

SECOND LEGISLATIVE COUNCIL

(Constituted under the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956).

Wednesday, 17th June, 1959

The Council met at 2 p.m.

PRESENT :

Speaker, His Honour Sir Donald Jackson.

Chief Secretary, Hon. D. M. Hedges

Attorney-General, Hon. G. M. Farnaum, acting

Financial Secretary Hon. F. W. Essex, C.M.G.

} *ex officio*

The Honourable Dr. C. B. Jagan — *Member for Eastern Berbice*
(Minister of Trade and Industry).

„ „ **B. H. Benn** — *Member for Essequibo River*
(Minister of Natural Resources)

„ **Janet Jagan** — *Member for Western Essequibo*
(Minister of Labour, Health and Housing)

„ „ **Ram Karran** — *Member for Demerara-Essequibo*
(Minister of Communications and Works).

„ **B. S. Rai** — *Member for Central Demerara*
(Minister of Community Development and Education).

Mr. R. B. Gajraj — *Nominated Member*

„ **W. O. R. Kendall** — *Member for New Amsterdam*

Mr. R. C. Tello — *Nominated Member.*

„ **F. Bowman** — *Member for Demerara River*

„ **A. L. Jackson** — *Member for Georgetown North*

„ **S. M. Saffee** — *Member for Western Berbice*

„ **Ajodha Singh** — *Member for Berbice River*

„ **J. N. Singh** — *Member for Georgetown South*

„ **R. E. Davis** — *Nominated Member*

H. J. M. Hubbard — *Nominated Member*

„ **A. G. Tasker, O.B.E.** — *Nominated Member.*

Mr. F. A. Narain — Assistant Clerk of the Legislature (acting).

ABSENT :

Mr. L. F. S. Burnham — on leave.

Mr. S. Campbell — on leave.

Mr. E. B. Beharry

Mr. A. M. Fredericks — on leave.

The Assistant Clerk, acting, read prayers.

Hausards.

MINUTES

The Minutes of the meeting of the Council held on Friday, 12th June, 1959, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENTS

MEMBERS' ABSENCE EXCUSED

Mr. Speaker: I have to announce that the hon. Nominated Member, Mr. Fredericks, is indisposed and cannot be present today. The hon. Member for North Western District, Mr. Campbell, has asked to be excused. He is out of town and not very well. The hon. Member for Georgetown Central (Mr. Burnham) has asked to be excused today as he cannot possibly be present.

ORAL ASKING AND ANSWERING OF QUESTIONS

DISMISSAL OF PRISON OFFICERS

Mr. Jackson: I beg to ask the hon. the Chief Secretary Question No. 11 standing in my name on the Order Paper: Will the Honourable the Chief Secretary say whether Prison Officers Mingo, Straughn, Glasgow, McGarrell, Robertson, Williams, Williamson and Blair were dismissed by the Superintendent of Prisons, and if so, state the grounds upon which those officers were dismissed?

The Chief Secretary (Mr. Hedges): Two of the officers named were dismissed by order of the Governor; the probationary appointments of two other officers were terminated by order of the Governor, and the remaining four were discharged by the Superintendent of Prisons. I think it would be unfair to these officers to state publicly the reasons why the services of each of them were terminated, but if the hon. Member wishes, I am prepared to tell him as much about the circumstances of each case as I can, without breach of confidence, after this sitting.

Mr. Jackson: As a Supplementary Question will the hon. the Chief Secretary say whether one of those four officers who were dismissed by the Superintendent of Prisons did take action in Court against the Government, and whether Government has had to settle the claim without the Court's decision?

The Chief Secretary: Yes, Sir.

Mr. Jackson: Thank you, Sir.

SUBSCRIPTION TO \$6 MILLION
6% DEBENTURES

Mr. Bowman: I beg to ask the hon. the Financial Secretary Question No. 12 standing in my name on the Order Paper. Will the Honourable the Financial Secretary state in detail how the recent Six Million Dollar Development Loan was subscribed?

The Financial Secretary: The recent issue of \$6mn. 6% debentures 1969/1979 was subscribed in full as follows:

Resident individuals ..	\$ 334,900
Churches, Lodges and other organizations	25,100
Building Society, Insurance and other companies ..	895,000
Statutory and trust funds	2,190,000
Non-residents	155,000
Approved by the Eastern Caribbean Currency Board for subscription when the legislation to ratify the new currency agreement now in course of passage through the Legislatures of the participating colonies has been enacted	2,400,000

Mr. Saffee: As a Supplementary Question I would like to ask the hon. the Financial Secretary if he can say whether the amount contributed by firms and private individuals to the recent loan was more than that subscribed to previous loans?

The Financial Secretary (Mr. Essex) : I could not say, without searching the Archives, what happened with loans long ago. There were some quite large loans in the 1920's and 30's, to which Building Societies did contribute large amounts, but I would say that for the 1956 issue, which is the last one before this \$6 million loan, the amount offered for subscription was \$1¼ million, and the amount actually subscribed fell short of that figure, and was \$1,313,750. Of that sum resident individuals subscribed \$246,200, companies and other organizations \$151,300, non-residents \$68,700, and statutory and trust funds \$847,550.

Mr. Bowman: As a further Supplementary Question would the hon. the Financial Secretary say whether, in view of the fact that individuals were allowed to take shares of \$50, the way in which this loan was subscribed indicates confidence by the ordinary man in the Government?

Mr. Speaker: I do not think that is a question the Financial Secretary can answer; he would only have to guess an opinion.

Mr. Bowman: I want to know if it shows confidence by the ordinary man in the Government, because I feel that the ordinary man would have subscribed in a larger way as he had subscribed to shares in Banks beer.

Mr. Speaker: I do not think it is a proper Supplementary Question.

Mr. Bowman: I think so.

Mr. Speaker: I have ruled that it is not. It is a matter which may be debated later, if you wish.

Mr. Bowman: Nevertheless, an opinion can be expressed.

Mr. Speaker: When I shall have ruled I hope Members are sufficiently sensible and appreciative of the position to accept my ruling.

Mr. Bowman: I accept your ruling, Sir.

Mr. Speaker: Well, that is the end of it. It is always a risky thing for Members to mistake politeness and a little indulgence for an absence of strength in the person who exhibits such polite conduct.

Mr. Bowman: I never thought I was over-stepping my bounds, Sir.

