

LEGISLATIVE COUNCIL**THURSDAY, 5TH SEPTEMBER 1946**

The Council met at 2 p.m., His Excellency the Officer Administering the Government, Mr. W. L. Heape, C.M.G., President, in the Chair.

PRESENT

The President, His Excellency the Officer Administering the Government, Mr. W. L. Heape, C.M.G.

The Hon. the Colonial Secretary, Mr. D. J. Parkinson (Acting).

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

The Hon. the Colonial Treasurer, Mr. W. O. Fraser (Acting).

The Hon. E. G. Woolford, O.B.E., K.C. (New Amsterdam).

The Hon. H. N. Critchlow (Nominated).

The Hon. J. B. Singh, O.B.E. (Demerara-Essequibo).

The Hon. E. A. Luckhoo, O.B.E. (Eastern Berbice).

The Hon. Percy C. Wight, O.B.E. (Georgetown Central).

The Hon. J. Gonsalves, O.B.E. (Georgetown South).

The Hon. Peer Bacchus (Western Berbice).

The Hon. C. R. Jacob (North Western District).

The Hon. T. Lee (Essequibo River).

The Hon. A. M. Edun (Nominated).

The Hon. V. Roth (Nominated)

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

The Hon. T. T. Thompson (Nominated).

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

The Clerk read prayers.

The minutes of the meeting of the Council held on the 29th August, 1946, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENTS**MOTOR VEHICLES AND ROAD TRAFFIC
(AMENDMENT) BILL.**

The PRESIDENT: I desire to announce that the Attorney-General will give hon. Members a brief report of the results of the registration of voters which have been received to date. As regards the Transport Bill, the Attorney-General informs me that the members of the Select Committee of which he is Chairman have, with one exception, signified their approval of the Report. A copy of that Report together with the amendments suggested and also a copy of the new Bill with the amendments inserted therein have been laid before each hon. Member, and when we come to the Order of the Day I propose to ask the Attorney-General for the information of those Members who are not Members of the Select Committee to give a brief summary of the work of the Committee so that they may appreciate the position more easily. Then I would ask hon. Members whether they want to proceed with the Bill today and, I hope, they would agree to do so, on the principle, as in the case of another controversy which arose after the fire. Hon. Members will recollect that on frequent occasions various suggestions were made for a postponement and, after discussions outside the Council with the Attorney-General, the President said:

"I think we ought to carry on all discussions in open Council where views will be stated and a decision taken on the principles of the subject of the Bill."

It is up to hon. Members. I am anxious to decide this matter one way or

the other, because it is holding up other work. I do not want to press Members if they feel they really want a postponement again, but I will advise that we proceed after we hear what the Attorney-General has to say, bearing in mind what I have stated about the Select Committee of this Council. The Committee has had several meetings and has ironed out a lot of difficulties. Only one member has put in a minority report, all the others having agreed to the Report that has been submitted today. I think hon. Members should respect the recommendations of a Select Committee of this Council and not wish to postpone a final decision by discussions outside this Council. If we do not agree with what is before us, let us say so in this Council and let us get on with the matter. If hon. Members wish to have it postponed again, however, I would abide with their wish. I will now ask the Attorney-General to give hon. Members a summary of the position with regard to the Voters' List.

Mr. PERCY C. WIGHT : Before the hon. the Attorney-General does so, I am going to ask for a postponement of this Bill. I am not prepared for it because, speaking for myself, the Report which has just been laid is too great a thing for me to digest this afternoon. I think we should have a postponement until next week. It is no good asking the Attorney-General to explain anything to me before I have an opportunity to read the Report and the new Bill. I suggest that the matter be postponed until next week. If Your Excellency wants me to move a motion for the postponement I would do so, and will also find a seconder. I think the matter is much too important for us to take today in all the circumstances.

The PRESIDENT : I think we should wait until we get to the Order of the Day.

Mr. WIGHT : Very well, sir.

REGISTRATION OF VOTERS

The ATTORNEY-GENERAL (Mr. Holder) : I should like to state that the

returns received to date with respect to the registration of voters are as follows:—

North Western District—351, Essequibo River—2,667, New Amsterdam—2,676, Berbice River—2,133, Western Berbice—2,790; all these having been received up to August 31.

Eastern Berbice—9,431, Western Essequibo—2,669, and Central Demerara—7,783; these having been received up to September 2

Georgetown North—2,750, and Georgetown South—5,728; these having been received up to September 3. Georgetown Central—5,499; received up to September 5.

The total is 44,477.

Eleven lists have been received up to the present so that there are three still outstanding and, it is hoped, these will be returned shortly. They relate to the Demerara River District which is estimated at 4,000; Eastern Demerara—estimated at 7,800; and Demerara-Essequibo—estimated at 2,700 thus giving an estimated total of 14,500. The grand total will therefore be 58,977.

I think hon. Members will recollect that a few weeks ago I gave an estimate in this Council and suggested that the total might be about 58,000. From the figures I have put before hon. Members today it will be seen that I am not far out in that estimate. I may add that the List of Voters has been sent to the printers and that they are endeavouring to get along with it. I am informed that the Argosy Company received a certain amount of type recently, and they are endeavouring to push ahead with the printing. I am sure hon. Members will appreciate the fact that the difficulty is in the printing, but every endeavour will be made to cope with the situation.

PAPER LAID.

The ATTORNEY-GENERAL laid over the following document:—

Report of the Select Committee appointed to consider the Motor Vehicles and Road Traffic (Amendment) Bill, 1946.

UNOFFICIAL NOTICES

CONTROL AND DISTRIBUTION OF
COMMODITIES

Mr. EDUN gave notice of a motion for the appointment of an *ad hoc* Committee of Inquiry to investigate the control and distribution of certain commodities.

The PRESIDENT : In accepting this notice am I right in saying that the hon. Member proposes to leave the Colony by September 14 ?

Mr. EDUN : Yes, sir.

NOTICE OF QUESTIONS

MALT LIQUOR LICENCES

Mr. ROTH gave notice of the following question :—

With a view to encourage the consumption of the less potent alcoholic beverages and to make the same more easily available to the less wealthy classes, will Government see its way to amend the relevant Ordinance so that, on payment of an annual licence of fifty dollars restaurants and cake shops may sell malt liquor to be consumed on the premises ?

CUSTOMS GUARDS—CITY OVERCROWDING
—SECONDARY INDUSTRIES

Mr. GONSALVES gave notice of the following questions :—

1. (a) How many Customs Guards (apart from Boats' Crews) are there in the Customs Department in Georgetown ? Are there any senior Guards of that number ?
- (b) If there are none, is it not desirable to have at least six of these Guards classified in a higher grade as Senior Guards whose duties could be of a more responsible nature to the others ?
- (c) If considered desirable will Government make provision therefor in the Estimates for 1947 ?
2. Is Government fully aware of the acute overcrowding in the city of Georgetown ? If so, will Government give all possible assistance and encouragement in the starting of such industries in the country districts of the Colony as might attract such people who are over-crowding ?

3. Will Government make a statement as to the action taken or proposed to be taken on Reports submitted to Government by the Secondary Industries Committee or other persons from time to time, in connection with the introduction of new industries in the Colony ?

ORDER OF THE DAY.

MOTOR VEHICLES AND ROAD TRAFFIC
(AMENDMENT) BILL

The PRESIDENT : I would ask the indulgence of hon. Members, in view of the remarks made by the hon. Member for Georgetown Central (Mr. Wight), to agree to listen to the Attorney-General on the question of the Transport Bill and then make up their minds as to whether they will proceed with it today. I will respect their wishes when they have made up their minds, but will ask them to listen to the Attorney-General. Mr. Attorney-General, will you give hon. Members a brief account of the work of the Select Committee ?

The ATTORNEY-GENERAL : As will be seen from the Report which has just been laid, the Committee held five meetings—on August 9, 14, 15, 16 and 27— at which Lt.-Col. Teare, General Manager of the Transport and Harbours Department, and Col. Orrett, Commissioner of Police, were invited to attend, and various matters connected with the Bill were discussed with them. At the request of the Members of the Committee, Mr. P. W. King, in his capacity as Controller of Lorries, attended on August 27 and explained the system of lorry control in the Courentyne district. The Report, which hon. Members have before them, shows the recommendations of the Committee, and the first point relates to the question of hire cars and their operation in prescribed areas as appearing in the Bill. The material words—"within a prescribed district or districts"—have been deleted as a result of an undertaking given by Government in the course of the second reading of the Bill. There also followed a consequential amendment in clause 71.A. If hon. Members turn to the printed copy of the Bill they will see the words "within a prescribed district or districts" in the third line of clause 71.A. (1). In clause

71.A., (4), the words "within any prescribed district" will be deleted from par. (a), and par. (c) is being deleted altogether. If you pass on to clause 71.B, (4), it reads:—

"(4) If any person licensed to drive a hire car under this section lends or parts with his licence except to the owner of a hire car, he shall be guilty of an offence under this Ordinance."

