

LEGISLATIVE COUNCIL

FRIDAY, 18TH MAY, 1951.

The Council met at 2 p.m., His Excellency the Officer Administering the Government, Mr. John Gutch, O.B.E., President, in the Chair.

PRESENT:

The President, His Excellency the Officer Administering the Government, Mr. John Gutch, O.B.E.

The Hon. the Acting Colonial Secretary, Mr. D. J. Parkinson, O.B.E.

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

The Hon. the Acting Financial Secretary and Treasurer, Mr. W. O. Fraser.

The Hon. C. V. Wight, C.B.E., (Western Essequibo).

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

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

The Hon. T. Lee (Essequibo River).

The Hon. V. Roth (Nominated).

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

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

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

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

The Hon. J. Fernandez (Georgetown Central),

The Hon. Dr. C. Jagan (Central Demerara).

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

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

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

The Hon. J. Carter (Georgetown South).

The Hon. L. A. Luckhoo (Nominated).

The Clerk read prayers.

The minutes of the meeting of the Council held on Thursday, 17th May, 1951, as printed and circulated, were taken as read and confirmed.

PAPERS LAID

The COLONIAL SECRETARY laid on the table the following documents:—

The Twenty-Sixth Annual Report of the Imperial Forestry Institute University of Oxford, 1949-50.

The Annual Report of the Imperial Institute for 1950.

GOVERNMENT NOTICE**INTRODUCTION OF BILL**

The ATTORNEY GENERAL gave notice of the introduction and first reading of a Bill intituled:

“An Ordinance further to amend the Licensed Premises Ordinance, 1944, with respect to the opening and closing hours of retail spirit shops other than those in Georgetown and New Amsterdam.”

UNOFFICIAL NOTICE**PETITION FROM P.W.D. CONTRACTOR.**

Mr. FERNANDES presented a petition on behalf of Mr. E. A. Bollers, a Public Works Department Contractor,

TRADE DELEGATION TO CANADA

The COLONIAL SECRETARY: Before we proceed with the Order of the Day I should like to move the suspension of the Standing Rules and Orders in order to allow me to move a motion on a matter of some urgency. Hon. Members may have observed in the local Press that the Regional Economic Committee which is now meeting in Barbados has recommended and proposed that a delegation should be sent to Canada to confer with the Canadian Government as regards trade relations between Canada and the British Caribbean territories, the intention being that this conference should coincide with the meetings about to take place of what are known as the Canada-United Kingdom Continuing Committee and the Trade Liberation Committee. The delegation will comprise the Hons. W. A. Bustamante (Jamaica), Albert Gomes (Trinidad), G. H. Adams (Barbados), and W. J. Raatgever (British Guiana). I should accordingly, like to move a motion which reads as follows:—

“That this Council supports the recommendation of the Regional Economic Committee that a delegation should be dispatched immediately to Canada to confer with the Government of Canada regarding trade relations between Canada and the British Caribbean territories; and approves the provision of funds to meet this Colony's contribution towards the expenses of the delegation”.

I beg to move the suspension of the Standing Rules and Orders to enable me to move that motion.

The FINANCIAL SECRETARY and TREASURER seconded.

Motion put and agreed to.

Standing Rules and Orders suspended.

The COLONIAL SECRETARY: I have already explained, more or less, what this motion is about, but I should like with your permission, sir, to quote

in extenso the resolution which was unanimously passed by the Regional Economic Committee, yesterday. The resolution reads as follows:—

“This Regional Economic Committee of the British West Indies, British Guiana and British Honduras in conference assembled, being conscious of the gravity of the economic consequences which would accrue to these territories if they lose the Canadian preferential market for their sugar and other exports and of the deterioration of trade relations with Canada principally as a result of the currency restrictions imposed by the United Kingdom, hereby resolve—

(1) that an urgent request be made to the United Kingdom authorities for an immediate and substantial relaxation of currency restrictions at present imposed on trade between Canada and the West Indies sufficient to meet the full requirements of Canada-West Indies trade.

(2) that the Government of Canada be requested to agree to the immediate despatch of a delegation appointed on the recommendation of this Committee to confer with the Government of that Dominion with the object of preserving the happy trade relations between these territories and Canada which are now seriously threatened;

(3) that the Governments of the United Kingdom and Canada be requested to agree to the attendance of members of the delegation referred to above at the meetings of the Trade Liberalisation Committee and the meetings of the Canada-United Kingdom Continuing Committee which are due to be held in Canada in the immediate future.”

We were informed of this resolution by the Comptroller for Development and Welfare in Barbados who went on to explain that the function of the delegation would be to engage in exploratory and friendly talks with the Canadian authorities with a view to restoration of previous happy relations on Canada-West Indies trade. The Economic Committee considers it highly important that the visit of the delegation should coincide with the meetings of the Continuing and the Trade Liberalisation Committees, and has expressed

the view that the Governments would agree to give immediate attention to the proposal and to authorize the Comptroller to request His Majesty's Government to make the necessary approach to the Canadian Government.

Hon. Members may remember that the Finance Committee approved of this Government's participation in the Regional Economic Committee, and may also remember that the basis of dividing the cost of the Committee's expenditure was in proportion to the value of trade between the individual territories and Canada. On that basis British Guiana's share worked out to about one-sixth, so that of the total expenditure of £1,500 this Colony's share would be £250 or \$1,200. I think that in saying who it was proposed should comprise the delegation I mentioned the names of Messrs. Bustamante, Gomes, Adams and Raatgever, but did not mention that they would be accompanied by one representative of the British West Indies Sugar Association, and by Mr. J. Youngman or one other nominee of the Incorporated Chambers of Commerce of the West Indies. I feel sure that this motion will meet with the approval of this Council. This Council has already expressed its concern about the sugar negotiations between the United Kingdom and Cuba, and on that occasion reference was made in the course of debate to the Canadian negotiations with Cuba which have given rise to some disquiet as to their possible effect on Canada-West Indies trade. I feel sure that hon. Members will agree to support this motion which I now formally move.

Mr. DEBIDIN: Before I speak on the motion I would like to ask whether this delegation would have the right to sit in at the meeting of the Canada-United Kingdom Continuing Committee which will be started on May 21.

The COLONIAL SECRETARY: The intention, of course, is that it should; but that would be subject to agreement between the United Kingdom

and Canada. The third part of the Resolution, the hon. Member would recall, states:

"(3) that the Governments of the United Kingdom and Canada be requested to agree to the attendance of members of the delegation referred to above at the meetings of the Trade Liberalisation Committee and the meetings of the Canada-United Kingdom Continuing Committee which are due to be held in Canada in the immediate future".

That was the intention and I think it forms part of the resolution.

Mr. DEBIDIN: May I ask another question, sir? Is it not a fact that so far as sugar from the West Indies is concerned it can only be sold under agreement by the United Kingdom to Canada?

The COLONIAL SECRETARY: I am not quite sure that I understand the hon. Member's question. As far as I am aware, under the present agreement His Majesty's Government has undertaken to buy the entire production of the West Indies territories. All our sugar is bought in the first instance by the United Kingdom and any West Indian sugar that happens to go to Canada is presumably resold by the United Kingdom Government to Canada.

