons who will not want to see the council making an onerous loan or which naturally could not inure for the benefit of the persons residing within the area at large.

Provision is made for the issue of bonds and it is also provided in Section 165 where approval is given to the council to borrow money. Such money may be raised by mortgage of the rates or any other property of the council. The remaining sections on the same page – Section 167 deals with the replacement of defaced bonds, replacement of lost bonds, charge upon revenues, as well as, repayment. In regard to repayment, the provision should be observed that that repayment must be regular and that the Council must set aside a sufficient sum of money so that in the aggregate it can pay the capital as interest on that sum borrowed within the time specified in the loan.

In section 171, we provide for temporary loans for defraying expenses pending the receipt of revenue and for defraying expenses pending the receipt of a loan which has been approved by the Minister and also interest charged upon any of these loans shall be paid out of the general rate fund of the council. This is necessary where a council may find it necessary to meet some contract that is urgent or otherwise and the money is likely to be forthcoming from a loan which has already been approved. This provision exists in order to facilitate the council in going ahead.

Sections 172 to 174 deal with the charge of loans to the head of expenditure, repayment of balance of loan, and additional payments. From Sections 175 onwards, provision is made for the audit of the accounts of the Council, and there again, a new position has been introduced, in that there are provisions for surcharge, as you will see from reading those sections which it is not proposed to deal with in very much detail. Clause 175 calls for the annual auditing of accounts and for the auditor to give notifications which are provided for in section 176.

Sections 177 and 178 deal with accounts, and unauthorised deposits. Section 179 deals with notice of audit. Section 180 deals with the financial statement which the treasurer should make in relation to the affairs of the council. At Section 181, provision is made for the audit and for the evidence which could be taken on oath, witnesses who can be summoned and for representations of persons who need to make such representation before the auditor where any question comes into consideration. In carrying out those functions the provision is made that the auditor will have power to retain any of the books or documents or seal any safe or to adjourn the audit. There will also be a right of a person or his representative who is interested to make objection to the accounts or to any books or document before the auditor, when those proceedings are being taken.

Provision is made for the general work of auditing, disallowing of any items, surcharge of any expenditure or any sum which has not been brought into account, also for the right of objection to any member surcharge that is made by the auditor in relation to any particular item.

#### 5.05 p.m.

“Any loss represented by a charge for interest or any loss of interest shall be deemed to be a loss within the meaning of this section if it arises from failure through neglect or default to levy or collect rates.”

Within one month of the completion of the audit of the accounts – it is provided in clause 185 – or, as soon as practicable thereafter, the auditor shall report on the accounts audited and shall send the report to the council and also a copy to the Minister. In clause 186, provisions are made for what takes place upon receipt by the council of the report of the auditor and it imposes upon the treasurer the responsibility to give notice to the person who is being surcharged, to forward a copy of the report to the council and publish a notice that the audit has been completed.

At clause 187 it is provided that a council shall consider the report and also provision is made for appeal by any person to the Minister in respect of any surcharge which has been

imposed upon him. This is dealt with in clause 188 and the powers of the Minister on appeals are dealt with in clause 189.

In clause 190 provision is also made for application for relief which can be made to the Minister responsible in respect of any surcharge which has been imposed if the Minister is satisfied that the default has been committed through inadvertence or for any reason which shall not still continue to exist. Particularly that dispensation can be made also in relation to the Local Authorities (Elections) Act, one of the disqualifications which is provided under that Act being the fact of a member of a local authority being surcharged. Provision is made there whereby the person can be relieved of such disqualification if the surcharge has been brought about by inadvertence or for some reason which is considered excusable by the Minister.

In clauses 192 and 193 provision is made for the payment of the sums due and for their recovery and also for the taking of the proceedings. Clause 194 provides for the scale of charges which might be made by the Minister and amended or otherwise altered.

In clause 195 the expenses and costs incurred in respect of any allowance payable by the council can also be determined by the Minister, and in clause 196, extraordinary audit is dealt with. There are provisions also for inspection from time to time, a power which is very necessary in these circumstances.

In clause 199 the term “auditor” is interpreted, meaning the Director of Audit or public officer authorised in that behalf by the Director of Audit. The persons authorised are also set out in the very clause.

At part VI there is the important issue of rating in which there are also certain important provisions, but not only in relation to the general principle of rating, much of which will be governed before long by the rating provisions under the Valuation for rating Purposes Act, but in

the course of these provisions reference will be made to the different attitude to things like exemptions, to the attitude of Government to the payment of rates on its properties and the like.

The opportunity will also be taken to correct what has been a misunderstanding which appears in the Press. As I said, this was given wide publicity. Under this provision a rating area can be created by the council and the council shall be the rating authority. Permission is given to where the whole council area does not obtain the same service.

One will appreciate the fact that this provision is important, particularly in an area like Greater Georgetown, which is now being formed. The general idea, in the final result, will be to give all persons within a council area somewhat uniform services, but circumstances may well arise where all the services cannot be uniform in the first instance. Therefore, some form of differential rating will be necessary.

There is provision to levy a general rate provided by section 202 and also to levy a supplementary rate, which is provided for in section 203. A uniform percentage is provided for in relation to any particular area in clause 204 and reference is made in clause 205 to new valuation lists.

In clause 206 it is provided that council shall fix the percentage of a general rate for a rating area not later than the day preceding the commencement of the rating period and provision is also made in the following subclause to the fixing of a percentage of a rating period for a supplementary rate, but it is to be noted that the Minister, if satisfied that it is impracticable for a council to comply with the provisions of this section, may at any time, by order, vary the days specified in relation to the fixing of that rate percentage. Notice of the rate percentage will be published as provided for in clause 207.

In clause 208, a new provision, a most important provision now appears and that is intended to set at rest a source of much complaint which has come from the local authorities over



the years. While, in fact, the Government, at the moment, gives a grant to certain local authorities, those grants have been made, to some extent, on the basis of administrative buildings situate within the local authority areas. Particularly in Suddie, Bartica, Georgetown, those grants are related to some extent to the number of administrative buildings in the area and one can well see that in many cases the Government does have substantial buildings but even a grant made at one time does not always keep pace with buildings which are erected or purchased or otherwise owned by the Government from time to time in various local authorities.

There are also a number of local authorities that have one or two buildings. There may be, for instance, a Post Office, a Community development Office, or Probation Office falling within a village and it is sometimes difficult to assess what should be the nature of the Government's contribution to that building or buildings in that area in relation to buildings elsewhere. Since the aim is that all property is to be valued on a basis which is uniform, it seems to us that the more reasonable thing to do is to make the contribution for the maintenance of those buildings or the services which will be given to those buildings, to make that contribution payable in relation to the valuation which is fixed on those buildings by the Government paying rates for its property.

This provision we feel is an important one and will have some far-reaching effects. The clause states:

“All property owned by the Crown or the State of Guyana within a rating area and occupied by, or utilised by, or occupied under the authority of, the Crown or the State, as the case may be, shall be liable and subject to rates as is property owned by private persons.”

There again, there seems to have crept in a very gross misunderstanding as to what that really means, because I saw that the interpretation which was sought to have been placed on that provision was that the Government was only making a regulation in relation to property within the area.

I think that what is in effect meant is that there must be a distinction between property of the Crown which is owned or occupied by the Crown and property of the Crown which is owned and occupied by other persons. When that misunderstanding or misinterpretation of that particular section was given such wide publicity, I do not think that this was really appreciated. What in effect is meant by the section is that if the property is property which is owned by the Crown and is used or occupied by the Crown, then that is property for which the state will be responsible for paying rates. That is in effect a clear distinction between that and other property over which a person might exercise ownership though belonging to the state.

The liability of payment for rates is also provided for in clause 209 and the provisions are therein contained that where two or more persons appear in the list in respect of a property, the council may delegate any one person as the person primarily liable. There is also provision for the recovery of those rates as well as provision that, where an instalment of rate is overdue and it becomes necessary for the council to borrow money to meet it, interest shall be payable in respect of that rate being 1 per cent over that interest which a council has to pay on the money which it has borrowed. I see some criticism has been expressed on that but I do not think it is appreciated that, since in effect the council must take some trouble in the servicing of that loan which it has to make, there must be some means of not putting the council in a position where it suffers a loss because it has to borrow money to meet liabilities which persons who should pay rates do not meet.

There is also provision making it possible to levy on the movable property of a person in the council area, although that movable property is not a property which is first displayed in that regard. There again I saw some misunderstanding as to whether it is possible that a council can have a right to levy on any movable property which does not exist within the council area. I think before that is further examined we should look at circumstances which can arise in that regard. It must be agreed that primarily what it means is that the council can levy within the council area on any movable property for the recovery of rate so that if a particular building assessed by the council has rates due not only that building is liable to display but the movable property, whether a building or else within the council area.

That building might be another cattle house or it might be normal movable property which is the owner, but assuming that one owner has properties in two local authority areas and he pays up all the rates for local authority (1) but he does not pay the rates for local authority (2) and the property in local authority (2) cannot fetch the sum which is due, we see no reason why the property in local authority (1) should be allowed to go free while the rates for local authority (2) are not met. There is nothing unusual involved into play here. All it means is that the council is given effective remedies in order to recover its rates to carry out the work of the council.

There has been some change in relation to the exemptions of rates in respect of certain properties. In clause 211 it is provided that:

“No rates shall be levied in respect of the following properties –

- (a) property used solely for the purposes of public religious worship;
- (b) property used exclusively for the purpose of education;
- (c) property used for the purposes of a burial ground, cemetery or crematorium;
- (d) buildings exempted by the City council under the Georgetown (Taxation and Rating) Ordinance, 1966;
- (e) property used for two or more of the purposes specified in the preceding paragraphs.”

That is a specific one which, as will be noticed, has been changed, the emphasis being on property which is used exclusively and solely for this purpose.

In clause 212 it is provided that:

“(1) A council shall have power to exempt from liability to pay rates either wholly or in part, in respect of the properties listed in this section, the owners of –

- (a) any property used for the advancement of religion, education or social welfare, not with a view to profit;
- (b) any property used mainly for the purpose of open air games or of open air athletic sports and occupied by a club, society or other organisation which is not established or conducted with a view to profit;
- (c) property used exclusively for the purposes of a hospital, dispensary or public health institution, where the council is satisfied that liability to pay the whole of the rates would seriously prejudice the successful attainment of the objects or purposes for which the organisation, club or society exists.”