It is proposed to delete the words "except to the owner of hire car", and that is consequential to the decision with regard to clauses 71.C and 71.D. As regards clause 71.C, the first sub-clause has been redrafted but the principle remains the same, as will appear from a perusal of the amendments. Sub-clause 71.C, (2) has been deleted and sub-clause 71.C, (3) has been redrafted. With regard to clause 71.D, that has been deleted, the idea being that it is not considered necessary or desirable that a driver's licence should be retained by the owner of a hire car. What is necessary is that in the first instance it should be submitted to the owner for the purpose of scrutiny—to see exactly what the position is as far as the driver being a capable and satisfactory person to drive a hire car,—but after scrutiny the licence would be returned to the driver and the onus would be on him to produce it if necessary. That obviates any necessity or difficulty in an owner having to go to Court to produce a licence if required.

With regard to the original 71.G, there are slight amendments in the clause which has been renumbered 71.F, and sub-clause (1) will now read:

"(1) Every refusal by the Prescribed Authority to grant a licence to drive a hire car, and every suspension or revocation of such a licence, shall be subject to an appeal to the Magistrate of the judicial district in which the applicant for the licence or the person whose licence is revoked or suspended resides, and the grounds and the form of the appeal shall be prescribed."

This new sub-clause has been proposed because it was felt by the Committee that the applicant or the person concerned—the driver—should have a right of appeal

and that the appeal, if any, should take place in the district where he resides and not where the owner of the hire car resides. The amendment, which I have just read, is to give effect to that recommendation of the Committee.

With regard to clause 71.G, it has been suggested that in proviso (b) there should be some words of clarification and, therefore, the words "to his knowledge" should be inserted at the beginning of the proviso. This is a very desirable amendment because the driver or conductor should not be made liable unless he had some means of knowing that the person was suffering from an infectious, contagious or other communicable disease. I think, hon. Members will appreciate that amendment. Clause 71.H has been shifted to the end of the Bill and has been redrafted. That has been done in order to prevent any difficulty arising in connection with By-laws made under the Town Council Ordinances of Georgetown and New Amsterdam. The redraft appears in the Bill as clause 71.S. It does not come into conflict with any existing provision and has been put there for the purpose of clarification. I should mention that the hon. Member for Georgetown South (Mr. Gonsalves) raised a point and, in view of that, clause 71.S is now amended to read

"71.S For the avoidance of doubt, it is hereby declared that this Part of this Ordinance shall apply to motor buses and hire cars in the City of Georgetown and the Town of New Amsterdam, anything contained in the Georgetown Town Council Ordinance or the New Amsterdam Town Council Ordinance or in any by-law, regulation or other enactment in force thereunder to the contrary notwithstanding."

It may appear to be too wide, but it will be seen that an exclusive licence will have to be obtained with respect to hire cars. I have discussed this matter with the hon. Member and he is quite satisfied that that is not so. It only means that where you have provisions with regard to hire cars and goods vehicles, those provisions are not meant to apply.

In clause 71.T we have provision made for exclusive goods transportation licences. Sub-clause (1) reads :—

“(1) Notwithstanding anything contained in this Part of this Ordinance, it shall be lawful for the Governor in Council to grant to any person or body of persons an exclusive goods transportation licence in respect of any area or route in the Colony upon such terms and conditions as may be specified therein and subject to the provisions of this Ordinance and of any Regulations made hereunder.”

Therefore, power is given to the Governor in Council to grant exclusive permission with respect to goods vehicles. The same thing is applicable to motor buses because, as hon. Members are aware, an exclusive licence to operate a road service with respect to motor buses can only be granted under section 70 of the original Ordinance, 1940. Therefore, both motor buses and goods vehicles are on the same footing, and the object of clause 71.S is really to show that no doubt will arise with regard to the application of this part of the Ordinance to motor buses, hire cars and goods vehicles.

There is one other point which I desire to mention with regard to the old clause 71.G, (now 71.F), and that is, at the end of sub-clause (1) there have been added the words “and any driver or conductor who so refuses or neglects shall be guilty of an offence under this Ordinance.” Then, too, the point was raised in Committee that the driver should not be made liable if the circumstances are such that he is not the person in charge and when there is not only a driver. We have, therefore, had a new sub-clause drafted and it states :—

“(3) Where the motor bus or hire car licensed under this Part of this Ordinance has a conductor, the obligation of the driver or conductor under this section shall rest wholly on such conductor.”

Therefore, the conductor will be the person who will have the responsibility resting on him in connection with the provisions of the section, where there is a conductor. To proceed further with the question of goods vehicles under Part II of the Bill, in clause 71.I, which now

becomes 71.J, there are two new sub-clauses—(5) and (6)—which provide for goods transportation licences. Sub-clause (5) reads :—

“(5) A goods transportation licence may be granted in respect of any specified area or route in the Colony as described in the licence.”

Therefore, a goods transportation licence may be granted with respect to any particular area or any particular route. Then there is the other new sub-clause which states :—

“(6) Every goods transportation licence shall be issued in favour of a person or body of persons, and shall specify the number of goods vehicles under paragraphs (a) and (b) of subsection (1) of this section to which the licence relates.”

In other words, if one person or a set of persons applies or apply, power is given to the Prescribed Authority to issue a goods transportation licence to that person or body of persons and in the licence there will be specified the number of goods vehicles to which it relates. In addition to that, I would point out that in clause 71.K, (now 71.J), there is a new sub-clause (2) which states :—

“(2) Subject to the provisions of subsection (2) section seventy-one K of this Ordinance, goods transportation licences shall not, except with the prior approval in writing of the Governor in Council be issued for the carriage of goods for hire or reward—

- (a) in respect of more than 4 goods vehicles in the area between Georgetown and Rosignol; or
- (b) in respect of more than 3 goods vehicles in the area between Vreed-en-Hoop and Parika.”

Then sub-clause (3), which is also new, states :—

“(3) In this section the expression “between Georgetown and Rosignol” and “between Vreed-en-Hoop and Parika” shall have the same meanings as they respectively have in the First Schedule to this Ordinance.”

The object of this clause is to preserve the right so far as any relation to the vehicles which are now operating in the areas is concerned. The Committee felt, after listening to the General Manager of

the Transport and Harbours Department, that these vehicles at present operating do not provide any competition to the railway and, consequently, as there is that interest at the moment they wished to see the number preserved. I think hon. Members, who are Members of the Committee, would bear me out that we gathered from Colonel Teare that so far as the Courentyne Coast area is concerned he did not wish to recommend that the Transport and Harbours Department should go into that area at all, unless there was a specific request from the area that the Department should extend its operation to that district, neither would he endeavour from an economic point of view to provide any competitive transport vehicles against the vehicles now operating there. To use what I remember to be his illustration, at the present time if goods are taken up from a warehouse in Georgetown and then deposited on the train to be transported to Mahaica, when the goods arrive at Mahaica a lorry or goods vehicle takes the stuff away and deposits it at the consignee's address; it would be uneconomical at the present time to interfere with any such operation. I think hon. Members of the Committee would also bear me out that he went further and said it would only be economical in so far as the Transport and Harbours Department is concerned, if the owners of the vehicles now operating went out of the business. Then his Department would begin to think about it. Consequently the Committee was of the view that a clause such as this should be included in the Bill. It is drafted to meet the position as it now exists.

The other clauses, sir, did not provide any difficulty as far as the Committee saw. I have already dealt with section 71 as to the avoidance of doubt. There is one other point, and that is in regard to the Prescribed Authority. As hon. Members are aware, it was pointed out that the Prescribed Authority is now the Commissioner of Police, and he is the sole authority appointed under the Regulations made under the Motor Vehicles and Road Traffic Ordinance, No. 48 of 1940—Regulation 36. It was felt that it is desirable to

put that in the Ordinance, and consequently you find that new clause, 71.T, appearing as :—

“The Prescribed Authority for the purpose of this Part of the Ordinance shall be the Licensing Authority under this Ordinance, and the provisions of Part I of this Ordinance shall *mutatis mutandis* apply to proceedings and licences under this Part of the Ordinance.”

In other words, we go back to the 1940 Ordinance where the appointment under Part I of a Licensing Authority is provided. The Licensing Authority there is said to be the Commissioner of Police. The result is that you do not have to go to the Regulations to find out who is the Prescribed Authority. There is one other point which will have to receive the consideration of Members, and that is the clause dealing with the old clause 71.S in the printed Bill which states :—

“(1) It shall be lawful for the Governor to appoint a Board consisting of not less than three and not more than five fit and proper persons to advise the Prescribed Authority in respect of all matters and things connected with road service, hire car and goods transportation licences and other matters relating to the provisions of this Part of this Ordinance.”