Mr. DEBIDIN: I am aware of that position and that is why I wanted to have it cleared up. As far as I know, whatever sugar is sold to Canada must be sold after having been purchased by the United Kingdom. As a matter of fact, in past years the United Kingdom has been gaining on the preference granted to our sugar and making a profit which should have been coming to this Colony. That has been admitted in certain quarters in the Colony—the British Guiana Sugar Producers' Association. It seems to me that the position in which we find ourselves at present—necessitating this motion—is one which has been created by the United Kingdom Government, and it seems to me that I should—**regardless** of whether other Members

agree with me or not—say here that we are not very happy or satisfied with that position. Personally, I think the motion is essential because of the Cuba-United Kingdom agreement. There has been a great deal of juggling as regards the purchase of West Indian sugar—a juggling to the economic detriment of the West Indies—and this should not have been allowed if the United Kingdom was true to its trusteeship of the British West Indian Colonies. I do not know whether any success would result from these goodwill missions. The heart and the core of the problem seems to me to be in the United Kingdom and that is where the arrow should be aimed, not so much at Canada. We are restricted hand and foot by preference, currency and a multitude of other ways. We are restricted in trade with dollar countries, and the question arises whether the economic position of the Colony *via* sugar might not be challenged. I am going to support the motion which calls for the expenditure of a paltry sum; but it is not the amount involved that I am concerned with, it is the principle on the other side which has been accepted with a big question mark. I hope, however, that the creation of goodwill would lead to success on the part of the delegation—goodwill not so much from Canada, but from the United Kingdom which has the power to create it for the benefit of the West Indies and British Guiana.

Dr. JAGAN: I rather think that no good purpose would be served at this time in passing such a motion as this. Every effort should be made to stimulate trade between British Guiana and the Canadian market but what alarms me, sir, is that while we are taking part in these discussions we do not know the full impact of what is taking place elsewhere. Recently there has been prolonged discussions in trade at Torquay in England, and we have heard that the Canadians are not going to be bound by the same restrictions as the other countries in so far as the preferential market and so on are con-

cerned. I do know that at present British Guiana has a favourable balance of trade with Canada, and I think that every effort should be made to stimulate that trade. What alarms me now is the question of currency exchange. We know that before devaluation the Canadian dollar was worth about 20 per cent. more than the British Guiana dollar, but since devaluation we find that we have to pay nearly 50 per cent. more for the same Canadian dollar in terms of the British Guiana dollar. I think, sir, that since Canada has not devalued her currency British Guiana should have followed suit. I know it would be said that that is a matter with which we are not competent to deal, but in view of the fact that we have a very large balance of *trade* with Canada I think that is the stand we should have taken. I have not got the correct figures here, but I think we are selling to Canada more than twice as much as we are purchasing from her at present and, consequently, our earning power so far as Canadian dollars are concerned is quite good.

We have to bear in mind, however, that every time we import produce from the Canadian market—and it is obviously to our benefit to import those products—we are losing because of the unfavourable exchange rate at present. Since we are attempting to bring back pre-war conditions I feel that every effort should be made to discuss this question of exchange also with England and with particular reference to the value of Canadian dollars to British Guiana, pointing out that the rate of exchange existing at the present time is creating a severe hardship on this country. While we are trying to get Canada to purchase from us that country, on the other hand, would like us to purchase from her as much as possible. If businessmen find, however, that the high rate of exchange will continue then, even though the market is avail-

able. they would not be able to make many purchases. I therefore hope that the delegation which is about to visit Canada will explore this question of exchange. If we are to be bound by Imperial preferences which are falling—and it appears that Canada would not be bound to the same extent as the West Indies—we must try to see in what way our financial position could be improved, even if we have to go to other markets where the Imperial preference would force us at the present moment and limit the Canadian dollars available so that the rate of exchange would not only be of advantage to Canada but to us also. With those remarks I wish to support the motion.

The PRESIDENT: Does any other Member wish to speak on the motion?

The COLONIAL SECRETARY: As I anticipated, there is no opposition to the motion. I do not propose to enter into any argument this afternoon as to the merits and demerits of devaluation, but I do not think it could be seriously maintained that this Colony can afford to stand alone so far as its currency is concerned, that is to say, to stand outside the sterling area and refuse to devalue. I am not quite sure what the hon. Member for Central Demerara was referring to when he said that Canada no longer felt herself bound by Imperial preferences. As far as I know, these preferences are the subject of an Agreement binding all the parties and I do not think any of the territories can denounce it or refuse to participate in the preferential system. It is a fact that this Colony does derive considerable benefit from the preferences given by Canada. Without taking up any more time I beg to move the motion.

The ATTORNEY GENERAL seconded.

Motion put and agreed to.

ORDER OF THE DAY

PLN. THOMAS (NONPAREIL PARK)
(ACQUISITION) BILL, 1951.

The PRESIDENT: Council will now proceed to the Order of the Day.

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

“An Ordinance to authorise the use by the Colony for the purposes of a Technical Institute of a parcel of land at Nonpareil Park, Plantation Thomas, and to vest the said land in the Colony free from incumbrances.”

The COLONIAL SECRETARY seconded.

Motion put and agreed to.

Bill read a first time.

COUNCIL IN COMMITTEE

BAKERIES (HOURS OF WORK) (AMENDMENT) BILL.

Council resolved itself into Committee to resume consideration of the Bill intituled—

“An Ordinance further to amend the Bakeries (Hours of Work) Ordinance, 1946.”

The ATTORNEY GENERAL: When we adjourned yesterday afternoon I think the hon. Member for Eastern Demerara had submitted a motion for the consideration of the Council on Clause 4. This clause, as printed, had been deleted and I proposed a new clause 4 which had been circulated to hon. Members as clause 5. It reads:—

“4. Subsection (1) of section eight of the Principal Ordinance is hereby amended by the insertion therein after the words “made under section four of the words “or the provisions of section four.”

The CHAIRMAN: That was accepted.

The ATTORNEY GENERAL: Yes, sir. Then the hon. Member for Eastern Demerara proposed a motion

which appears in the minutes today. It reads: That the following be inserted as a new clause:—

“4B. Any person may manufacture bread or flour confectionery in a bakery, or engage in any work incidental thereto between the hours of 7 p.m. and 5 a.m. of the night before any public holiday.”

Mr. DEBIDIN: I would just like to recapitulate that this particular amendment is one which seeks to give an option to employees in bakeries to work on the night before a public holiday in order to get the benefit of the entire holiday ensuing. In other words, it is a matter of convenience for the employees for whose benefit we are so solicitous in this Council. I feel that the first thing that should commend itself to hon. Members as regards this amendment is the fact that however these employees work their duty, individually, must not exceed 60 hours per week, and even if they work on the night before a public holiday they would not be doing more than the law demands in so far as their hours of work are concerned. The question then is: should we leave the law as it stands so that bakery proprietors may be able to compel their employees to work during the better part of a public holiday? It was suggested to me quite recently that it should be left to the proprietors and their employees to decide whether they would work the night before a holiday within the restricted number of hours. The proprietors may even like to enjoy the full benefit of a public holiday. I suggest that the amendment is a reasonable one and should meet with the approval of the Council.