Now it can be seen that what I referred to earlier about the emphasis on allowing the council to take greater activity in education, in trying to promote education, all that emphasis has been preserved in the fact here that some freedom is given to the council from the payment of rates which might to some extent limit the power of establishing and keeping up these institutions of learning.

In subclause (2) of clause 212, out of abundant caution, it is provided that:

“(2) The Minister may by order designate any other property in respect of which no rates shall be payable.”

That is an important subclause and it is made because it is quite possible that there might be properties which are not within this contemplation that it is felt desirable to exempt. That power, as can be seen, inheres in the Minister who should be presumed to exercise those powers reasonably.

In clause 213 we deal with the due dates for payment of rates. This has now been changed. Clause 213 states:

“(1) The rates due in respect of a general rate shall be payable in four equal instalments which shall become due on the first day of April or on the day of service of the demand note, whichever day is later, the first day of July, the first day of October and the first day of January.”

I think it is accurate to say that it has been made uniform as some of the provisions now existing in some local authorities and it is uniform as between municipality and rural district authority because, at the present time, in relation to municipalities you have first half year and second half year.

Provision is also made as to how the rates in respect of a supplementary rate can be paid and there is further provision in subclause (3) that:

“(3) A council may give a discount not exceeding five per centum on rates due in respect of any general or supplementary rate when the whole of such rates are paid within such period prior to the due date for payment of the first instalment thereof as may be fixed by the council from time to time.”

That is a new provision relating to that discount and it is hoped that that new provision will help to bring home to persons who have to pay rates the necessity for paying such rates earlier, and so avoid the council having to resort to borrowing more money to carry out its work.

In clause 214 provision is made in relation to demand notes and in clause 215 to default in payment. Many of these are the usual provisions and they are made with a view to having the provision fairly regularised.

We provide in clause 216 that:

“(1) A council shall be entitled to charge interest on any instalment outstanding, from the day of default until the debt is discharged, at such rate as it may decide, being not less than one per centum in excess of the rate at which the council might have borrowed from its bankers on the day the rates became due.”

This is a clause which provoked some criticism earlier but for the reasons I have pointed out we see no reason to change it because if persons by default in payment cause the council to have to borrow from the bankers, it is only reasonable to expect that the council must have a 1 per cent on the sum it has to pay to the bankers by way of interest so as to cover the incidental expenses that arise in the course of servicing that amount.

5.25 p.m.

The remedies for recovery are provided for in section 218 and remedies for restraint are dealt with in section 219. The remaining sections deal with parate execution as well as the manner in which the title can be obtained for those lands. It will be seen that the present provisions are brought in line with the new provisions relating to the registration of lands under the Lands Registration Ordinance which has been put into effect subsequent to the date when the Local Government Ordinance came into effect in 1945.

This was a matter that was not quite clear and opportunity has been taken to try and straighten it because the provision is made that a council may purchase other property for sale under the section and transport effected in accordance with the Land Registry Ordinance by a central registration under that Ordinance and relative provision is also made in relation to the Commissioner of Lands and Mines in those areas that come under the Department of Lands and Mines.

Clause 221 deals with amounts due, and the remaining sections deal with the correction of errors in proceedings for recovery and also with rates which are recoverable after the rating period. The usual provisions for preferential claims of the Crown are provided for in clause 224 and there is in clause 225 provision for the rate record as well as for the amendment of the rate record.

Clause 227 is one of some importance because it provides that a council shall have power to make and levy a special rate on the value of property in the valuation list in a rating area, or

part thereof, for the improvement of that area, or part thereof, or for the liquidation of any claim for compensation admitted or awarded for loss sustained by reason of any building, paling or erection being pulled down or otherwise destroyed for the purpose of arresting any fire in that rating area; and subsequential rate shall be recoverable in the same manner as the spécial rate. That provision is one of importance enabling the council to develop a particular area where a special rating charge will supply money for development which cannot normally wait.

The whole of Part VII deals with contracts and it will be seen that the important thing here is that the extent to which a contract could have been made by the council could be extended. Under the present circumstances, a council has very limited powers in relation to the contracts in which it can enter. This refers to a council other than the Georgetown Town council and the New Amsterdam Town Council which have their own limitations. The approval of the Local Government Board must be sought in order to go beyond these powers. That limit has been extended in the present Bill which is now before the House and it is in clause 229 that provision is made for the borrowing of money or the entering into contracts for the execution of any work or the supply of any goods to the value of \$2,500 or more.

Provision is also made for notice to be given inviting any person willing to undertake the same to submit a sealed tender but it provides that the Minister may by order exempt the council from compliance with the requirements of subsection (1) that is in relation to that tender, in the case of any particular work or goods. Section 230 deals with council contractors. Clause 231 deals with the acceptance of tenders. It will be seen that the scheme follows the general scheme of making it necessary to advertise for tender and also of making provision that in particular cases selective tender should be provided for.

The variation of tender procedure in cases of emergency is provided for in section 232 and the provisions relating to perishable goods and contracts with the Government are dealt with in clauses 233 and 234. With the whole of Part VIII, I have dealt in some way because that deals with compulsory acquisition of land and the dealings with land and the entry upon land. It will

be seen that the general scheme of things is to put the council in a position where it would first seek to negotiate with any owners of land and every opportunity is given for us to negotiate. Provision is also made where compulsory acquisition is to be made for publicity to be given in a newspaper circulating in the country so as to afford persons knowledge of what is going on.

There is also provision for dealing with persons resident on land or putting up notices on the land where the owner of the land cannot be found. These provisions follow provisions which are usually in cases of compulsory acquisition, but important in these provisions is the power given to the Minister, where there is a dispute as to the sum in relation to which compensation is payable or where there is a dispute as to the acquisition of a particular area, to appoint a commissioner, a person who will be authorised to hear evidence upon any argument for or against a particular acquisition for a particular purpose, because in some respects the council will have to prove what is the purpose of its acquisition and also whether it is not possible to acquire other lands for that particular purpose. In effect, while the right of compulsory acquisition does exist, every opportunity is given for the facts of the case to be properly ventilated before a commissioner, who is specially appointed for the purpose and who will have the powers of a court to decide whether the reasons for acquisition are reasonable or not. It also provides for agreements to remain in possession during a period of process referred to.

In Part IX at clause 265 onwards, the powers of councillors in relation to council drainage areas are all set out. Included in those provisions are provisions for persons to apply for exclusion of his area from a council drainage area – that is a new provision – as well as to apply to have included in the council drainage area, if it was not included before, an area which comes within a council area, so that if a council makes a particular part of the council area a council drainage area, an area which was excluded from that council area can apply from time to time to be included in the council drainage area. The right of entry and inspection is also provided in those clauses as well as penalties for obstruction of those who will be involved in such exercises.



In clause 272, it provides that a council shall have power, subject to the provisions of the Town and Country Planning Ordinance, the Roads Ordinance and the Motor Vehicles and road Traffic Ordinance, to contract, maintain, repair, protect and carry out works for the betterment of council roads in its area, as well as to enter upon adjoining land to inspect the soil or drainage and to erect on any portion of uncultivated land and maintain structures for persons employed in relation to the roads.

In clause 274, subject to the restrictions and limitations conferred by clause 272, that is, the Road Traffic Ordinance, Town and Country Planning Ordinance as well as the Roads Ordinance, the council is given power to take steps in relation to the establishment and maintenance of car parks, traffic control and the regulation of the parking of vehicles. Clause 275 deals with authorised closures of the roads by the council. Clause 276 deals with private access to council roads provided that those accesses cannot be built except with the written permission of the council and the ways in which that permission can be given.

### 5.35 p.m.

Clause 277 deals with offences in relation to those roads. I need not enumerate them but it will be seen that we have sought to bring into play many offences for which provision was not originally made or for which there was some difficulty in enforcing, like putting litter on the road or cars and things of that sort. One can see from the provisions which are made in subsection (4) of that Clause that what is sought is to bring within the ambit of the offence created various means of obstruction of passage on the road which is done in so many councils and also power for the councils to abate those nuisances where they exist.

In Clause 279 provision is made for the supply of water to the City having regard to the Georgetown Sewerage and Water Commissioners and also provision is made in relation to the supply for the town of New Amsterdam provided for in Clause 280. The duty of connection is in clause 281, and the power to supply water in the Clause that follows as well as charges for water

rates and the discontinuance on the part of payers, provisions which are normally made, the general aim being to give the Council some better means of controlling water supply as well as being able to recover various charges for it where such are recoverable by the council.

I have already dealt with control of animals for which there is provision for the setting up of a council pound and one will see that that is a provision which gives far more room for the council to enforce the purpose for which pounds are established; that is the present case under the Pound Ordinance in view of the extended charges.

From Clause 299 to Clause 300 the general method of subdivision of land and the general method of providing a certificate on that subdivision of land is dealt with. Miscellaneous Powers are set out in Clause 301 to which I have already made reference in regard to the undertaking of industrial enterprise. You will see that among these provisions are those for houses for necessitous persons, hostels, institutions for infants' recreation grounds, and particularly for educational institutions. There is particular provision here for the grant of scholarships and bursaries and, generally, one will see that in that field we have made the emphasis very clear [Mr. Ram Karran: "That is as far as we want to go?" Agriculture, arts and crafts are provided for. Sub-section (16), a general Clause, goes even further and provides:

"provision for and to promote the education of all, or any category of person, resident within the City or the Town;"

So that I think there the provision is quite clear as to how far we do intend to go to make the council take a greater interest in education.

Now, the other Clauses deal with the regulations of grazing of animals, public health, markets, slaughterhouses; in sub-section (32) provision is made subject to the Public Health Ordinance, the Town and Country Planning Ordinance and the Housing Ordinance:

“for the council to lay out building plots or otherwise subdivide any land vested in the council for the purpose of housing schemes for the inhabitants of the City or the Town;”

Provision is also made for the erection of dwelling houses, converting buildings into dwelling houses, letting of houses, as well as to dispose of any plots for that purpose. In effect, a greater liberty to deal with housing is vested in the council by virtue of these provisions.

