

# LEGISLATIVE COUNCIL

FRIDAY, 6TH JULY, 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. J. Gutch, O.B.E.

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

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

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

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

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

The Hon. T. Lee (Essequibo River).

The Hon. V. Roth, O.B.E. (Nominated).

The Hon. G. A. C. Farnum, O.B.E. (Nominated).

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

The Hon. J. Fernandes (Georgetown Central).

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

The Hon. W. A. Macnie, C.M.G., O.B.E. (Nominated).

The Hon. D. C. J. Bobb (Nominated).

The Clerk read prayers.

The Minutes of the meeting of the Council held on Thursday, the 5th of July, 1951, as printed and circulated, were taken as read and confirmed.

## ORDER OF THE DAY

### MUSIC AND DANCING LICENCES (AMENDMENT) BILL

The ATTORNEY-GENERAL: Sir, in view of the comments made by certain hon. Members in the course of the consideration of the Music and Dancing Licences (Amendment) Bill, necessitating the re-drafting of certain clauses, which I hope to complete for the next meeting of the Council, I ask leave to defer consideration of the Bill.

### LICENSED PREMISES (AMENDMENT) BILL

As regards item 2 on the Order Paper, the Licensed Premises (Amendment) Bill, certain representations have been made on the subject by certain Associations which are being examined, so that it is not possible to proceed with that Bill today. I therefore ask leave to defer that item also.

Items 1 and 2 deferred.

### MATRIMONIAL CAUSES (AMENDMENT) BILL, 1951

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

"An Ordinance to amend the Matrimonial Causes (Amendment) Ordinance, 1950."

The ATTORNEY-GENERAL: When this Bill was being considered on

a previous occasion certain suggestions were made by hon. Members, but it was pointed out at that time that the particular amendment which made it necessary to introduce this Bill was due to an error in the Bill which was passed at the end of last year—an error which resulted from amendments which were made in the course of the debate on the Matrimonial Causes (Amendment) Bill, 1950. When that Bill was submitted for approval to the Secretary of State for the Colonies he pointed out that the error should be corrected as soon as possible, and that is the reason for this amending Bill being brought forward. I should further point out to hon. Members that Article XII of the Royal Instructions provides:

"XIII. The Governor shall not assent in Our name to any Bill of the following classes:—

- (1) Any Bill for the divorce of persons joined together in holy matrimony.
- (2) Any Bill whereby any grant of land or money, or other donation or gratuity, may be made to himself.
- (3) Any Bill affecting the currency of the Colony or relating to the issue of Bank notes.
- (4) Any Bill establishing any banking association, or amending or altering the constitution, powers, or privileges of any banking association.
- (5) Any Bill imposing differential duties.
- (6) Any Bill the provisions of which shall appear inconsistent with obligations imposed upon us by Treaty.
- (7) Any Bill interfering with the discipline or control of Our forces by sea, land or air.
- (8) Any Bill of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of Our subjects not residing in the Colony, or the trade and shipping of the United

Kingdom and its Dependencies, may be prejudiced.

- (9) Any Bill whereby persons not of European birth or descent, may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable.
- (10) Any Bill containing provisions to which Our assent has been once refused, or which have been disallowed by Us.

Unless in the case of any such Bill as aforesaid the Governor shall have previously obtained Our instructions upon such Bill through one of Our Principal Secretaries of State, or unless such Bill shall contain a clause suspending the operation of such Bill until the signification in the Colony of Our pleasure thereupon; or unless the Governor shall have satisfied himself that an urgent necessity exists requiring that such Bill be brought into immediate operation, in which case he is authorised to assent in Our name to such Bill, unless the same shall be repugnant to the law of England, or inconsistent with any obligations imposed on Us by Treaty. But he is to transmit to Us, by the earliest opportunity, the Bill so assented to, together with his reasons for assenting thereto."

This is one of the type of Bills in respect of which we cannot introduce amendments unless we have the prior approval of the Secretary of State for the Colonies as a matter of great urgency, as I have just indicated. Therefore I cannot accept the suggestions which have been advanced by the hon. Member for Eastern Demerara (Mr. Debidin) and the hon. Member for Georgetown South (Mr. Carter). What I propose to do is to add a clause in order to bring this Bill into line with the Bill as passed last year, which has commenced to operate. The new clause 3 reads:

"3. This Ordinance shall be deemed to have had effect from the commencement of the Principal Ordinance."

As clause 2 seeks to correct the error in the previous Bill I should move the insertion of a new clause 3 so as to put it just as it should have been when the Principal Ordinance

came into operation at the beginning of this year.

The CHAIRMAN: I think that was one of the points raised by the hon. Member for Georgetown South (Mr. Carter).

Clause 3 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.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read a third time and passed.

FORESTRY (AMENDMENT) BILL, 1951.

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

"An Ordinance further to amend the Forestry Ordinance by making provision for the registration of sawmills and dealers in forest produce; for the abolition of the Forest Trust and for purposes connected with the matters aforesaid."

I would remind hon. Members that on the 19th of June last the hon. the Colonial Secretary communicated to this Council, Message No. 10 from His Excellency the Officer Administering the Government relating to Forest Policy. I am sure that hon. Members have studied the Message and the Statement of Policy, dated 1st August, 1950, which was prepared by Mr. Swabey, formerly Conservator of Forests of this Colony, together with draft Regulations to be made under the provisions of section 5 of the Forestry Ordinance, Chapter 176. In His Excellency's Message the attention of the Council was invited to the Statement of Forest Policy, and to the note attached to the Statement describing

the implementation of the first phase of that policy, and also two Schedules —A, setting out the position regarding the provision of quarters for the Forest Department staff in the various districts, and B, showing the staff disposition in June, 1951. In paragraph 3 of his Message His Excellency states:

"3. The Statement of Policy was discussed in detail with, and endorsed by the former Forestry Adviser to the Secretary of State for the Colonies on his visit to the Colony early last year. The Statement has also been considered by the Executive Council who have expressed agreement with its terms. It should be mentioned, too, that the basic forest policy set out in the Statement is that advocated by the Forests Sub-Committee of the main Development Committee, and that the recommendations in the Colony's Ten-year Development Plan were based thereon. One of the principal proposals in the Statement of Policy is to vest solely in the Forest Department the administrative control of the Colony's forests which is now shared between no less than three Government Departments."

Paragraph 4 of the Message states:

"4. New legislation is required to implement the proposals, and accordingly a draft Forestry (Amendment) Bill and draft Regulations to be made thereunder have been prepared; copies of the Bill and regulations are also attached hereto".

Hon. Members have had an opportunity to study the draft Regulations and the Bill which I now propose should be read a second time. As regards the Bill, hon. Members will see from the memorandum of Objects and Reasons that at present, the proprietors of sawmills and sawpits are required to keep books and submit returns to the Controller of Timber in compliance with Orders made by the Controller under Regulation 44 of the Defence Regulations, as extended by the Defence Regulations (Supplies and Services) (Continuance) Order, 1946.

The data provided as a result of these Orders are essential to Govern-

ment in matters pertaining to forest policy and economic development. It is therefore considered that statutory provision should be made for such matters, and clauses 2 and 3 of the Bill seek to provide for the supply of such information as may be necessary by proprietors of sawmills and sawpits, and dealers in forest produce, by Regulations made by the Governor in Council under the Forestry Ordinance (Cap. 176). It is also sought to give power to the Governor in Council to make Regulations with regard to the provision of first aid facilities on wood-cutting grants and sawmills as these are often in remote areas.

Clause 4 seeks to substitute a different procedure to be followed in making seizures under the Ordinance, as at present the Ordinance requires forest produce which may have been seized in remote areas, to be brought before a Magistrate. This is both cumbersome and expensive.

Clause 5 of the Bill seeks to abolish the Forest Trust. This body was established by section 27 of the Forestry Ordinance. By section 2 of the Forest Ordinance, 1931, (No. 9), the Forest Trust was established as an advisory body, but its functions have been taken over by the Legislative Council Advisory Committee for Communications and the Interior, and the Forest Trust has not met since 1946.