RAISING OF A MATTER OF PRIVILEGE

Mr. Jai Narine Singh: I rise to raise a matter of privilege—

Mr. Speaker: The custom is, if a matter of privilege is going to be raised, for intimation to be made beforehand to the Speaker. It is a matter of courtesy.

Mr. Jai Narine Singh: I am grateful—

Mr. Speaker: It is even more than a courtesy; it has been expanded to what is now considered a rule. I am sorry you did not appreciate that before. You may have an opportunity to raise the matter on the next occasion.

Mr. Jai Narine Singh: It is a matter of pressure of time. We do not always live in the same circumstances.

DEBATING OF A MOTION

Mr. Jai Narine Singh: May I under "Personal Explanations" raise a matter, Sir? It is a simple matter, and I am sure I am not going to embarrass the Speaker. I want to know if the hon. the Chief Secretary would be kind enough to tell me when my Motion dealing with the post of Post Master-General will be debated.

Mr. Speaker: I thought the hon. Member knew the procedure. Nothing like that can be answered on the Government side. When these Motions are handed in, they cannot be put on the

[MR. SPEAKER]

Order Paper until there is intimation that the matter is ready for discussion by the Government. When that information comes, then the Clerk of the Legislature puts the matter on the Order Paper as a matter of course; but until that stage has been reached, there is nothing that the Clerk can do—and it is not a matter for “Personal Explanations”.

If the hon. Member would table a Question, giving due notice, that is another matter; but it cannot be done this way, and I am sure the hon. Member (I see him smiling) appreciates this.

INTRODUCTION OF BILLS

The Minister of Natural Resources (Mr. Benn): I beg to give notice of the introduction and First Reading of the

Land Bonds Bill, 1959.

ORDER OF THE DAY

LAND BONDS BILL

The following Bill was read the First time :

A Bill intituled “An Ordinance to make provision for the satisfaction of the whole or any part of the purchase money or of the compensation payable by the Government of British Guiana in respect of the purchase or compulsory acquisition of any land by the issue of bonds, and for the issue, negotiability and redemption of such bonds, and the payment of interest thereon and for matters incidental to or connected with any of the foregoing purposes.”

SUPERANNUATION BENEFITS TO MR. VINCENT PARRIS

Mr. Jackson: I beg to move the Motion standing in my name as follows:

“Be it resolved: That this Council recommends to Government the payment of full superannuation benefits to Mr. Vincent Parris whose services as a porter attached to the Medical Department were improperly terminated.”

In moving this Motion, I ask Members to bear with me while I present to them not only the facts of this case but call attention to some of the principles governing procedure in respect of discipline of employees in the Government Service. I propose first to present the facts of this case, and then to refer to the principles I mentioned. I have chosen to do it this way because I am firmly of the view that everyone in this Chamber today is aware of the manner in which justice is meted out to people who appear before the Courts, and that they know that the same principles of justice apply when charges are made and heard against Government employees; and I feel convinced that it will not be difficult for the Members present here to agree with me that the case I am presenting, and for which I seek justice, is one worthy of their support.

Mr. Vincent Parris resides at Agricola, on the East Bank of Demerara. In November, 1956, as a porter in the Medical Department, he was stationed at the Government Dispensary in Broad Street, or somewhere. While he was working at this Dispensary he was under the supervision of a Dispenser named J. A. DeChalus. On the 16th of November, 1956, Mr. DeChalus addressed a minute to the Doctor in charge of the Dispensary, and that minute I shall read, with your permission, Sir. So as not to have to ask again and again, Sir, I hope to quote extensively from documents in my possession.

Mr. Speaker: I do not know if they are confidential documents.

Mr. Jackson: Nothing which concerns an individual can be confidential. No, Sir; they are not confidential. They are documents which have become public property, and they have been in the possession of a Trade Union. I will refer to them in this Council in the hope that I may persuade Members that this case

is one which has merit. Mr. DeChalus' minute read:

"Sir,

I have the honour to report that about 11.55 a.m. on Thursday 15th instant I returned to the Dispensary. I met Porter Parris who was alone in the building to whom I said 'Parris I am back.' He did not reply but followed me into the compounding section of the dispensary and began to remonstrate with me about reporting him to the Medical Officer about not pulling his weight. I replied I did not tell the M.O. you were not doing your work. His words to me were 'you have a conscience to report me and then tell me good morning when you come in here.' I told him I saw nothing in that which I considered good manners and is as it should be; he then started towards me in a most hostile and threatening manner whereupon I jumped up from my chair and shouted 'don't strike me; don't strike me.' He then left that sector of the dispensary.

I then closed the door and started to take my lunch which is brought to me. Parris then walked around the building to an open window banging his fist on the window and uttering these words 'I gwine kill you s—— in hey as sure as day mark my word.' I then took up my lunch and ran onto the pavement in front of the building where I waited until the Clerk arrived at about 12.30 p.m.

This I consider gross disrespect for a porter to speak to a senior officer and to request that disciplinary action be taken.

I have the honour to be

Sir,

Your obedient servant,

(Sgd) J. A. De Chalus,
Dispenser."

Now I would like to draw attention to the state of mind which was applied to the making of this report. In the first place, if as the officer said, this gentleman, Mr. Parris, had used threatening language to him, had banged the walls with his fist and threatened bodily harm, could he still take time, in all his state of anxiety and fear, take up his lunch basket and carry it out into the street? I want Members to consider too that no evidence was produced in sup-

port of the accusation made by DeChalus against Parris, and therefore one would have thought that the Medical Department, which had the responsibility of investigating the accusation, would have called upon Mr. DeChalus to support his accusation by bringing evidence. At least the clerk could have been called to say whether it was true that he found Mr. DeChalus on the pavement outside of his office, and not inside.

The procedure was, that in submitting this Minute to the G.M.O. for transmission to the Director of Medical Services, it had to pass through the doctor in charge of the Dispensary who wrote :

"Forwarded.

The attached speaks for itself and in the interest of good discipline and the proper working of this dispensary I recommend that Porter Parris be disciplined and transferred immediately.

(Sgd) S. F. James.
16.11.56".

Here is a case where the doctor accepts the word of the dispenser, judges the porter, convicts him and recommends the penalty which should be imposed upon him. I am very fortunate today, for we have men who are learned in the legal profession—the hon. the Attorney-General (Mr. G. M. Farnum, acting) and the hon. the Minister of Community Development and Education (Mr. Rai)—who will be able to determine whether the procedure which has been adopted in this matter was the one by which this case should have been decided.

Mr. Speaker: You seemed to have forgotten the hon. Member for Georgetown South (Mr. Jai Narine Singh) who sits in the chair next to you.

