

**THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT
[Volume 7]
PROCEEDINGS AND DEBATES OF THE FIRST SESSION OF THE NATIONAL
ASSEMBLY OF THE THIRD PARLIAMENT OF GUYANA UNDER THE
CONSITUTION OF GUYANA**

159th Sitting

2 p.m.

Monday, 22nd May, 1978

MEMBERS OF THE NATIONAL ASSEMBLY (66)

Speaker

Cde.Sase Narain, O.R., J.P., Speaker

Members of the Government – People’s National Congress (49)

Prime Minister (1)

Cde. L.F.S. Burnham, O.E., S.C., **(Absent)**
Prime Minister

Deputy Prime Minister (1)

Cde. P.A, Reid,
Deputy Prime Minister and Minister of National Development

Senior Ministers (8)

Cde.H.D. Hoyte, S.C., **(Absent – on leave)**
Minister of Economic Development and Co-operatives

* Cde. H. Greene, **(Absent – on leave)**
Minister of Co-operatives and National Mobilisation

* Cde. H.O. Jack, **(Absent – on leave)**
Minister of Energy and Natural Resources

***Non-elected Minister**

* F.E. Hope,
Minister of Finance

* Cde. S.S. Naraine, A.A.,
Minister of Works and Housing

* Cde. G.A. King,
Minister of Trade and Consumer Protection

* Cde. G.B. Kennard, C.C.H.,
Minister of Agriculture (Absent)

* Cde. M.Shahabuddeen, C.C.H., S.C.,
Attorney General and Minister of Justice (Absent)

Ministers (5)

Cde. S.M. Field-Ridley,
Minister of Information and Culture (Absent)

Cde. B. Ramsaroop,
Minister of Parliamentary Affairs and Leader of the House

* Cde. C.V. Mingo,
Minister of Home Affairs (Absent – on leave)

Cde. V.R. Teekah,
Minister of Education, Social Development and Culture (Absent – on leave)

*Cde. R.E. Jackson,
Minister of Foreign Affairs (Absent – on leave)

Ministers of State (9)

Cde. O.E. Clarke,
Minister of State – Regional (East Berbice/Corentyne) (Absent – on leave)

Cde. P. Duncan, J.P.,
Minister of State, Ministry of Economic
Development and Co-operatives

Cde. C.A. Nascimento,
Minister of State,
Office of the Prime Minister (Absent – on leave)

***Non-elected Minister**

Cde. K.B. Bancroft, J.P.
Minister of State - Regional
(Mazaruni/Potaro)

(Absent)

Cde. J.P. Chowritmootoo, J.P.,
Minister of State – Regional
(Essequibo Coast/West Demerara)

(Absent)

Cde. J.R. Thomas,
Minister of State, Ministry of Health,
Housing and Labour

Cde. R.H.O. Corbin,
Minister of State, Ministry of National Development

(Absent – on leave)

* Cde. A. Salim,
Minister of State – Regional
(East Demerara/West Coast Berbice)

(Absent)

* Cde. F.U.A. Carmichael,
Minister of State – Regional (North West)

(Absent)

Parliamentary Secretaries (4)

Cde. M.M. Ackman, C.C.H.,
Parliamentary Secretary,
Office of the Prime Minister and Government Chief Whip

Cde. E.L. Ambrose,
Parliamentary Secretary,
Ministry of Agriculture

Cde. S. Prashad,
Parliamentary Secretary,
Ministry of Economic Development and Co-operatives

Cde. M. Corrica,
Parliamentary Secretary,
Ministry of Education, Social Development and Culture

Other Members (21)

Cde. E.M. Bynoe
Cde. W.G. Carrington

(Absent – on leave)