That was a provision made in regard to the power to appoint an Advisory Board. The majority of the Committee recommended first of all that the number be specifically five, and then they went on to recommend that of that number not less than three shall be Members of the Legislative Council. I personally do not agree with that view, and I mentioned that to the Committee. I have a note from the Commissioner of Police who is the Prescribed Authority. As I said, it will be necessary for hon. Members to give full consideration to this Part of the Bill. It will be appreciated that it is the desire and intention that the Transport and Harbours Department should be run as a commercial concern, and consequently hon. Members will concede, I am sure, the necessity of having on that Board those who can bring to that Board the required knowledge and experience in matters of this sort. While it is appreciated that this Council should

have representation on Boards and Committees as far as practicable for the purpose of keeping an eye on and control of their transactions and considerations, yet at the same time if the objective is, as it is in this case, to have an Advisory Body which will be fully capable—not that I am suggesting some hon. Members may not be—of advising the Prescribed Authority on matters of this sort, then I do think that the number of three Members of this Council is too many.

The Commissioner of Police, who is the Prescribed Authority, said—using his own words—he would like to have a Committee of persons who have knowledge of the motor vehicles industry, freight rates and road transportation, so that he might have the benefit of their advice. As a matter of fact, I do not think he was present at the Committee meeting when that point came up. His view is that the personnel of the Committee should be along these lines—the Mayor of Georgetown, as most of the buses of the Colony are operating in Georgetown; the Director of Public Works, as all vehicles run over the roads maintained by the Public Works Department; the General Manager of the Transport and Harbours Department, as he is in charge of Government transportation system by rail, road and sea; and two persons representing the motor vehicles industry generally and selected from those persons who have knowledge of the industry and of transportation. I think that view ought to be put before hon. Members so that they will appreciate the matter when that clause comes up to be considered. Hon. Members, however, felt by a majority that they should have three Members of this Council on that Board. With that view, I said then and I wish to emphasize now, I do not agree. I think, sir, that I have dealt with the matter fairly and extensively, and my explanation covers all the points which were considered by the Committee and in connection with which they made recommendations which I have endeavoured to put into the Bill.

I think the hon. Member for Georgetown South (Mr. Gonsalves) also raised another point, and that is in regard to

the licences—that for the purpose of endorsement they should be brought up within some prescribed time. I propose to put in words covering that, which I have already intimated to the hon. Member. I do not think there is anything further with which I can deal, and I hope hon. Members are satisfied that the Members of the Committee, to whom I am very grateful for their ready help and assistance, have endeavoured to do their best in the interest of the travelling public, those who use the road and of the Transport and Harbours Department and the community in general. We have tried to get a Bill before hon. Members showing the amendments as suggested by the Committee. I hope that with the explanation which I have been able to give, hon. Members will see their way to proceed with the Bill. If there is nothing controversial arising out of the discussion we may be ready to have the Bill completed as soon as possible.

Mr. FERREIRA : Sir, I would like to endorse what has been said by the first speaker, the hon. Member for Georgetown Central (Mr. Percy C. Wight). I do think it is unfair to expect Members—I arrived here at a quarter to two to find two documents about 19 or 20 pages long to digest, study and discuss today—to do that. I am in no way trying to shelve this matter. Personally I am going to oppose it, but I would like some time to consider it. I think it is only fair that Members should have some time to study this matter. It is a very important and very controversial matter. If this Bill comes on today those Members who have written the report would naturally vote for it and the matter would be pushed through. I feel, if Government proceeds with it, it would be nothing more than railroading it. I am opposed to it, and every right-minded person should oppose it. I do not believe Government seriously expects hon. Members to discuss this Bill today. All I ask Government is to give us a chance to study this Bill. I have no objection to it being taken any day in next week. It can be as early as possible, but let us have a chance to study it. We cannot possibly debate this Bill in its entirety at such short notice.

Mr. GONSALVES : I would like to say that in so far as the Report is concerned, the hon. the Attorney-General has fully explained it. I was concerned particularly with those provisions in the Bill relating to the hire car plying for service in Georgetown and out of Georgetown. In so far as that section is concerned, I think that the amendments, which have been put in, offer fair protection to those people who are engaged in that particular service. It is put beyond doubt as regards the Prescribed Authority and the prescribed areas, so that the question does not arise. As to the other question with regard to the buses on the East Coast and West Coast Demerara roads, I think, sir, in view of what has been said before, there was some fear that the people who operate buses plying for hire would be put off the roads as the sections in the Ordinance gave no protection in that respect. I had mentioned that in the Committee towards the end of its deliberations and, I think, I intimated to the hon. the Attorney-General that, perhaps, some little more scope might have been given with regard to the number of those vehicles. I understand there are four on the East Coast and three on the other route. If the addition of another vehicle or two would not prejudice to any great extent the railway service, I think myself the number might be increased by that number. That is, however, a matter of detail which may be settled when the Bill is being discussed in Committee.

The more controversial part of the Bill, so far as I see, is in respect of the Courentyne Coast. I saw from a newspaper report that a meeting was held a night or two ago—I presume that is what the hon. Member for Berbice River (Mr. Ferreira) has in mind—but the reporter was not present on account of the meeting not being held in the town of New Amsterdam and, therefore, he did not have the advantage of hearing any of the people who spoke and of knowing whether they spoke strictly on the point of a motor service or went outside it. I may state it is a matter of privilege to talk freely at some political meetings; people are entitled to speak as freely off the subject as they feel to do. If that occurred there,

it would not be anything unusual. So far as I am concerned, the matter is important as it contemplates some changes in motor traffic in the Colony, and, if certain Members feel they have not had an opportunity to study or read the Committee's report and to appreciate the new provisions which are being made, they are justified in asking that they be given some time to do so. As a member of the Committee I do say that we went very fully into the matter. I had myself to protect the hire car drivers and those people who use buses on the East Coast and West Coast, Demerara. With regard to the Courentyne Coast, the Members of this Council for Berbice are best able to voice their views on that particular subject. I do hold the matter is one which has reached a stage that some conclusion should be arrived at, and if it meets with Your Excellency's approval I personally have no objection to Members being given an opportunity to study the report. If the majority agree that the matter be proceeded with, I am in agreement with that but, if on the other hand it is felt that some time should be given to consider it, I am quite prepared to give some help in that direction.

Mr. PERCY C. WIGHT : I do not want you, sir, to think I am an oppositionist. I appreciate the work that Colonel Teare is doing, and I am satisfied that if it is commercialized the railway can be made a paying proposition. But I am not prepared to go into all that this afternoon. The hon. and learned Attorney-General, in his usual manner, has put the matter very clearly before us, but he has a glib tongue and I am not prepared to accept the report without reading it myself, though I appreciate all he has said. We ask that you be good enough to defer consideration of the Bill to some day in next week, so as to give us an opportunity to go through the report carefully. One has to digest 15 or 16 pages of typed matter. I happen to be a Commissioner of the Transport and Harbours Board, and I know something about the matter. I do not know whether the licence will be given for an indefinite period or the usual licence for a motor lorry to operate in a district will not be given next year, or if a licensee dies whether his executor

will have the right to sell the licence. Things of that sort require investigation. I am going to move formally that discussion on the subject be deferred to next week. A few days more to digest the Committee's report will not interfere with the subject matter.

I would love to see the railway commercially worked, but as a Commissioner I know that the Governor himself refused to allow us to increase the income of the railway by increasing the freight rates. But that was objected to because other things would be affected. I am appealing to Members to let us have a few days to consider this report. My friend, the hon. Member for North-Western District (Mr. Jacob), takes a very keen interest in these things and, I do not think, he will offer any opposition to our deferring this question to next week. The hon. the Attorney-General has certainly put the matter very clearly, but I am not prepared to take what he has said as the final view in order to determine how I should vote.

Mr. EDUN : I see the necessity for giving Members an opportunity to read the report of the Select Committee. I had anticipated that report would have been put in the hands of Members before now. It is very unfortunate that Members only received the report this morning and so will not be able to discuss it now. So far as the report of the Select Committee is concerned, we have met the various representations of all the parties concerned. I have in my hand here a resolution sent to me by the owners of the pool service in operation on the Courentyne Coast. They are, sir,—with your permission I shall read the names — Kaysooram, Joseph Bhola, D. Bhola, Raghunundun, George Moonsammy, J. Boodram. Except for one provision here in the resolution, which says that the Prescribed Authority should be “a Board comprised of five members as follows :— The Commissioner of Police, a Member to be appointed by the Governor and three other members, one from each county representing the owners”, this resolution is in conformity with the recommendations of the Select Committee. They are afraid that the Prescribed Authority will have too much power, but if their

recommendation is granted it would be quite simple. If you permit me, sir, I would read the resolution, or must I hand it in ?

The PRESIDENT : Hand it in to the Attorney-General !