Mr. Jackson: Thank you very much for drawing my attention to his presence. He sits so very near to me that I thought he had vacated his chair for a brief moment and gone outside the Chamber.

[MR. JACKSON]

There are three men from the legal profession from whom, I am sure, I will get support irrespective of their attachment to the Government or otherwise. I would not include the Speaker because he has nothing to do with this matter; he only sits there to guide us.

The doctor who submitted this Report to the Director of Medical Services prejudged Mr. Parris and found him guilty. The only thing he did not do was to exercise the power of imposing the penalty which should be that Mr. Parris be transferred immediately. When that Report with the doctor's comments was received in the Medical Department, the Personnel Officer wrote the following Minute—and here again I shall like to draw the attention of my hon. and learned Friends, and Members of this Council who are associates of the Law, to the principle and ask them to examine the situation—

“D.D.M.S.,

Please see report from Disp. No. 1 Disp. on the conduct of Porter Parris who used obscene language and threatened to kill the Dispenser. The M.O. i/c recommends that this Porter be disciplined and transferred immediately.

This officer has been a problem to the Department for a number of years and from the correspondence in his file you will observe that he has been fined on several occasions for misconduct, charged by the Police criminally on two occasions, deemed a rogue and a vagabond by the Magistrate but was fortunate to win his appeal against the conviction.

It would appear that he is slightly mental, hostile and quicktempered and on the whole a real dangerous type so much so that both the H.S and the M.S. Best have refused to have him in their institution on transfer.

I have had occasion to chase him out of my office for insubordination and the E/O has also had a similar experience.

Porter Parris is not prepared to toe the line and I think the time has come when we should call a halt.

I strongly recommend that Porter Parris be dismissed after a written explanation from him on the charge reported is obtained.

(Intld.) F. O.
19.11.56”.

Here is an officer, a Guianese, who has had a report made to him by another officer, and without following the procedure which should have been adopted—that was, to return the Report to Mr. Parris for him to see and to reply to—condemned Mr. Parris. The decision was taken in the matter and Mr. Parris was not made aware of any accusations which were laid against him by the dispenser. In other words, the two pairs of hands, through which this Report had passed before reaching the Director of Medical Services—the person who is placed in authority, and whose words should be taken—had written against Mr. Parris and condemned him without any trial as I have pointed out to Members in this Council here this afternoon.

Following this action which was taken, the Deputy Director of Medical Services in a letter to Mr. Parris wrote:

“P. 1/1/13

Sir,

I have to inform you that it has been represented to me that you have been guilty of misconduct in that on the 15th November, 1956 you used obscene language to the Dispenser No. 1 Dispensary.

In this connection I am to request you to submit a statement in writing on the above mentioned incident on or before the 30th November, 1956 giving good reason why you should not be dismissed from the Public Service.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd) P. Boyd.
for D.M.S.”

This is the first time that Mr. Parris was made aware of the fact there was an accusation against him. Mr. Parris did not see the charge, he only got this letter and this was a breach of the proceedings and procedure relating to measures of this nature.

I would like to refer to the *Hansard* of the House of Commons in which this very matter was raised and to which the

Secretary of State for the Colonies replied. First of all Mr. W. R. Williams, a Member of the House of Commons, asked the Secretary of State for the Colonies this question as appeared in the *Hansard* of 22nd April, 1959 :

"Mr. W. R. Williams asked the Secretary of State for the Colonies why four months elapsed before a decision could be made on the case of a former porter in the Medical Department, British Guiana, whose name has already been supplied to him by the hon. Member for Openshaw."

In reply to this question Mr. Lennox-Boyd said :

"I assume that the Question refers to the memorial, dated the 25th June, 1958, submitted to me on behalf of the person in question by the Federation of Unions of Government Employees, British Guiana. The memorial reached me on the 20th August, 1958, and my reply was sent through the Governor on the 25th November, 1958. Action was not as prompt as I should have liked, but appeals in disciplinary cases take some time to consider owing to the need for careful investigation of the facts and for full consideration of the grounds on which the appeal is based before a decision can be given."

Mr. W. R. Williams, an hon. Member of the House of Commons, asked the Secretary of State for the Colonies what considerations were given to the former employee of the Medical Department, British Guiana, (whose name had already been supplied to him by the hon. Member for Gateshead) who was charged with certain offences preferred against him by the Director of Medical Services on the 22nd November, 1956.

I have read that because the answer there was quite correct, for the Director gave Mr. Parris eight days within which to send his reply. I want to ask hon. Members to take their minds away from this reply, because I am going to submit at a later stage that Mr. Parris was not sent off his job for this; he was sent off his job on other grounds in respect of which no charge was laid against him, and no opportunity

given to him to defend himself on any charge whatsoever.

Mr. Parris was given this letter in which no charge was made, as should have been done under a Schedule of Charges. In reply to that letter he wrote the Director of Medical Services in the following manner :

Government Dispensary,
Henry & D'Urban Streets,
29th November, 1956.

D.M.S.

Sir,

I beg to acknowledge receipt of your letter No. P 1/1/13 dated 22nd November, 1956.

I beg to state that I am unaware of the charge represented in your letter and respectfully request some definite information in connection with this alleged charge against me.

I have the honour to be,
Sir,

Your obedient servant,

(Sgd.) V. Parris.

He was quite in order in asking for specific information concerning the charge laid against him. As a matter of fact the details of the charge should have been submitted to him at the time that letter was written. The reply to his request for information is this letter of the 10th December, 1956:

"Medical Department,
Brickdam.
10th December, 1956.

Sir,

I have to refer to my letter of even number dated 22nd November, 1956, ending with your reply dated 29th November, 1956, and regret to inform you that after careful consideration of your reply to the charges of misconduct and your record of service, I have decided that in the interest of the Public Service you be dismissed from the service with effect from 11th December, 1956.

I have the honour to be,
Sir,

Your obedient servant,

(Sgd.) P. Boyd.
For Director of Medical Services."