Dr. JAGAN: In his remarks yesterday in support of his amendment to permit the firing of ovens and the mixing of dough before 5 a.m. the hon. Member adduced the argument that if that was permitted the public would be provided with more fresh bread, but in his amendment today he is attempting

to provide more stale bread. In spite of the inconsistency of his argument, however, I can see a great deal of reason in his initial amendment. Although there is provision in the Ordinance that a proprietor may approach the Governor for exemption from the provisions of the Ordinance as regards working within the period 7 p.m. and 5 a.m., I feel that that might create a great deal of confusion and extra work. In the same way as clause 3 empowers the Commissioner of Labour to permit work in a bakery outside the prescribed hours in certain unforeseen circumstances, I feel that in the case of the day preceding a public holiday similar concessions may be allowed in order that employers and employees in bakeries may be able to have their holidays off if they so desire. But what is worrying me is that employees may be engaged in working from 5 a.m. until 1, 2, or 3 o'clock in the afternoon, and on the same day they may be called upon to work until night without any rest. It seems to me that that is a difficulty which may be encountered, but I believe that some provision can be made in the amendment that where employees have to work outside the prescribed hours on the day preceding a public holiday they should be given extra pay.

In the provision that a worker must not work more than 60 hours per week there is an inference that he must not be asked to work too many hours per day. For instance he cannot be asked to work 20 hours per day for three days. It simply means that the 60 hours should be spread over a period of 6 or 7 days. In view of the fact that if bakers work on holidays they would be entitled to double pay I am proposing a further amendment to the proposed amendment to read:

“Provided that time and a half be paid to anyone engaged in doing work during those hours.”

In other words, if it would be to the advantage of the employer and his employees to be off on a public holiday I

do not think the employer would suffer any great inconvenience if he has to pay his employees extra money for working on the day preceding a public holiday.

Mr. FERNANDES: If my memory serves me I think the employees would have to be paid double rates under the present law. The hon. Member's amendment suggests a reduction to time and a half, which I cannot countenance.

Dr. JAGAN: In that case I will withdraw my amendment.

Mr. CARTER: This morning I had an opportunity to speak with the Asst. Secretary of the B. G. Labour Union which is very much concerned, on behalf of the employees in bakeries, with the amendment to clause 2 (b). He said that the employees were not at all in favour of doing any work, except during the period provided for in paragraph (b) as printed—that is between 5 a.m. and 7 p.m. The proposed amendment is in the teeth of what the employees desire. They are very strong on this point and feel that the Ordinance would be of no avail to them as the proposed amendment would mean that all workers would have to go to work before 5 a.m. I am against the amendment, and at a later stage I propose to ask that paragraph (b) be recommitted in order that argument might be put before Members of the Council.

Mr. FERNANDES: The hon. Member has entirely forgotten that if an employer brought his men in before 5 o'clock in the morning his wages bill would be twice as much, because he would have to pay them double time for working before 5 a.m. The making of bread is controlled from beginning to end, and I cannot imagine a bakery proprietor going out of his way to pay his workers more than is absolutely necessary. I can understand his having two or three men in before 5 a.m. to have everything ready for the workers to start work at 5 a.m.

The CHAIRMAN: I think it would be better if hon. Members confined their remarks to the amendment by the hon. Member for Eastern Demerara (Mr. Debidin) and do not refer to the question of the recommittal of the paragraph already passed. I admit that they are slightly related, and that it is difficult to confine oneself to the hon. Member's amendment, but I would be grateful if hon. Members would endeavour to do so.

Mr. LEE: I cannot agree to bakeries being kept open from 7 p.m. to 5 a.m., except in cases of emergency when permission has to be granted by the Governor in Council.

Mr. DEBIDIN: The hon. Member is entirely wrong. Bakeries are not kept open from 7 p.m. to 5 a.m. at all.

Mr. LEE: I cannot agree that employees should be employed in the bakeries other than during the period fixed in the Ordinance. I regret to say that the bakers are not fully organized into a trade union, and if the amendment is accepted they would be compelled by their employers to turn out before 5 a.m. without receiving double pay. The hours were fixed in order to prevent the sweating of labour, and there has been no complaint by the public that they cannot get bread. The only request from the proprietors is that the men who set the sponge should be allowed to go in earlier.

Mr. DEBIDIN: I must condemn what amounts to a direct attack on the bakery proprietors, that they are exploiting labour. If the hon. Member had the evidence, as a lawyer he should have known what to do. He has come here with the spurious argument that the workers in bakeries are not getting their full wages—a statement which should be backed up with evidence. I am amazed at the hon. Member's statement that the bakers are not properly organized in a union in view of the statement by the hon.

Member for Georgetown South (Mr. Carter) that the Asst. Secretary of the Labour Union had consulted him. It bears out my statement that the Asst. Secretary of the Union could not have been speaking on behalf of the workers engaged in the bakery business. On the one hand we have an ex-President of the Union saying that the bakers are not fully organized, and on the other hand the statement by the Asst. Secretary of the Union that the employees are not satisfied. I am at a loss to reconcile the two things. I do not like the suggestion that the employees are being victimized. There is a Labour Ordinance providing the hours of work, and amendments are made in order to give the individual some liberty of action and not have him tied hand and foot.

Mr. LEE : I would like to tell the hon. Member that I was instrumental in prosecuting several bakery proprietors for having their employees on their premises outside the hours fixed by law. Several of my friends are bakery proprietors and they have suggested that I should not take up the case of the employees. I defy my friend to disprove my statement that the bakery proprietors take advantage of their employees up to the present time. They are compelled to go in before 5 a.m. I see that with my own eyes.

Mr. DEBIDIN: It would appear that my friend has relaxed his vigilance.

Mr. LUCKHOO : I am afraid that if the amendment of the hon. Member for Eastern Demerara (Mr. Debidin) is successful it would defeat the very object which he aims at, because if those workers work between 7 p.m. and 5 a.m. they would hardly be in a position to appreciate the holiday, as they would need a whole night so as to get some sleep. For that reason I cannot support the amendment.

Mr. CARTER : The hon. Member for Eastern Demerara seems very anxious to defend the bakery pro-

prietors in this Council. I want to support what the hon. Member for Essequibo River (Mr. Lee) has said—that the employers do not pay overtime rates when they call the men out before 5 a.m. That is the truth of the matter. It may seem strange that workmen would want to waive double pay for overtime work for the sake of turning out an hour or two earlier, but that is precisely the reason why this legislation was introduced—because it is realised that it is very difficult for the employees to make any kind of representation. There is a union but it is not fully representative. It needs some support, and this Ordinance has been designed to provide that support. To permit the proposed amendment to go through would be doing the employees a disservice. From the hon. Member's attitude it is clear that his only purpose is to defend the employers.

Mr. FERNANDES: If my information is correct the position as regards working the night before a public holiday between 7 p.m. and 5 a.m. is that on each occasion an application endorsed by the B.G. Labour Union is sent to Government on behalf of the proprietors, and in each case the Governor in Council has seen fit to grant the necessary permission for work during those hours. The only advantage in putting in a clause of this nature is that it would avoid the necessity of having to apply to the Governor in Council for permission. If my information is correct, that permission is always granted, I do not see the necessity for the insertion of a clause for the purpose of achieving what is now being achieved by application. I am sure that in view of the expression of opinions in this Council Government will find it possible to extend the three days on which such work is permissible without application, to include a few more, until such time as the Governor in Council decides that they should no longer be permitted to work on those

days. As I see it, the Bakery Proprietors' Association, with the endorsement of the Labour Union, will apply for all the holidays in a year, and the Governor in Council will grant the applications on the understanding that permission can be cancelled at any time. I do not think we should put a new clause in the Bill for the same purpose.