Mr. ROTH : I want to say I am in full agreement with the hon. Member for Georgetown Central (Mr. Percy C. Wight) and the hon. Member for Berbice River (Mr. Ferreira). I am not antagonistic to the principle of the Bill, and I have no doubt that the hon. Members who constituted the Select Committee made a good job of their report. Surely we, Members, who were not on that Committee, are not expected to come here and follow blindly the recommendations of that Select Committee without considering them ourselves as individuals. How can we do that, sir, when we only saw for the first time the report and the proposed amendments ten minutes before the Council sat this afternoon? I think it is a very reasonable request that the Committee stage of this Bill be deferred. Even if it is for twenty-four hours I would be contented.

Mr. JACOB : As a member of the Committee I am not against the request that the discussion be deferred until next week, but I have risen to make one point and that is in regard to the composition of the Advisory Board. It is true, the composition as submitted has been recommended by a majority of the Select Committee, but I was astounded to hear Government has in view the appointment of other persons who may not be members of the Transport and Harbours Board. If the Motor Vehicles Control is to interlock with the Transport and Harbours Board, it is only right and proper that the members of the Transport and Harbours Board should be on this Advisory Board. I cannot understand why the Mayor of Georgetown should be on it; he is not a member of the Transport and Harbours Board. If this thing is to be run as a business concern—that is how I want it to be run—then you want business experience on this Advisory Board. I ask Government to consider that aspect of the matter very carefully.

The ATTORNEY-GENERAL : In answer to the hon. Member I have put forward what has been suggested by the Commissioner of Police in relation to the recommendations of the Committee, and I said that when the matter comes up for consideration that aspect of it will be dealt with. It is not a question that has come up at the moment.

Mr. JACOB : I was going on to say the hon. the Attorney-General was a member of the Committee and did not quite favour the idea and he felt the Members of this Council would not pass the amendment suggesting that there be three Members of this Council on the Committee. At the present time there are five Members of this Council on the Board of Commissioners of the Transport and Harbours Department. Three of them can go on this Committee. The point I wish to urge very strongly is that the Advisory Board and the Transport and Harbours Board should work in definite co-operation. I am not in favour of this Transport and Harbours Department being run as it has been run in the past. I call it a derelict bankrupt concern. I wonder if the public or the opposers to this Bill realize the vast amount of money lost to this Colony and the general taxpayers during the last five years ? I am going to ask those who are opposed to it to think of that aspect of the matter. My whole concern is that the provisions of the Bill should be of such a nature as to ensure an efficiently run Transport and Harbours Department but not with such a huge deficit. The deficit for 1946 is estimated at \$997,045 while that for 1945 was \$873,084, and for 1944 it was \$731,953. It is admitted that the Colony must subsidize the Transport and Harbours Department in some way, then let us say with a quarter-million but not three-quarters of a million running to a million dollars. So I support the Government proposals on the understanding that the Department will be run as a business concern. If the members of the Advisory Board are responsible to the public, then the people can depend that whatever conditions arise in the future the men in whom the public has confidence, public minded men, will be dealing with them.

The PRESIDENT : I think hon. Members who have spoken have convinced me that the matter should be postponed, and I am therefore prepared to agree to it. I suggest that we meet on Wednesday and take this Bill as the first item on the Order of the Day. I cannot help having a little tilt with the hon. Member for Berbice River who got up and said he did not know what is in the Bill and he is opposed to it.

Mr. FERREIRA : I am sorry I did not mean that, if I did say so. I certainly know as much about it as to oppose it.

The PRESIDENT : I would ask the hon. Member for Berbice River to keep an open mind. It is not much use giving Members another five days to consider this matter if they have already made up their minds. I agree that we should postpone it until Wednesday. I hope that will meet the wishes of all.

Mr. PEER' BACCHUS : I was just suggesting that Wednesday would be a bad day for some Members of this Council. I have two meetings to attend on Wednesday and I suggest that Thursday will be more convenient.

The PRESIDENT : I do not mind; I will meet hon. Members on Thursday if the majority want that day.

Mr. LUCKHOO : Speaking for myself, Wednesday will be a more convenient day than Thursday.

The PRESIDENT : Well, then we will take a vote on it—a most unusual thing. The vote will not be recorded by the Clerk. I think we had better take a division; those in favour of Wednesday say “aye” and those against say “no”.

Division taken.

The PRESIDENT : There are seven in favour of Wednesday and six in favour of Thursday, while one did not vote. I tell you what I am prepared to do; I will make it Friday if you like. Does Friday suit everybody ?

Mr. EDUN : Yes, sir.

The PRESIDENT: Then we will make it Friday. I will now ask the Attorney-General to proceed with the other motion.

TRADES UNIONS (AMENDMENT) BILL

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

“An Ordinance further to amend the Trades Unions Ordinance, Chapter 57, with respect to the fees payable thereunder to Auditors.”

As stated in the Objects and Reasons of the Bill, auditors who are appointed under the provisions of the Trades Unions Ordinance (Cap. 57) to audit the accounts of the Unions are remunerated in accordance with a scale set out in the Third Schedule to the Ordinance. Experience has shown that the remuneration so earned is not adequate for the volume of work entailed. The object of the Bill, therefore, is to substitute a higher scale of remuneration for the present one. The opportunity is also taken to base the rate of remuneration on the highest number of members of a Union during the year to which an audit relates rather than on the number at the end of the year as at present. This basis is considered to be more equitable.

As will be seen from clause 3, it is proposed that the Ordinance shall come into operation on January 1, 1947, and, therefore, it will not be applicable to the audit of books and accounts which will close on December 31, this year. I think hon. Members will appreciate the fact that work of this nature entails a great deal of scrutiny and attention, particularly having regard to the fact that the people concerned with the keeping of these books are not very often trained in that respect. Those auditors, who are public auditors, are endeavouring to train them and instruct them along the best possible lines in the keeping of the books and accounts of these Trades Unions. I do not think it is necessary for me to say anything further. I may add that Government pays at present half of the fees paid to the auditors, and it is proposed that Government continue to do so. Consequently, Government will pay the corresponding part of the increase necessitated by this Bill.

Mr. LEE: I would ask whether Government could see its way to leave this Bill until Sir Gordon Lethem returns to the Colony. Sir Gordon is expected this month and there is no hurry for the appointment of the auditors this year, because according to the Trades Unions Ordinance all returns must be filed some time in April or May and they have already been filed, otherwise a breach of the law has been committed. I may be wrong but, I think, hon. Members should consider that the Trades Unions Ordinance was introduced for the purpose of regulating things and giving an opportunity to workers who desire to form themselves into an organization for collective bargaining. In the new Ordinance it is proposed that their accounts must be audited by a certified auditor, but the Trades Unions used to carry out their own audit and pay their auditors. I may say that certain auditors worked all the time for the Trades Unions free of cost—in a brotherly spirit—but the Unions felt that that was not right and urged that these auditors should be paid by Government. Representations were made and Government introduced an amendment to the Ordinance, No. 8 of 1943. In that Ordinance certain scales of fees were fixed, and they were accepted both by Government and the auditors. Government then said that in order to encourage Trades Unions in the keeping of proper books which they always had—although some people thought they had not—the Unions should pay half of the fees to those members who audited the accounts out of their own revenue, in order that the members should become more conversant with the working of the Unions. The members were satisfied with the auditing, but in 1943 Government introduced certain scales of fees and charges which the Unions accepted. Now, in 1946, we find Government introducing an amendment to that Schedule increasing those charges by practically 40 per cent.

These increases will not only affect the taxpayers, but all those persons who have become members of Trades Unions. All of us who know Guianese know that when they are in trouble they find a Trade Union and pay their fees for a month or

two. The Union will find out what is the principle involved and make representations on their behalf, holding interviews with Government or otherwise until some compromise is reached. Then those members will pay for another few months, perhaps, and leave the Union. Is it the intention of Government to carry out this measure when the vast majority of Trades Unions will not be able to meet the new scale of fees? If that is so, then most of the Trades Unions feel that the Government's idea is to break up Trade Unionism in this Colony. I feel, however, that that is not Government's intention.

I would like to know whether Government did not assist certain delegates from this Colony to attend a Trade Union Conference held in Paris some time ago, and I would like to get the names of those delegates, the amounts paid to them and the amounts outstanding. I know that conferences of Trade Unionists are being encouraged within the British Empire in order to see what are the defects in the various Colonies, and if Government does not wish to encourage Trade Unionism in this Colony I can only ask what is the use of preaching to the public that Government is ready to assist the people in raising their standard of living. That amounts to giving a half bucket of milk and then kicking it down. Does Government intend to carry out the Report of the West India Royal Commission, as contained in par 10, on page 15 of the Interim Report, under the heading "Labour and Trade Unions"? It states:—

"10. We recommend:—

(a) as regards Trade Unionism, the enactment, where they are not already in force, of laws to protect Unions from actions for damages consequent on strikes, the legislation of peaceful picketing (pickets being given access in reasonable numbers to workers both at the gates of the factories and at their homes), the compulsory registration of Trade Unions and audit of their funds (the latter duty could reasonably be undertaken free of charge by Governments); . . ."