With regard to the Statement of Forest Policy I think hon. Members who have studied this Statement will agree that it is well prepared and gives a comprehensive view of the subject. An examination of the statement shows that it has been sub-divided—put under various heads. (A) deals with Basic Considerations, (B) deals with Basic Policy, (C) with Benefits of a Forest Policy, (D) with Detailed Policy, and this is sub-divided under different heads. I think hon. Members will be in agreement with respect to the Basic Considerations in (A),

realising that the forests in British Guiana cover approximately 70,000 square miles which represents 73 per cent. of the total land area of the Colony. In reality, that is one of the Colony's most important natural resources.

I think also that there will be agreement as to the Basic Policy outlined under head (B)—that is, for the development of the forest resources of the Colony as part of an integrated land-use policy for the conservation and development of all natural resources. Paragraph 2 under this head reads:—

"2. The management of the forests on the basis of sustained yields (i.e. the forests must be systematically managed as a renewable crop and not "mined" as a mineral).

Paragraph 4 points out that there is assurance of reasonable return to the community on the exploitation of the forest crop. The direct benefits which may be derived from the forest policy is set out in paragraph 2 of (C), and these are:—

(a) Filling of the community requirements for timber, fuel and other forest produce.

(b) Assisting, by means of exports, in establishing a favourable trade balance.

(c) Increase in the national income of the country and the provision of stable and increasing employment.

(d) Direct Government revenue derived from royalties on forest produce, etc.

Then it is pointed out (in par. 3) that other benefits will be derived indirectly, such as the protection of water supplies and the prevention of erosion; the use of windbreaks, and the conservation of wild-life and natural vegetation; and scenic and recreational values, etc. Thus, hon. Members will see that, as I have already stated, a detailed policy has been set out. I do not propose to go further into it, but I am sure hon. Members have examined it and will agree that action should be taken to implement what is

set out therein, I suggest, with much clarity.

Then there are the Forest Regulations which have been made under section 5 of the Forestry Ordinance, Chapter 176. Section 5 states:—

“5.—(1) The Governor in Council may make Regulations for the further, better, or more convenient, attainment of any of the purposes of this Ordinance, and (without derogating from the generality of the power above conferred) in particular with respect to the following matters:—..”

Then follows the various matters with regard to which Regulations may be made. Then, at the end of the section there is a proviso which reads:

“Provided that within a period of three months from the date of publication the Legislative Council shall have power by resolution to order the rescission of any regulation or part thereof so made, and that regulation or part thereof shall cease to be valid after thirty days from the date of the resolution.”

In view of the fact that hon. Member's are considering the Bill and in view of the fact that they have had before them His Excellency's Message together with the Statement of Policy, it is considered desirable that the Regulations in draft should be placed before this Council in order that Members should have the opportunity of seeing what is proposed. The Regulations are divided into several parts and Part I deals with the issue of licences, while Part II deals with the operation of those licences when they are issued.

Mr. ROTH: To a point of order. I think it is rather embarrassing for the Attorney-General to raise the question of the Regulations. We have not got them here, neither are they referred to on the Order Paper today. I shall be glad if they are deferred.

The ATTORNEY-GENERAL: I appreciate the hon. Member's point. Perhaps I was trying to give hon. Members a bit too much. I think that the Regulations are in their hands and can be discussed later.

The PRESIDENT: I think the Regulations have been in the hands of hon. Members for about a month.

Mr. ROTH: Yes, but they are not on the Order Paper and we did not come here today knowing that they would have been discussed.

The ATTORNEY-GENERAL: The only point is that as the Message was laid about a month ago, hon. Members have, presumably, read it and may have also read the Statement of Policy which accompanied it along with the Regulations, and it is quite possible that some hon. Member might raise a question with regard to the Regulations. I am fully aware of the fact, however, that at the present moment we are dealing, primarily, with the Bill itself. I was just pointing out that following upon His Excellency's Message there was this Statement of Policy which referred to the Regulations as part of the implementation of that policy. I do not propose to go into the Regulations in full details, however. Obviously, it is desirable that hon. Members should be fully aware of the whole picture which, to a certain extent, is tied up with the Bill and flows from it because it is part and parcel of the general policy. If the hon. Nominated Member thinks it is not proper to deal with the Regulations at this juncture I will confine myself to the question of this particular Bill.

Mr. ROTH: Thank you, very much.

The PRESIDENT: The legal position is that as soon as the Ordinance has been passed the Regulations can be made. If any hon. Member desires to raise an objection to any particular Regulation he can do so by way of motion. I think the Attorney-General would not mind if some mention could be made of the Regulations during the debate. I think that is the only reason why he referred to them.

Mr. ROTH: Thank you, very much.

The ATTORNEY-GENERAL: I will confine myself to the Bill itself but, as Your Excellency has pointed out, the Regulations were made with due regard for the feelings of the Council and in order that members should be fully seized of all the implications of the legislation. I have already stated the objects and reasons and the question of the policy presented to hon. Members, and I do not think it is necessary for me to add anything further at this stage. Therefore, I formally move that the Bill be now read a second time.

The COLONIAL SECRETARY seconded.

Mr. FERNANDES: I am in a rather embarrassing position today because I, as is well known, do earn part of my livelihood out of the forest and would, naturally, suffer or benefit from the Regulations or the many amendments to the law which might be passed here. I find myself in a very embarrassing position in having to criticise anything put forward by the Forest Department for obvious reasons. Heads of Government Departments or their officers do not at all times take criticisms by Members of the Legislative Council in the right way and it is possible that I might have to give further explanations.

The COLONIAL SECRETARY: To a point of information: I am not quite clear whether the hon. Member said that at all times Heads of Departments do not take criticism in the right way, or that they do not take criticism in the right way at all times.

Mr. FERNANDES: The second one was the one I intended to say because, obviously, I could not mean that Heads of Government Departments at all times do not take criticism in the right way.

I know better than that. They do not take criticism in the right way at all times and I can verify that fact. The Bill, to my mind, is all right except for a few amendments which may be necessary and these can be raised in the Committee stage. It is the effect of this Ordinance, however, that is going to bring the trouble. I must thank Government for providing us with the Regulations which the passing of the Ordinance would bring into being, before we have discussed this Bill. Hadn't that been done I would have been led to feel that there were other motives besides improvement in the methods of exploiting our forests and in the methods of administering them.

I heard the hon. the First Nominated Member (Mr. Roth) say that the Regulations were not on the Order Paper, but while that is quite true the hon. Member must remember that they need not be put on the Order Paper. Perhaps they would be published in the *Official Gazette* and when that is done hon. Members will have the right to come into this Council within a prescribed period and move any motion they care to move. It is obvious to anyone who operates in the forests of British Guiana that many of these Regulations will have to be thrown out. It is possible to throw them out. Perhaps only one of the Nominated Members on the Executive Council knows anything about the exploitation of the forests and the likely good of the Regulations to forest industries. The natural thing would have happened and Members would have just voted for the Regulations particularly when they would have been told, as we have been told here, that these Regulations were already passed by the Executive Council. Therefore, it is not going to be very easy for Members to throw out these Regulations. The fact that the Governor in Council has a right to make the Regulations does not put them beyond reproach. Nevertheless, I am not going to vote against the second reading of the Bill because there is much in it that I agree with.

I do not know whether Your Excellency is going to permit discussion along the lines raised by the hon. the First Nominated Member (Mr. Roth) on the Regulations. If Your Excellency does that I think it would save quite a lot of time indeed now that Government is passing this Bill. I do not feel like opposing the second reading, because I am in agreement, in principle, with a lot of things that are in it, but I shall have quite a lot to say about the forest policy and the Regulations, and also the fact that this section of the Government would now come under the jurisdiction of that very august body of which I had the pleasure of being a member for three years—the Interior Development and Communications Committee. We have heard quite a lot of this Committee, and I am not surprised to hear Members say that it is only there to give rubber-stamp approval of certain things. As a matter of fact, it is only there to give advice when it is asked to do so, and it is only asked to do so on very few occasions.