In Part X, provision is made for by-laws. It is there provided that those by-laws will be subject to the approval of the Minister but if one looks at the provision to which those by-laws can be made or the purposes for which those by-laws can be made, it will be seen that the power is not much wider than existed before because it regulated everything that the council is empowered to do, establish, maintain or carry on and also to protection from damages any council roads.

Provision has been made to the extent of a fee which can apply to those by-laws being of an upper limit of one hundred dollars and also that members of the Police Force can be authorised or local government officers can be authorised to carry out those provisions contemplated by those by-laws. Those by-laws have to be published and they also have to be published within sufficient time as to give persons an opportunity of inspecting them. A further provision is made in that the by-laws can be approved with or without Amendment but they also provide that when those by-laws are published the Minister should not confirm them until he has listened to the representations which are made in relation to those by-laws before certifying the approval of those by-laws, the intention being to ensure that persons have some opportunity of pronouncing upon the reasonableness or otherwise of those by-laws.

At Clause 308 in Part XI, there are a number of miscellaneous provisions among them being the provisions which will operate when the Minister has to exercise his powers where the council is in default. [Mr. Ram Karran: “He has a lot of powers!”] One hon. Member says that there are a lot of powers but he does not recognise the position at the present time with

respect to the Local Government Board which can rescind any decision or substitute any decision for its own but I think that I ought to deal with this question of powers because one must understand it with their limitation in relation to new powers which have been given.

Now, we have provided that if a council has exceeded or abused its powers or has made default in its performance of a duty imposed upon it or if it fails to maintain a reasonable standard of efficiency or if the expenditure has been unreasonable as to fail to obtain any financial instructions the council could be declared to be in default. Now, since we are giving more powers to the council including, as I said, the new power to be able to engage in industrial enterprise as is provided for in Clause 301, I think that it must be appreciated that some manner of scheme that councils do carry out their work in a business-like and proper manner made. But the council is given the opportunity first by being told that it is in default under which it can also be directed as to what are the functions that it ought to perform and, in the same circumstances, some powers can be transferred to other agencies if the necessity arises.

There is also provision for the dissolution of the council or the suspension for such time as thought fit for the performance of the council if such circumstances were to arise.

Provision is made for those directions to be varied, but in Clause 305, sub-section (3) it is provided that:

“Where the Minister dissolves a council or suspends the council from the performance of any of its functions under this section he may by order transfer to such person or persons as he may deem fit such of the functions of the council as may be specified in the Order, and such person or persons shall exercise and perform all powers and duties of the council in relation to the functions transferred.”

But provision is also made where such action is to be taken for the council to be heard having regard to what I said before, that the council is first notified that it is in default, when of course such a dissolution is made, then opportunity will be provided for the election of a new council.

In Section 306, the provision is made for the making of regulations for carrying out of any purposes to be carried out under the Act and it is also provided that such regulations shall be laid before Parliament so that hon. Members will have an opportunity, if they wish, to move a resolution in relation thereto within a certain period. In section 307, provision for conducting of local inquiry is provided for in accordance with those provisions which are made in the Schedule; those provisions are detailed and I commend them to hon. Members.

Sections 310 to 311 deal with matters like the serving of notices and penalties for defacing notices. Section 313 deals with prosecutions and penalties. In Section 314 there is provided a similar method for appearance of the council in legal proceedings. The council may authorise any of the local government officers in its service either generally or in respect of any particular matter to institute or defend, on its behalf, any legal proceedings or to appear therein on its behalf. One will see that this, so far as the Local Government Ordinance is concerned, is a substantial improvement.

Section 317 deals with the protection from personal liability, and Section 318 deals with the question of the passing and execution of transports. There again, we have simplified many of the provisions which are in existence in relation to the Local Government Ordinance. In Section 319 we are most specific in relation to the management of undivided land and in section 320, there is provision for the letting of undivided lands. This is a provision which created some confusion in legal circles. I doubt whether the result eventually attained was what was originally intended by the legal draftsmen in relation to the letting of undivided lands. For it provides that a council may let to any person by monthly or yearly tenancy or for a term of years, and at such rent may be determined by the council any undivided lands, not being dams, under the control

and management of the council. It also provides how the letting should operate where it is for a term of years and that all arrears of rent may be recovered by action against the person liable for payment or by warrant of distress. Also, the clerk of the council, may, subject to an appeal to the Minister, enter upon and take possession of all lands in respect of which two month's rent or more is due and payable, and take possession of and dispose to the best advantage all crops, provisions and other things there growing or being on the lands, and any surplus after such disposal shall be handed over to the dispossessed tenant or occupier.

There was the well-known case of Sukie and Jones where the Court made its interpretation holding that the council did not have power although the control of the lands did not have power to let these undivided lands. A number of councils have these large areas of undivided lands within the council and are not able to carry out proper development in respect thereof. The purpose of this section is now to make it very clear that those councils are now empowered to let these lands under any of the several conditions herein provided for.

The transitional provisions and the repeal and savings are provided for in Part XII which is the last section herein dealt with. The provision in relation to the Georgetown Town Council Ordinance and its repeal has already been alluded to, but the important thing to be observed is the provision in section 321 (2) which states:

**“(2) Notwithstanding the repeal of the Ordinances specified in subsection (1), . . . of the Georgetown Town Council Ordinance and the New Amsterdam Town Council Ordinance, all things thereunder shall, unless the contrary appears, continue to have effect as if done under the Act and without prejudice all the rules and regulations, by-laws and orders made thereunder shall continue to have effect in relation to the area to which they applied immediately before the repeal of the appropriate Ordinance until amended or revoked under this Act.”.**

I want to refer to that because a number of persons have raised questions as to these regulations that have been made and we do not have time and things of that sort. But the actual purpose of this provision is that the councils will be able to carry out their business under the same by-laws that existed before the repeal although the substantive ordinance is repealed. If, for instance, the Georgetown Town Council or a particular village council had a particular by-law or that by-law is bounded by the local government law whether related to markets or meetings or else, despite the fact that the substantive Act, that section of the Local government Ordinance or the Georgetown Town Council Ordinance or the New Amsterdam Town Council Ordinance is repealed, that council in taking over will be able to use those by-laws for regulating its business and those by-laws will be related to the work of the Council as now exist in the present circumstances. All persons who immediately before the repeal of the appropriate Ordinance held any office in the service of the City Council or of the Town Council shall be deemed to have been appointed under this Act, the functions of which substantially correspond to those of the office to which they were respectively appointed under the Georgetown Town Council Ordinance and the New Amsterdam Town Council Ordinance.

The following section deals with the transfer of rights and the interest and liabilities and as I said before, the necessary adjustments will be made in relation to those who have been employed in relation to these sections. The general provision there is made for the transfer of all assets and all goods and records and rights belonging to the respective councils and the same provision that exist in relation to the municipalities exist in relation to the rural local authorities.

Section 323, transitional provision relating to the City Council and Town Council which provided for –

“323 (a) The number of councillors for the City Council and Town Council shall, . . . remain in office (without taking a further oath of office under section 42) until the commencement of the terms of office of the councillors so elected, when they shall retire . . .”

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So that although this Act when it comes into effect will cause the repeal of the Georgetown Town Council and the New Amsterdam Town Council Ordinances, those councillors who are now in office under the Georgetown Town Council and the New Amsterdam Town Council will continue to exercise the functions despite election which takes place between now, and the coming into force of the new Town Councils which will normally come into force around the 1<sup>st</sup> of November. So that in relation to that provision I do not think that those who have been entertaining doubts should have any further doubt as to how the matter will work. Because, in effect, it will mean that these councillors will continue until such time as that actually takes place. The day for election and commencement of the term of the first of the City councillors will be appointed by the Minister; and the Mayor and Deputy Mayor in office also, from the commencement of this Act, will be able to act, notwithstanding, the repeal of the Ordinance.

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The day for the election of Mayor and Deputy Mayor, who shall succeed the Mayor and Deputy Mayor, shall also be made by the Minister – that will be the election of the Mayor after the councillors have been appointed. One will see, as I said before, that if there is a tie, the reference is to the electorate and if there is a further tie it will be resolved by the Minister.

In relation to the transitional provisions for district councils, clause 324 provides for the appointing of a day for the election of the first councillors of a newly constituted district council and prescribes the term of office of the councillors so elected, notwithstanding the provisions of the Act or of a constitution order.

Similar provisions are made for appointing the day for the election of the first chairman and the day for the submission to him of the first estimates of the council.



These provisions will enable arrangements to be made for councils which come into effect on a period other than after the elections between November and December. As I said before, those district councils that are to be constituted immediately after the enactment of this Bill will be constituted, but there are some whose constitutions will be delayed because we want to hold elections immediately on the constitutions, but if it is not possible to hold elections now, elections will be held very early in the New Year.

The functions of a district council until the commencement of the term of office of the first councillors shall be exercised by such person or persons as the Minister may by order appoint. Now the transitional provisions in relation to the Local Government Service Commission are provided for in section 326 and also the transitional provisions in relation to rating under the several Ordinances. I have already pointed out that the aim eventually is to have the Valuation for Rating Purposes Act apply to all areas, but since the said provision for rating lists which already exist will be used during that period, it is necessary to provide for this.

There is also provision, until the coming into operation of section 95, for the powers conferred on the Commission, under the provisions of clause 116, that is, the Local government Services Commission, to be exercised by the Minister. It is, however, proposed to set up this Commission as early as possible.

In clause 327 we deal with the existing pounds. This provision is made because we now make specific provision in relation to pounds, and in fact some of the Ordinances dealing with pounds – I refer to Vergenoegen Village Council – do not really at the present time serve the purpose for which they were originally intended.

Clause 328 deals with burial ground and 329 deals with existing restrictions upon subdivision of lots to which I have referred earlier. We also deal with the pension of officers who have been serving in the councils, and at 331 to the payment to the local authorities in respect of the Local Authorities Guarantee Fund.