If Government intends to accept the recommendations of the Royal Commission, then this Bill now before the Council

is being brought about by financial people in the Colony in order to "break up" the workers who are now organizing themselves and are now realizing that by unity they can get what they want. I am asking Government in all seriousness to let us wait until Sir Gordon Lethem returns to the Colony and see whether he has received instructions from the Imperial Government that this Bill should go through. We should also wait until after the general elections when we will have other Members here who will look after the interests of the people in this Colony. If I find that Government has received instructions from the Imperial Government to bring forward this Bill, I would write to some of my people in England and tell them that they are not carrying out their promise to assist the people of the Colony. That promise was made in writing on several occasions, and I know that certain Englishmen will not make a promise and not carry it out.

MR CRITCHLOW: This matter received sympathetic consideration from both the auditors and the Trades Unions. The auditors, like everybody else, have to meet the increased cost of living and are entitled to an increase of fees. Not only that, but they have to audit the accounts and cards of both the financial and unfinancial members in order to find out the true position. The trouble about Trades Unions in this Colony is that certain members join and pay up to a certain time, but the moment they get what they want they leave, so that the Unions find it hard to pay for unfinancial members.

The Trades Union Council has asked me to refer to par. 10 on page 15 of the Report of the West India Royal Commission, where it has been suggested that the auditing should be undertaken by Government free of charge. We do not mind paying for financial members, but it is the unfinancial members that give trouble. I am glad that the hon. the Attorney-General has mentioned that Government will still pay half of the fees, and I feel that we must meet our obligation and pay something also, but it is the question of the unfinancial members that is worrying us. I do not feel that this matter should be postponed; I feel that we have just as

much confidence in Your Excellency as in Sir Gordon Lethem, and that the matter should not be delayed any longer.

The PRESIDENT : As I understand it, the last speaker is in favour of proceeding with the Bill on the understanding that the fees relating to unfinancial members are not to be charged to the Unions.

Mr. CRITCHLOW : That is so, sir.

Mr. EDUN : I have discussed this matter with the hon. the Attorney-General and he told me that the auditors contend that the Trades Unions' books—especially those relating to the unfinancial members—give them a lot of work indeed and that they want some increase of fees. I agree that these auditors should be paid for their services, but I want to bring to Government's attention the case of the Man Power Citizens' Association as it will be affected by all these amendments. We have on roll for last year 4,500 members and that means, according to this scale of fees, that we will have to pay \$395 for auditing our books, etc., Government paying \$147.50 and the M.P.C.A. the other \$147.50. Having regard to the fact that the M.P.C.A. cannot afford to pay that amount, I will suggest that Government pay all the auditors' fees relating to Trades Unions. That is the recommendation of the Royal Commission and I do not think it will mean so much money after all. Government has had to foster Trade Unionism and, if the Royal Commission has recommended that these fees should be paid by Government, there ought to be no grumbling on our part, even if this amount is exceeded.

The PRESIDENT : Does the hon. Member mean that if Government pays all the fees he would not be concerned with how much we pay ?

Mr. EDUN : With those observations sir, we have no objection.

The PRESIDENT : I quite understand that.

Mr. JACOB : I am supporting the view as expressed by the hon. Member for Essequibo River (Mr. Lee). It is unfortunate that I have to make these com-

ments at this time, but I have come to the conclusion that this Government has no power to accept the recommendations of the West India Royal Commission as reported in this little document—the interim report. Session after session in this Council I find this Government disregarding these instructions. I was under the impression that the Secretary of State for the Colonies had accepted these recommendations and that they would be implemented. Here is a glaring case where the West India Royal Commission came to this Colony and investigated conditions—they were men of experience, not only of this part of the world—and they made recommendations that these things should be done, but they are not being done. Your Excellency made an unfortunate remark—and perhaps the hon. Mr. Edun did not appreciate it—when you said that Government has brought this Bill forward so that the fees paid to the auditors should be reasonable, but why put it on the unfortunate Unions when they cannot pay it. My experience of Trades Unions has been very bitter, and I think that the sooner Government reconsiders the whole question of the Trades Unions and the Labour Unions the better it will be for all concerned. I was one of those who supported this item 100 per cent, but I do not think my support is even 25 per cent now. We have a report for 1944 here, and whether the report for 1945 has been written or not I do not know. I want to take this opportunity to recommend to this Government seriously that every Head of a Department should begin to write his report in January and not wait until December to do so.

The PRESIDENT : I think the hon. Member should know that the delay in submitting the reports is due to printing difficulties.

Mr. JACOB : I am speaking of the date on which it is written—not printed. I think the Income Tax Report for the year 1944 is dated February 27, 1946, and received in August, 1946. I think this is very unfortunate indeed, and that Government and the Commissioners of Income Tax should be very much concerned about it. Then we have the 1944 Report

of the Department of Labour dated July, 1945. Why was it not dated January, 1945? I wonder whether the report for 1945 has been started as yet. This report states, on page 3, that the average daily earnings of time workers for 1944 were—men—66 cts; women—40 cts; boys—41 cts; and girls—36 cts. That is all right as a daily wage, but the fact remains that these people do not get six days' work per week. As regards piece-workers, the report shows that men resident on the estates earn \$4.71 per week, while the non-residents earn \$4.99 per week. What can these people—the non-residents—pay to a Trade Union when they are only earning \$5.00 per week, and the women \$2.84? Then Government says that these people must pay these fees and that the Trades Unions must have men to give service free of charge while officers in the Government Departments are sitting down. They are doing practically nothing and take six months before they begin to write a report.

We are told that it does not matter what the Council pays so long as the people themselves do not pay. I say that was a most unfortunate remark to make. I am not going to stress it any more. What I propose to stress today is what the West India Royal Commission advised this Government to do in every matter affecting the welfare of the people. The Officers have no responsibility to anybody in this Colony. It is a very wide statement to make, but there are very few Officers who have any responsibility! During my thirty years of intensive study of Government Officers, I have gained that very unfavourable impression of them. I have taken on a most unfortunate job at my inconvenience and what do I find? Wherever there is some progress to be made you find some people coming in and blocking that progress. The hon. Member for Essequibo River (Mr. Lee) has stated that these things are done with the object of killing out the Unions. That remark has been made by a responsible Member of this Council who is also a member of the Trades Union Council.

Then again the hon. Member says that in order to encourage Trades Unions advances were made to the Presidents of these

Unions to go abroad and study Trade Union methods. It is well that the Council and the public should know these things—if these advances have been repaid and, if not, when they will be repaid. Public funds are involved in these things. I see the hon. Mr. Critchlow says it is not he. I understand some of the advances have been repaid and some have not been repaid. May I ask on what authority these advances were made? As a Member of this Council I know nothing about them. Sir Gordon made certain promises about this Bill. I wish he was here for me to ask him about those promises. It is time every officer of Government respects promises made.

The PRESIDENT: I think we are much off the point!

Mr. LEE: Sir Gordon did not make a promise, but at the conference with the Trade Union members in respect of fixing the Auditors' fees under Ordinance No. 8 of 1943 which you are amending now—

The PRESIDENT: Is the hon. Member suggesting that this Bill is introduced with the view of breaking up the Trades Unions? That is a fantastic suggestion!

Mr. JACOB: Maybe it is a fantastic suggestion, but these are small wedges. I say that the suggestion has been made, and I am a little concerned because I know this Department is doing nothing practical.

The PRESIDENT: You cannot ask for an answer and not accept it. You must take the reply. It is not true.

Mr. JACOB: I accept the reply. This Department is not working properly. This Department was formed—I think at one time I calculated what were the monthly salaries of certain people, but on the Estimates it was shown what was voted last year—with the object of encouraging people to become members of Trades Unions. On page 39 of the 1944 Report of the Department there is a list of the financial members of thirteen Unions that are affiliated to the Trades Union Council. I will give the figures so that they may remain on record. The total membership of these 13 Unions in 1941 was 3,611, the

highest in one Union being 1,310 and the lowest 12; in 1942 the total was 4,593, the highest being 2,398 and the lowest 4; in 1943 the total membership rose to 6,770, the highest individual total being 4,144 and the lowest 13; in 1944 the total membership further rose to 7,177, the highest being 4,211 and the lowest 31. If the people in this Colony really had confidence in the Labour Department, would such small numbers join the Trades Unions when the fees are so small? If the hon. Member who represents the Man-Power Citizens' Association which has 4,211 members, says they are unable to pay these fees as suggested, there must be something wrong. Either the Department has not got the confidence of the people or it is not properly run. There must be something wrong.