Mr. DEBIDIN: The hon. Member's argument meets the point raised by the hon. Member for Georgetown South (Mr. Carter) and the hon. the Seventh Nominated Member (Mr. Luckhoo). If the Governor in Council has granted permission for bakers to work the night before public holidays I wonder what happened to those poor unfortunate people who worked on such nights for which permission was granted. Why is it that the Secretary of the Labour Union endorsed the applications for those nights before holidays? The answer is that those who fire the ovens and those who work before 5 a.m. work eight hours and finish, and those who come at 5 a.m. also work eight hours and then leave, unless they wish to earn extra pay for extra time. I cannot see any difficulty when there is protective legislation for an 8-hour day. I observe that Members are unduly afraid to regularize something which is at present permitted with the approval of the Labour Union. I do not know if the Union is anxious to justify its existence by endorsing applications. I am speaking in the interest of all concerned.

The ATTORNEY GENERAL: I have only risen to point out what I emphasized yesterday afternoon—that the law already has provision to enable the Governor in Council to deal with the question of public holidays, and I think that is a very satisfactory provision, because we have both the employers and the employees being satisfied. The hon. Member is going further by seeking to have laid down in the law the application of that principle to all holidays, but there are other factors to be considered. If the employers and

the employees get together they would be better able to decide in respect of which holidays it would be necessary to make application to the Governor in Council. I think that the basis of that is the negotiating machinery being brought together and a satisfactory solution reached which would be embodied in the Order in Council.

I suggest that the hon. Member's amendment does not meet the situation, but would make it more complicated. We have all the necessary power in the law already and we can meet both the employees and the employers by extending the principle contained in the Order in Council. The hon. Member's amendment might only serve one side. In their representations to other Members of the Council the employees stated that they did not desire to work on any other holidays. I would suggest to the hon. Member not to proceed with the matter further.

Mr. DEBIDIN: If I get an assurance that an Order in Council would be framed to deal with the matter, I would be satisfied. The matter can be dealt with under section 4 of Ordinance No. 4 of 1946 and if the Governor in Council has to get the sanction of the trade unions in that respect there may be some objection by a bakery proprietor and things like that. If this amendment is passed, however, the employees of any bakery can meet the proprietor and agree to work on the night before a holiday in order to avoid working on the holiday itself. I think we sometimes pander too much to trade unionism, and I do not see why the amendment cannot be adopted as moved.

The ATTORNEY GENERAL: I am surprised to hear the hon. Member say that. This Ordinance was passed since 1946, so that it is not a question of adaptation to any particular interest.

Mr. LEE: I would like to inform the hon. Member for Eastern

Demerara that I am the person who was instrumental in getting the bakers to form a union, and also in getting the employers together. The object of the Ordinance is to see that nothing is done to hamper the spirit of the law to the effect that such employees should work an 8-hour day. The hon. Member for Eastern Demerara does not see that this amendment would enable the employers to take advantage of the employees.

Mr. ROTH: I move that the question be now put.

Motion for the insertion of new Clause, 4B, put and lost.

The ATTORNEY GENERAL: I beg to move the insertion of the following new clause 4. already indicated:—

"4. Subsection (1) of section eight of the Principal Ordinance is hereby amended by the insertion therein after the words "made under section four" of the words "or the provision of section four A."

Motion put and agreed to.

Mr. CARTER: Before we proceed to the Title Enacting clause I beg to move that clause 2 be recommitted. I have already informed hon. Members of my intention to do this. I know that some hon. Members might feel that it is a little humiliating to go back on their decision after only 24 hours, but there is some information which should have been put before the Council yesterday and of which I myself was not aware until today. Clause 2 (b) was amended by a motion moved by the hon. Member for Eastern Demerara, and that means that the Order in Council would be negated. Strong argument was adduced by the hon. Member to the effect that bakery employees would be paid overtime if they worked between 7 p.m. and 5 a.m., but the truth of the matter is that the employers do not pay overtime and if the men appealed against the failure to pay it they were fired and had no

redress whatever. This question has been under discussion by the Commissioner of Labour and the Police, so far as I know, since this Ordinance has been in operation. In spite of the fact that men had worked overtime they received no overtime payment whatever. It is because Government felt that there was hardship and that employers were exploiting employees that this Ordinance was introduced. The whole purpose of the Ordinance is to regulate the hours of work by employees, and we would be putting an end to that by the amendment passed yesterday. In other words, we would be reverting to the old *status quo*, and for that reason I move that clause 2 be recommitted.

Mr. LUCKHOO: I do not know whether the hon. Member is correct in moving the recommitment of this particular clause, because what he is seeking to do is to negative something which was done yesterday. I should like to refer hon. Members to Rule 16 (f) of the Standing Rule and Orders of the Council which reads:—

"(f) An amendment to a question must not be inconsistent with a previous decision on the same question."

The amendment the hon. Member desires to move would certainly be inconsistent with the previous decision on the same question. Then there is also Rule 16 (h) which reads:—

"(h) An amendment must not be substantially a direct negative of the original proposition or of any amendment thereto."

I do feel that on the basis of this Rule the clause should not be recommitted to have a decision which was arrived at yesterday negated.

The PRESIDENT: As a matter of procedure, if a motion for the recommitment of an item is passed I think its recommitment would be perfectly in order. In the Manual of Parliamentary

procedure which I am now quoting it is said :

"When the Speaker permits the recommittal of an item he should put the question thereon."

Mr. WIGHT : I am inclined to oppose the recommittal of the clause because these recommitments are most unusual, for obvious reasons. Recommitments are allowed of Bills when they are sent to Committees and when there are special reasons advanced. The hon. Member, I submit, has not advanced any special reasons, and the Rule relating to recommitments is reserved for special occasions. If it were not so we would run into the question of obstructions. Any Member who has been outvoted could, in turn, request the Speaker to recommit every clause of a particular Bill. The Attorney General says it is a matter for the Council, but the question of obstruction is not a matter for the Council in putting the closure on a Member.

Can anyone envisage what would happen if for some reason every clause of a Bill is discussed and a vote taken on it, and then a Member gets up and requests that all of them be recommitted? For instance, what would happen in the case of the Bill we have just passed—the Amerindian Bill with over 40 clauses—if a recommitment of each clause was requested? If the Council was divided a Government Member could ask that the Bill be recommitted in order to change any particular clause in the absence of certain Members. While recommitments are granted the privilege is very zealously guarded, and all the books on procedure say that. A recommitment is usually requested by a Minister of the Crown for some special reason, and that supports my contention that recommitments are to be used very sparingly in order to prevent obstruction of the business of the Council. For those reasons I oppose the recommitment of the clause. No new argument is being adduced.

Mr. CARTER: To a point of correction:—

The PRESIDENT: I am afraid I cannot permit a debate. Is it to a point of correction?

Mr. CARTER: Yes, sir. It is wrong for the hon. Member for Western Essequibo to say that no new argument would be adduced. I thought I made it quite clear to this Council that we did not have the information yesterday that it is the practice of employers not to pay overtime for work done at the bakeries between 7 p.m. and 5 a.m. That is strong argument in reply to what the hon. Member has said.

Mr. DEBIDIN: May I rise on a point of correction, sir?