[MR. JACKSON]

That was the reply sent to Mr. Parris as a reply to his request for information concerning the charge which was laid against him by the Director of Medical Services on behalf of the dispenser of the No. 1 Dispensary. Could anyone imagine that that would have been the reply sent to an employee who requested information concerning a charge laid against him? Nevertheless this is the fact. Although he could have consulted the organization to which he belonged, Mr. Parris did not perhaps trust the competence of the officers of the organization, and preferred to consult a lawyer. He placed the matter in the hands of Mr. J. O. F. Haynes who presented a petition to the Governor on his behalf. This is where the Council will see what justice was done. Mr. Haynes, a barrister of good repute, in whom Mr. Parris had the greatest confidence, prepared the following petition to the Governor :

"That your petitioner is an ex-member of the British Guiana South Caribbean Force; that your petitioner joined that Force during the month of November, 1943, and served as a soldier in World War 2; that after your petitioner came back from the war he was able to secure employment at the Public Hospital of this Colony and served as a porter for a period of five years.

2. That during 1953 your petitioner was transferred to the Government Dispensary No. 1, which is situate at Henry and D'Urban Streets, Georgetown, Demerara. That your petitioner began to have some difficulties with a Mr. De Chalus (the dispenser) during the month of October, of the year 1956; that prior to the month of October, 1956, your petitioner was trying to get a transfer to another Department.

3. That your petitioner made several applications to the Director of Medical Services for a transfer but was unfortunate not to get one; that on the 13th day of November, 1956, Mr. De Chalus reported your petitioner to Dr. James, that he was not doing his work properly, among other things he was not polishing the dispensary; that on the 20th day of November, 1956, your petitioner was about to polish the dispensary; he looked for the polish but did not find any. Your petitioner was about to report to Mr. De Chalus that he had not found the polish, but as he was

coming out of the dressing room your petitioner saw Mr. Thompson (the clerk) taking the tin of polish that is used to polish the dispensary out of his bag. That when Mr. Thompson saw your petitioner looking at him he quickly put the polish back in his bag and walked away. That your petitioner reported this matter to Mr. De Chalus, and when he did so Mr. De Chalus told him he was being fast, and that when the Doctor came he was going to report your petitioner to him.

4. That on that very day, around 1.15 p.m., when Dr. Fitz James came in his office he called your petitioner and told him "Parris, around here you see and do not see, hear and do not hear". He further told your petitioner that he must not spy on Mr. Thompson. Later that day Mr. De Chalus called your petitioner and told him that he must not allow his friends to visit him while he was at work, as he did not like policemen because they are looking at other people. Your petitioner told him that they were not coming at the dispensary to see what come or go out of same.

5. About 2 weeks after this your petitioner was emptying the waste-paper basket of Mr. De Chalus when he saw a piece of paper with the name of another porter named James Halliday. He picked it up thoughtlessly and gathered the other parts, and when he placed them together he saw that the porter, James Halliday, was reminding Mr. De Chalus about the transfer of your petitioner. That on the 20th day of November, 1956, your petitioner received a notice informing him that his services were no longer required as from the 11th day of December, 1956.

6. That your petitioner forwarded a statement of the facts set out in his petition to the Director of Medical Services, along with a photostatic copy of the reminder that he found on the 9th day of December, 1956, and on the 21st day of December, 1956, your petitioner received a notice from the Director of Medical Services informing him that it was impossible for him to change his decision.

Wherefore your petitioner humbly prays that Your Excellency would be graciously pleased to consider carefully the points herein stated, and to go into the matter and/or set aside the decision of the Director of Medical Services and restore him as a porter, or to direct that a transfer be given him.

And your petitioner in duty bound will ever pray.

(Sgd.) V. Parris,
Petitioner."

The petition is dated 17th January, 1957. The letter, a photostatic copy of which was sent to the Governor, is in my possession. It reads :

"Government Dispensary, No. 1
Henry and D'Urban Streets,
Georgetown, Br. Guiana.
36.

Sir,

I respectfully send a reminder about the transfer, whenever the opportunity comes, I would be more thankful if you can assist me in that respect. As far as the personal officer explained, he is willing to assist me, as soon as an opportunity spring up, notify me please?

Both yourself and the Doctor would not regret in having me, at that end.

I am awaiting an early reply?

Thanking you in anticipation,

I have the honour to be,

Sir,

Your obedient servant,

(Sgd.) James Halliday."

It is very clear that this letter was picked up in the waste-paper basket and pasted together, and a photostatic copy was made of it.

Mr. Speaker: What is the date ?

Mr. Jackson: Some time in 1956; the date is not very clear. I am asking hon. Members to record this fact very clearly in their minds. This letter was submitted to the Governor as evidence that there was some motive on the part of the dispenser in concocting the charges levelled against the porter, and that it was not sent to the Governor as a reply to any charge laid against Mr. Parris. Becoming impatient after the long delay in dealing with the matter Mr. Parris approached his organization which brought it to the attention of the Federation of Unions of Government Employees, which latter body commenced asking the Chief Secretary questions about the matter.

What is peculiar is that replies were sent by the Chief Secretary on behalf of

the Officer Administering the Government in reply to that Petition. The reply, dated 27th May, 1957, read :

"Sir, I am directed to refer to your petition of the 17th January, addressed to the Governor, regarding your dismissal from the Medical Department and to inform you that after full investigation of your representations His Excellency the Officer Administering the Government has decided, having regard to your generally unsatisfactory record and your admission in paragraph 5 of your petition of piecing together correspondence from the waste-paper basket, that your appointment as a Porter, Medical Department should be terminated, and that you be paid the appropriate salary in lieu of notice of termination of your service.

2. It is understood that as arranged by the Director of Medical Services, salary for the period 11th December, 1956, to 30th June, 1957, inclusive, was uplifted by you from the Treasury on the 23rd May.

I have the honour to be,

Sir,

Your obedient servant,

R. Misir,

(Sgd.) for Acting Chief Secretary."

This is very important. On the 10th of December, 1956, the Director of Medical Services dismissed Mr. Parris with immediate effect, and Mr. Parris, on the action of the Officer Administering the Government, was paid from that day, 11th December, 1956, to 30th June, 1957, and the words were used, "in lieu of notice". I am wondering if that is done, and I think the Chief Secretary will assist me by giving proof of the existence of another case of the kind. If not, all I can say is that Government was very generous in giving more than one month's notice of its decision to terminate the services of an employee.

Another point is that there seemed to exist for reference records containing sentences imposed on Mr. Parris, even though the Court of Appeal upheld his appeals against them. Speaking as a layman, I believe that when a conviction is quashed by the Appeal Court, no re-

[MR. JACKSON]

cord of the conviction is kept in the lower Court. Yet in the Medical Department there was a record kept continuously of the conviction before the Magistrate, even though the Judges in the Appeal Court quashed that conviction. How can such a record be used against a man? Such was the justice that was given to Mr. Parris by the Medical Department, and the justice given him by the Officer Administering the Government was based no doubt on the records referred to by the Medical Department.