The PRESIDENT: What on earth has it to do with the Labour Department whether the people join the Trades Unions? They join when they have the money to subscribe. The fact that membership of these Unions has gone up and down cannot attach responsibility to the Labour Department. We are discussing a Bill to increase the Auditors' fees. The auditing of Trades Unions is done by Public Auditors and not by the Labour Department. I have allowed the hon. Member plenty of latitude, and I must ask him to stick to what is relevant. We are not debating or enquiring into the good administration of the Labour Department. If the hon. Member has that in mind, then he must wait until the Estimates of the Department are being considered and he can then speak at length on that. I must ask him to speak on the point at issue.

Mr. JACOB: I submit I am quite within my right to do so in speaking on the principle of this Bill which is to increase the Auditors' fees. It refers to payment and to membership. I am giving the membership as stated in this report by the Labour Department, and I am making the comment that there is something wrong. I think the Labour Department ought to recommend that the people are unable to pay these fees and that Government should pay all these fees. I do not know, however, if the Department has

recommended it or not. I have lost 75 per cent. of the confidence I had in this Department and, I think, the people too have lost a good deal of confidence in this Department. I am casting no reflection on any particular officer, but the policy of the Department is bad, whether it is directed from London or by the Central Government is another matter. The membership of the Trades Unions is very low. One Union in 1944 had 31 members, another 33, another 52, and so on. How can these be called Unions? Then there are others not affiliated to the Trades Union Council—the membership of one is two. But there are nine Trades Unions with a total membership of 1,288. Then you have as Trades Unions, Employers Organizations, one which has 47 members and another one has no figure given. Still you have a fourth set of Trades Unions—one with 28 members, another with 112, another with 20 and another, the Bartica United Improvement Association, with no membership recorded.

This Colony is paying large sums of money to a Labour Department and, I say, the expenditure is unwarranted. If it is unwarranted to pay the whole of these fees, I recommend that Government consider the whole question of the Labour Department, the reduction of the staff so as to reduce the expenditure. If you want to encourage Trades Unions and to encourage the people to join them, you must make it reasonable for them to keep proper accounts. Government must pay the Auditors' fees as recommended by the West India Royal Commission and so build up something. It is no use putting up these whitewashed things, these window-screens. They are not going to have any effect and, what is more, this is not the time to refer to it. The result of the effect of this Department on the labour question generally, is not at all satisfactory. Let us not disguise the fact. I ask that the matter be postponed. I am going to vote against it, and I am going to suggest that the Government pay all the fees when the matter comes back to this Council.

The ATTORNEY-GENERAL: Your Excellency, I think hon. Members will be perfectly satisfied with the assurance

which I am giving, that Government has absolutely no intention whatever, as suggested by one or two hon. Members, of breaking up the Trades Unions. There is absolutely no intention whatever to do so, and I do not think it is desirable that any such suggestion should be made in this Council. The Bill itself gives no reason for any Member to come to any such conclusion. The Bill arises as the result of representations made by the Public Auditors whose business it was to audit these accounts, and they represented the fact that on account of the condition—if I may use that word—of the books and accounts, and the fact that the people join these Unions and then drop out and at some time of the year a Union may have 500 members, which may be the maximum number, but when the time comes for the audit at the end of the year there may be only 300 members; they are required to do the auditing of the books and accounts of the Unions for the whole year including the payments of the maximum number of members during the year, but they are only paid on the basis of the number existing as financial members at the end of the year. It will be appreciated that the Auditors feel they are being called upon to perform a duty in connection with these audits and they ought to be paid in accordance with the work which they are doing. The object of this Bill is to increase their fees accordingly and to permit them to charge on the basis of the maximum number of members during the course of the year of their audit. I think that is a reasonable point of view which should commend itself to hon. Members.

The point which arises then is whether the Government should bear the whole cost of the audit, which is a departure from the existing position, or whether Government should pay more than 50 per cent. or one-half share of the cost of the audit. As the Law stands, Government pays its half share now. What is being asked is that Government should pay the whole. That is the suggestion of one or two hon. Members.

Mr. LEE : It is the recommendation of the West India Royal Commission !

The ATTORNEY-GENERAL : In other words, if the Ordinance remains as it is without this amendment, the Trades Unions would still have to pay their portion of the Auditors' fees. Therefore we are going back on what this honourable Council decided in 1943 when the Bill which became an Ordinance and the schedule of fees was agreed to. Here we have come with a proposed amended schedule because of the representations which had been made by the Auditors in the light of their experience, and I suggest to hon. Members that they are going back on a decision, which this Council reached in 1943 when it passed the schedule of fees in urging that the whole of that be wiped out completely and Government pay the whole of the fees.

Mr. LEE : We are not going back on that decision. Government is increasing the fees of the Auditors by basing them on the unfinancial members as well, while the decision arrived at in 1943 was payment of the fees on the financial membership.

Th ATTORNEY-GENERAL : I hope the hon. Member appreciates the point I am making. It is clear that if the suggestion of the hon. Member is taken—the suggestion of the hon. the Fourth Nominated Member (Mr. Edun)—that Government should pay all the fees, we are going back on the decision of payment of one-half of the fees. What is the suggestion? You say that this is not in keeping with the recommendation of the West India Royal Commission. I take it that that was present in the mind of the Council in 1943. Putting that question aside for the moment, the point at issue now is whether the Trades Unions should be required to pay their one-half share of the fees on the basis of the maximum members in the course of the year in connection with which the audit is made. I think that is the view of the hon. Nominated Member, Mr. Critchlow. I gather from the comments of Members that it is not a question of the Trades Unions being unwilling to pay, but it is that they are unable to pay the difference. I take it, too, having regard to what the hon. Member for North-Western District (Mr. Jacob) read out—the number of people

who are members of Unions—it would be appreciated that the cause of it is not the Labour Department's fault or any lack of Government interest, but that part of it is due to the people themselves, and the hon. Member for North-Western District endeavoured to supply an answer by way of giving the amount of wages which these people earn. Put that side by side with what the hon. Mr. Critchlow has said and consider which of these views appears to be true and logical. When there is something to be done, when the people want their time served, they join the Unions but as soon as they get their time served and their object achieved they snap their fingers, tear up their membership cards and are members no longer of the Unions. That is a matter, I suggest, of educating the people themselves to the fact that their interest lies in the continuity of their membership and in the interest which they take in the Union itself. It is not that they cannot pay, as they do pay during the time when they want something to be done for them.

We appreciate the hon. Member's point that the people endeavour to pay, if I interpret him correctly, when something is to be done in their behalf, but when that is achieved they cease their endeavours. Perseverance is not part of their make-up. I suggest to hon. Members, and I hope they will accept it in good faith, that part of the responsibility of leadership of Trades Unions is to tell these people where their interest lies. The Government wishes the co-operation of Trades Unions. These are days when Capital and Labour must work together for the good of the community. Co-operation must be the watchword, not only of the leaders but of the people who form the Trades Unions. It is in their own interest to keep their membership alive. We appreciate the point which the hon. Member has made, but we have to get back to this Bill and its principle.

Do you agree that these Public Auditors, having the responsibility of auditing these accounts and keeping the Unions at as high a level and standard of efficiency as possible, should receive this remuneration? That is the first point, and that is the principle. The second point is, so

far as Government is concerned, Government is not going back on what it agreed to before, and that is to pay more. The sole point is the Auditors say they are called upon to audit the accounts of members who have dropped out during the year and have lost interest in the Unions just the same as those who have kept on to the end of the year. They are asking to be paid for that. I am asking that, so far as the principle is concerned, hon. Members approve of the second reading of the Bill.

Mr. PERCY C. WIGHT: I know I am not quite in order, but after listening to the hon. Member for North-Western District I am satisfied in my mind that these Labour Unions cannot pay the increase. Let us tell the Government to pay the additional sum. It is useful to the community to know what is going on among these Trades Unions. The point is, when Government pays the fees it is entitled to a copy of the certificate of the Auditors, and the Auditors will be more careful in their work knowing that Government is paying the fees. What I am surprised to learn is the statement made that this Colony is advancing money without the consent of this Legislature. The hon. the Attorney-General has not replied to that, and I am rather inclined to press it, as I want to hear something about that.

Mr. CRITCHLOW: Before the hon. the Attorney-General replies, I desire to clear up a point. I think one hon. Member said the President of the Trades Union Council is in this Council now and money was advanced to him. I want to clear myself. I do not owe Government one cent.

Mr. LEE: I would like to endorse that statement. To a point of correction! It is not the President, Mr. Critchlow. The money advanced for Mr. Critchlow was repaid to Government. It was not that money which was referred to. Money was advanced as the result of the Trades Union Council not knowing the amount to be paid for the passages of Mr. Critchlow to England at the time. Government undertook to arrange for the passages and did so, but the money so advanced has been refunded.

The COLONIAL TREASURER : With regard to the point raised about Government making advances, I would like to explain that an advance is not an expenditure, and under the Regulations the vote of the Legislative Council is not required.