The PRESIDENT: I am afraid I cannot permit any further argument on this question. It is for this same reason that the hon. Member for Western Essequibo pointed out that obstruction might arise which would delay the proceedings. I will put the question, however, that clause 2 (b) be recommitted.

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

For: Messrs. Carter, Kendall, Dr. Jagan, Thompson, Lee, Dr. Nicholson and Dr. Singh—7.

Against: Messrs. Luckhoo, Phang, Peters, Fernandes, Debidin, Capt. Coghlan, Ferreira, Roth and Wight—9.

Did not vote: The Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—3.

Motion lost.

Clause 3— *Power of the Commissioner of Labour to modify the restrictions imposed by section 3.*

Dr. JAGAN: Arising out of the same point, I should like with your permission, sir, to move the insertion of a new paragraph—4b.—to read as follows:—

"4B. No person employed outside of the prescribed hours as set out in the Ordin-

ance shall be paid any sum less than 45 cents per hour."

It is true that there is provision in the Principal Ordinance for the payment of overtime rates for work done outside the prescribed hours, but some hon. Members have pointed out that employers are taking advantage of the situation because of the fact that some of the bakeries are small establishments. One finds that in every instance where workers belong to trade unions they only remain until their particular claims are satisfied, and then they fail to continue as paying members. In the City of Georgetown and elsewhere employers take advantage of these unorganized workers, and provision should be made so that any of these workers would be within his right to claim overtime wages under the Ordinance, otherwise he might be paid the normal rate for work done outside the prescribed hours. I feel that 45 cents per hour should be the minimum rate of pay for this overtime work, based on Government's minimum rate which is 19 cents per hour, plus 20 per cent bonus—which was awarded by the Fletcher Committee—making a total of 22.8 cents per hour, consequently my figure of 45 cents per hour. It is well known that these workers are exploited in many cases, and the whole object of the Ordinance would be nullified if we do not make proper provision for the payment of overtime and so on.

The ATTORNEY GENERAL: I should like to know which particular section in the Principal Ordinance the hon. Member desires to relate his new clause to. There is already a section in the Ordinance dealing with wages and the hon. Member's motion relates to overtime.

Dr. JAGAN: Overtime would relate to extra hours worked during the day.

Mr. DEBIDIN: I would ask the hon. Member for Central Demerara to let reason prevail and not to cause regret in future for any action of ours at this

particular moment. It seems to me that he has forgotten all the various points advanced in the course of the debate on this Bill. First of all, I heard a most fallacious argument to the effect that oven-firing and dough-making are things which would involve every employee in a bakery. The fact is that they would involve the services of only two or three employees before 5 a.m. Therefore, when I hear the hon. Member for Georgetown South saying that all the employees would suffer I cannot imagine how that would bring the general body of employees outside the Bakeries Ordinance. There is another inaccurate statement which has been made in this Council, and that is that bakery proprietors make employees work overtime and do not pay them for it. I would ask hon. Members not to bring hearsay into this Council, for it seems to me that it would be an inference to show that the very Labour Department is not doing its work. The checking up of the bakeries was in the hands of the Police and there was no reason for fear on the part of the employees.

Mr. LEE: To a point of correction: A trade union prosecuted a bakery proprietor some time ago, but neither the Police nor the Labour Department took any action. I instituted the proceedings on behalf of the union.

Mr. DEBIDIN: Some hon. Members made the general remark that the bakeries were working employees overtime and not paying them for it. I want proof of that. It is a sweeping hearsay statement and is not sufficient for this Council. If employees were made to work overtime there must be proof that they were not paid according to law. The mere working of a person overtime is not an offence, but failure on the part of the employer to pay overtime rates is an offence. We are fixing double time at 45 cents per hour; we are making it definite. Is the hon. Member really serious about that when there may be some people who,

because of the nature of their work in a bakery, are receiving 45 cents per hour normally, and should therefore get 90 cents per hour for overtime?

Dr. JAGAN: That is what is happening at the present time, and what we are trying to prevent.

The ATTORNEY GENERAL: The hon. Member's motion raises several issues. First of all it would encourage an employer to employ bakers outside the hours fixed by law. Secondly, it means that we would be going beyond the provisions set out in the section of the Ordinance dealing with overtime pay, and the result of all that is that we are endeavouring to create a contracting out of the Ordinance, which is undesirable. I am sure the hon. Member will see that so far as the motion is concerned it strikes at the fundamental point in the Ordinance, and would encourage people to work beyond the prescribed hours and to be employed for extremely long hours, whereas the Ordinance was designed to prevent that. It is not a question of pay but of having labour to perform work beyond reasonable hours.

Mr. WIGHT: I submit that the amendment proposed by the hon. Member for Central Demerara (Dr. Jagan) is not in order. It is incompatible with the text of the Bill.

Mr. FERNANDES: There is a lot in what the hon. Member for Central Demerara (Dr. Jagan) has said. I respectfully submit that an amendment might be added to section 5 of the Principal Ordinance by the insertion of paragraph (b) to read:

"which overtime rate shall not be less than 45 cents per hour."

As far as I can see, as a layman, the clause would be perfectly in order, but I do not know if an amendment to the Principal Ordinance would be in order.

The ATTORNEY GENERAL: I would suggest to the hon. Member who

has submitted this amendment, that from every point of view it is undesirable. The Ordinance makes provision for twice the rate while the amendment suggests a specific amount. The Ordinance limits the number of hours to 60 hours per week, so that the amendment suggests that if a man works beyond the prescribed number of hours per week the overtime pay of 45 cents per hour would come into play. It is open to that interpretation, and the moment that is done we would by implication be providing for work beyond the number of hours the law prescribes. The amendment would upset the general framework of the Ordinance.

Dr. JAGAN: There are two ways in which the amendment can be applied to this Bill. One is in respect of the 60 hours per week. Persons cannot work more than 60 hours per week, but sponge setting, dough setting and oven firing would be done outside the prescribed hours.

Mr. FERNANDES: That is within the prescribed hours at the present time because the law has been amended. I suggested an amendment, and if I am in order I would like to move that we add to section 5 a new paragraph (c) to read:

"(c) which overtime rate shall not be less than 45 cents per hour."

The CHAIRMAN: I am afraid that the hon. Member is not quite in order in proposing that amendment at this particular time. Amendments to clauses have to be proposed at the proper time according to Parliamentary procedure, and I am afraid that if this amendment is made at this time the Council would find itself in the position of not knowing whether it can be accepted and what effect it would have upon the Ordinance. I think the hon. Member can propose a further amendment of the Ordinance when he has had time to reflect upon it, and it could then be put before the Council.

Dr. JAGAN: In view of your remarks, sir, I suggest that we adjourn the debate and bring an amendment back in proper form.

Mr. CARTER: I would support that suggestion because I like the spirit of the amendment which has been moved, and I think every opportunity should be given this Council to debate it.

Mr. LEE: Perhaps a Committee of the Council may be appointed to go into the amendment.

Mr. DEBIDIN: I would suggest to the hon. Member that he bring an independent motion, because we are introducing a money measure into a Bill dealing with labour.

Dr. JAGAN: That is not correct.

Mr. DEBIDIN: It is a question of the regulation of wages, a matter which should be decided by agreement between those concerned originally. I think the hon. the Seventh Nominated Member (Mr. Luckhoo) and others have always advocated bargaining in the matter of wages. The question of double pay and such matters should come up after those principally concerned have had an opportunity to discuss those points. I would be loth to jump into any industry and dictate how they should work and what they should pay their employees.