***Non-elected Ministers**

Cde. L.A. Durnat	
Cde. E.H.A. Fowler	
Cde. J. Gill	
Cde. W. Hussain	
Cde. S. Jaiserrisingh	(Absent)
Cde. K.M.E. Jonas	(Absent)
Cde. Kasim, A.A.	
Cde. M. Nissar	
Cde. L.E. Ramsahoye	(Absent)
Cde. J.G. Ramson	
Cde. P.A. Rayman	
Cde. E.M. Stoby, J.P.	(Absent)
Cde. S.H. Sukhu, M.S., J.P.	
Cde. C. Sukul, J.P.	
Cde. H.A. Taylor	
Cde. R.C. Van Sluytman, J.P.	(Absent)
Cde. L.E. Willems	
Cde. C.E. Wrights, J.P.	
Cde. Zaheeruddeen	(Absent)

Members of the Opposition (16)

(i) People’s Progressive Party (14)

Leader of the Opposition (1)

Cde. C. Jagan
 Leader of the Opposition

Deputy Speaker (1)

Cde. Ram Karran
 Deputy Speaker

Other Members (12)

Cde. J. Jagan	
Cde. Reepu Daman Persaud, J.P., Opposition Chief Whip	
Cde. Narbada Persaud	
Cde. C. Collymore	(Absent)
Cde. S.F. Mohamed	
Cde. L. Lalbahadur	
Cde. I. Basir	
Cde. C.C. Belgrave	
Cde. R. Ally	

Cde. Dalchand, J.P.
Cde. Dindayal
Cde. H. Nokta

Liberator Party (2)

Mr. M.F. Singh, Leader of the Opposition
Mr. M.A. Abraham

Officers

Clerk of the National Assembly – F.A. Narine, A.A.

Acting Deputy Clerk of the National Assembly – A. Knight

22.5.78
2.05 p.m.

National Assembly

2.05 -2.10 p.m.

PRAYERS
ANNOUNCEMENTS BY THE SPEAKER

Leave to Members

The Speaker: Leave has been granted to Comrades Hoyte, Green, Jack, Mingo, Teekah, Clarke, Corbin, and Carrington for today's Sitting.

PRESENTATION OF PAPERS AND REPORTS

The following Papers were laid:

“International Labour Convention and Recommendations adopted at the 54th, 56th, 58th, 59th, 60th, 61st and 62nd Sessions of the International Labour Conference, held in Geneva between June, 1970 and June, 1976, together with the Conclusions thereon (State Paper No. 2 of 1978).”

[The Minister of Parliamentary Affairs and Leader of the House on behalf of the Minister of Health, Housing and Labour.]

INTRODUCTION OF BILLS – FIRST READING

The following Bill was introduced and read the First time:

“Tax (Amendment) (No. 2) Bill 1978 – Bill No. 13/1978.”

PUBLIC BUSINESS

BILLS – SECOND AND THIRD READING

WEIGHTS AND MEASURES (AMENDMENT) BILL 1978

A Bill intituled:

“An Act to amend the Weights and Measures Act.”

[The Minister of Finance]

The Minister of Finance (Cde. Hope): Cde. Speaker, in moving the Second Reading of the Weights and Measures (Amendment) Bill 1978, I merely wish to observe first of all that this particular Bill, I expect, will arouse very little, if any, controversy and to explain what I think the House already knows, that the world generally is moving at the level of international trade and activities to the use of the metric system for measuring weights and so on, rather than the imperial system.

The Food and Drugs Regulations came into force on the 1st November, 1977. The Government itself has in principle decided that in due course Guyana will also accept and implement the metric system, therefore, it is not surprising that the Regulations themselves made under the Food and Drugs Act provide for the use of both measures, the imperial system as well as the metric system.

However, the Weights and Measures Act, Chapter 90:14, which itself needs amendment to take account of these changes, will now need to be amended in this particular way, that is, by putting the equivalents in metric terms against the weights and measures listed in imperial terms in the Act. This will be necessary so that it will be legally correct to administer and to implement the Food and Drugs Regulations fully. This obviously is a temporary measure and a more systematic and attentive amendment to the Weights and Measures Act would need to be made as soon as possible in order to introduce the metric system into Guyana. With that explanation I should like formally to move the Second Reading of the Weights and Measures (Amendment) Bill 1978.