Mr. JACOB : I would like to correct the hon. the acting Colonial Treasurer. Any interpretation can be placed on the Regulations. I would like to say that when the Teachers were advanced money in order to go out of the Colony, this Council's approval was sought by Government. Advances were made in respect of other matters and the Council's approval was also sought.

The PRESIDENT : Is the hon. Member speaking on a correction or a second time ?

Mr. JACOB : I am correcting the hon. the acting Colonial Treasurer. The point is, a question has been asked as to whether advances were made, and if so to whom, and whether the advances have been repaid. I think an answer should be given. The hon. Mr. Critchlow said his advance has been repaid. That is satisfactory. But have the other people to whom advances were made repaid theirs ?

The COLONIAL TREASURER : A portion of the advances has been repaid, but the difference between the advances made to the Teachers and these other advances is that it is at the option of the Governor to consult this Council. The advances to the Teachers amounted to something like \$4,000 or \$5,000, a large sum.

The PRESIDENT : I think I can explain this matter. Advances were made, I think, to two members of the Trades Union Council to go to Paris. They were made at the request of the Home Government who had asked that every facility be given them. I do not quite know how much of it has been refunded, but some of it has been repaid. I would add that the gentlemen who received the advances promised to refund the amounts. If the hon. Member for Georgetown Central and the hon. Member for North-Western District want to know if the advances have

been made, the answer is "Yes, and it is being recovered", but I cannot say how much is outstanding.

Mr. PERCY C. WIGHT : I appreciate your remarks very much. I did not ask the question. I only wanted to know if there was any truth in the matter.

The PRESIDENT : The answer is, I will certainly point out to the Colonial Secretary what you have asked, and that is how much of the advances has been recovered.

Mr. PERCY C. WIGHT : I plead on behalf of the poor people that we should pay the whole amount in this case.

The PRESIDENT : We may do that in Committee.

Question put, and the Council divided, the voting being as follows :—

For :— Messrs. Raatgever, Thompson, Roth, Edun, Gonsalves, Percy C. Wight, Dr. Singh, Critchlow, Woolford, the Colonial Treasurer, the Attorney-General, the Colonial Secretary—12.

Against :— Messrs. Lee, Jacob—2.

Did not vote— Mr. Peer Bacchus—1.

Motion adopted.

Bill read a second time.

The PRESIDENT : Do you wish to go into Committee on the Bill ?

The ATTORNEY-GENERAL : In view of the observations of hon. Members in connection with the financial position of the Unions I shall ask leave, Your Excellency, to be allowed to consider that matter. As I understand it, hon. Members have expressed the view that at the present time the Government is paying 50 per cent. of the Auditors' fees, and they have asked that there should be some increase on the Government's portion. I do not know whether that is a part of the Third Schedule.

The PRESIDENT : Can we not consider that particular point when we go into Committee ?

The ATTORNEY-GENERAL : I appreciate that. I am only making this observation before that is done. I now move that the Council resolve itself into Committee and consider the Bill clause by clause.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

COUNCIL IN COMMITTEE.

Clause 1—*Short Title.*

Mr. LEE : I move the deletion of this clause for the reason that it has been brought to my knowledge that the Executive Committee of the Trades Union Council of which I am a member handed a motion to the hon. Nominated Member, Mr. Critchlow, the object being that he should ask that Government should pay all the fees relating to the Auditors. The hon. Nominated Member has that motion in his possession and, if that is so, it is the opinion of the Unions that it should be considered

The ATTORNEY-GENERAL : In answer to the last speaker I will say that the hon. Mr. Critchlow handed me the motion at the conclusion of the last meeting, and I stated that the points raised therein could be dealt with in Committee.

Mr. CRITCHLOW : We are now in Committee and the matter can be dealt with.

Mr. JACOB : The hon. Member for Essequibo River (Mr. Lee) and myself do not want to go back on the decision made in 1943. On this recommendation then, I support the principle that this Government should pay all the fees. We have no right to initiate any expenditure. Government brought forward a motion for paying half the fees and we agreed, but now we are asking that Government should pay the whole of the fees—not only 50 per cent. Even if Government agrees to pay 75 per cent of the fees it would be better. It is not right to say that because we got something done before and want something further done, we are going back on what we did. It is a very serious matter in this Colony, where officials are changed

so often, that when recommendations are made by competent people and are accepted they do not form part of the policy of this Government and of every Crown Colony Government. I consider the Report of the West India Royal Commission to be a policy or plan that we should work by, and by asking now that Government should pay all of the fees does not say that this Council is going back on its decision. It says that Government is acting in a cheese-paring manner, and I am surprised at the view being taken by certain hon. Members. This Government has no plan or anything. For instance, we have something at Wortmanville called a housing scheme; that is not the sort of thing the West India Royal Commission has recommended, but we have a young Town Planner coming here and recommending what he likes.

The CHAIRMAN : I must ask the hon. Member not to touch upon other things.

Mr. JACOB : I am just making a brief reference, sir. I have lost faith in Trade Unionism through the Labour Department. I was President of a Trade Union which had 1,200 members, and I am President of the same union now but it has 12 members and that might probably be cut down to 2 members. I know what it has cost me to run it, for the members have to be made to take an interest in these Unions. I am glad that the hon. the Attorney-General has been a public man at one time in his career, as he will have some personal appreciation of what I mean. I repeat that Government should endeavour to pay all the fees for auditing Trades Unions' accounts.

Mr. EDUN : I did not intend to speak any more this afternoon, but I think it is well to call attention to the fact that the Man Power Citizens' Association happens to be the largest Trade Union in British Guiana and that its membership stands at 4,211. So far as its relationship with the Labour Department is concerned, we have received 100 per cent. co-operation. We have nothing to complain about, and I want that to go on record. We are agreeable to this Bill being made law, providing Government permits me to make a recommendation relating to the Schedule when

we reach it. The Labour Department is doing very good work now, and I want that statement to go on record.

Mr. CRITCHLOW: I desire to support the remarks made by the last speaker. I can assure you, sir, that through the good services of the Labour Department we are having less disputes now than we had before.

Mr. JACOB: I am not going to attempt to attack these hon. Members, but I know better than that. It is true that we are not having very many disputes now, but we are not having as much production as in the past. People are selling out in different parts of the country and if that is what the hon. Members are satisfied with, I am not. It is known that the Labour Department is doing nothing.

Mr. EDUN: I do not think the hon. Member is correct. The production of sugar has increased and, I think, we will reach 200,000 tons this year.

The CHAIRMAN: I am very grateful for the support given to the Labour Department. I will put the amendment for the deletion of clause 1.

Amendment put, the Committee dividing and voting as follows:—

For: Messrs. Lee and Jacob—2.

Against: Messrs. Raatgever, Thompson, Edun, Gonsalves, Percy C. Wight, Critchlow, Woolford, the Colonial Treasurer, the Attorney-General and the Colonial Secretary—10.

Amendment lost.

Clause passed as printed.

Clause 2—Repeal and re-enactment of the Third Schedule to the Principal Ordinance, No 8 of 1943.

Mr. EDUN: I desire to move an amendment to read that "Government shall pay the auditing fees of all Trades Unions."

Mr. JACOB: I am moving the deletion of this clause. I think the best thing will be to pass the Bill without it.

The ATTORNEY-GENERAL: The scale of fees is in this clause!

Mr. LEE: My point is that Government should pay all the fees. The Bill, as it stands, cannot be amended. The amendment will have to come in a substantive Ordinance and, although I have told that to the Trades Unions, they will not listen to me.

The ATTORNEY-GENERAL: There is a Schedule at the end of the Ordinance of 1943 and, if hon. Members look at Section 12, they will find it states: "The Principal Ordinance is hereby amended by the addition thereto of the following Schedule." That Schedule provides the scale of fees for the auditors, and what we are attempting to do by this Bill, which is now before the Council, is to take out the Third Schedule, as printed in the Ordinance of 1943, and replace it by this new one. The point the hon. Member is making is that it cannot be done this way, but I do not know what he means by that. I do not know whether he means that we cannot substitute this Third Schedule for the one in the Ordinance of 1943.

Mr. LEE: I would be happy if Government accepts the suggestion of the hon. Nominated Member, Mr. Edun, to pay all the fees.

The ATTORNEY-GENERAL: What Government was endeavouring to do was to find out the terms of the amendment suggested by the hon. Member. The suggestion has been made that instead of having this we should have a Schedule of Fees, but the point is that you are asking that Government should pay all.

Mr. LEE: Is Government going to accept the amendment?

The ATTORNEY-GENERAL: No.

The CHAIRMAN: I think the position, as stated by the hon. Member for Essequibo River (Mr. Lee), is well understood. We cannot amend this clause before us to provide for the amendment suggested by the hon. Mr. Edun. I do not know how hon. Members will regard this: I am reluctant to leave any legislation in Committee stage, but if hon. Mem-

bers pass this Schedule relating to the payment of the auditors' fees, I will give an undertaking to come back next week and give them an opportunity to debate how much Government should pay. I think Government should pay more, but I am not prepared to commit myself on the measure without getting an opportunity to consult the Executive Council. Hon. Members may accept my assurance that if they pass this Bill now the question of the fees would be brought back to them for their consideration. I cannot guarantee what the Executive Council will decide, but I can guarantee to bring the question back to this Council.