Mr. FERNANDES: I do not think there is any necessity for an adjournment because, strictly speaking, I think that kind of amendment would be out of order, as it would be an amendment of the Principal Ordinance which is not before this Council. I cannot see that any amendment to effect what the hon. Member wants to achieve can be made to fit in with the Bill before us, and if that cannot be done the amendment would be out of order. I believe there is some provision in the Labour Ordinance which gives Government the right to prescribe a minimum wage in any

type of employment, and I do not think it would be unreasonable for Government to suggest that bakers of the class permitted to work out of the prescribed hours be paid the minimum wage paid by Government for unskilled labour.

Mr. KENDALL: It is unfortunate that the motion for the recommittal of clause 2 was lost because this is the time when the hon. the Attorney General should try to assist the hon. Member, as he is aware of the object of the amendment in view of what we did yesterday. I voted in favour of the amendment moved by the hon. Member for Eastern Demerara (Mr. Debidin) but I am satisfied that I made a mistake, because I took his word then and I am now told that what he said then was not true.

Mr. DEBIDIN: I must object to that remark. It is tantamount to saying that I misled this Council, which is an aspersion on a Member of the Council. I am asking that the remark be withdrawn.

Mr. KENDALL: If my friend had allowed me to finish I would have said that he did it innocently.

Mr. DEBIDIN: I am asking that the remark be withdrawn, or that the hon. Member give instances where I was untruthful to the Council.

The CHAIRMAN: I think the hon. Member should withdraw his remark.

Mr. KENDALL: I will withdraw it, sir. What we did yesterday dealt mainly with the people who do the setting of sponge, dough-making and oven-firing, and I think the hon. the Attorney General might assist the Council by making some provision in this Bill to enable the people who do such work to be guaranteed the pay they should get. I understand now that while those men go to work earlier than usual they are not paid what they should get,

The ATTORNEY GENERAL: In other words the hon. Member is suggesting that because he made a mistake yesterday the Attorney General must now provide a solution.

Mr. KENDALL: What I am saying is that when a mistake has been made there is nothing wrong in a recommitment.

The ATTORNEY GENERAL: We are not dealing with the question of recommitment at the moment.

Mr. CARTER: I am not sure where we are. The hon. Member for Central Demerara (Dr. Jagan) suggested that the debate be adjourned. I move that the question be now put.

The ATTORNEY GENERAL: I think the motion by the hon. Member for Central Demerara is not being pursued, as he has accepted the advice of the hon. Member for Georgetown Central (Mr. Fernandes).

Dr. JAGAN: No.

The ATTORNEY GENERAL: In that case the ruling of the Chair is that the amendment is not in order.

Mr. LEE: I would suggest to hon. Members that further consideration of the Bill be deferred, and that a Committee of the Council be appointed to go into the matter with a view to amendments being brought forward as a Government measure. It has been done before.

Dr. JAGAN: I agree with the hon. Member's suggestion. I think that a very simple amendment to clause 2 (b) would satisfy us.

The ATTORNEY GENERAL: That, of course, would mean the recommitment of clause 2 (b).

Dr. JAGAN: That is why I agree that a Select Committee should be appointed. The Committee could recom-

mend and the Government could introduce another Bill to amend section 2 (b).

The CHAIRMAN: I am afraid the Council is getting itself into a muddle. We must pursue a straight course. The hon. Member's motion proposing an additional clause has been ruled out of order, and I must adhere to the opinion I previously expressed, that the correct course is to proceed with the Bill before the Council, and if the hon. Member wishes to bring forward a further amendment later on the Administration would give it every consideration.

Mr. LEE: I move that further consideration of the Bill be deferred and that a Committee of this Council be appointed to consider the amendment.

The ATTORNEY GENERAL: All the clauses of the Bill have already been passed. In other words the hon. Member is suggesting the appointment of a Committee to reconsider the clauses which have been passed, including the principal clause which this Council has decided should not be recommitment. I am sure this Council would not wish to do anything to stultify itself.

The CHAIRMAN: We will proceed with the Bill. I will now put the enacting clause.

Question put, and agreed to.

Council resumed.

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

Mr. WIGHT seconded.

Dr. JAGAN: I move that further consideration of the Bill be deferred, and that a Select Committee be appointed to consider an amendment of clause 2 (b). We are not suggesting that sponge-settin , dough-mixing and oven-

firing must not be done before 5 a.m. That has been accepted by this Council and will be in the new conditions for which we are trying to make provision. What we are trying to do is to provide for double pay for overtime work, and to make it specific.

The ATTORNEY GENERAL: I may point out to the hon. Member that that cannot be done, for the simple reason that we have passed the second reading, which is an important stage in the consideration of any Bill. Having accepted the principle in the course of the debate on the second reading the Bill was taken through the Committee stage during which discussion took place on each clause. On the third reading of the Bill only minor amendments can take place—something that has slipped by, but not a question of principle. The proper course has already been suggested to the hon. Member—that the amendment he seeks to have included relating to the pay of employees in respect of overtime work should be a matter for future consideration and the introduction of some amendment which would not be inconsistent with the provisions of either the Principal Ordinance or of any amending legislation. I would suggest to the hon. Member that it is not possible to deal with such an amendment at this stage, and I think I am perfectly right in that statement of the position.

Mr. KENDALL: Will the hon. the Attorney General inform this Council whether there is anything to prevent the deferment of the third reading of the Bill?

The PRESIDENT: The position in respect of the third reading of a Bill is that only verbal amendments may be made in the text of the Bill. New matter cannot be introduced and debated. If a verbal slip has gone through it can be corrected, but no fresh changes can be made.

Mr. LEE: But this can be done. The motion for the third reading can

be thrown out and the hon. Member for Central Demerara (Dr. Jagan) can then move his motion, and if it is accepted by this Council his amendment would have to be moved into the Bill.

The ATTORNEY GENERAL: The hon. Member is dealing with the matter as if there was no constitutional practice. I have indicated to hon. Members that where we have no specific rules we have to follow the rules of the House of Commons. I hope I have made it clear that at this stage the Council itself cannot deal with amendments of major importance, only verbal amendments, as the President has ruled. That is the proper procedure. In our anxiety to do things do not let us go against the principles of constitutional practice and our own rules. The Council has to conduct its business in accordance with certain set rules and practice, and I would suggest to the hon. Member that at this stage the amendment he has proposed cannot be discussed.

Mr. DEBIDIN: We ought not to do anything for which we may be ashamed of ourselves. If there was some travesty of justice in passing the second reading of this Bill I would appreciate the necessity to play for time by opposing its third reading, but one does not in constitutional practice oppose the third reading of a Bill after a full debate has taken place.

Mr. LEE: The hon. Member has remarked about a travesty of justice. I do not think that remark should appear on the record.