Clause 332 deals with consequential amendment and 333 is important in that it provides that if at any time any difficulty arises in connection with the application of this Act or in bringing into operation any of the provisions, the Minister may by order make any provision that appears to him necessary or expedient for removing the difficulty. I think here we felt this was necessary – it should set at rest the hearts of those who envisage that there will be difficulties and we must clear all the difficulties before we embark on local government reform.

What we have done is specifically to provide so that difficulties can be resolved from time to time because, as I said, even with the best ingenuity they cannot be thought of an any such order may modify the provisions of this Act in respect of any particular matter or occasion as may appear to the Minister necessary or expedient for removing the difficulty. The effect of this provision is that an order could be made by the Minister after this Act has been enacted which can in effect vary a provision of this Act.

In subclause (3), it is provided that the provisions shall apply to any order as it applied to orders made under clause 33. I think that Members who might be worried as to what will happen in the course of what will arise will know that it will not be necessary to come back to the Assembly on every occasion that it is desirable to deal with some provision of the Bill. The Bill itself gives power to the Minister to correct any errors as they go along, or to provide for any circumstances that may arise in the course of the Ordinance.

Clause 334, the last clause, deals with the employment of officers of dissolved village councils. Here we provide that

“all vacant local government offices in a council to which is transferred the property of a village council . . . dissolved”

Shall, so far as possible, be filled from employees of such dissolved village councils or country authorities.

I know that this clause has provoked some discussion, but I think it is a clause which has to be faced realistically. In the first place there will now be provisions for a Local Government Service Commission considering the whole position locally. There are not likely to be many difficulties arising. It could not be possible to have all persons employed as existed before, but one can see if the true spirit of the section is put into play there should not be many difficulties. In fact, all rights that have been earned up to this point, those rights will be preserved. I have no doubt that in course of time the authorities themselves will be able to absorb most of the persons who were engaged in one local authority or another. I hope that this provision will not cause too many problems because I see persons have been raising it. I think they must bear in mind there is some point at which one must begin.

The remaining sections are the Schedules which set out the form of oaths of office as well as the Standing Committees, the boundaries of Georgetown, to which I have referred, and the boundaries of New Amsterdam. These have been canvassed for a long time and should not be new. It is important to know that the standing committees shall consist of City Works, finance and Social Development in relation to the municipalities and that other committees can be made from time to time.

The duties of several officers are all set out in detail, the clerk, the treasurer, as well as in Schedule 8 regulations are made for the holding of local inquiries. Those regulations are made in detail. Those are important because the present position is one under which in the local authorities any 12 persons who are ratepayers in a district can make a complaint to the Local Government Board and the Local Government Board puts the machinery into operation.

It will be seen that in that regard better regulations are provided under Schedule 8 for appointment of a Committee, the powers which he can exercise, the conduct of the inquiries in public and so on. Generally, provisions are made so that persons in local authority areas who want to make complaints can be satisfied that their complaints are properly aired. There is provision also being made for persons to be represented by counsel.

Schedule 9 deals with the Ordinances to be repealed. It is true that this is a very formidable list of schedules lasting from Chapter 10 right down to No. 14 of 1965, but this was necessary because of the wide range of Ordinances that the Local Government Ordinance covers – the Criminal Law (Offences) Ordinance, the Criminal Law (Procedure) Ordinance, the Summary Jurisdiction Ordinance, the Deeds Registry Ordinance – that one is important because many matters affecting property are involved; some of them are no longer important – the Education Ordinance, the Public Health Ordinance, in particular, Chapter 145; that has many sections because it is very close to local government, sections of the Local Government Ordinance, the Town and Country Planning Ordinance, the Housing Ordinance, the Rent Restriction Ordinance and particularly the Sea Defence Ordinance and Drainage and Irrigation Ordinance.

I have no doubt that in those particular Ordinances it might occur in circumstances where certain amendments will have to be made, but those will be brought up from time to time.

**6.05 p.m.**

Some Ordinances like the Sea Defence Ordinance provide for certain responsibilities to be carried out by certain members of local authorities and so on, but in their general operation there would not be much difficulty because, in the first place, setting out the extent of the amendment or repeal tends to correct those circumstances which may arise. It will be necessary to make certain small amendments to the Electric Lighting Ordinance, the Motor Vehicles and Road Traffic Ordinance, and the Tax Ordinance. We have repealed certain Ordinances, some of which will no longer be necessary. That, in some detail, is the Bill affecting the code for the government of municipal and district councils.

I did deal with a number of sections of the Local Authorities (Elections) Bill and the remaining ones there will no doubt be dealt with when we come to deal with that Bill at some length, but as will be seen, the main provisions were really affected by this Bill and so they were referred to from time to time. Now that we are embarking on this reform I think I should urge

not only a forthrightness in embarking on the reform but the co-operation of all persons to make local government work, for while it is true that we can make law, it is also necessary that all agencies must co-operate to make it work.

In that regard I have been heartened by the offers which the Ministry has already received from a number of agencies which have shown some interest in local government to try and propagate learning relating to local government and to help persons in the rural areas generally. I have had such offers from the adult class which operates on the sugar estates. I have today received one from the Critchlow Labour College which particularly wants to make a subject, to create a symposium. I know the University of Guyana is very much interested in this subject and I think, all in all, from the indications as they are, we are likely to get quite a lot of support in order to carry through the programme, for the making of the law is one thing but the execution of the programme is another.

I said that our friends sometimes want to have everything cut and dried before they start, but I want to say that one other point which is important in our approach to reform is that we are prepared to draw on our resources. It is true that in the abortive attempts which were made before, there was importation of commissioners who were spending years of work making out reports and then going back and things of that sort. [Mr. Lall: "Colonial days."] An hon. Member says that they were colonial days. Perhaps there were more than colonial minds. I do not know if they were compelled to send for persons from abroad to carry out their work. I think that when one sees, from the issues of the papers to which I have already referred, how they bemoaned the administrative difficulties, one can well sympathise with them in that day.

We believe that in our Public Service we have sufficient persons with the experience and the self-reliance to give us a real move forward in local government reform and we are going to use the services of those people added to so many agencies, as I said before, that have offered their support and have shown their willingness in order to ensure that this reform which we now propose is made a reality.

Some of the things here are new but they are not unusual, things like the getting of a number of persons to make a list – 20 or 30 in the case of villages; 50 to 60 in the case of New Amsterdam; 100 to 120 in the case of Georgetown. Those are only part of the same pattern which occurs in central . . . . elections so that Members should allay their fears that there will be difficulties in carrying out the provisions here because the provisions are provisions which, in some cases, are new.

In the light of those circumstances I can only seek to ask the co-operation of all. I think that we must accept the fact that change is not made without inconveniences even when the change is from worse to better. That is a very known statement and, in this case, even if there is some inconvenience, the reward to be gained will be more than worth it. All things change, nothing perishes. That was written by Ovid in his *Metamorphosis*. I think that statement can well be applied to local government. This is a period for a significant change. Let us all embrace it with the vigour that it deserves.

**Mr Deputy Speaker:** Hon. Members, I propose the question. The hon. Leader of the Opposition.

**The Leader of the Opposition (Dr. Jagan):** It can truly be said that out of a mountain of labour has come an ant-hill of progress. The Bill before us provides us with yet another example of the hypocrisy of this Government. Such hypocrisy, by now a well known characteristic of P.N.C. rule, has only been equalled by the hypocrisy of its masters, the British colonial governors. In fact, as I have pointed out over and over again inside and outside of this house, British colonial rule and the P.N.C.'s neo-Fascist rule have a lot in common. Both claim legitimacy for the rule of force rather than in the consent of the governed. Both have manipulated the electoral system to retain political power. Both have squeezed poor taxpayers to build town and country homes and palaces while the poor remain shut up in slums. Of course both talk the same language of making local government more democratic, about training the

villagers to manage their own affairs, about getting more people to become involved in local government work, about making local government a seed-bed of democracy.

**6.15 p.m.**

Glib, fancy, flattering talk. This is what one gets out of the Government instead of actual results, all designed to cover up the real motive, that of instituting a P.N.C. caucus on the local government councils, to coerce and fool the working people, to mobilise Guyanese against their welfare.

The Marshall Plan, which the P.P.P. Government accepted, is being subtly utilised as additional machinery for the promotion of neo-colonialism and neo-fascism at the grass roots level. All the Sandys' features are reproduced at the local government level, P.R. elections, gerrymandering of the council areas, the perpetuation of rural-urban segregation, and to crown it all, a conspicuous contempt for the poor villagers who courageously spearheaded the attack on the sugar plantocracy way back in the period of slavery and of indentureship in the late 1800's by successfully establishing their communities on a sound social basis.

The Government talks a great deal about local government, as I have said already, about bringing the people, involving them, but we have not seen very much coming out after so much labour and so much time. I heard the Minister at the last meeting of G.A.L.A., refer to the history of this question of local government up to 1960 and thereafter there was a long lapse. Well, while it may be true that in 1960 there was tabled in the Parliament a Bill which unfortunately never saw the light of day because of the many riots and the many walk-outs that we had in this Assembly, we know that in the last five years, year after year, promises were made that local government elections would be held, and we assumed that when these local government elections were held, we would have something tangible, something to which a great deal of thought had been given, something in the . . . . . interest of the Guyanese people at the grass roots level.

If we examine the White Paper which was tabled in 1958 and examine the White Paper of 1969, a decade after, we see instead of progress that we have virtually gone backward, for then the whole question of making local government meaningful was accepted in principle. The Marshall areas, the revision of the Marshall areas with certain slight modifications, the intention as then stated to implement Greater Georgetown, Greater New Amsterdam, Mackenzie-Wismar-Christianburg, Crabwood Creek to No. 52, also Leguan-Wakenaam, a decade ago all this was enunciated. All agreed on the principle.

A decade later, what do we find? Before this House there is no clear-cut plan except that we are going to have the Municipality of Georgetown expanded, New Amsterdam expanded, Christianburg-Mackenzie-Wismar expanded. We do not know when the other Marshall areas are to come into being. After five years of P.N.C. rule, we do not know what local authorities are going to amalgamate, what are going to be fused, and it is not quite clear whether all the elections will be held in November – December this year, so sir, this is why I started out by saying, out of a mountain of labour has come about an ant hill of progress. Perhaps retrogression would have been a better word.