Mr. ROTH: To a point of correction. I heard the hon. Member say that advice is only given by the Committee when asked for. That is certainly not the case as regards Government and other interested parties.

The COLONIAL SECRETARY: I support what the hon. the First Nominated Member has said. The Committee has given advice to Government without being asked for it.

Mr. FERNANDES: Thank you, Sir. I thought it was only an Advisory Committee, but it is very difficult for anyone to tell me that the members of the Committee would give advice on things they do not know anything about. It is very difficult to say that they would give advice as regards Regulations if they do not know what is in the minds of the people who are engaged in forest industries.

Mr. ROTH: To a point of correction: The Committee spent two days going through the Regulations.

Mr. FERNANDES: The hon. Member has misunderstood me. They may have spent two days because their advice was asked for as regards these Regulations, but it is quite possible that their advice was not accepted. It is understood that Regulations like these must be put before the Committee before the legislation is passed. I was once Chairman of the Committee and I know that even when legislation was being put up the advice of the Committee was not asked for. I think your Excellency knows the result of the particular case I have mentioned. I know I am not wrong. I give you an undertaking, sir, that if we would have an opportunity to discuss the pros. and cons. of these Regulations in the Legislative Council, I will just take my seat and say nothing more on the second reading of the Bill.

Mr. WIGHT: I do not intend to say much on this matter, and the few remarks I have to make can be said in the Committee stage, but I would like to refer to what the hon. Member for Central Georgetown said with regard to Committees. I think you know, sir, that whenever Government is considering anything of this nature—Regulations or anything else with regard to the policy of Committees or otherwise—after the Head of the Department concerned has expressed his views they are forwarded to the Committee. I would like this to be known in order to correct what is in the minds of certain hon. Members, particularly the hon. Member for Eastern Demerara who is not present now. I know that as regards the Committee of which I am Chairman, if any Member desires the question of policy to be discussed, all he has to do is to submit it to the Director of Education and get him to discuss the matter with the Advisory Committee. That is how I work with regard to that Committee and I acted similarly when I was Chairman of the Public Works Advisory Committee. I would suggest that the Chairmen of the other Committees do the same thing. I hope the

hon. Member for Eastern Demerara who is not here, will read *Hansard* and see what I have said.

Mr. ROTH: Permit me to say, Sir, that similar steps are taken in my own Advisory Committee.

Mr. FERNANDES: I would like to know whether the hon. Member for Western Essequibo was referring to me when he spoke of the hon. Member for Eastern Demerara, because he was pointing to me.

Mr. WIGHT: No; the hon. Member for Central Georgetown is very much here. I was referring to the hon. Member for Eastern Demerara who seems to think that there are certain Committees which work in a slipshod manner.

The PRESIDENT: I am prepared to accede to the hon. Member's request that the Regulations be debated in this Council although it will be a departure but it seems to be provided for in the law. I do not know that I can ask for a motion, but I should like all objections to the Regulations to be voiced at that time and not to be brought forward afterwards. I am sure hon. Members will appreciate the fact that it would be best to bring forward all their objections and have them discussed, and that it ought not to be necessary afterwards to raise any objection by way of motion.

The COLONIAL SECRETARY: The only point, Sir, is that all the Members are not present this afternoon.

Mr. FERNANDES: It was to avoid that, that I was asking for a deferment of the Bill. Perhaps it would be better for us to have the discussion next week. I would ask that the Bill be deferred because all the Members are not here today.

The ATTORNEY-GENERAL: Now that hon. Members are in possession of the Draft Regulations it is clear that they can peruse them, and if they

find that there is any objection to any particular Regulation they can indicate to Government what particular Regulations they have found objectionable so that Government may see how the objections can be met. After all, that is the whole point in presenting the Regulations to this Council—so that hon. Members would be fully apprised of the whole picture and when the Bill is passed, hon. Members would know the implications which follow it. In addition to that, there are Regulations which hon. Members have in draft and I would suggest that hon. Members who are minded to raise objections to these Regulations should submit them to Government. There may be substance or merit in the objections, but the point is to have a set of Regulations which are practical and workable for the benefit of the community, the Forest Department and the general economic advancement of the country.

The PRESIDENT: I think the best procedure is for the hon. Member to send in what are the Regulations to which he takes exception, next week. As hon. Members know, I propose to adjourn the Council for the recess.

Mr. FERNANDES: I am prepared to deal with the Regulations now, if necessary, but I was trying to get a postponement because of the very sparse attendance today. I am very surprised at the very sparse attendance at an important matter such as this. I am not prepared to argue the whole thing now and then come back to it again.

The ATTORNEY-GENERAL: There is no further comment I wish to make. The hon. Member for Georgetown Central (Mr. Fernandes) who has intimate knowledge with regard to the subject of forest produce, agrees that the Bill has very desirable features, but that there may be one or two points on which, in the Committee stage, he would wish to make some



suggestions. I do not think it is necessary, therefore, for me to say anything further. I formally move that the Bill be now read a second time.

The COLONIAL SECRETARY seconded.

Question 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 3.—Amendment of section 5 (1) of the Principal Ordinance.

The ATTORNEY-GENERAL: The words "and inspection" in the first line of paragraph (f) of clause 3 are not properly placed. I propose that the paragraph should read:

"(f) the keeping of books and records by dealers in forest produce, the inspection of such books and records and the returns to be submitted by such dealers to such persons as may be specified by the Regulations."

Mr. WIGHT: The definition of "forest produce" is very wide and I am wondering whether the Forestry Officers would not be spending most of their time in the offices of the forest concerns, some of which are very small, rather than being out in the field collecting the necessary data and looking after reforestation, etc. The definition of "forest produce" in the Principal Ordinance includes even orchids. We are going to have a hard time if somebody who keeps a few orchids on a grant has to keep books.

I observe that paragraph (h) refers to the provision of medical attention on woodcutting grants and saw-mills. I do not know if that means that dispensaries will have to be provided.

The ATTORNEY-GENERAL: No, first aid appliances must be provided.

Mr. WIGHT: I suppose they all keep first aid kits. I think the term

"medical attention" suggests some sort of dispensary, or a doctor on the spot. If that is the intention it seems to me that it is going to be very difficult.

Mr. ROTH: I think I can explain the points raised by the hon. Member. With regard to the keeping of books and records it is certainly not intended that all of the books are to be regularly inspected, but the object of the provision is to give the Forest Department power to see that proper books are kept.

With regard to medical attention the idea is to bring the woodcutting industry into line with the mining industries. Under the Mining Regulations any person who employs more than 50 persons a certain number of miles away from a hospital must employ a qualified dispenser. The object is to see that persons are not taken into the interior without proper provision for reasonable medical attention.

Mr. WIGHT: I had a case the other day in which an Amerindian was transporting some logs from one place in the Pomeroon river to another. His logs were seized and held up for four or five days pending investigations by the District Commissioner. There was no exercise of discretion in the matter. There was a breach of the law but the man was held up unnecessarily. It was an instance of the exercise of authority in an unreasonable manner.

The CHAIRMAN: Provision of first aid facilities is dealt with in Regulation 51 of the draft Forestry Regulations.

The ATTORNEY-GENERAL: The clause with which we are now dealing merely seeks to give the Governor in Council additional power to make Regulations with respect to these particular subjects.