The ATTORNEY GENERAL: My interpretation of the hon. Member's remark is that if it were a matter of major importance in which a travesty of justice was involved the Council might proceed to remedy something which required immediate action. I do not think there was any attempt by the hon. Member to suggest that there was a travesty of justice,

Mr. DEBIDIN: Thank you. I am sorry the hon. Member did not understand what I said. I said there must be something very grave to warrant the necessity to oppose the third reading of a Bill. To allay their fears and anxiety I would suggest to hon. Members that there is ample provision in the law for overtime pay, and it seems to me that during the discussions which took place in this Council on the Labour Bill everything that could be done was done on that occasion. To try to extend that provision in the law by an attempt to enact similar legislation is to stultify our reasoning. In my opinion what is required is not duplication of the provision but proper supervision of the work as well as the pay of the employees. That must be done by strengthening the Union — by internal action, and not legislative action.

I am appealing to hon. Members to let us get on to something more important, on which we can afford to waste time and gas. I refer to my motion dealing with the question of the price of gasoline. The hon. Member for Essequibo River (Mr. Lee) is also out of order in suggesting that the third reading of the Bill be deferred in order to deal with a motion which is not before the Council.

Mr. WIGHT: The simplest way to achieve the object which the hon. Member for Central Demerara (Dr. Jagan) and others desire would be to pass the third reading of this Bill, and if it is found that any injustice is being done to the bakery employees it would be well within the power of any Member to move a motion recommending that the Principal Ordinance, or the amending Ordinance, be amended in certain particulars, and if those amendments are in order an amending Bill could be introduced. It seems to me that that is the simplest and easiest method at the moment; otherwise

there would be further complications. The original Ordinance is not before this Council but amendments could be made to it so as to give effect to what the hon. Member for Central Demerara desires.

Motion put, the Council dividing and voting as follows:—

For: Messrs. Luckhoo, Phang, Peters, Fernandes, Debidin, Capt. Coghlan, Thompson, Roth, Dr. Singh, Wight, the Financial Secretary and Treasurer, the Attorney General and the Colonial Secretary—13.

Against: Messrs. Carter, Kendall, Dr. Jagan and Lee—4.

Motion carried.

Bill read a third time and passed.

TRANSPORT AND HARBOURS
(AMENDMENT) BILL

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

“An Ordinance further to amend the Transport and Harbours Ordinance, 1931, with respect to the revenue of the Department.”

I may point out to hon. Members that since 1932 provision was made for the collection by the Transport and Harbours Department of a surtax of 15 per cent. levied on the amount of tonnage and light dues collected on certain vessels during the year, and subsequently Resolutions have been passed every year by the Legislative Council to provide for further collections. Since 1945 it was decided by Government that steps should be taken to provide for a permanent increase in the tonnage and light dues in substitution for the surtax, and here I might refer to Message No. 6, dated November 30, 1949, which was communicated by the Governor to this Council. The Message reads:—

‘Honourable Members of the Legislative Council,

‘I have the honour to request the Council’s covering approval for the continuance during 1949 of a surtax of fifteen per centum levied since 1932 on the amount of tonnage and light dues collected under section 18 of the Transport and Harbours Ordinance, 1931 (No. 30). The surtax is not levied in respect of any vessel which lands and takes away cargo not exceeding in the aggregate 500 tons or in respect of sailing vessels of not more than 300 tons net register.

‘2. Provision was originally made for the collection of the surtax during 1932 by the enactment of the Transport and Harbours (Temporary Surtax) Ordinance, 1932 (No. 1), and subsequent to that year resolutions have been passed, under the provisions of Section 18 of the Transport and Harbours Ordinance, 1931, (No. 30), authorising the continuance of the levy of this temporary surtax; the last resolution having been passed on the 23rd October, 1947, in respect of the year 1948. It is regretted that through an oversight the Council’s approval was not sought in advance for the levy of the temporary surtax during 1949.

‘3. Steps will be taken to make statutory provision for a permanent increase in tonnage and light dues instead of authorising the existing surtax by annual Resolutions of this Council as hitherto. Pending the enactment of legislation for the purpose, I invite the Council to sanction the collection of the temporary surtax during 1949 and 1950.”

The Bill now before this Council seeks to carry out what was communicated by the Governor in the Message I have just read. As will be noticed in the Bill, opportunity has been taken to redraft section 18 of the Transport and Harbours Ordinance, 1931. Clause 5 provides that this Ordinance shall be deemed to have come into force on January, 1 1951. This is necessary because, as I have indicated, the object of this Bill is to make permanent the temporary increases on tonnage and light dues which have been imposed every year during the past 17 years.

There is another point and that is, opportunity has been taken to effect

certain amendments with respect to clause 3. This is necessary because there is no provision for the holding of examinations locally for certificates of competency for Masters of vessels and engineers in regard to local ships. Such examinations have had to be held in Trinidad. I may point out that some time ago the British Guiana Seamen’s Union asked Government to set up an Emergency Board to provide for the issue of certificates locally to Masters and engineers, since they would be able to obtain employment abroad after qualifying. I think hon. Members will agree that it is desirable that legislation should be enacted to make provision for the appointment of such a Board to provide for the holding of examinations locally so that Guianese who desire can qualify for certificates of competency as Masters, Mates and engineers of local ships. I do not think there is anything more to be said, so I beg to move that this Bill be now read a second time.

Mr. WIGHT seconded.

Mr. DEBIDIN: May I ask the Financial Secretary to give us in terms of cash what this Bill means so far as loss of revenue and increased expenditure are concerned?

The FINANCIAL SECRETARY & TREASURER: I do not understand the hon. Member. I think the idea of the Bill is to make permanent the amount of surtax to be levied on tonnage and light dues. Hitherto it was passed by this Council every year.

Mr. DEBIDIN: I have heard a great deal about examinations being taken in Trinidad and so forth, and I gather from that some expenditure might be incurred.

The ATTORNEY GENERAL: After the preparation and publication of this Bill it was suggested that it should be amended so as to make provision in

the way I have indicated—for the formation of a Board whereby locally trained seamen would be able to take examinations and obtain certificates of competency as Masters, mates or engineers of local ships.

Mr. WIGHT: To a point of order: I submit that the question asked by the hon. Member is out of order. We are on the second reading of the Bill and the question should be asked in the Committee stage.

Mr. DEBIDIN: I do not think the last speaker is right so far as procedure is concerned. I have a perfect right to ask for information from Government before the second reading is taken.

The PRESIDENT: The hon. Member should not ask questions at this stage of the Bill.

The ATTORNEY GENERAL: There was an amendment circulated some time ago showing that there are now two principles in the Bill, one being to make permanent what was being done for the last 17 years by way of resolutions in this Council with respect to tonnage and light dues, and the other to make provision for the examination of local seamen who wish to qualify as Masters, mates or engineers of intercolonial ships.

Motion put and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE

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

Clause 1—*Short Title.*

The ATTORNEY GENERAL: I beg to move that this clause be amended in the second line by the substitution of the words “shall be con-

strued and read as one” for the words “shall be read as one and construed”.

Amendment put and agreed to.

Clause 1, as amended, passed.

Clause 2—*Repeal of section 18 of the Principal Ordinance and substitution therefor of sections 18, 18A, 18B, 18C, 18D, 18E, and 18F.*

The ATTORNEY GENERAL: I move that sub-clause 18 (1) be amended by the substitution of the words and figures “paragraph I”, “paragraph II”, “paragraph III” for the words and figures “Part I”, “Part II”, “Part III” in paragraphs (a), (b) and (c), respectively.

Mr. FERNANDES: I should like to know whether there is anything new in 18A?