Question proposed.

2.10 p.m.

Cde. Ram Karran: Sir, like the Minister, I propose to speak very briefly on this measure which, undoubtedly, has the support of this side of the House. I would like to ask the Minister, however, why this is a temporary measure. Why is it that legislation is being done in bits and pieces? We have had enough time and enough notice. Even in Britain, dyed in the imperial system with respect to weights and measures, they have moved far, and much faster than this small two by two country. We spend a tremendous lot of time on legislation that clutters up our books in temporary measures here and there. We do not have the volume of trade that one sees in many of the developed countries, especially the countries that do a great deal of export.

Why do we have this hybrid? Admitted, that in the circumstances not having done any work on it, the Government has to use the half measure. All the way through I referred to the setting up of a standards bureau. We have one assurance in this House, “yes, it is going to be done, yes, somebody is thinking about it.” But nothing is heard about it until we are forced into actions such as this. I cannot understand. This House is used almost exclusively for the Government’s legislative time. It cannot say it does not have time in Parliament. It seems to have no time to do the necessary research and the work that is necessary for this Parliament to bring up-to-date- I am not talking about piecemeal – the legislation in keeping with the world’s standard. I hope the Government will do better next time than to bring to us a temporary measure without telling us why it is temporary and without telling us at the same time when it is going to be completed.

We hear the usual hackneyed phrase “as soon as possible”. We have tried on this side on many occasions to ask Ministers what they mean by “as soon as possible.” Does it mean the next year, the next month or by the end of the Referendum? Maybe, in future, we will have to measure our time on the basis of the Referendum. Can we get something more specific than coming and telling us “as soon as possible.”

Cde. Hope (replying): Cde. Speaker, I appreciate the comrade's difficulty in having something to oppose, but we saw how laboured his criticisms were. However, I need to explain that the Bill is temporary only in the sense that we recognise that more has to be done and the purpose of getting this done now is to ensure that we are able to implement the very thing the comrade pointed out, that is, to impose standards. We have standards now under the Food and Drugs Act and Regulations and it is largely to ensure that we can implement those standards now that we have to do this amendment. It is not temporary in the sense that we are going to change again, but it is temporary, if we use that word, only in the sense that we will get something more and much more extensive which would need to be done somewhat later. I think it is a question of priority and even the comrade will recognise that things like the drafting of certain fields of legislation have to take priority over others and it is a question of priority, exactly when we will be completing our drafting in this area.

Question put, and agreed to.

Bill read a Second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

Bill considered without Amendment, read the Third time and passed.

**SHIPPING CASUALTIES (INVESTIGATION AND PREVENTION)
(AMENDMENT) BILL 1978**

A Bill intituled:

“An Act to amend the Shipping Casualties (Investigation and Prevention) Act.
[**The Minister of Works and Transport**]

The Minister of Works and Transport (Cde. Narine): Cde. Speaker, I beg to move that the Shipping Casualties (Investigation and Prevention) (Amendment) Bill 1978 be read a Second time. This Bill seeks to amend Section 4 of the Shipping Casualties (Investigation and Prevention) Act, Chapter 49:07. In the Principal Act provision is made for the appointment of a court of inquiry consisting of a magistrate and two assessors to inquire into accidents occurring between vessels on or near the coast of Guyana. However, it would appear from the contents of this Act that provision is not made for any such accidents occurring in the upper reaches of rivers and in other navigable waters. The Cde. Attorney General has advised, therefore that since very large ships move very high up in such rivers as the Demerara and Berbice Rivers, and to a lesser extent in the Essequibo River, provision must be made for the inquiry into accidents occurring on these higher reaches of the rivers. As you know, Cde. Speaker, ships move daily up and down the Demerara River, taking goods and certain types of raw materials and fuel to Guymine on the Demerara River and the same occurs on the Berbice River. Also, in some of the other smaller rivers, for instance the Potaro River and the Upper Mazaruni River, there is quite considerable traffic generated out of the mining operations and for all those reasons there is also navigation going on as far as Kaituma in the North West. This has been so for some time. Accidents have occurred from time to time on some of these rivers although these accidents have not been very catastrophic, nevertheless, we feel that rather than waiting until that time when something very serious occurs, provision should be made whereby such accidents can be investigated by a statutory committee or inquiry court.