Mr. FERNANDES: The provision of first aid facilities is covered very clearly in one of the Regulations which states that where a licensee employs 50 or more persons in any area not less than 10 miles from any Government hospital or dispensary, he shall employ a certi-

fied sicknurse and dispenser in such area. That is a Regulation which I can readily accept. I cannot conceive of the Governor in Council making an order that a qualified medical practitioner should be employed on a woodcutting grant. I have no objection to Government taking precautions as regards the health of persons who work in forest industries, because there is no doubt that accidents occur from time to time and first aid facilities are absolutely essential. I am asking you, sir to take the various paragraphs of clause 3 separately, because I propose to comment on each one as we go along.

The CHAIRMAN: I certainly have no objection to doing that. I will now put paragraph (c).

Paragraph (c) agreed to.

*Paragraph (d)—The keeping and inspection of books and records in connection with sawmills and the returns to be submitted in connection therewith to such persons as may be specified in the Regulations.*

Mr. FERNANDES: I find that quite a lot of books and records have to be kept in connection with sawmills, as provided for in the draft Regulations. They may be very useful but they cost money which has to come from somewhere, and any record which is unnecessary involves a waste of money in a country which is already very poor and cannot afford to waste any money. The facts and figures to be called for under this Ordinance are unnecessary in normal times, in my opinion. They were necessary during the war when it was essential for Government to direct the supplies of sawmills into certain channels, but in normal times I suggest that the keeping of books and the submitting of returns should be reduced to the absolute minimum. I do not oppose paragraph (d) but I hope that those who will be responsible for demanding these books and records and their inspection will do so in a way that will not cause unnecessary hardship or waste of money.

There is another point. When records are kept and inspected it is possible for the figures produced by one person to be passed on to another person in the same line of business. I am not accusing anybody of anything, but I know it has happened and it will continue to happen. I therefore suggest that the Conservator of Forests should be very careful as to the person who is sent to inspect those books and records because information which contributes to the efficiency of one person's business might easily be passed on to his competitor.

Mr. LEE: I would like to add to what has been said by the hon. Member. If there is a breach of any of the Regulations the property of a sawmill will be liable to seizure or forfeiture. I hope that if the owners of small sawmills on the banks of the rivers and on the Essequibo Coast commit any breach of the Ordinance their operations will not be held up, because at present they are serving a very useful purpose in supplying building materials at very reasonable prices to people on the West Coast and on the Essequibo Coast. I agree with the hon. Member that the records required of these sawmills should be the very minimum, and that discretion should be exercised so as not to hamper the operations of these sawmills.

Mr. FERNANDES: I have not seen anything in the draft Regulations which would suggest that if a sawmill failed to keep records it might be seized, or I would vote against paragraph (d). Apparently, what the hon. Member is thinking about is where there is a breach of the Crown Lands Regulations, which is a different matter. If there is a deliberate breach seizure is the only way to stop such an offence.

Paragraph (d) put, and agreed to.

*Paragraph (e).—The registration and licensing of dealers in forest produce.*

Mr. FERNANDES: I am going to vote against paragraph (e)—the registration and licensing of dealers in forest produce. "Forest Produce" is a very wide term which embraces furniture made of wood. I do not know if the hon. the Attorney-General can tell this Council when wood ceases to be forest produce. I do not see any necessity whatever for any control of an ordinary dealer in forest produce. I think it is sufficient to control the logs from the forest to the sawmill. After they are sawn into boards there is no necessity whatever for any further control. I say so because a sawmill owner has not only to keep records but to submit returns, which will create unnecessary hardships, and I daresay there are many penalties if one fails to submit returns or to submit them in proper time. If the idea of the Bill is to protect the forest and its produce I do not see that any useful purpose would be served by controlling the dealers in forest produce. It is all right to control the primary producers and the sawmills, but it is unnecessary to control the dealers in forest produce. It would require more staff, and unless the records are efficiently kept they would be useless.

We hear a lot about our not having enough money to spend, but an outstanding point about the Statement of Forest Policy and the draft Forestry Regulations is that this Colony will have to spend far more money in putting this policy into operation than would be economical. Hon. Members will remember the field day we had in Finance Committee before Mr. Swabey and Col. Spencer left the Colony, when we went into all these matters, and the admission Mr. Swabey made that quite a lot of the things set out in the Forest Policy were good dreams, but no one knew whether it would be humanly possible to carry them out. It is an easy matter to talk about reafforestation, but it is better that we had no forest, at all than that their control should cost us twice as much as the value of what we reap. I am against

the tendency to involve dealers in timber in increased work which would require increased staff and expenditure by requiring them to keep all sorts of books and to submit returns under penalty of the law. One of these days we may be asked to submit returns with regard to how many glasses of water we drink, and how many hours we sleep. We are heading fast towards that sort of interference with the ordinary course of business. Every time a businessman has to spend a dollar unnecessarily it means that he has to pass it on. I hate to think that that is the intention behind this Bill.

I observe in the draft Regulations that while Government is endeavouring to burden the forest industries with all these requirements which must involve more staff and expense, that revenue increases have been suggested. As I have said before, I entirely agree with the proposal to increase royalties which are at present too small, but I find that there has been a change in the proposed new rates since I made my last comments. When I pointed out to the hon. the Financial Secretary after a meeting of the Finance Committee, that he was reducing the royalty on my charcoal while increasing that of the small man, he said he did not understand that. The position is changed. I now find that anyone producing forest products within 10 miles of a river will have to pay a new rate of royalty of 6 cents per cubic foot plus 25%, while anyone operating over 15 miles from a river will pay 25% less than the new rates. I think I am correct in saying that 90 per cent. of the larger concerns, particularly those producing greenheart timber, operate further than 15 miles from a river, certainly over 10 miles. Let us see what will be the effect of this new scale of royalty on those people. This is the same as the old rate, but under 10 miles it would be 7½c. Over 10 miles it would now be 4½c. In other words, all this big exploitation of our greenheart would be done at a loss to the revenue of this Colony.

Mr. ROTH: To a point of enquiry, sir: Are we now dealing with the Regulations or with this section of the Bill?

Mr. FERNANDES: I am speaking on a clause which, it is obvious calls for more staff and more money for this Department. I think that in His Excellency the Governor's Message relating to the forest policy or somewhere else there is a statement to the effect that this Bill is being brought in order to ensure that the Colony would get full returns for the exploitation of its timber. I have every right, therefore, to speak on the effects this Bill would have on the Colony's revenue. Of course, the moment one removes from these items and go to those that are not important to the big producers one gets a different picture. You would find that the royalty on shingles has been increased from 10c. to 65c. per thousand, while the increase as regards val staves is from 10c. to 40c. per hundred and as regards paling posts and roundwood spars, from 10c. to 50c. per hundred. When you get down to charcoal you would find that the royalty was 5c per 100 lbs. and it is now 6c. When a man is operating in a creek and is burning his little "pony", however, he has to pay 7½c. I burn charcoal at Sand Hills because I find it is cheaper for me to burn it there than at any place where I would have to haul it. On the other hand, it is cheaper to haul it 15 or 30 miles by railway than for the ordinary man to haul it for 7 miles. On the charcoal I burn at Sand Hills there would be a reduction.

I am not kicking against the increase in royalty on charcoal and paling staves; what I am kicking against is the fixing of the royalties so that only the big men would benefit, and I say that in doing so the Colony stands to lose. Further, I say that neither in my children nor their children's lifetime would any greenheart tree planted today be of any use. It would take some 200 or 250 years for these trees to get to the size where they can be cut. Every greenheart tree cut in this Colony today represents a wasting

asset, and therefore this Government should get every penny they can out of it. Similarly, this Government should get everything reasonable from the other forest products. I am in favour of an increase in the royalties and would even suggest that the new rates which have been fixed, plus 25 per cent., should be the rates to be paid by everybody. It would mean a great difference to me but, nevertheless, it would be putting taxation where it should be borne. There is going to be the answer that that would not be encouraging people to come in here and work, but no human being would tell me that the difference between 7½c. and 3c. per cubic foot is going to stop any company from exploiting our greenheart forests. If he does I would tell him straight that he is either not speaking the truth or is very blind.