Let us take a look at what the Minister says on page 5 of his memorandum.

‘The aim of the reform is the establishment of local government throughout Guyana . . .’

A laudable aim which will win the support of everyone. The next proposal, a single tier of local government which will cover only the coastlands and the riverain areas. The Minister has forgotten that the coastlands and riverain areas form only a part of Guyana. What of the interior settlement? Why are they not given the same treatment as Guyanese on the coast? Why are they not included in the Minister’s plans? Are Orealla and Dadanawa not as important as Mackenzie and New Amsterdam? Are the Amerindians not to be provided for in the same way as villagers and townsmen?



If the Government wants to fulfil its aim, if it wants a comprehensive local government, then the hinterland districts can be included with the coastland districts, otherwise the government is introducing a local coastal-interior separation scheme just as the British had done. One cannot think of development today without thinking of the whole. Now the Government says that the interior must be the basis and virtual backbone of development. Why then does it continue with separation of interior and coastlands which the British for their own reasons started?

As I said, even though Marshall did not go into this question, now that the P.N.C. Government is talking so much about interior development, surely it should involve the people in a comprehensive scheme which will come into being and not keep them as second-class citizens in the interior and have first class for certain areas and second class for other areas. This is how the Government is treating the country. Some will be urban first class, some rural second class, and interior third-class citizens. This is what the Government is virtually not saying but doing and practising.

**6.25 p.m.**

As long ago as 1958 it was said that all the country districts with nominated members would be promoted to village districts with adult suffrage. [Mr. Hoyte: "What you did?"] Listen to the Minister of Home Affairs: What you did! [Mr. Hoyte: "Tell us! What you did?"] What I am saying, and this does not seem to penetrate the thick skull of the hon. Minister, is that once the intention was declared the mechanics of getting the Bill looked into administratively did not take place. [Interruptions] All right! We admit our deficiencies; but what have you done? You have had time, you have had peace, you have had everything. Yet, up to today, we cannot elevate country districts into village districts.

Why is there no pronouncement on the extra-nuclear scheme? Why is there no pronouncement on the raising of the status of the Amerindian districts where the government is

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6.15 – 6.25 p.m.

still treating the people like little children? This is what they have come with! Nothing! This long period of time has been wasted! Local government is worth preserving and developing only if it means that the people of each locality are able to decide for themselves how that locality should be run. This involves, among other things, the right to have a say in the planning and running of their community. This is the real test of any local government: whether it enables people to solve problems for themselves.

We see in the Bill that the hon. Minister still has the power to suspend, to cut down or to chop estimates for certain areas whereas, for other areas, there will not be this power. If the Government does the things which I have suggested which are in keeping with modern practices, then one would say it is fulfilling the purpose which it enunciates; if it is not then the whole scheme will fail and it should be scrapped or altered significantly. The local people should not merely be consulted, they should be encouraged to participate as much as possible in the decision-making process.

My idea of local democracy is of a participating democracy not of a consultative democracy. When the Government is treating the people like children they are not having any participation. Consultative, yes! When it means dictation! *[Interruptions]* The need to retain and to strengthen democratic elements in our local government system should always be the prime consideration when considering any possibility of its reform. If it is to be fully democratic it requires not only to be self-governing in practice but also local in character. The need to keep local government as close to the citizen as possible is essential if it is to be effective and must have the active support and participation of those whom it serves. The larger the size of the local authority, the greater is the danger of the individual citizen feeling that he is unimportant, that his voice is unheard, and that his vote is without influence.

**Mr. Deputy Speaker:** I am sorry but I have to interrupt. The sitting is suspended until 8 o'clock.

*Sitting suspended at 6.31 p.m.*

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8.07 – 8.10 p.m.

8.07 p.m.

*On resumption - -*

**Mr. Deputy Speaker:** When the sitting was suspended at 6.30 p.m., the hon. Leader of the Opposition (Dr. Jagan) was speaking for 17 minutes. He may now continue.

**Dr. Jagan:** Sir, at the Adjournment I was making the point that if local government is to be effective it must command the active support and participation of the public whom it serves. The larger the size of the local authority, the greater is the danger of the individual citizen feeling that he is unimportant, that his voice is unheard, and that his vote is without influence.

There is a balance which must always be sought, a delicate balance between the democratic for smaller units and the economic for larger units. Local government must be able to carry out its various functions efficiently. It must provide services which are modern and adequate and it must, above all, give value for money. We believe that there are very fundamental principles which must apply to local government in this country, principles which would form the basis of the many reforms advocated for its improvement.

Firstly, it should allow for decision making; secondly, it should be local; thirdly, it should be efficient. These criteria are by no means exclusive. The local authority which has the support and interest of citizens is likely to be reasonably efficient. It must be one which has as a basis, a social community possessing a distinguished life and character of its own as likely to be self-governing in a truly democratic way.

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There are two outstanding defects of the present local government situation. First, there is a rigid demarcation between Town and Country – a legacy of British colonialism which drew a distinction between amenities of the modern bourgeois and the lack of amenities for the rural poor. There is a distinction between the facilities of Town life and those of Country life, and in planning a reform; it must be aimed at removing this distinction. The hon. Minister has

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perpetuated this division by proposing two types of local authorities – the Georgetown Town Council, the New Amsterdam Town Council and the Wismar-Christianburg-Mackenzie, and the other districts. He has included areas having clearly rural characteristics – Cummings Lodge, and those with urban characteristics in the rural structure, such areas as Springlands, Morawhanna and Mahaica. He has done this either because he has blindly followed the British way, or he has not given thought to the difference between amenities in town and country.

The problems are housing, lack of industry, and transportation to work. In the citing of amenities, the answer is to select local government units geographically in which these authorities have a focal point. Boundaries should be drawn at the water shed.

If this principle is applied then the distinction between town and country, by giving equal municipal status, a number of regions in the country will be created.

Sir, we all know that this is rooted in the whole conception of local government. There is this drift from rural to urban not only in countries such as Guyana, but throughout the whole of Latin America and in many parts of the western world. Quite recently, I have read an article originating in Canada. Decentralization takes place in countries like Soviet Union as distinct from places like Canada and the United States. I think that the whole of the Government's policy is to encourage people to move into the rural areas, into the Interior, and to do so, we must not only have to provide the amenities which people get accustomed to in urban life but we must plan for industry and many other things which will keep people in an economic sense, in those areas. There must be cinemas, proper hospital facilities and so on. We are not going to get people to go into these areas if there are not proper facilities.

I recall a particular experience when I went to Israel. It showed that the early planners of the Black Bush Scheme had not thought about this matter sufficiently. I see my hon. Friend is pointing in our direction as if we are to be blamed for everything. The fact of the matter is that I refer to Black Bush - - *[Interruption by an hon. Member.]* Perhaps the hon. Member is young

and inexperienced so it is a bit difficult to get him to understand what is happening in the world. The Black Bush Scheme is one of those schemes that - -

**Mr. Deputy Speaker:** You are getting help.

**Dr. Jagan:** Yes sir, but I am trying to enlighten him. It was during the interim Government that an expert was brought from the Cezeira scheme and he was one who laid out the place into four villages, each one self-contained. I think it was in 1960 or 1961 when I went to Israel I saw where they plan a new settlement area virtually in the desert. But the difference there was that these involved about one hundred villages, several little villages, each village having not more than one hundred families and all being like spokes of a wheel. They centred at one point which became an urban centre where the people came during the weekends and were provided with all the amenities of modern city life: cinema shows, big stores, community centres, hospitals and so on. This must be the thinking in our planning, and also in what we are thinking in terms of local government. Unless we do that, we are not going to get very far, and I do not see that this conception has been incorporated in this planning, or in the new reform in local government. The solution which I am suggesting as the merit of remedying the second outstanding defect of the present structure the existence of a number of small authorities. There are seventy-seven village councils and twenty-four country districts – all are suffering from the crippling disadvantage of small-scale budgets. The form of structure recommended should be large enough to be viable units.

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And now to come to the financial aspect of the Government's proposals. It is clear that a recasting of the structure of local government, together with some additional minor functions, would be incomplete measures of reform without corresponding overhaul of the finances of local government. But virtually nothing new has been proposed by the government. This is sad, and acutely disappointing, especially since we know that the Minister himself has been associated with local government for some time. Unfortunately not a single new proposal for improving the

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revenues of local authorities has been proposed. The same old formula of giving grants and, in this case, no specific formula. Government is merely continuing in the old tradition of the British colonialists. One would have expected something new at this stage.

The Minister talks about local authorities borrowing when the poor councils can hardly raise sufficient to cover the prevailing high interest rates. He talks like the old British colonialists about revaluation of properties and, of course, about audit and surcharges. We see that there is some confusion of thought on the question of capital value and rental value in respect of rating.

What is more fundamental – and the minister has not tackled this – is the drop in the collection of rates all over the country. In 1958, the percentage of rates collected was about 82 per cent. In 1968 it had fallen to 55.8 per cent. What is the cause of this? What we want is not only to say that the Ministry will give handouts here and there. What will be the new functions of these local authorities? Will they be viable units? What will they undertake? What will they do so that their finances can be enhanced? Local authorities cannot sit and debate and look after small things. In big countries they take over big functions, money functions.

What are the local authorities going to run? Industries? The Government itself is not running industries. Are they going to do what the Government is doing, that is, giving tax incentives and other incentives? If that is what is meant I do not see this is going to enhance the finances of the local authorities to any large degree.

What about the question of rating industrial enterprises? [Mr. Aaron: “That has been done.”] It has been done in the old traditional way, as I said before, by granting allowances and deciding which one to subsidise and how much. There is nothing new in this. This is proceeding in the old colonial manner.

We know that today the people in this country can hardly buy enough food and clothing and school books for their children. Where are they going to find money to pay rates? What has the Government to offer to ease their financial burden? The Government may say that it will grant/aid certain services, but there is no formula based on equity and need to determine the allocation of grants. No formula at all has been presented to this House. Of course, we are going to hear the formula afterwards. That is why we now have a mess with the national insurance scheme. As one newspaper put it: the people in charge are now going to Barbados to see how the scheme is run. The members of the Government are making a laughing stock of themselves before the Guyana people and the world. Let us know how they intend to do this. If they have not thought it out we will give them some more time to think it out and come back. [Laughter.]