2.20 p.m.

The Bill, therefore, seeks to remedy this situation by amending section 4(4) of the Principal Ordinance for the purpose of enabling the appointment of such court of inquiry in respect of accidents involving vessels operating in inland rivers or other navigation waters including lakes and other such places in the whole of Guyana.

It is a rather simple and straightforward measure and I recommend it to the House for its approval.

Question proposed.

The Speaker: Cde. Ra, Karran.

Cde. Ram Karran: What I want to say is merely to elicit from the hon. Minister some explanation why –and I can see no objection, in fact I can agree with the amendment which has been put forward in the Bill – the word “accident” has not been defined here. I do not know if it is defined in the Principal Ordinance. I want to ask the hon. Minister whether this inquiry is limited to vessels that are motor vessels or steamships, bearing in mind that, and this is from my own experience, in the Demerara and Berbice Rivers farmers travelling in small canoes and bateaux have been swamped by the fast-travelling vessels going to the bauxite mines; there have been cases where serious losses have occurred and representations to the relevant authority have been made. This is why I reported some time ago that an inquiry will be held but no proper compensation or any form of assistance would be meted out to those people who suffered.

I can tell you, Cde. Speaker, that at the present time, there is a very serious hazard to people travelling in small craft up the Berbice and Demerara Rivers when these fast-going bauxite vessels overtake them and no precaution is taken to prevent the waves or swelling from flooding these crafts. I want to ask the hon. Minister whether accidents of this nature, involving the small crafts which are owned by farmers and small people, will be covered by this Act. If not, will the necessary provision be made for adequate protection or investigation of accidents of this nature so that no one will suffer as a result of the callousness or the carelessness of operators of vessels that are very large as against these owners of small vessels who have to earn a living, particularly in the upper reaches of the shallow Berbice River and in the Demerara River.

The Speaker: Cde. Nokta.

Cde. Nokta: Cde. Speaker, this Bill which is presented to this House by the hon. Minister is very late. Such a provision should have been made long ago. Over the many years we have seen so many casualties resulting in loss of ships and much damage costing Government quite a lot of money. The Minister just said this Bill will help to remedy the situation but it is my feeling that this Bill cannot remedy the situation. What they are trying to do now is to set up machinery to go into a post mortem.

Last year, for instance, the M.V. Quamina, a vessel which used to ply in the Berbice River, was coming from New Amsterdam to Georgetown when it sank off the shore.

The Speaker: Cde. Nokta, I do not want to go into a post mortem myself. We are still dealing with this Bill.

Cde. Nokta: The Bill says, "An Act to amend the shipping casualties." I am dealing with some casualties. The M.V. Quamina is a casualty.

The Speaker: Cde. Nokta, will you deal with the Bill, if not, I will proceed.

Cde. Nokta: I am trying to point out, Cde. Speaker, some instances of casualties. That is all I am trying to do here. Now, there was another casualty, the M.V. Pakera.

The Speaker: You do not understand. I am trying to speak English. You must speak on the merits of the Bill, that is what the debate is about.

Cde. Nokta: I am coming to that.

The Speaker: Well, you are taking a very long time.

Cde. Nokta: Cde. Speaker, it seems as if my points will not be able to come through this afternoon, but with my limited time I would like to ask the Minister whether this Bill will provide any compensation for those people involved in accidents, who have lost already.