I am totally against this proposed schedule of royalties and I am even more so against the idea of discrimination between the small operator and the large one. I am not speaking in my own interest so I can speak freely and strongly. It is obvious that it is not the intention of those who caused this particular Bill to come into being to suggest that we would need more staff. I am going to vote against this clause and also against the next one that hinges on it.

Mr. WIGHT: Perhaps I might ask the Chairman of the Advisory Committee whether clause 3 (e) which speaks of "the registration and licensing of dealers in forest produce" has received the consideration of his Committee. Are you going to register a person who deals in a couple of oranges or mangoes, or anything of the sort? I am wondering whether we are not travelling a little fast in these matters. Apparently, however, the Ordinance of 1927 visualises a great exploitation of the forests. I see here mention of thatching materials also. If a person is dealing with such materials in the interior it seems that he would have to register himself as a dealer in forest products. It is all well and good

for some of us to sit here and exercise our discretion, but we must remember that these things are going to be handled by rangers and such other people who might not have much discretion. I am not saying that would happen in this Colony alone because similar things happen in other parts of the world. I see that even "leaves" have been referred to, and then you have fibres, resin and such other things included among forest products. I do not think that is reasonable.

Mr. BOBB: I am very glad that the hon. Member who has just taken his seat has stressed this particular point. It is the one that was exercising my mind most because I am speaking mainly now for the rural areas and for the people who are occupied in this particular kind of industry in a very small way. I can see that legislation in the way indicated here would impose great hardship on a large number of these people. Those who live in places like the Mahaica, the Mahaicony and the Abary river districts are continually dealing with just these items which appear so small, and I can very well see that there is going to be the kind of hardship indicated by the hon. Member for Western Essequibo (Mr. Wight). The rangers will hold these poor struggling people and try to get them to obey every letter of the law. What is exercising my mind is that there should be no attempt to stifle the industry of the small man. On the other hand, if the idea is to collect revenue, or more revenue, I can very well see that there would probably be one comprehensive licence which a person would be able to take out and operate with several others under him. In that case I do not see that the Treasury is going to be in any way better off.

Charcoal burning which is a thriving industry in the rural areas would suffer tremendously under these conditions and the people there would unavoidably have to be charged a price far in excess of what the people dealing with that kind of product in Georgetown would

charge, as instanced by the hon. Member for Georgetown Central (Mr. Fernandes). I have not yet reached a point of decision as to whether I must vote against, but it is something which has to be settled in my mind. I am wondering whether the better procedure would not be to leave over this item, and perhaps at a later stage it would be possible for us to get more light on it—when the Regulations are being considered. At present I can only repeat that this legislation is going to create hardship. If the idea is to collect more revenue I do not see how that is going to be done. As I stated a moment ago, I can see that one big person would operate under a general licence and with a number of others under him.

Mr. FERNANDES: The hon. Member for Western Essequibo did not go far enough because he would find that even a dealer in wild animals or in sand would have to come under this. Before I sit down I would ask the hon. Member who is Chairman of the Interior Development Committee (Mr. Roth) whether this Committee sanctioned the reduction in royalty for the big producers and the increase for the smaller ones who operate within 10 miles (by land haulage to navigable water). In the case of greenheart the royalty for persons operating within 10 miles has been increased from 6c. to 7½c. per cubic foot, while those operating over 15 miles would only pay 4½c. per cubic foot. It means, therefore, that the person working greenheart at the longer distance would have to pay just a little more than half of what the person working at the shorter distance would pay.

Mr. ROTH: In reply to the hon. Member's question I just want to say that members of the Committee did go into this question of royalties but I cannot honestly remember whether I was one of them. The matter was dealt with several months ago and I would find out and let the hon. Member know.

The CHAIRMAN: I am not altogether clear as to what is being done. I know that the hon. Member for Georgetown Central has drawn a distinction between the royalty rates on the items we are dealing with. We will certainly be dealing with the question of royalty rates later on and I think the hon. Member can move a motion for an amendment then. I am not clear as to how the connection with this item has arisen.

Mr. FERNANDES: Because money would have to be found to meet this additional expenditure. I am sure it is not the intention of Government to take money from general revenue and add to that collected from royalty to meet this position which is bound to need additional staff. I am quite satisfied to stop at that and to vote against the increases.

The ATTORNEY-GENERAL: I only wish to observe that this particular clause really extends the Regulation-making powers of the Governor in Council. It gives power to make Regulations in respect of these things, but the terms under which the Regulations are made is a different matter and that is the reason why you have the Draft Regulations placed before you so as to give you an opportunity of making suggestions and so on. The particular matter with which we are concerned at the moment is par. (e) --the registration and licensing of dealers in forest produce. Perhaps hon. Members consider that there has been this statement of forest policy which has given some connection to the clause and the desirability of formulating a definite policy with regard to our large tracts of forest so that the maximum result would be obtained from them.

In other words, although there has been from time to time people who have endeavoured to develop the forest here and there—either by logging or by charcoal burning and so on—having regard to the general economic conditions not only in this Colony but in other

parts of the world with regard to hard woods and soft woods, it is desirable that we should have a properly formulated policy in this Colony so that we should get the best out of our forest. That being so, it is necessary, I submit, that we should have some arrangement—some procedure—whereby those who operate in forest products should keep some record of what they do.

Mr. FERNANDES: To a point of correction: The Attorney-General is referring to a group of persons who do not come under this. He is referring to a group of producers.

The ATTORNEY-GENERAL: I am dealing with the function of persons who would be licensed. It is perfectly true that the definition of the expression "forest produce" is very wide and includes all sorts of things, such as orchids, fruit and sand but, at the same time, I think we have to exercise our knowledge and experience as to the working of this forestry legislation as it now stands. I think it is hardly within the knowledge or experience of any hon. Member to tell us whether any of these matters referred to by the hon. Member for Western Essequibo (Mr. Wight), such as animals, or grasses, or sand, or the fruit of the forest, have ever been investigated and considered from all points of view. I would suggest that although the definition may be so wide as to include all things that may be possibly grown or found in the forest, these particular items have never been dealt with from that point of view. Generally speaking, the terms "forest" and "forest produce" have been accepted in a restricted sense and not particularly from the point of view of the definition itself which, admittedly, is exceptionally wide. I daresay that the Forest Department would determine this question of forest produce in the light of what they have to deal with, and if we examine the forest produce we would see that the emphasis is placed on the value of timber and charcoal as being the natural products from the growth and development and the utilization of the tim-

ber resources. That is where the emphasis has been placed—not on the grasses or seedlings, or animals or sand or fruit.

For one to have a full appreciation of this matter I think hon. Members should look not only at the Bill itself, but at the statement of policy, the Regulations and all the other information which has been submitted in order to enable them, as I said at the beginning, to get a full and comprehensive picture of this whole forestry matter. With regard to this particular paragraph, (e), I repeat that it is only a bit of enabling legislation to permit the Governor in Council to make Regulations. When the Regulations come before hon. Members for consideration with regard to the terms in which they are made, then hon. Members can express their views.

Mr. WIGHT: In spite of the lucid and concise explanation by my hon. Friend, the Attorney-General, I would like to point out that if we get a definition of "policy" with respect to the statement of policy and confine it also to the policy of the Department, I think it would be wise. If the hon. Nominated Member (Mr. Roth) looks at the Principal Ordinance, Chapter 176, he would find that every one of the sugar estates in this Colony should be registered and licensed under it. I am quite sure that if the hon. Member for Central Demerara (Dr. Jagan) was here he would have liked to know what the fee for registration and licence would be so that we could get some additional revenue. The hon. Nominated Member would also find that "trees" includes shrubs, bushes, palms, and so on, so that the "crab ranch" upon which one hon. Member of this Council based his qualification and desired to sit some years ago, would have had to be registered also. It does seem to me that we would have to define "policy", otherwise there would be confusion. Some people might not get so deliberately, but others might have a sense of humour and might say they want the sugar estates to be registered and want to see

how the proprietors would be able to get out of it. According to the definition of "trees" even the dealers in things like bamboos, creepers, climbers, and so on should be registered, and I suggest to Government that we would have to define the term "dealer" also.