No wonder that from the report given by Mr. DeChalus, the Doctor in charge of the Dispensary found Mr. Parris guilty and the Personnel Officer found him guilty also. Did the Officer Administering the Government refer any charge back to Mr. Parris for his defence? No.

And I am arguing that since the Government paid Mr. Parris on his dismissal for the period 11th December, 1956 to 30th June, 1957, it was equal to a virtual reinstatement on the job and the decision of the Director of Medical Services was reversed, but somebody used another method to bring about the same result that the Director of Medical Services wanted to secure.

I submit that the reply given by the Secretary of State for the Colonies to Mr. Randall that the eight-day limit to reply was given to Mr. Parris does not apply in this case, for the amount of money paid to Mr. Parris, as I said just now, reflects a reversal of the decision by the Director of Medical Services, and this is now a new charge of piecing together pieces of paper found in the wastepaper basket. But no doubt Parris resorted to that act because it was the only course left open to him. I shall not accuse anyone of improper conduct, but as I said, it leaves one with room for suspicion. If Mr. Parris improperly secured this letter, then the loser of the letter could have put the matter in the hands of the Police, and the Police could

have taken action in the courts against him; perhaps he would not have been so fortunate to have won an appeal from conviction this time. He may have been convicted.

It is contrary to the principles of British justice. It is contrary to the principles which we have shouted, that a man should not have a conviction and sentence against him unless he has had an opportunity to defend himself. I said earlier that at no time was Mr. Parris given a schedule of charges to defend, and even though he was dismissed by the Director of Medical Services, his dismissal was improper. Even the O.A.G.'s decision was improper, as Mr. Parris was not given a chance to defend himself in the charge contained in the letter signed by Mr. Misir.

On the 25th of June, 1958, the Federation of Unions of Government Employees sent a memorial to the Secretary of State for the Colonies setting out the case for Mr. Vincent Parris, former porter of the Medical Department, British Guiana. One would have thought that the facts set out in the memorial would have been given some consideration. But what do you think was the reply? In his reply addressed to the President of the Federation of Unions of Government Employees, P.O. Box 360, Georgetown, it was stated:

“Chief Secretary's Office,
British Guiana,
11th December, 1958.

In replying quote date
hereof and No. 71/18/5

Sir,

I am directed to refer to correspondence ending with my letter of the 22nd August, informing you of the transmission to the Secretary of State for the Colonies of the Federation's memorial on the subject of the termination of the appointment of Mr. Vincent Parris, former Porter, Medical Department.

2. The Secretary of State has requested that since it is evident that they have had unauthorised access to confidential Government documents and have thereby condoned or abetted an offence against

Government regulations, he is not prepared to consider their representations in this case.

I have the honour to be,
Sir,
Your obedient servant,
R. Misir,
for Acting Chief Secretary."

It seems to me that confidential matters of Government are only confidential when they relate to the policy in respect of the Government, but in matters relating to an employee's interest in his job nothing can be considered of a confidential nature.

I will tell this Council what resulted when Mr. Parris went to his organization and what happened when that body referred the case to the Federation. The Federation asked the Government to place at Mr. Parris' disposal a copy of the Minute which was written by the Personnel Officer so that he could be aware of the proceedings which took place in the matter.

Attention must be drawn to the fact that Mr. Parris had not seen the Report which was made against him. In this connection, the Government is to be accused of being dishonest by refusing to give Mr. Parris documents to which he was entitled. He was entitled to see the correspondence from the No. 1 Dispensary; he was entitled to see the views of the Personnel Officer. In the first place, the Government should have placed those documents in Mr. Parris' hands and there would have been no way of getting it through another channel. The Secretary of State for the Colonies instead of doing justly, accuses the Federation of having unauthorised access to documents.

There is no justification at all, on the part of the Secretary of State to refuse to go into this case. When one goes to the Secretary of State one expects justice; one does not expect that the doors will be closed to him. I am sure that that would never have happened

to another person residing in another country who had appealed to the Privy Council, where learned Judges have to give their decisions. In this case the Secretary of State for the Colonies is not a Judge in the Appellate Court, and this is not a matter for the Privy Council, but he is supposed to give a very fair treatment to anything represented to him. He is supposed to sit through as an impartial judge in such matters, but he has refused to handle this case and has sent it back.

Now, Mr. Speaker and hon. Members of this Council, this is the place where anyone who seeks justice should come, so I have brought this case here because it is the Council which makes the Laws; it is the Council which deals with the petitions of humble people; it is the place where all problems could be solved. There is the ground in this case for justice which I seek — and I trust that hon. Members of this Council will take cognizance of the facts which I have outlined to them — and so should vote with me on this Motion.

As I said before, I have given you the facts of the case, and now I would like to refer to Regulations and Orders which would show you the procedure in dealing with such a case. I can also refer to notes and forms of official proceedings in the Colonial Regulations against officers on evidence by Sir Allen Russel, K.C.M.G. in a booklet which can be bought by anyone who wants to buy it from Her Majesty's Stationery Office. I want to show that at no time at all were these Regulations observed. I wish to quote, for the hon. Members' information, from Circular No. 21/44, para. 2, of 15th July, 1944 in which it stated:

"While Colonial Regulations 63—70 cover the cases of pensionable officers, the same principles of procedure are to be followed in the case of non-pensionable officers where there are no local rules or regulations dealing with disciplinary procedure; except that in the case of officers who are employed on specific agreements, the specific terms of their

[MR. JACKSON]

agreements must also be taken into consideration. In the case of temporary officers, e.g., those appointed to the various War Controls the same general principles apply. The services of casual employees and employees who have been taken on in the form of agreement set out in this Office circular No. 4610/27 of the 15th of December, 1927, may of course be terminated at the discretion of the Head of the Department as heretofore."

To go a step further, I shall read from the Colonial Regulations in which it is set out under Clause 65 Disciplinary Procedure:

"If it is represented to the Governor that an officer has been guilty of misconduct, and the Governor is of opinion that the misconduct alleged is not serious enough to warrant proceedings under Regulations 66 and 68, with a view to dismissal, he may cause an investigation to be made into the matter in such manner as he shall think proper, and the officer shall be entitled to know the whole case made against him, and shall have an adequate opportunity throughout of making his defence."

That is the most important part of the Regulations — that the officer shall be made aware of the facts of the whole case with which he is charged, and he must be given ample opportunity of making his defence.