The only formula that this Government knows is jobs for the boys, grants for those local councils which can play the Minister's tune, subjugation at the Minister's discretion and, for the local authorities, loss of dignity and freedom, loss of local autonomy because of Government grants. This is not how we are going to develop self-respect. This is not how we are going to develop initiative. This kind of corruption, I submit, is not going to get us what we want, that is, genuine community development, genuine self-help, genuine participation and involvement of the people. The Government is not going to get it unless it is going to work on a fair and square basis, unless it is going to work on a basis of equity so that everybody can see that it is dealing fairly and squarely with all.

We would urge the Government to set up, at once, a Local Government Capital Fund. This is what the P.P.P. said in 1958 in its White Paper. There should be a central monetary pool from which local governments could draw capital. This will give them a real chance of playing a vital role in development from below, and a real chance of initiating schemes to improve their community life and to check the rising migration of the young people to town slums, which we see getting bigger and bigger.

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A Local Government Capital fund has several advantages. First, there is the assurance that the fund will be available for the most necessary capital work. Secondly, it would encourage local capital planning. Thirdly, it would allow lower-cost borrowing for local government authorities. Expansion would be keyed to necessity rather than accessibility to debenture markets. The funds are made available at low interest cost, below market rates. This will lower capital costs for Local Governments and will mean greater provision of services per dollar for capital spending.

If the P.N.C. Government is sincere about having the maximum participation of citizens in the actual process and work of governmental agencies, if it is really desirous of getting people involved in local and national development, let it turn away from the Anglo-American model and look towards the Soviet model, let it look towards Yugoslavia and Tanzania, let it look at the exciting and fruitful experiments in socialist planning for the economic and social development of the community as a whole.

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The scope of local government is much broader in those countries than in France, England and the United States. The scope of local powers is enlarged in these countries and the enlargement is seen especially in the decentralisation of control over industries and agriculture. Local government reform offers us an opportunity to break away from traditional colonialism and to make radical changes in the set-up which we have inherited from the colonialists. This is why we criticise the Government because after this long period of meditation, of getting more and more advice from experts, nothing new has come out, nothing fundamental has come out from the Government in this sphere of local government.

The Government says that it is putting emphasis on community development, self-help. If this is to be meaningful, if you want to achieve the results anticipated, in other words, if you want to raise the national income at the grass root level by way of co-operatives – you say you want co-operatives – then the people have to be involved in a very meaningful way and there



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should be implementation of the Marshall Plan at a much more rapid pace than is done now in 1969. [**The Prime Minister:** “Burnham.”] Burnham here is colonialism. You have not changed anything; you have a hotchpotch. [**Dr. Reid:** “Do not shout.”] I am not shouting, my lungs are very strong.

They are not implementing Marshall, they are not implementing colonialism, they are implementing Burnham. What is Burnham here? Burnham here is a combination of Marshall for the municipal areas and colonialism for the rural areas – British “massa”. That is what Burnham is in this Bill.

What originality have you brought in here after five years? What is original here? There is nothing new in form, content, or structure. One would have thought, now that you are sending your Ambassadors globe-trotting – you say you are non-aligned – that you would have gone to Tanzania, Yugoslavia. You now have diplomatic representation in Yugoslavia. [**An hon. Member (Government):** “Continue reading, Cheddi.”]

**Mr. Deputy Speaker:** Order!

**Dr. Jagan:** You fellows neither want me to read nor to speak.

**Mr. Deputy Speaker:** Do not worry with them; let us get on.

**Dr. Jagan:** Well you had better keep these boys quiet. I would not do as they do traditionally, continue to read from notes, but I should like to say very seriously that the country deserves better today. It is no use saying what we have done. All right, we admit that in our time we did not bring forward local government elections – [**The Prime Minister:** “Tell us why?”] – but what we are saying is that the P.P.P.’s position was set out in the White Paper which was introduced. [**The Prime Minister:** “Which White Paper?”]

The plan was to implement the larger units and perhaps by now the whole country would have had a modern system of local government. Why hasn't the Minister told us why the government has rejected the proposals which were gone into very fully? [**The Prime Minister:** "When?"] Has the Government rejected them? If it has not, when is it going to bring in the larger rural areas? [**The Prime Minister:** "Why didn't you bring them in?"]

We are told that the Government supports the single tier system. Well the single tier system. Well the single tier system has great disadvantages in relation to these small village units, because they cannot operate and run efficiently. If you want to continue these small units, let us have a two tier system for those areas.

[**An hon. Member (Government):** "Colonial mentality."] This is not colonial mentality. This is using brains in a particular situation. If you are making larger units for the urban areas and you say that the single tier system is the best for this, very well, we support you, but if in the meantime you intend to hold on to the small units, then let us know how long you intend to do so. If it is going to be a very long drawn out affair, perhaps in the meantime you should work out a formula for a two tier system for those areas so that you could have more efficiency. But as I said, nothing has come out.

I hope that when the Minister replies, or when some of his colleagues reply, they would answer some of these points so that when other Members on this side speak, they would be able to bring forward other arguments. I hope the Minister will not wait until the very last to reply to these points when we will not be able to make any points. I hope the Prime Minister himself will give us - - [**The Prime Minister:** "No, I am not speaking, I have a competent Minister."] He has displayed his ignorance in this matter, so please come forward and let us know what you have done.

**The Parliamentary Secretary to the Ministry of Finance (Mr. Joaquin):** Dealing with local government reform I should like, first of all, to refute the statement made here by the

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Leader of the Opposition that the P.N.C. always looks to its imperial masters for whatever by-laws or Ordinances are brought before this House. But let me ask him if he did not look to imperial masters when he brought down Dr. Hill, Mr. Waddell and Mr. Corney in 1957. If we look at page 1 of the memorandum on local government reform submitted by the Government, we will see that nothing was done about the recommendations made by Dr. Marshall, until 1960 when this matter was deferred.

The Leader of the Opposition mentioned tonight that the P.N.C. did nothing with regard to local government reform. I should like to ask him what his Government did during the seven years it was in office. It did nothing whatsoever.

With regard to the statement that there are no country districts elevated to village districts, I want to tell him that that is a stranger to the truth because there were several country districts which were elevated to village districts.

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In the report submitted by Dr. Marshall in 1955, he referred to a single tier system which he recommended for Greater Georgetown and the new municipal areas were to be set up according to the recommendations of Mr. Costello, the Town Planner. It is proposed that the Green Belt should be put within the boundaries of the area. When the Leader of the Opposition was in the Government, why did he not do what he suggested here tonight, extend the boundaries of Georgetown to Beterverwagting? *[Interruption]*

The Leader of the Opposition also stated that it was proposed that the first election should take place in 1959, the next one in June, 1961, and in June every other year. It is strange that he went out of office after seven years and he never implemented any of the recommendations of Dr. Marshall.

The Leader of the Opposition made the statement here that he did not see provision to include Amerindians in the local government reform. If he should read page 11 of the Memorandum he would see the recommendations made by the Government. All the areas in the hinterland will be administered for the time being by the Ministry responsible for the interior and that Ministry will look after the Amerindians, so it is untrue to say that nothing has been done.

The Leader of the Opposition went further to say that Government has not put any plan in the local government reform to make provision for better amenities. Probably, he has not had the time to do some home work because if he should look at page 585, clause 301, he would see:

- “(4) to establish, erect, equip, maintain and carry on hostels for accommodating and caring for young and aged persons;
- (5) to establish, equip, maintain and control either by itself or jointly with any other authority or association, social and community development centres for the inhabitants of the City or the Town and to make grants of money towards the establishment, equipment and maintenance of such centres in the City or the Town and to any organization or association established for the advancement of religion, education and social welfare;
- (6) to establish, erect, maintain and carry on or assist institutions, day nurseries and clinics for the care and welfare of infants, and to make provision for suitable instruction being imparted to expectant mothers and to the mothers of infants;
- (7) (a) to establish, maintain and control recreation and sports grounds (including swimming pools), theatres and promenade gardens, in parks, open spaces and on any other land vested in the council;

- (b) to establish, maintain and control in connection with recreation and sports grounds and theatres such buildings or conveniences of any nature and for such purposes as the council may consider to be necessary or convenient;
- (c) to set aside any portion of any recreation or sports ground for the purpose of any particular game or recreation; and to exclude the public from the portion so set apart;
- (d) to establish, maintain and control refreshment rooms, cafes and restaurants in or adjacent to recreation or sports ground or theatre;
- (d) to let any recreation or sports ground or theatre or building or apparatus established or provided in connection therewith to any person or club or other body of persons;”

This shows clearly that the Government did make a plan to provide social amenities for the various areas. At subclause (13) of the same clause, it is stated:

“(13) subject to the provisions of the Education Ordinance and the Public Health Ordinance to establish, erect, equip, maintain and manage schools and educational institutions, libraries, museums, art galleries and botanical and zoological gardens and to make grants of money towards their establishment and maintenance, and in the case of the City Council to the Public Free Library;”.

This is very important.

“(14) to grant scholarships to any school or educational institution within the city or the Town to make grants of money to any scholarship fund established by any other authority or association, and to provide bursaries to assist persons resident in the City or the Town in educating and maintaining their children at any school within or without the City or the Town;”.

All the facilities required for local government reform are listed right down to page 588 and then at clause 302 the powers of the district councils are set out. The clause states:

“A district council shall have power to do such of the things set forth in section 301 as it may be authorised by the constitution order of its district to do; and references in section 301 to the City Council and the Town Council shall be construed as references to the district council, references to the City and the town as references to the district and references to the Town Clerk as references to the chief executive officer.”

Clause 303 concerns by-laws and it states in part:

- (a) for regulating any of the things which the council is empowered to do, establish, maintain, carry on, control, manage or regulate and for prescribing fees and charges and licences and permits, (including the conditions thereof) in respect of any such things;
- (b) for protecting from damage or interference any council road, works or property of the council situated or being in, under or over any public place or other place within the council area.”

Now I am quite satisfied that provision has been made in the Bill for social amenities under local government reform and all the local authorities will be the necessary given powers.