The ATTORNEY GENERAL: Clause 2 embraces 18 (1), section 1 and section 2, and then a new 18A, 18B, and so on. In other words, it is all-embracing for all the sections substituted for section 18 in the Principal Ordinance.

Amendment put and agreed to.

Clause 2, as amended, passed.

The ATTORNEY GENERAL: I ask leave at this stage to insert a new clause 3 as contained in the amendment circulated. It reads as follows:—

3. Section 37 of the Principal Ordinance is hereby amended—

(a) by the substitution of a semicolon for the full stop at the end of paragraph (u) of subsection (2), and by the addition of subsection (2) of the following paragraph—

“(v) the holding of examinations for certificates of competency for masters, mates and engineers of intercolonial ships, and the appointment and remuneration of a board of examiners”;

(b) by re-numbering subsection (3) as subsection (4); and

(c) by the insertion of the following as subsection (3)—

“(3) In subsection (2) of this section—“intercolonial ship” includes every ship plying between the Colony and any place between the equator and latitude twenty-eight degrees North, and East of longitude ninety degrees West, and West of longitude fifty degrees West, but does not include any coasting vessel”.

This new paragraph (v) will enable examinations to be held as indicated during the course of the second reading. Section 37 deals with the Regulations and provides that the Governor in Council may make Regulations under the provisions of this Ordinance. This paragraph (v), is one of the matters for which the Governor in Council would be empowered to make Regulations. I am not asking for a blank cheque in so far as legislation is concerned; I am pointing out that the amendments which were circulated seek to provide for the appointment of a Board of Examiners and for examinations to be taken locally by seamen. Paragraph (v) has been fitted into its proper place in section 37 of the Principal Ordinance.

Mr. WIGHT seconded.

The CHAIRMAN: Does any other Member wish to speak on this clause? It really provides for the carrying out of examinations by a Board which, I presume, is a Board of the Transport and Harbours Department.

The ATTORNEY GENERAL: By the Board of Examiners.

Motion for the insertion of new clause 3 put and agreed to.

The ATTORNEY GENERAL: I now ask that the printed clauses 3, 4 and 5 be renumbered 4, 5 and 6, respectively.

Amendment put and agreed to.

Long Title.

The ATTORNEY GENERAL: I beg to move an amendment to the long title by the addition thereto of the following words:—

“and to provide for the holding of examinations for certificates of competency for masters, mates and engineers of intercolonial ships and for purposes connected therewith.”

Amendment put and agreed to.

Council resumed.

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

Mr. WIGHT seconded.

Motion put and agreed to.

Bill read a third time and passed.

NEW AMSTERDAM TOWN COUNCIL
(AMENDMENT) BILL, 1951

The ATTORNEY GENERAL: I move the second reading of a Bill intituled:

“An Ordinance to amend the New Amsterdam Town Council Ordinance, 1949.”

Section 11 (2) of the Principal Ordinance enables a company established or registered in H.M. Dominions outside of the United Kingdom to be registered as a voter. Clause 2 of this Bill seeks to clarify the meaning of the expression “His Majesty’s Dominions” It is felt that the word “Dominions” should be pelt “dominions” lest the use of a capital letter encourage the belief that the reference is exclusively confined to Dominions within the meaning of the Statute of Westminster.

Section 123 of the Principal Ordinance requires the report of the Coun-

cil to the Governor, on or before the 28th February, to contain the particulars specified in sub-section (2), and to be published in the *Gazette* for four consecutive weeks. In view of the provisions of sub-section (3) of section 123 of the Ordinance it is felt that most of the requirements of sub-section (2) are unnecessary, and clause 3 of this Bill seeks to amend sub-section (2) accordingly. I think the provisions with regard to this matter in the Georgetown Town Council Ordinance are on the lines proposed in this Bill with respect to the New Amsterdam Town Council. I formally move that the Bill be read a second time.

Mr. WIGHT seconded.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into Committee and considered the Bill clause by clause without discussion.

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

Mr. WIGHT seconded.

Question put, and agreed to.

Bill read a third time and passed.

CONSTABULARY (AMENDMENT)
BILL, 1951.

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

"An Ordinance further to amend the Constabulary Ordinance with respect to the pensions payable to certain non-commissioned officers and constables."

This Bill seeks to secure for non-commissioned officers and constables who were serving in the Force on the

1st September, 1950, the same superannuation benefits as those enjoyed by public officers. The Bill seeks to enable non-commissioned officers and constables to exercise the option to come within the provisions of the Pensions Ordinance of 1944. I formally move that the Bill be read a second time.

Mr. WIGHT seconded.

The FINANCIAL SECRETARY & TREASURER (Mr. W. O. Fraser, acting): Sir, I observe that the proviso to the proposed new section 85.C. (1) states that service qualifying for pension may commence at the age of 18 years in respect of non-commissioned officers and constables. That used to be so when the pension rate with respect to most of the Pensionable Service was less than 1/720th, but in modern legislation the tendency has been to substitute 20 years for 18 years as the commencing age for service qualifying for pension. It was so in Chapter 204. It used to be 18 years, but when the pension constant was increased to 1/720th in the 1933 Pensions Ordinance the commencing age was increased from 18 years to 20 years. It is also 20 years in the Teachers' Pension Ordinance, and I am surprised to see the commencing age of 18 years being retained in this Bill.

The ATTORNEY GENERAL: I think that in order to perform their duties policemen normally need to have a more robust physique than other people who do work of a sedentary nature. In view of that policemen are recruited at the age of 18 years.

The FINANCIAL SECRETARY & TREASURER: Yes, they are. In the Civil Service officers are also taken on at 18 years. To grant a constable pension from the age of 18 years is somewhat inconsistent with the objects of the Bill.

Mr. DEBIDIN: This Bill seems to me to be one which requires a great deal of study in view of what the hon. the Financial Secretary has said. I say so because we are now dealing with teachers' pensions and the whole question of economy in so far as the teaching fraternity is concerned. It seems to me that if we are going to adopt measures which may mean a curtailment in respect of such a large branch of the Service as the teaching profession, we have to consider very closely the question of pensions relating to another large branch—the Police Constabulary. Personally I feel that the whole matter of pensions is one which should be gone into very carefully. There must be uniformity, if possible, especially among the branches outside the Civil Service proper.

I feel that the question raised with respect to the age qualification of 18 years is a very important one as it may entail additional expenditure which the Colony can ill afford. It is of no use trying to save in one Department and spend more money in another. I think the hon. the Financial Secretary has raised a very important point, even though there may be some breach of Parliamentary procedure in two Official Members speaking and replying to

each other. The position that has arisen requires some examination and I therefore move that further consideration of the Bill be deferred.

The ATTORNEY GENERAL: That point would properly be dealt with in Committee. The principle of the Bill is to secure for non-commissioned officers and constables who were serving in the Force on the 1st September, 1950, the same superannuation benefits as those enjoyed by public officers. The point which has been raised by the hon. the Financial Secretary can be dealt with during the Committee stage. The principle of the Bill cannot be affected by consideration of the question whether service qualifying for pension should commence at the age of 18 or 20 years. That is a matter for discussion in the Committee stage. I suggest that the second reading be taken now, and that aspect can be considered in Committee. I formally move that the Bill be read a second time.

Mr. WIGHT seconded.

Question put, and agreed to.

Bill read a second time.

Council was adjourned until Friday, 25th May, at 2 p.m.