If you consult General Order No. 84, it also relates to the procedure which should be carried out in this circumstance.

"Before the removal of an officer for general inefficiency under Colonial Regulation 59 or 68 it is necessary that, in all ordinary cases, due warning shall have been conveyed to him more than once, plainly intimating that his work has been unsatisfactory, or that his increments shall have been stopped, or that he shall have been warned otherwise, so as to allow ample opportunity for improvement."

Here I want to show that it may be contended that there was another form of procedure governing the Medical Department but even this is in keeping with

the principles laid down in these regulations and orders. When an employee is recruited in the Medical Department they do so under a schedule to "Letter of Appointment" which reads as follows:

(a) You should make yourself familiar with all the Regulations specially laid down for the guidance of persons employed in the Public Hospital Service which you will have to obey.

(b) You should avoid gossiping about the affairs of the Hospital or its inmates.

(c) You shall promote as far as you are able its objects and be careful of its property and endeavour generally by your conduct and demeanour to sustain the respectability of its staff.

(d) You shall be bound to perform any duty assigned to you although not in the nature usually performed by you should circumstances in the opinion of the Resident Surgeon/Medical Superintendent require your so doing and you shall be liable for service at such Public Hospital within the colony as the Director of Medical Services may direct.

(e) You shall report immediately to the Resident Surgeon/Medical Superintendent anything improper that may be done in your presence or to your knowledge in the Hospital.

(f) You may be immediately suspended by the Director of Medical Services for any breach of the Regulations when proved against you.

(g) Your employment may be terminated by one month's previous notice without any reason being assigned. You may relinquish your employment by giving one month's notice to that effect."

There are no special circumstances which alter the principles which are laid down in these Orders and Regulations, so that in all the circumstances the situation is reached where Mr. Parris was accused of committing an offence, and those who had to deal with that accusation did not act in accordance with the Regulations. The Secretary of State for the Colonies himself ignored those Regulations, even though he admitted that in one instance Mr. Parris was given eight days within which to file

his defence. He did not give any consideration to that aspect to which I have drawn the Council's attention.

The fact was that the Officer Administering the Government put an end to Mr. Parris's services because he assumed that the submission of the letter which was found in the waste-paper basket was an admission of guilt, when in truth and in fact it could not have been so regarded. That is the error which the Federation sought to have corrected, and the error to which the Secretary of State for the Colonies refused to pay attention.

It is upon that score that I ask this Council to do justice to Mr. Parris by recommending to Government that he be paid his superannuation benefits as if he had served, in the performance of his duties, to his age of retirement.

Mr. Kendall: I beg to second the Motion.

The Chief Secretary: Mr. Parris was employed as a porter in the Medical Department. He had a series of reports against him, dating back to 1952, but I do not think it would be fair to Mr. Parris, or in the public interest, to disclose the nature of each incident. He did have a series of misfortunes, and then came this one which the hon. Member has described, and as a result of this he was dismissed by the Director of Medical Services.

It was later found that there had been a defect in the inquiry, and in consequence Mr. Parris was reinstated. Subsequently his services were terminated. The reason for the subsequent termination of his services was on account of material evidence being brought to light, namely, the incident of the waste-paper basket, coupled with the totally unsatisfactory record that this employee had in the Department. It is common practice for employers to have the right to terminate — and I emphasize the word "terminate" as against dismissal — the services of employees, provided, of

course, the required notice of intention is given. That is to say, if an employee is engaged on a weekly basis he should be given one week's notice, and if he is engaged on a monthly basis he should then be given one month's notice or paid one month's salary in lieu of notice. If on each occasion it was desired to terminate the services of an employee it had first to be proved that an offence had been committed, Government could find itself in an extremely embarrassing situation. It would mean that once a man or woman had been engaged you could not dismiss or terminate their services unless some offence had first been established.

As I say, Mr. Parris's appointment could have been terminated without any reason being given. The fact that he had an unsatisfactory record only helped to tip the scales against him. I understand that there was a clause in the schedule to Mr. Parris's letter of appointment, to the effect that he could in fact have his services terminated on one month's notice without any reason being assigned. In this particular case I think Mr. Parris was fairly treated. His services were terminated with good reason and after a careful examination of the records had disclosed that his work was not up to the required standard.

Mr. Parris's services were terminated for misconduct, and he is not therefore eligible for any superannuation benefits. Superannuation benefits comprise an allowance or gratuity which is only paid in respect of service after the age of 20 years, and on retirement on account of ill-health, incapacity, inefficiency, or voluntary retirement on or after the age of 55 years, or on abolition of the post. Mr. Parris does not fall into any of these categories, and he has no rightful claim for the payment of any superannuation benefits.

Mr. Tello: As I see this Motion it is simply demanding a right and trying to enforce on Government the behaviour of a normal employer. In British Gui-

[MR. TELLO]

ana we have learnt to regard Government as the model employer, and in this case a trade union, a federation, a seasoned trade unionist and a politician all feel that justice has not been done to an employee of Government, and in that respect Government has not behaved as a model employer. I listened to the hon. Member's lengthy speech and there was quite impressive argument which possibly led up to his decision to table this Motion. I also listened to the reply by the hon. the Chief Secretary who mentioned that in his opinion the Department had satisfied all the requirements and had even gone further, because certain employees of the Government may be dismissed without being given any reason once those requirements have been fulfilled.

Industrial relations today in any part of the Western world do not accept that; what is accepted is, that the employer should furnish a proper reason or set of reasons for the dismissal of an employee. All this is in the interest of good industrial relations.

I feel that perhaps this Council is burdened with the thoughts of many other matters and Members may not have given enough attention to all the facts prepared and produced by the hon. Member for Georgetown North. I am quite satisfied that the object behind the Motion is to clear the reputation of Government as an employer; and since I feel that Government would go out of its way to preserve good relations in labour matters, I ask that a simple Amendment to the Motion be accepted, that the words,

"recommends to Government"

in the first line be replaced by

"refers to a Select Committee for its recommendation the question of".

Mr. Speaker: Having regard to the proposed Amendment, the Motion would then read:

"Be it resolved: That this Council refers to a Select Committee for its re-

commendation the question of the payment of full superannuation benefits to Mr. Vincent Parris whose services as a Porter attached to the Medical Department were improperly terminated."

Mr. Davis: I rise to second the Amendment.

The Attorney-General (Mr. Fairnum, acting): It appears to me that the Motion and the Amendment are based on a false premise.