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And, finally, what the government has decided to do is to provide a better way of life for the entire area under local government reform and that is the greater good for the greater number.

*[Applause]*

**Mr. Deputy Speaker:** The hon. Member Mr. Harry Lall.

**Mr. Lall:** Your Honour, firstly I must commend the hon. Minister for the lengthy speech which he has given us in the Second Reading of this Bill, a Bill which was drafted from proposals made by the P.P.P. – *[Laughter]* – when the – *[Interruptions]*

**Mr. Deputy Speaker:** Order! Allow the hon. Member to speak! If hon. Members continue to interrupt speakers as they have been doing, I shall have to use powers under the Standing Orders. I prefer that we carry on this dialogue in such a manner as to allow the recorders to hear exactly what is said. When the hon. Member Mr. Joaquin was on his feet I could see the recorders in great difficulty to hear him. It is very difficult in this House to hear hon. Members so, while I will allow a certain amount of cross talk, if necessary, to keep things alive, I hope that hon. Members will restrain themselves and not allow us to degenerate in this House.

**Mr. Lall:** Thank you, Your Honour. I was saying that the Bill included some of the proposals made by the P.P.P. when they were in office before the party's power was taken away and when the Governor, the colonial Governor, had veto powers to veto any legislation that was proposed by that party.

Now, the hon. Minister, in his remarks, said that his government was approaching local government reform with an open mind. He also said that we should have meaningful reforms. He went on to say that one should not be a copyist of the British system – **[Dr. Reid:** “Which system must we copy?”] Here I would like to mention to the hon. Minister that, included in the very Bill, there are some of the recommendations made by Dr. Marshall which, in the process of my speech, I will prove to him.

I agree that we cannot copy everything that the British do; we cannot copy everything that the Americans do; neither can we copy what the Tanzanians do – **[Dr. Reid:** “What about the Russians?”] – but what we should do – *[Interruptions]* – Your Honour, please speak to them again. But what we should do is this: we should accept the good things recommended by the

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British, the Americans or the Tanzanians. [Dr. Reid: “Or? Or?”] The hon. Minister indicated that reforms must be bold, must be far-reaching. What could we understand by this? When one is embarking on reforms, one cannot do so half-heartedly; one must be bold.

We are an independent nation; we will soon get rid of the Crown; we will be a republic country. We should try to show our responsibility as a future republic country. I am submitting that, in making the reforms, the Government should have accepted and introduced reform that will be to the utmost benefit of the people of the areas concerned. [Mr. Ramsaroop: “Examples!”] You will get them easily.

The hon. Minister also indicated in his remarks that the electoral system will be P.R. My terminology for “P.R.” is “Political Rascality”. We have observed at the last national elections – you know, Your Honour, as you were in the district where I was, that there was a man who died in that area nine months ago, yet the man’s fingerprints appeared on an identification card and the man voted. [Interruptions] That was nine months ago. At No. 3 Settlement there were 56 names - - Pulmattie, Parbattie, Basmattie, *et cetera*.

These were some of the people who did not exist in that area; and proxies were appointed to vote for these people. When I approached the proxies they said that they did not know these people at all. [Dr. Reid: “And you allowed them to vote?”] These people ought to be gaoled. This is why I said that P.R. is a fraudulent system; I will term it “*political rascality*”.

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Your Honour, we welcome reforms; everybody welcomes reforms, but we welcome progressive reforms. This Government lacks foresight and it can be seen by its actions. If one takes a look at Sessional Paper No. 5 of 1958, one will observe that some of the proposals by Dr. Marshall are accepted by this Government but the progressive proposals are rejected. Now, one would wonder why is it the Government rejected the progressive proposals. Why? It is because it is protecting the big businesses like Bookers. [Interruption] If my remarks are harsh, I beg



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your pardon, but it is our duty as the Opposition, to show the Government its weaknesses. This Government is only taxing the poor people and not the people who are milking the wealth of the country and taking it out of the country.

With your permission, sir, I should like to refer to some of the recommendations by Dr. Marshall. He said that there should be established in this country, a single tier system of local government. And he gave his reasons for saying so. He said that the whole of the coastland, including unorganised areas and sugar estates, should be parcelled out into not more than eighteen local authorities to be called rural districts. The Wismar-Christianburg-Mackenzie area should be one local authority and that Bartica and Morawhanna should retain their status as separate local authorities. These recommendations were made public in August, 1955. A number of experts were brought to this country to peruse the plan. Therefore, the P.P.P. Government did not have the full jurisdiction to put the plan into operation, (i) because it was working under adverse conditions, and (ii) because the Queen's representative had the veto power. My hon. Friend the Prime Minister knows about this because, at the time, he was Minister of Education, and he was embarking on a progressive plan for the educational system of this country. But what happened? He was kicked out of office along with his colleagues. [**Mr. Hoyte:** "That is old-time story."] He wanted a better educational system because he was working with a progressive party, but our colonial masters did not want progressive leaders then, so they kicked them out and tried to get a division.

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When the question is asked: Why did the P.P.P. not implement the plan during its regime? The answer is that the P.P.P. was in an adverse situation – [*Laughter*] – since the P.P.P. was working under a colonial regime and the Queen's representative had a veto power. I shall continue to read:

**“The Rural District Councils should consist of not more than twenty-four members.”**

Before I proceed I want to make a point on the Memorandum. The first recommendation was that there should be a single tier system on:

“the whole of the coastlands and riverain areas; this will include unorganised areas and sugar estates.”

These should have eighteen authorities. I want to suggest that this should be included in the Bill. We should have had the legislation enacted and Government would have proceeded by degrees in introducing eighteen district councils, but what the Government has in this Bill is ambiguous. Let me read this section from the last paragraph on page 6 of the Memorandum:

“It is proposed that municipal and district councils will consist of councillors, which in the case of Georgetown will comprise not less than 25 and not more than 30 . . .”

This is ambiguous. It goes on:

“and in the case of New Amsterdam, will comprise not less than 12 and nor more than 15.”

The councils will be of varying sizes ranging between nine and eighteen.

If a nation is thinking progressively, if a nation is deciding to throw the Crown aside and to become a Republic, why should the nation think of appointing nine councillors when Dr. Marshall recommended twenty-four councillors for district councils? Let us go about it now.

I am asking the Government to have legislation enacted so as to have demarcated the eighteen district councils recommended by Dr. Marshall. I quote again: \*

“The Rural District Councils should consist of not more than twenty-four members, some being nominated for the first term of the new council. Afterwards they would be wholly elected.”

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I am just showing what the “progressive” boys are doing. They did not expect this. [Mr. Bancroft: “Not nominated, but elected.”] Although the P.P.P. Government had limited powers it disagreed with the Marshall proposal to have nominated members and it said:

“each local authority should be administered by a council consisting of elected members only.”

I do not wish to go further. Dr. Marshall recommended twenty-four. [Mr. John: “Nor more than twenty-four.”] The recommendation was that six should be nominated. I am submitting that if the Government wants to add more responsibility to the people in the country areas, then it should give them more power.

Dr. Marshall also recommended:

“the Chairman and Deputy Chairman should be elected by the Council from among their members. Travelling expenses and an allowance for each day upon which a member attends should be paid.”

Now, what is recommended for the city council? A remuneration for councillors and they will get travelling and subsistence too. But it was the Prime Minister who said: “**What is sauce for the goose should also be sauce for the gander**”, so if you are going to give remuneration to the city councillors what will happen in the case of New Amsterdam? [Mr. John: “‘Council’ means City Council and Town Council.”] All right, give them remuneration for the day’s sitting, but you did not state that. [Mr. John: “It is provided.”]

Many of the proposals have been accepted by the Government and the question I am asking is this: Why did the Government not accept the proposal to have eighteen district councils?

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Mr. Deputy Speaker: Time!

**Mr. Chandisingh:** I beg to move that the hon. Member be given an extension of 15 minutes to continue his speech.

**Mr. M. Y. Ally seconded.**

**Question put, and agreed to.**

**Mr. Lall:** This Sessional Paper is related to the Bill because, as I said before, many of the recommendations by Dr. Marshall and the proposals by the P.P.P. and the Governor in Council were accepted by this Government. I should like to refer to another recommendation:

“The duties of each local authority should be determined in its scheme and would probably include in due course agency duties for the Central Government.

In addition to taking over the work of existing authorities, local authorities should have placed upon them far reaching responsibility for social welfare work and some duties relating to agricultural education.”

Now this was the proposal of the Governor in Council:

“In Appendix III to the Report the proposed duties of local authorities are set out. These are accepted in principle with the exception of the power to collect licences the granting of which will be deferred until the Central Government is in a position to work out all the details.

The range of duties imposed on local authorities at the start will of necessity be limited. Expansion will naturally take place in the course of time.”

This was accepted by the Government. If the recommendation as well as the proposal was accepted by the Government, why didn't the Government accept the recommendation to make the country into 18 district councils? That is my point. I am saying that it would be undemocratic to give the Minister jurisdiction to have a town established, to have a district council established, and I am suggesting, in the interest of democracy, that the whole of clause 33 should be deleted because it gives the Minister overriding power.

The Minister might want to suggest that under subclause 6 or 7 of clause 33 the Government could make an order, bring it before the House, leave it here for thirty days, and the House could either reject or accept it. But we know what can happen. The order comes to the House, you dress it up, we do not have time to discuss it, and it is passed.

I am suggesting that, since this country is not as yet solely governed by dictatorship – there is still some vestige of democracy – the whole of clause 33 should be deleted.

[**The Prime Minister:** “Amen.”] Not “amen” yet.

**Mr. Deputy Speaker:** You still have some more time.

Mr. Lall: I am objecting to the Government not mentioning the district councils in the bill because, as members of the Opposition, there is some doubt lingering in our minds as to whether the Government will give fairplay. We have all right to feel this way because of past experience, and since we believe in democracy, since we have a Constitution which governs this country, I should like to refer to it to support my argument. I quote from page 35, article 15(1)

“(b) no persons shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.”

Subsection (2) of article 15 states:

“(2) In this article, the expression ‘discriminatory’ means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not afforded to persons of another such description.”