Mr. LEE: May I suggest that this matter be sent back to the Advisory Committee to the Interior Department.

Mr. WIGHT: I do not think it is necessary to do that. I think the Attorney-General can define "policy" with the assistance of the Economic Adviser.

Mr. MACNIE: I entirely agree with and support what has been suggested by the hon. Member who has just taken his seat. We all know—and I know from personal experience—that we get rangers and a variety of other people who pretend to know a great deal about the law and are sometimes inclined to stretch it to the limit.

I think we will find that "forest produce" includes troolie leaves which are used all over the Colony, and if any person deals with them he will have to register, but I am sure that is not the intention of the draughtsman. I feel that the suggestion of the hon. Member that the hon. the Attorney-General should try to evolve a better term than "dealers in forest produce" is one that should be considered.

Mr. FERNANDES: It includes the small people who sell small quantities of charcoal and wood at their gates. Every owner of a coalshop in the City will be regarded as a dealer in forest produce. The term does not refer to people like myself who operate in the forests. While it is true that this clause only gives the Governor in Council power to make Regulations, what is the use of giving the right to do something that should not be done? Government will find very great difficulty in deciding who is a dealer in forest produce. It will mean that any poor person who buys a few

bags of charcoal and retails it will have to get a licence for that purpose and then obtain another licence.

The ATTORNEY-GENERAL: A dealer in forest produce means a dealer in the produce defined in the Ordinance.

Mr. FERNANDES: Why has the hon. the Attorney-General made a separate item for sawmills? They are dealers in forest produce in the same way.

The ATTORNEY-GENERAL: Obviously, because sawmills may be registered as separate organizations. The registration of the miscellaneous dealers in articles which are dealt with under the term "forest produce" comes under paragraph (e).

Mr. FERNANDES: I do not want to be a nuisance but I would ask the hon. the Attorney-General why did he not put the word "other" before the word "dealers"?

The CHAIRMAN: I think we had better pass on to the other paragraphs of the clause, and the Attorney-General might give consideration to the points raised with regard to paragraph (e). We will pass on to paragraph (f).

Mr. FERNANDES: Paragraph (f) is dependent upon paragraph (e).

The CHAIRMAN: Then we will pass on to paragraph (g).

Paragraph (g):—*the submission of returns showing the number, categories and wages of all persons employed on wood-cutting grants, or in sawmills and in all operations incidental thereto.*

Mr. FERNANDES: Another Department of Government—the Labour Department—has the right to these figures at present, and as the object of this Bill is to have all matters dealing with forestry concentrated in one Department I think it will be agreed that these returns should

be supplied to the Government Department specifically interested in the wages paid to, and conditions of work of persons employed. I refer to the Department of Labour. There should be no duplication of law which would make persons liable to penalties from two Government Departments. If the Forest Department would like to have these figures it could get them from the Labour Department, because the law gives the Labour Department the power to get them. After a while we may have to submit returns to a dozen different Government Departments, which would only increase the cost of production.

The CHAIRMAN: The Regulation which it is proposed to make under this particular item says:

"52. Every licensee shall submit at the end of each month to the Commissioner of Labour a return in such form as may from time to time be prescribed by the Conservator."

The ATTORNEY-GENERAL: This only empowers the Governor in Council to make a Regulation to provide for the submission of such returns.

Mr. FERNANDES: What is the object of empowering the Governor in Council under six different laws to demand the same information? If the Attorney-General thinks it is correct there is nothing I can say that would stop it. These returns deal with questions of labour, and should not concern a Forestry Bill, but I am told that returns will have to be sent to the Labour Department. When a person employs labour he should only have to consult the Labour Regulations, but in this case he will have to look at some other Regulations passed under some other Ordinance.

The COLONIAL SECRETARY: I do not think the hon. Member's last argument is particularly strong because, obviously, an employer of forest labour has to make himself familiar with the



Forestry Regulations, and this provision saves him the trouble of having to look at the Labour Regulations as well. In any case the Commissioner of Labour is not going to ask for returns more than once.

The ATTORNEY-GENERAL: It does not mean that they would have to submit returns twice.

Mr. WIGHT: I am inclined to agree with the hon. Member that it is duplication. The Labour Department is entitled to all this information under the Labour Ordinance.

The ATTORNEY-GENERAL: I am not prepared to say that all this information is now required by law. I do not know whether it embraces all those people who come within this particular category.

Mr. FERNANDES: I will admit that it does not include dealers in charcoal at the side of the street or the man who sells a few boards, but even the man who sells a few boards, if he is called upon by the Commissioner of Labour to submit returns showing the number of persons he employs and their earnings, he would have to furnish the information. But anybody who operates a timber grant or a sawmill has to submit those figures, and for another purpose also—under the Workmen's Compensation Ordinance.

The CHAIRMAN: I must say that if I were engaged in one of these forest industries I would much prefer to have the Forestry Ordinance as my sole bible in the matter, rather than have to chase about a number of Ordinances.

Further consideration of paragraph (g) deferred.

Paragraph (h)—*the provision of medical attention on wood-cutting grants and sawmills.*

Mr. FERNANDES: I am in favour of paragraph (h) but I wish to make a suggestion for the consideration of Government in framing the Regulations. It is that where two tracts are contiguous one sicknurse and dispenser would be adequate to serve the employees of the two camps, as he would perhaps have to work no more than 8 hours in a month, attending to the medical needs of between 60 and 70 persons. After all he would only have to work in cases of injuries or illness, and the health conditions in the forests today are a lot better than they were years ago. In framing the Regulations Government might fix a limit on the number of persons to be served by one dispenser.

Mr. WIGHT: I do not think it should be confined to one particular area. I think there should be a Government sicknurse and dispenser, because it would be hard on certain of the small men who employ about 50 persons, to keep a sicknurse and dispenser in an area which is out of the way. As long as a sicknurse and dispenser is easily get-at-able I think that would suffice. I think one sicknurse and dispenser should be allowed to operate within a certain radius. It may be wise to station a Government sicknurse and dispenser in certain areas and arrange for the grant holders to contribute towards his salary, or that sicknurses and dispensers be subsidized by them under Government supervision.

The ATTORNEY-GENERAL: I take it that the hon. Member agrees to the passage of paragraph (h).

Mr. FERNANDES: Yes.

The COLONIAL SECRETARY: I understand from the Labour Department that under the Labour Ordinance it has the power to compel all employers to submit returns,

ber resources. That is where the emphasis has been placed—not on the grasses or seedlings, or animals or sand or fruit.

For one to have a full appreciation of this matter I think hon. Members should look not only at the Bill itself, but at the statement of policy, the Regulations and all the other information which has been submitted in order to enable them, as I said at the beginning, to get a full and comprehensive picture of this whole forestry matter. With regard to this particular paragraph, (e), I repeat that it is only a bit of enabling legislation to permit the Governor in Council to make Regulations. When the Regulations come before hon. Members for consideration with regard to the terms in which they are made, then hon. Members can express their views.

Mr. WIGHT: In spite of the lucid and concise explanation by my hon. Friend, the Attorney-General, I would like to point out that if we get a definition of "policy" with respect to the statement of policy and confine it also to the policy of the Department, I think it would be wise. If the hon. Nominated Member (Mr. Roth) looks at the Principal Ordinance, Chapter 176, he would find that every one of the sugar estates in this Colony should be registered and licensed under it. I am quite sure that if the hon. Member for Central Demerara (Dr. Jagan) was here he would have liked to know what the fee for registration and licence would be so that we could get some additional revenue. The hon. Nominated Member would also find that "trees" includes shrubs, bushes, palms, and so on, so that the "crab ranch" upon which one hon. Member of this Council based his qualification and desired to sit some years ago, would have had to be registered also. It does seem to me that we would have to define "policy", otherwise there would be confusion. Some people might not get so deliberately, but others might have a sense of humour and might say they want the sugar estates to be registered and want to see

how the proprietors would be able to get out of it. According to the definition of "trees" even the dealers in things like bamboos, creepers, climbers, and so on should be registered, and I suggest to Government that we would have to define the term "dealer" also.