Mr. Speaker: What is it you would like to point out in that respect?

The Attorney-General: That the Motion is based on the premise that the services of Mr. Parris were improperly terminated.

Mr. Speaker: You may have noticed that when I read the Motion just now I paused—and I did so purposely—before the words "improperly terminated."

Mr. Tello: I crave your indulgence, Sir. I am seeking the full co-operation of this Council, and I am sure my Friend, the Mover, would accept a further Amendment that the word "improperly" be deleted.

Mr. Davis: I had intended to do just that. I feel there was a difficulty in the procedure and that this matter should be gone into. A Select Committee would be able to devote some time to the matter.

Mr. Hubbard: I hold no brief for the Establishment Branch of the Chief Secretary's Office, because I have known instances where inept handling of matters has led to considerable dispute, but my difficulty is this: a question of employment is a question of contract, and questions of contract are settled in courts of law.

I therefore find it difficult to accept the proposition that it is the business of the Legislature to intervene in a matter of contract, irrespective of whom the two

parties in the contract are. I am not suggesting that this is the first time that the Legislature has done it. It has done it in bigger instances, and precedent exists, but at the same time, I do not believe that because there is a bad precedent, that precedent should be followed.

It has often been said that in our present conditions we do not know how to proceed correctly in matters of Government, but I feel that we in this Legislature should show that we know the correct procedure in dealing with matters of contract. It is not for a legislature to determine the *pros* and *cons* of a contract; that is the province of the courts. That being so, I cannot say anything about the manner in which the case of Mr. Parris was handled, because I feel we should not act as a judicial body in a matter of contract.

My Friend, the Mover, dealt at length with questions of Regulations governing conditions for disciplining Government employees, and I would commend to his notice the fact that the word "may" is used frequently in such legislation. I have here with me a copy of the All England Law Reports 1953, Volume II. In this Volume a case is reported in which it was held that, (1) Judges in Malaya did not hold their office during good behaviour, but they held and always had held, office at the pleasure of the Crown and, therefore, the claimant, a colonial Judge, had held office during pleasure; (2) the right of the Crown to dismiss at pleasure was a rule of law which could not be taken away by any contractual arrangement made by any executive officer or department of State. That was the opinion of the Judge, Mr. Terrell.

That is the position of Government employees. Even though our colonial judges are appointed by the Secretary of State for the Colonies, they hold office during pleasure. That is the reason why I and some other persons who do a little research into such matters feel that

when we secure Independent status our Government employees will hold office on better terms than they do now.

I say with all goodwill and admiration for the tenacity with which my good Friend follows up the cases brought before him that I do not, however, think we can accept the proposition of the Motion that the Legislature should adjudicate in a contract matter, no matter who the parties in the contract are.

Mr. Jackson: I am very grateful to Mr. Hubbard for advising me to read the Law Reports relating to cases of all kinds, and for drawing my attention to the things which are permissive and which are not permissive.

Mr. Speaker: Whether words are permissive or imperative very often is a question of law, and much would depend on the context.

Mr. Jackson: Thank you Sir. Laymen shall learn from persons who are trained in law. I am grateful to you for having given that additional knowledge. The point is, that while it states that people who hold offices at the pleasure of the Crown can be dismissed by the will of the Crown, that is a theory which is very fallacious. The hon. the Chief Secretary admitted today that Government had settled a matter in court in a case where a man was improperly dismissed, and upon that admission there was ground upon which his own case fell down.

The Attorney-General (Mr. Farnum, acting): To a point of correction. The practice employed by which the hon. the Chief Secretary had brought the action was a different circumstance.

Mr. Jackson: I do not know what the hon. the Attorney-General is trying to say, for the hon. the Chief Secretary admitted that one of the four persons had a matter settled in court because he was improperly dismissed. Let us assume that he was not improperly dis-

[MR. JACKSON] missed. An employee should have the right to take his matter to court against his employer if, in his opinion, he knows that he has been wrongfully dismissed.

The fact that that is an admission here today, defeats the points raised by the hon. the Chief Secretary and the hon. Nominated Member, Mr. Hubbard. I have referred to different regulations in respect of this matter and have already gone into them in very great detail.

I think the hon. the Chief Secretary should admit at this stage that Her Majesty's employees have the power for representation even to the highest point, and should be able to go as far as the Secretary of State for the Colonies if he is dissatisfied with the legal proceedings taken in his matter. The points raised by the hon. the Chief Secretary are not worthy of any consideration even to accept as a theory. They did not tell Mr. Parris whether they had terminated his services; they said that the reason for the termination of Mr. Parris' services was that he pieced together paper found in the waste-paper basket. It is an essential ingredient in the dispensation of justice that Mr. Parris after having been accused should have been given the opportunity to defend himself and only if he had failed in his defence then could he have been found guilty of that offence. If this was done and Mr. Parris could not have justified his action that would have been the grounds upon which he could have been dismissed.

Having reinstated Mr. Parris they should not have used the record against him until they had laid the charge against him and he had failed in his defence. Because of the report made against him they wanted to cover up something so they produced the record of the Magistrate's conviction of his previous offence when the Judge in the Appeal Court said that he was not guilty of the offence. Why did they not take that record from his file? If they had done so there

would have been ground upon which to terminate his service.

Mr. Speaker, it is not right for the hon. the Chief Secretary to come here and say things against a person about whom he has no great knowledge. The Colonial Regulations apply to all persons and include pensionable and non-pensionable officers. It is entirely on those grounds that one accepts appointment in a British colony. I would say that they have thrown over board those very grounds upon which that justice was built. I strongly maintain that, under the circumstances of the case, Mr. Parris' dismissal was inconsistent with General Orders and the Colonial Regulations.

Mr. Speaker: Hon. Members, I shall put the Amendment first. The question is

"That this Council refers to a Select Committee for its recommendation the question of the payment of full superannuation benefits to Mr. Vincent Parris whose services as a Porter attached to the Medical Department were terminated."

The Council divided and voted as follows:

<i>For</i>	<i>Against</i>
Mr. Bowman	Mr. Tasker
Mr. Tello	Mr. Hubbard
Mr. Gajraj	Mr. Ajodha Singh
Mr. Jai Narine Singh	Mr. Saffee
Mr. Jackson	Mr. Rai
Mr. Kendall.—6.	Mr. Ram Karran
	Mrs. Jagan
	Mr. Benn
	Dr. Jagan
	The Financial Secretary
	The Attorney-General
	The Chief Secretary.
	—12

Amendment negatived.