Now, sir, I do not want to deal with the racial problems of apartheid. I want to deal with the political problems of apartheid. The Constitution clearly stated that a person in power should not discriminate. I ask you to go to the Rice Marketing Board. Let us examine the personnel of the Rice Marketing Board. Not a member of the P.P.P. is appointed there. I am not talking about the U.F. They will speak for themselves.

**Mr. John:** To a point of order. The statement of the hon. Member is not relevant to the discussion

**Mr. Deputy Speaker:** Your point is taken. I could not understand. Hon. Member, please restrict yourself. I would not like you to continue on that point.

**Mr. Lall:** Although it is written in the Constitution, it is not shown by practice and I do not mean to be critical of the Government but I am speaking today in an advisory capacity. I am asking the government to adhere to the Constitution which it had to prepare and, Your Honour, if this is done then all of us will help to build a healthy Guyana and a progressive Guyana for all.  
*[Applause]*

**Mr. Deputy Speaker:** Does any other hon. Member wish to speak?

**Mr. R. Ally:** Mr. Speaker, we were told that this Bill provides for the sugar estates to come under the local authorities but there is nothing here about the sugar estates. What is the real intention? According to Dr. Marshall, he mentioned that only part of the sugar estates should come under the local authorities but this Bill simply tells us that the sugar estates will come under local government and form part of a local authority. Dr. Marshall exempted the whole of the cultivation area and only the residential area fell under local government but this Government has not told us what part of the sugar estate or whether it would be the entire sugar estate that would come under local government.

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According to this Bill, the rating system in the municipal area will be done on a rental basis but it will not be so in the district areas, for instance, the local authorities outside of the town. Dr. Marshall in his report said that when valuing properties, buildings, etc., under his plan the sugar factory, just the more shell of the factory and not the engines, elevators and so forth, would be valued because the other things would be regarded as tools but I do not know what the minister really means when he talks of over-all assets but not sugar factories.

In the town areas, the value is to be worked out by square feet but in the country districts we find that the building as it stands is valued. It may be a small building but it may be valued at more than a big one because the value is there. I think this is something we should get cleared up. We know what the present Government gives. It is all out to help the big boys in this country and we know that at the time of valuation we will find that there will be something different altogether from what we had expected.

According to this Bill, the Minister concerned will have powers to disqualify Councils when he feels that they are not working in the best interest of the local authority. Perhaps a local authority might be working in the best interest of the people of the area and not in the best interest of the Minister and that might be the reason for the Minister disqualifying the local authority. If there is no dissatisfaction, but the Minister feels to himself that he should disqualify the local authority, there should be a referendum among the people and not just the word of the Minister.

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I feel that when we have a referendum, if the people there vote in favour of the local authority, the councillors should remain in office. The hon. Minister should then bear half of the expense and the central government the other half of the expense. If the vote is against the councillors, then the councillors should bear half of the expense and the local authority also half of the expense. *[Interruption.]* **[The Prime Minister:** “You do not worry with them. Speak

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on!”] It may sound like a nancy story - - [The Prime Minister: “No, it does not sound like nonsense.”]

I have noticed something here – for a man who is good, a great man, a man with character, a truthful man, a man who has lived in the light of truth, a man who is honest, living a respectable life, a man like the hon. Dr. Cheddi Jagan, the behaviour of hon. Members on the other side of the House proved to us that - - [Interruptions] - - at all. I would like to say that the hon. Minister of Local Government has too much power according to this Bill and I think that when we are going through it Clause after Clause we will, I think, ask for some sort of amendment. I only hope that the hon. Members on the Government side will look after the interests of the people of this country and not their own. [Applause]

**Mr. Y. Ally:** Mr. Speaker, we are here discussing a Bill for better provisions for local government. Mr. Speaker, when we look at the memorandum, on page 5 we read the philosophy of reform. With your permission, sir, I should like to quote:

“The aim of the reform is the establishment of local government throughout Guyana and the making of it all embracing and an important concomitant of the democratic way of life. Moreover, the need for creating a greater involvement of the populace in local government is considered an urgent prerequisite to meaningful reform and this is underscored in the programme now proposed by the Government. In the course of this memorandum, attention will be directed to the attitude of Government to the several aspects of local government more fully set out under the heads that follow.”

These are very good words with very high-sounding meanings, but, when we do reflect the past attitude of the Government, we are a bit doubtful. If we go a little further on page 9 we find Local Government Service commission. I would like to make some comment on this also.

“It is proposed that there shall be a Local Government Service Commission for which provision will be made in the Municipal and District Councils Act and the main functions of the Commission will be to revise salary scales applicable to all local authorities to make with the consent of the Minister responsible for Local Government regulations prescribing conditions of service, discipline, qualification, and methods of recruiting staff



to fill vacancies and to enforce discipline. Opportunity will at the same time be taken to improve the scheme of pensions for local government officers.”

Again, very good words.

But we have seen the fraud and corruption with similar bodies, bodies controlled by the P.N.C. This is a glaring fact. Today, if there is no P.N.C. card, there is no job. The whole country knows this. No P.N.C. card, no job! *[Interruptions]* When we do embark on these “impartial” bodies --- *[Interruptions]* - when we consider these bodies, they are open to suspicion and it leaves one to wonder what is the ulterior motive behind such flowing terms.

We notice again, under Finance, that the statement where that will be helped to show – *[Interruptions]* – co-operative self-help and community effort. Further we find that evaluation in Georgetown and New Amsterdam will be assessed by the rental value. What about the Wismar/Mackenzie area as the third area which it is hoped will be reformed. I would like to know why this Government is soft-peddling on certain pet areas. The taxation with regard to political arrangement – where do we get any money from to run social reform?

We come back to administration. It is said here on page 11 under administration:

“As regards the sugar estates these will be brought under local government with every possible speed.”

I would like to know since when have the democratic rights of sugar workers been regarded, since when should this be rushed with speed to give them better reforms? The policy should not only be big talk. The policy should be word, deed and action. It makes a farce of the co-operative republic. If this government were sincere, and let us be honest, in making radical reforms then why not reduce the voting age to eighteen years? This is a challenge to the Government! They want to make reforms, but let us show that the idea is to involve everyone. Hon. Ministers, present a case for reforms! This is more loose talk! When one compares

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conditions in socialist countries with their system of management, it makes this whole kind of big talk which this Government is trying to fool people with a mockery.

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In progressive countries there is consultative democracy from the top right down to the bottom. In these countries there are reforms in the field of education; they are in charge of children from kindergarten age to University. This is where the Government must try to help our people, but this is absent in the case of this Government. Mr. Speaker, we find that, in progressive countries, education is free.

I had the opportunity of seeing the Berlin Wall. *[Laughter]* The rumours that people are starving and are getting away to seek better conditions are not true. **[The Prime Minister:** “Tell us why it is there.”] The wall was built about eight or nine years ago. **The Prime Minister:** “Why?”] It was built because all students receive free education but some in turn leave the country where they get the benefit to go over as opportunists. *[Interruption]* When they have worked for bigger salaries and want to have a ‘biggety’ life, they come back and buy cheaper food from the other side. This is why the wall has been built. *[Interruption by the hon. Prime Minister.]*

Mr. Speaker, it should be the ambition of every progressive country to see that there is enough food. Things are becoming tougher and tougher every day; and this Government is putting more pressure on the Guyanese people. Reforms should not be in one or two directions only; they should be in every aspect of the Guyanese life. There should be adequate employment and reasonable transportation for all, not only for the rich. We should also see a programme to cater for the masses of our country. There is a lot of unemployment in this country. In this country the present policy is the rich is getting richer and the poor is getting poorer. We should make plans for social security. What is the social security policy of this Government? There is a kind of system proposed called the National Insurance Scheme. **[Mr. Hoyte:** “What are you really talking on?”] This is just eyewash when compared with what obtains in progressive

countries. When people reach the age of 55 years – [**The Prime Minister:** “Like which countries? If you only call the name.”] we find that in progressive countries when a person reaches the age of 55 years he is entitled to a flat pension. If he keeps on working he receives half of that pension and his full salary. If this Government can only make reforms where similar conditions can be obtained, the masses of this country will be happy. With respect to working conditions in progressive countries, there is a 44-hour work week. There is no indication as to whether the working hours of this country will be reduced.

The Government speaks about religious freedoms. I should like to see real religious freedom. I do not want to see religious stooges.

**Mr. Deputy Speaker:** Very well, sir. [**Hon. Members (Government):** “Apologise.”] I am sorry, sir. For any reform to be effected properly it must be able to make a contribution, however small, to the central government. This is the only way reforms can be successful. This is the only way that this country can achieve our aspiration of One People, One nation, One Destiny. But what do we find? There is unemployment in this country. [**Mr. Ram Karran:** “Rascality too.”] My colleague (Mr. Lall) said a while ago that P.R. means “political rascality.” We find discrimination, jobs for the boys. [*Interruption by an hon. Member.*] Jobs and positions are found for certain people only. Proportional representation was thought to be the ideal thing to weld the people of this country but we have seen that P.R. only sharpened the division. We have seen that P.R. is making mockery of our situation. Local government reform calls for involvement at the local level and at all other levels. If this is absent, and if people cannot derive any benefits, we would just be wasting time.

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The term “Co-operative Republic” would then be more meaningful.

The Government should find ways and means to get all persons involved so that we can truly –

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**Mr. Deputy Speaker** *rose* –

**Mr. John:** The hon. Member seems to be near the end of his speech. May we continue, sir?

**Mr. Deputy Speaker:** I wonder if the hon. Member would so indicate.

Mr. Ally: The members of the government should take advice. They cannot always be right. We are not telling them to accept everything that we say, but to take advice. They would save themselves a lot of embarrassment. On our streets today we see that thousands of dollars have been wasted with traffic lights. Had they taken our advice a better job would have been done. We would have found employment for several people. Policemen could have been employed to direct traffic. But, what has happened? We had to buy a lot of old junk and today the equipment is of no use to anybody.

I ask the members of this Government to take some advice and let us try to achieve our aspiration of one people, one nation, one destiny.

### ADJOURNMENT

**Resolved,** “That this Assembly do now adjourn until Tuesday, 14<sup>th</sup> October, 1969, at 2 p.m.” – [Mr. John.]

*Adjourned accordingly at 10.02 p.m.*

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