Mr. LEE: May I suggest that this matter be sent back to the Advisory Committee to the Interior Department.

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I think we will find that "forest produce" includes troolie leaves which are used all over the Colony, and if any person deals with them he will have to register, but I am sure that is not the intention of the draughtsman. I feel that the suggestion of the hon. Member that the hon. the Attorney-General should try to evolve a better term than "dealers in forest produce" is one that should be considered.

Mr. FERNANDES: It includes the small people who sell small quantities of charcoal and wood at their gates. Every owner of a coalshop in the City will be regarded as a dealer in forest produce. The term does not refer to people like myself who operate in the forests. While it is true that this clause only gives the Governor in Council power to make Regulations, what is the use of giving the right to do something that should not be done? Government will find very great difficulty in deciding who is a dealer in forest produce. It will mean that any poor person who buys a few

Clause 3—*Amendment of Section 5 (1) of the Principal Ordinance.*

The ATTORNEY-GENERAL: Clause 3 has been postponed for consideration, and I beg to move that paragraph (d) thereof be amended to read as follows:—

“(d) the keeping of books and records by dealers in forest produce, the inspection of such books and records and the returns to be submitted in connection therewith to such persons as may be specified in the Regulations;”

Amendment put and agreed to.

The ATTORNEY-GENERAL: I will ask that paragraphs (e), (f) and (g) be deferred in order to afford me an opportunity of considering the various points raised by Member, relating to them.

Agreed to.

GRATUITIES TO NON-PENSIONABLE  
EMPLOYEE

The FINANCIAL SECRETARY & TREASURER: I beg to move the following motion standing in my name on the Order Paper:—

“That, with reference to the Officer Administering the Government's Message No. 11 of the 30th of June, this Council approves of the payment, from and after the date hereof, to non-pensionable Government employees, of allowances and gratuities at the rates and on the conditions set out in the Officer Administering the Government's Message, and undertakes to provide the necessary funds for this purpose.”

The present allowance and gratuities which are paid to these employees are paid under resolution 25 of August 21, 1940. This Resolution has been in force a little over 10 years and in the course of making award under its prescription the Treasury has, from time to time, come across very hard cases—cases where some employees, through no fault of their own, after

having worked for a long a period as 21 years could only receive a gratuity based on even years' service and in extreme case to no gratuity at all. Accordingly, it was thought that the provision dealing with benefit should be revised. The proposed provision circulated as part of the Message are intended to cure the hardships to which I have referred. In the message, which has been circulated to Hon. Member, an attempt has been made to show existing conditions under which superannuation benefit are paid to non-pensionable officers and the amendments proposed side by side. I am not sure whether that has been helpful to Hon. Member, because the basis of calculation of awards is rather complex.

Mr. WIGHT: I am glad the Financial Secretary & Treasurer has said that. I was going to ask that he should explain the proposed provisions fully because I really cannot follow them. If he would give some examples it would help us.

The FINANCIAL SECRETARY & TREASURER: I propose to do so in the course of explaining the new provisions and to cite examples to illustrate what is meant where this is necessary.

A (i), (ii) & (iii) of the message remain unchanged in the new provisions. (i) provide that a retiring employee holding an approved appointment shall be eligible for a retiring allowance after 20 years' service. (ii) provides that the allowance shall be equal to two-thirds of a full pension under the 1933 Pension Ordinance, and (iii) define approved appointment to be those declared to be such by the Governor-in-council. These appointments are usually held by persons on the regular monthly establishment.

(B) of the message provides that employees holding approved appointments, retiring with less than 20 years' service shall be eligible for a gratuity equal to 1/1 of a month's pay for

each month of service, the payment not to exceed one year's salary.

(C) (i) deals with employees who do not hold approved appointments and provides in such cases for the payment of a gratuity equal to 1/26 of a month's pay for each month of service not to exceed one year's salary.

(C) (ii) defines a year to be 225 working days including public holidays and paid leave but not including Sundays. These two provisions are the same as existing provisions. The remaining provisions are rather different. They deal with service of less than 225 days in a year and are not as penal as the old provisions. Under the existing provisions if an employee did not serve for 225 days in a year such year does not count for pension. They also provide that if three such years follow each other consecutively all previous service was lost to an employee for purposes of gratuity. This is not the case under the new proposed provisions.

In the new provisions where an employee has served in any one year for less than 225 days such employee will continue to lose that year for purposes of gratuity, but if in the following year he also serves for less than 225 days it is permissible to aggregate the two years and if their total is 225 days or more the period may count as one effective year, that is, as qualifying service for gratuity. Under the new proposals an employee would also continue to lose all previous service if for three years running or more there was no service whatsoever. But if such an employee came back and served for not less than three effective continuous years such service would restore his former qualifying service for gratuity. Needless to say this does not happen under the existing provisions. Under the existing provisions service once lost cannot be retrieved.

I think at this stage it would be helpful for me to illustrate by example what will happen in practice. I take the case of an employee who has

served for 21 years under the existing conditions, the first seven of which years the employee has served for 225 days in each year. This would qualify him for the award of a gratuity on retirement. If in the next 14 years the employee has not been able to serve for 225 days in each year under existing provisions at the end of 21 years such an employee would not be eligible for a gratuity because the first seven years is followed by more than three non-effective consecutive years i.e. years in which the employee did not serve for 225 days or more in any year. Under the new proposed provisions such an employee would be allowed to aggregate the service in each two consecutive years and if it amounted to 225 days or more, to count it as one effective year. In other words such an employee would be eligible for a gratuity based on 14 years. Again, under existing conditions if even after 14 effective years' service, an employee failed for three consecutive years to work less than 225 days he could not in the remaining four years to complete 21 years' service qualify for a gratuity. The three non-effective years would vitiate previous service and in the remaining four years to complete 21 years' service the employee could not serve long enough to qualify since qualifying service is seven continuous years. Under the new proposed provisions such an employee would have to serve for only three continuous effective years to restore his earlier service for gratuity. Thus, such an employee would be eligible for a gratuity based on 18 years' service.

The new provisions have other advantages. They give the Colonial Secretary power in cases where there is no official record of service, on being satisfied beyond all reasonable doubt that an employee did serve, to admit such service for gratuity. The new provisions also provide that after the age of 55 years an employee cannot lose qualifying service for gratuity.

(D) of the message provides that only service after the age of 20 years shall count for gratuity on retirement.

(E) provides that in the case of death a gratuity equal to one year's salary shall be paid to the legal personal representative of a deceased employee and in the case of an employee with less than 20 years' service a gratuity equal to the amount which would have been payable to the employee if he had retired and not died. The new provisions also give the Governor in Council power to reduce the gratuity or the retiring allowance on grounds of inefficiency or misconduct. It also makes part-time employees other than postal agents, eligible for superannuation benefits on the same basis as whole-time employees.

Superannuation benefits provided by this Colony for non-pensionable employees are better than those provided by Trinidad. The liberalisation of these benefits still further might seem generous, but it is fair and reasonable that these employees should be put on a more equitable basis, and I trust, therefore, that what is recommended in the message will be approved by Hon. Members.

The COLONIAL SECRETARY seconded.

Mr. WIGHT: I am, perhaps, in a little more daylight now, but there is one point of which I am not fully seized, and that is the position of an employee in a Department such as the Sea Defence or the Public Works Department who has worked perhaps 30 or 35 years continuously. How would that term of continuous service be considered under the new Regulations as compared with the old ones. It seems to me rather hard for such an employee to be left out of consideration after having worked for some 30 or 35 years, while another employee would work for seven years and get something because of the Resolution which was passed in 1939. It does seem to be hard and, after all, illogical, because he would have worked five times longer than the other man but would not be entitled to any consideration.