Now this Bill says, "Investigation and Prevention." As we have seen it, many of the Government vehicles today are in a bad state and unless some immediate remedy is found, I am afraid that this Bill will serve no purpose. The M.V. Northcote, was mentioned in last Wednesday's newspapers. In fact, what should be done, instead of investigating casualties, there should be an investigation into the whole Transport and Harbours Department, because the whole Department has become a casualty. This is the point I want to make because coming to Parliament with these little papers cannot solve the problem. If you will permit me I will read out the many casualties we have right now, and the people suffering.

The Speaker: I will not permit that.

Cde. Nokta: I know you will not. The Minister is happy for that. You are defending him here.

The Speaker: I will have no check from you.

Cde. Nokta: I apologise. This Bill should have come up earlier because right now the Transport and Harbours Department is in a terrible state and what you are doing is only to investigate casualties. What you are doing really is to carry out post mortem. When the steamers sink and when there are accidents, all you do is to have a post mortem, so it will not solve the problem.

The Speaker: Hon. Member Mr. Singh.

2.30 p.m.

Mr. M.F. Singh: Mr. Speaker, this is a short and simple Bill. I have looked at the principal legislation and in fact I have made the annotation in the volume belonging to the Parliament. Perhaps I should say that I wish these books were in fact brought up to date. They really have not incorporated the recent amendments of the laws.

The Speaker: Hon. Member, you have time in front of you; seek and get the relevant amendments and put them in.

Mr. M.F. Singh: The amendments are in a big box like this and you, sir, as a lawyer would know that I would have to pay over a hundred dollars for it. Parliament, I expect, will get them provided free of cost and I would expect that it would bring these books up to date. That is something that I would ask should be given some priority because at the present moment, these books do not incorporate those pages in the big box, which box is being sold for \$120 to lawyers. It is subsidised by the Ministry. Sir, it adds to the section:

“(a) in any of the following cases, that is to say, whenever –

- (i) any ship has been lost, abandoned, or damaged on or near the coasts of Guyana;...”

Instead of “of Guyana;” it would now read “in inland rivers or navigable waters; and”. We agree with that. We have no quarrel with the Bill. We think it is necessary; we have no objection at all.

The hon. Minister says as an explanation that rather than waiting until the time when something happens, the Bill seeks to remedy the situation. I would like to know what really is involved here. We have been given the general reason for the Bill but I rather suspect that there must be also a specific reason too and I suspect that because as a lawyer, whenever I see any clause dealing with validation of acts, I must start thinking and, I read clause 3 which says:

“3. Anything done prior to the commencement of this Act in the purported exercise of the powers conferred by the provisions of the Principal Act as amended by section 2 of this Act, and which would have been lawful if this Act had been in force, shall for all purposes, be deemed to have been lawfully and validly done under the

Principal Act as amended by section 2.”

So, you are really saying that if anything was done before this legislation was passed and it was wrong, and if it was done now it would have been right, then you must go back and you will say that this is now right and as a result of our passing this today. Whenever I see a provision like that, it makes me believe that either something has been done wrong or somebody thinks that something may have been done wrong and just in case, they are putting this provision to validate anything that may have been done wrong. Reading the newspapers, I seem to recollect an inquiry by a sole commissioner, I think it was the comrade, Rex McKay, and I am just wondering whether that is not what we are validating and making lawful, what was not quite lawful at that time. Other than that, we agree with the Bill.

The Speaker: Cde. Minister.

Cde. Naraine (replying): Cde. Speaker, Cde. Ram Karran raised the question about whether the Bill covers steamships and other vessels. The Bill will cover some steamships and streams that are powered. The Bill will does not cover canoes or small boats being swamped by waves because that situation has been dealt with in a different way in terms of navigation on the river. There is a standing committee comprising representatives from GUYMINE and the Harbour Department that look into these questions whenever reports are made of any small vessel being swamped by waves. That is not covered by any Bill and it really does not come under this particular Act as accidents.