Mr. LEE: Supposing the Executive Council says that Government must stick to this, the Labour Members have not got a majority in this Council and that is what I am fighting against. I think it will be better to leave the clause as it is, but Your Excellency can consult the Executive Council and find out whether they will agree to the payment of all the fees. I may say that if that is not done, I am going to write my friends in England and tell them that this is not the recommendation of the West India Royal Commission. We can defer the matter until Your Excellency gets the recommendation of the Executive Council.

The CHAIRMAN: I do not think the hon. Member has understood me. I do not wish to make two different speeches. I want the Council to pass this Bill and I will take the opportunity to find out whether the Executive Council will agree that Government should pay the full fees. I can promise you that anyhow.

Mr. JACOB: I accept your undertaking, sir. May I remind Your Excellency, however, that you have enough power in the circumstances to accept the advice of your Executive Council or to reject it.

The CHAIRMAN: Certainly, I know that.

Mr. JACOB: It was definitely laid down by one of His Majesty's Principal Secretaries of State for the Colonies in the past that Government should give consideration as far as possible to these recom-

mendations, and if Your Excellency has received specific instructions that Government should not pay all the fees I think the Bill could well be left in the Committee stage. I have no interest at present in Trades Unions and I think Government is responsible for that. I have had no co-operation from the Labour Department, but I am glad to know that certain Members of this Council are getting all they want.

Mr. EDUN: I will be glad if Your Excellency can persuade the Executive Council to pay all the fees. I think it is the duty of Government to pay them. I accept your assurance, sir.

Mr. CRITCHLOW: I also accept Your Excellency's assurance. What I am concerned about is that Government should pay a little more than they are paying now, if not all.

The CHAIRMAN: I do not want hon. Members to be under any delusion. I am not promising anything definite now, because I have to consult the Executive Council first.

Mr. JACOB: While I understand that, I should say that Government has selected the hon. Mr. Critchlow as a representative of Labour and nothing else in this Council. I am going to suggest that so long as he has a resolution from the Labour Unions on this matter he should submit it. The hon. Mr. Critchlow has got specific instructions to ask Government to pay all the fees and, if he comes here and forgets those instructions, that is a matter for his conscience. I am suggesting, now that we have seen this resolution, that the hon. Mr. Critchlow has one duty only. We are asking as Members of this Council that all the fees be paid by Government.

The ATTORNEY-GENERAL: I think that in answer to the hon. Member for Essequibo River I read the resolution which the hon. Mr. Critchlow handed me at the conclusion of the last meeting, and I take it that it speaks for itself. I hold no brief for the hon. Mr. Critchlow, but I think he knows how to approach a matter of this sort in order to get the best for the Trades Unions. I think the

hon. Member for North Western District (Mr. Jacob) went very far, as it should be left for Mr. Critchlow to decide what method he would adopt.

Mr. CRITCHLOW : I must thank the hon. the Attorney-General for the explanation he has given. The hon. Member for North Western District always tries to say something against me, but I do not worry with him. As a Trade Union leader I get complaints from all over the place and even from people in the North Western District, and, I think, I always get what they want done. I can assure the hon. Member for North Western District that Critchlow is conscientious and always gives of his best.

Mr. PERCY C. WIGHT : I can assure you, sir, that I deplore this kind of attack on hon. Members. This place should not be used as a cockpit for disputes between Trades Unions. This kind of thing is most reprehensible.

The CHAIRMAN : Is the hon. Member for Essequibo River (Mr. Lee) still moving the deletion of clause 2 ?

Mr. LEE : Yes, sir.

The ATTORNEY-GENERAL : The clause shows the fees that should be paid to auditors by the Unions, and it has been provided for already that one half should be paid by Government and the other half by the Unions.

The CHAIRMAN : If it is not passed as printed, then I would leave the whole thing in Committee until we decide the other question. I am anxious to get the auditors' fees approved; that is what I am here for this afternoon.

Mr. LEE : Would Your Excellency give us the right, if we pass them, to recommit clause 2 later and adjust the fees accordingly ?

The CHAIRMAN : I cannot promise that

Mr. LEE : Then I will have to move that the fees be reduced accordingly, in order to meet the pockets of the Trades Unions. That is what I should do in the circumstances.

The CHAIRMAN : I am afraid I cannot accept that. The principle is that these fees are just and equitable as printed and, if that is so, I am not going to agree to reduce them because the Unions cannot pay. I want to have a decision today. I will agree to hold the Bill in Committee, but I still want Members to express an opinion on this Schedule now.

Mr. JACOB : May I explain this ? Whether we oppose the Bill or not it is going through. I believe this Schedule is being increased with an object. So long as the Auditors get 50 per cent. of the fees from Government they will not collect the other 50 per cent. from the Trades Unions. I think, the hon. Mr. Edun will confirm what I am going to say. In my own Trade Union it has happened. If Government proposes to pay all the fees, it would be better and advisable not to increase the scale of fees at all. The Auditors will be satisfied that they will be getting the whole fees. It has happened in the Guiana United Trade Union that the Auditors could not collect the other 50 per cent. If you agree to pay all the fees, it may not be necessary to increase the Schedule of Fees. I think, it is best to leave the Bill in the Committee stage. It would mean Government paying a little less and the Auditors collecting all the fees.

Mr. EDUN : I cannot subscribe to that view that the Auditors will think that way. The point is, I as a Trade Union leader will always hope to pay sufficiently for my audits. I want more pay for my job. We feel that these Auditors should get more pay for doing their job, but we are saying that in the case of payment of the Auditors' fees it is difficult for the Trades Unions to do so and we are asking Government to pay them.

Mr. LEE : I would not like to think that the Trades Unions are trying to get one over the Government in this matter. The hon. Member for North-Western District has struck the nail on the head, and I cannot help stating that I can substantiate what he has said. Your Excellency, I want you to follow my argument. If you look into it, you would see that the fees passed in 1943 were based on the

financial members — \$6.00 for every 50 financial members. In this Bill the amount is to be \$10.00, an increase of \$4.00, for 50 members, financial as well as unfinancial. Why should not my Trade Union pay the sum of \$3.00 as at present? If Government means to pay all the fees, the Members of the Executive Council are going to say that the increase is too much and they are going to refuse to recommend it. That is why I am a bit in doubt. As the hon. Member for North-Western District has said, certain Trades Unions think the Auditors are getting sufficient pay from Government, but I am not saying that. It is not honest, and I want to prevent dishonest acts. If you increase the fees to be paid the Auditors by \$4.00, this is what will happen. The Trades Unions will tell the Auditors "Audit the books" and when the Auditors have got the half of the fees from Government the Trades Unions will say to them "We cannot afford to pay the other half of the fees."

The ATTORNEY-GENERAL: It seems to me that we are going around in a circle. The whole thing is a point of principle. Let us direct our minds to the principle which is involved. If we do that, the first point is this: Those who have an intimate knowledge of the government of Trades Unions, their membership and their accounts and books, will appreciate more than I can whether the representation advanced by these Public Auditors is reasonable or not. In other words, do we decide on the principle that it is equitable to give these Auditors of Trades Unions' books an increase as appears here in the Bill? If we agree as to that, then all those other things are not germane to the issue. They come after. The very first point to be decided is whether it is regarded that the Auditors' fees, as put down in the Bill, are fair and

reasonable. The hon. Member for Essequibo River is saying that he does not regard it as necessary to have any increase, if I understand him correctly.

Mr. LEE: No, sir; if the Auditors felt that the increase was necessary they would have come and asked for a bonus of so much on the audit.

Mr. WOOLFORD: May I explain? I think hon. Members' fear of this Schedule is founded on what appears here. It will undoubtedly mean an increase in the possible contribution by the Unions. What the Unions want to know is if they would be assured now that these fees, if allowed to be passed as a true value of the services rendered by the Auditors, are to remain, whether the Unions will have to contribute beyond what they are now contributing—one-half of the fees—or Government will bear the whole charge. The Schedule may be passed because it represents the true value of the services rendered by the Auditors, but not knowing what the Executive Council may decide hon. Members do not wish the Schedule to be assented to now. In the circumstances it does seem reasonable that consideration of the Schedule should be postponed.

The CHAIRMAN: I am perfectly prepared to leave the Bill in Committee, having passed clause 1. I am convinced that some further consideration should be given to it, and I agree to leave the Bill in Committee as it is now.

Further discussion deferred.

The Council resumed.

The PRESIDENT: There being no further business I adjourn the Council until Friday, 13th September, at 2 p.m.

The Council adjourned accordingly.