As regards (C) (2), as the Financial Secretary and Treasurer has indicated, as long as the employee works for a period of 225 days within those two years he would be entitled to one year's gratuity. It does seem, however, that the provision might make a man feel inclined to work for two such "broken" years instead of one complete year, and I think it is very generous to the employee. Lastly, he must give seven years' service before his dependent becomes entitled to any form of gratuity or pension in case of death. I would like to know what would be the position of an employee who has worked for nine years' with one year's broken service in between? In other words, if the broken year comes in or near the middle of his service he would not have given service for seven unbroken and consecutive years. I know that these pensions and gratuities are very difficult to calculate, although the majority of Officers in the Service calculate what they would get if they retire at any particular time. I think what the Financial Secretary and Treasurer has said as regards the desirability of these amendments is quite correct, because there have been one or two cases which I know, personally, have created a great deal of hardship in the past.

Mr. FERNANDES: There is only one word in the whole of this Resolution that I would like to see removed and that is in C (2) on page 2. I would like to see the word "continuous" removed for many reasons. A man may have worked for 20 years and if he just had the bad luck to work 224 days in ten of these years he would only be entitled to gratuity for the other ten years. The new provisions only provide for cases where service in two consecutive years totals 225 days—in which case one year's gratuity will be paid—but I think that any two years in which an employee works for less than 225 days each should be counted as one year for the purpose of gratuity. I say that because in many cases these people work less than 225 days

a year through no fault of their own. It is obvious, particularly where the Public Works Department is concerned, that the Engineer of a district or his officer has to divide the work among everybody. If he does not he would be accused of favouritism, so one would find that only a few workers would get sufficient work to take them over 225 days in a year. I think, therefore, that Government should agree to pay an employee one year's gratuity for any two years of service below 225 days each. I am sure that in 98 per cent. of these employees work for less than 225 days a year.

Dr. SINGH: I consider this to be a generous motion, but I feel that it cannot meet every situation that will arise. Of course, there will be borderline cases in which discretion will have to be exercised by Government. Let us take, for instance, a case of Mr. X. who is serving and would be entitled to gratuity at the end of seven years' service, but before he can complete his seventh year he is called upon to retire because he has reached the age limit. That would be very hard on him, and I think that in such a case Government should exercise some discretion and still give him a gratuity.

Mr. BOBB: I think I should like to hear a few more words from the hon. the Financial Secretary & Treasurer in order to clear up something in my mind. I have in mind a case of someone who was in the Service for seven consecutive years, say from 1926 to 1933, and then there was a break of 16 or 17 years after which the person goes back into the Service. What would be the position of such a person at the end of his second period of service.

Mr. LEE: May I mention also a case of hardship that I am aware of? A certain teacher was employed—

The FINANCIAL SECRETARY & TREASURER: To a point of correction: The motion has nothing to do with teachers.

The PRESIDENT: No other Member being desirous of speaking, I call upon the Financial Secretary to reply.

The FINANCIAL SECRETARY & TREASURER: With regard to the point raised by the hon. Nominated Member (Mr. Bobb), I should point out that if an employee serves a total of say 35 years, he would be entitled to a pension based on two-thirds of his service under the 1933 Pensions Ordinance. If, however, he held an appointment that is not an approved one, he would be entitled to a gratuity not exceeding one year's salary.

The COLONIAL SECRETARY: I think the hon. Member was speaking of someone who retired before 1939.

The FINANCIAL SECRETARY & TREASURER: We cannot go back and bring up such cases. As regards the service of the employee, however, it is compulsory that he must serve seven continuous years. If he serves six years of 225 days each and the seventh year is one of 220 days, he does not qualify for gratuity. A similar thing applies in the case of a civil servant; he has to serve ten consecutive years before he would be entitled to a pension.

As regards the point made by the hon. Member for Central Georgetown, I think he is suggesting that we should have something still more generous than these provisions, but I really do not feel that can be done. After all, if an employee does not work 225 days in a year and he comes back the next year and works for less than 225 days again, if we add up the two periods and give him pension for half of it, I think that would be very generous. In case he works four years at less than 225 days a year and in the fifth year he works for 225 days or over, and for two more years he works for 225 days in each, he would not be entitled to a gratuity. The condition is that no consideration would be given to the service for two years at less than 225 days in each. The service must be

one of 225 days a year for seven consecutive years.

Capt. COGHLAN: I may point out that in the Public Works Department workers do not often get as much as 225 days' work in a year.

The PRESIDENT: The hon. Member for Central Georgetown has already made that point.

The FINANCIAL SECRETARY & TREASURER: As regards the point made by the hon. the Sixth Nominated Member (Mr. Bobb), I think he asked what would happen to a man who worked for seven years and qualified for a gratuity and then left and returned and worked for 10 years. Well, if he came back and worked for three years he would have restored his service under the condition I mentioned just now. He would be entitled to gratuity for seven years plus three.

With regard to the point raised by the hon. Member for Demerara-Essequibo, I think it is answered by what I have just said. In reply to the hon. Member for Western Essequibo, I would point out that if a man does not work for seven years he just does not qualify for a gratuity. That is an essential ingredient and, as far as I know, that is a condition in all the Colonies in the British Empire paying superannuation benefit. I do not think a man can qualify for a gratuity with any period of service less than seven years. The provisions cannot be more generous, as suggested by the hon. Member for Georgetown Central.

Mr. FERNANDES: The hon. the Financial Secretary has entirely misunderstood my point. I was not asking for any more generosity, because I realize that gratuity is paid for service to the country. What difference would it make, however, if a man gets a year's gratuity for unbroken service in two consecutive years rather than in any two years of his service.

The FINANCIAL SECRETARY & TREASURER: The hon. Member has

asked that the word "continuous" be removed. If that is done, it would mean that if a man has eight year of unbroken service and a non-effective year in the ninth and also in the tenth year of service, then those two years should be taken together, but that cannot be done. The point I am making is that it would be over generous.

Mr. FERNANDES: My point is that if a man is entitled to gratuity for 2,250 days he should not be deprived of it because there were two non-effective years which did not fall consecutively.

The PRESIDENT: I see the point, but the Financial Secretary says it would be making the provisions more generous.

Mr. WIGHT: Is there any fear as to the cost?

The FINANCIAL SECRETARY & TREASURER: We are not concerned with people who have already left the Service. We cannot go back and deal with past cases.

Capt. COGHLAN: What would be the position if, through no fault of a worker himself, he has to work less than 225 days in a year—because he had no offer of work for a longer period? I fail to see why a man should be victimized because he does not work for 225 days in a year.

The PRESIDENT: It is not a question of victimisation. It is a question of qualifying for gratuity.

Dr. SINGH: I am referring to cases where a worker might be unable to complete seven years' consecutive service through no fault of his own—through having to retire on account of age or something of the sort. He might only have two months' service to complete his seven years.

Mr. FERNANDES: What that man should do is to apply for two

months' leave without pay. I am sure Government would not deny it to a man like that. I think that has been done already.

The FINANCIAL SECRETARY & TREASURER: That is right; it has been done.

The PRESIDENT: I will now put the motion.

Mr. FERNANDES: I would like to move an amendment for the deletion of the word "continuous", but I have already spoken.

The PRESIDENT: I am afraid the hon. Member is too late.

Mr. FERNANDES: I can come again by way of motion. I am going to vote against the motion because of that.

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

For: Messrs. Bobb, Macnie, Peters, Coghlan, Farnum, Lee, Dr. Singh, Wight, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—11

Against: Mr. Fernandes—1

Motion carried.

The PRESIDENT: Council will now adjourn until 2 p.m. on Thursday, July 12, when we will continue with the Forest legislation.