This Bill is intended for the accidents involving particularly steamers or ships that may come into contact with each other. In a way, this answers some of the questions raised by Cde. Nokta, although the questions that he raised have no particular bearing on this Act. Once could

not help but think of the case where, if two cyclists were riding and they came into contact, it may be described as an accident, or even a person riding by himself coming into contact with some obstacle. However, as a case where a man is walking by himself and because of some defect which he might have had or which occurs to him while he is walking, he falls down and dies in the process, this Act would not cover the case of the Quamina travelling and being swamped by natural conditions or even by some unforeseen object coming into contact with it and causing that kind of accident. I hope Cde. Nokta sees the difference here.

Cde. Nokta keeps harping about conditions in the Transport and Harbours Department. We are not, on this side, saying that the Transport and Harbours Department is a bed of roses and everything is right. Certainly, there are things that are not going right at one time or another, but, one would have thought that Cde. Nokta, who is a member of the Transport and Harbours Advisory Board would have seen it fit to raise such matters with that Board and with the management of Transport and Harbours to try to have some of these things corrected, rather than engaging in the very cheap politics of using every opportunity in this House to make those points. It really shows how few points exist on the other side. **[Interruption]** But, Cde. Nokta has the opportunity, on a day-to-day basis, being a member of the Board; he has the opportunity but never complained to me and he can really do something by drawing it to management's attention. Cde. Nokta has drawn other things to my attention and he has got results.

The hon. Member Mr. Singh raised, I thought, a useful point because in fact, inquiries in the past, were held by this Act as it existed and when the court of enquiry was established comprising, Cde. Rex McKay as President, Cde. Roman and Cde. Burgess, to inquire into a recent accident, it was then discovered and drawn to my attention that in fact this Ordinance, which we thought had covered all cases, did not cover all cases and therefore, any such inquiry could have been challenged in a court in terms of any compensation award that may have been made. So, in fact, it is to cater for the bigger situations which, perchance, happen and to cover the current case. I think those were the relevant questions, Cde. Speaker.

2.40 p.m.

The Speaker: Comrades and hon. Members, before we proceed to the Second Reading, there is a small correction in paragraph 2 subparagraph (a). I believe the word “of” has been omitted. It now reads as follows: “in subparagraph (i), of the words”. Please insert the word that has been omitted: “of”.

Cde. Naraine: We are also asked if we could delete from the marginal notes under “Short title” the words “and commencement Cap. 49:07”. Just leave “Short title” and delete the rest of it.

The Speaker: I think you must delete “and commencement” in the marginal note.

Question put, and agreed to.

Bill read a Second time.

Assembly in committee.

Clause 1

Cde. Ram Karran: It would appear that the hon. Minister in discussing this Bill has lost sight of a very important feature of this Bill. It is here reflected in clause 1. What we are doing is passing a law to investigate shipping casualties – investigation and prevention. I think if the hon. Minister wanted to limit the power craft, such an indication should be made in the Bill but the example which he gave when he referred to accident, that if two vessels collided with each other, as I understood him, that it would be covered by this Bill. If however a powered vessel were to run ashore or hit some obstacle in the river that would not be covered by this Bill. In the same way the hon. Minister indicated that casualties or accidents affecting non-powered craft in inland water ways...

The Speaker: Cde. Ram Karran, what has that to do with the name of the Bill?

Cde. Ram Karran: I am saying the description here in clause 1 does not do justice to the Minister's contention and if the intention is investigation and prevention, then it should investigate and prevent all accidents.

The Speaker: You must look at the Act and see what is the definition.

Cde. Ram Karran: I looked at it.

The Speaker: Yes, but you did not understand it.

Cde. Ram Karran: In the first place, the Minister or the Attorney General ought to defend the information.

The Speaker: I am here also to see that you do not say things that are not in the Bill.

Clause 1 agreed to and ordered to stand part of the Bill.

Assembly resumed.

Bill reported without Amendment, read the Third time and passed.

ADJOURNMENT

RESOLVED, “That this Assembly do now adjourn to a date to be fixed.”

[The Minister of Parliamentary Affairs and Leader of the House]

Adjourned accordingly at 2.47 p.m.