Mr. Speaker: I shall now put the Motion. The question is

"That this Council recommends to Government the payment of full superannuation benefits to Mr. Vincent Parris whose services as a Porter attached to the Medical Department were improperly terminated."

Motion negatived.

DEFAMATION BILL

Mr. Speaker: There is next a Motion standing in the name of the hon. Member for Georgetown Central. As you will recall, earlier in these proceedings I intimated that I had received a communication from Mr. Burnham who asked that it be deferred as he was not able to attend today. We shall now pass on to the next item which is a Bill intituled "an Ordinance to consolidate and amend the Law of Slander and Libel", for its Second Reading.

The Attorney-General: Sir, I beg to ask that the consideration of the Bill be deferred.

CUSTOMS (AMENDMENT) BILL

The Financial Secretary: I beg to move the Second Reading of the Bill intituled

"An Ordinance to amend the Customs Ordinance".

I do not propose to say very much on this Motion because, as hon. Members will remember, when I introduced the Budget I said that the Government had decided, in view of the financial position for 1959, to re-introduce a sugar tax in the form either of a production or an export tax. I pointed out to Council that a sugar production tax was in force from 1942 to 1952 on the basis of \$1 a ton on sugar produced, and that it was conditionally removed with the 1953 Budget. I also said that because of revenue needs Government proposes to re-introduce it from the 1st January, 1959 on the same basis of \$1 a ton, either on production or exports. As hon. Members will see from the Bill, Government has decided to restrict the tax to exports and not make it a production tax as before.

I also estimated that if this tax were imposed it would produce something like \$250,000 in revenue in 1959, but I also said that the tax would qualify as an expense for income tax purposes, so that

the tax paid by sugar producers in 1960 will be less, not by that amount but by 45 per cent. of it. That is all I wish to say. It is only to refresh the memories of hon. Members that I have repeated what I said in introducing the Budget. I move that the Bill be read a Second time.

The Minister of Trade and Industry (Dr. Jagan): I beg to second the Motion.

Mr. Tasker: I am not surprised that the Financial Secretary thought it unnecessary to be other than brief in his comments on this occasion. I would be very surprised if he could really make out a strong case for this Bill as part of a sound taxation policy. He has repeated what he told us in his Budget speech. I maintain, however, that this is an example of bad taxation policy because it is entirely discriminatory, and in my view this tax is political and not economic. It is discriminatory because it is not an agricultural tax, nor is it a land tax: it is a tax on the productive efficiency of one industry.

It was only a short time ago in this Chamber that the Minister of Trade and Industry (Dr. Jagan), when discussing the need for capital for the economic development of this country, referred to the situation in Japan and quoted their land tax as a major contribution to the economic development of that country. He argued that a land tax was a good tax, because all shared in it: all users of land paid the tax, and that was one way in which the economy of the country was developed. I agree with him 100 per cent. I would agree if we had a straight-forward agricultural tax — a tax on all agricultural products—but I cannot agree that it is good sense, and I do not think it is even good politics, to put a discriminatory tax on one industry only—an industry, moreover, which is either praised or blamed as opportunity offers, and as it suits the Party view.

I have heard it praised here and elsewhere for its efficiency. The Min-

[MR. TASKER]

ister of Trade and Industry has held the sugar industry up as an example to the rice industry in certain respects, and he has expressed the wish that rice producers were as efficient as the sugar producers. The sugar industry has also been praised by the Minister of Labour, Health and Housing (Mrs. Jagan) for its efforts in the broad field of social welfare and in the housing of its employees. The Minister has drawn attention to the fact that, whereas the Sugar Industry Labour Welfare Fund has done an outstanding job in housing sugar estate workers, the Government Housing Department has done rather less well. When it suits Government to praise the sugar industry for its efficiency and its progressiveness, the industry is praised; but whenever it suits Government to blame the sugar industry, the industry gets the blame.

I make this point because it seems to me that this is an entirely contradictory policy that Government is pursuing *vis-à-vis* the sugar industry. The Financial Secretary in his Budget Statement, in which he gave an indication of this proposed tax, went out of his way to say how lucky it was for the country that sugar production had gone up, and not only gone up but also set another record. Yet he produced a sugar export tax. We find the same contradiction in the statement of Government policy in the annexure to the Governor's Speech at the opening of the present Session. The paragraphs published in the name of the Minister of Natural Resources at that time, read in part :

"The Government proposes to consolidate and stimulate still further the progress achieved in the sugar, rice, livestock and other agricultural industries".

That was written in December 1958, yet a few months later a discriminatory tax is put on the sugar industry.

The term "discriminatory" is fair, because this tax does not apply to other users of land, and in fact the position *vis-à-vis* the rice industry is very different.

Obviously. I have no axe to grind in criticizing the rice industry, but I would like to quote from "Thunder" the newspaper of the Majority Party, in its editorial of June 13th, to show how Government's policy, as adumbrated in the extract I have quoted from the statement of the Minister of Natural Resources, is put into practice. The editorial in "Thunder" states:

"The rice industry in British Guiana is vital to the country's well being, providing as it does a livelihood for a considerable number of families. It is estimated that about 80,000 persons are occupied in the rice industry. Many others are indirectly benefited from it. When the harvest is good the mercantile centres do a thriving business."

"The rice farmer is subject to the ups and downs arising from natural conditions. He suffers from long droughts, such as the one that hit this year. He is in many cases at the mercy of water from the sea or from the hinterland, from plant diseases and pests."

Absolutely accurate. I could not agree with it more, but every word of it is also true of the sugar industry and of what it means to this Colony. The editorial goes on:

"It has been the policy of the P.P.P. to do everything possible to encourage and assist the industry."

The editorial then recounts what the Government has done. It itemizes a loan of \$200,000 through credit societies by the Rice Marketing Board following the drought of 1957, and a further loan of \$25,000 to assist rice farmers in planting the Spring crop; the reduction of rice land rentals in areas which suffered from the drought, and waiving of pumping charges. The article might have added that after the 1957 drought we wrote off in Finance Committee some \$40,000 for damage to water pipes caused by rice farmers; and, of course, every year we vote a subsidy on the cost of pure line seed padi supplied to rice farmers. This is all excellent, and I support anything which is going to strengthen the rice industry, so that ultimately it can stand on its own feet as not merely the second

agricultural industry of the country, but perhaps the first. But what are people other than rice farmers to assume from this very special preferential treatment, when every time the question of the sugar industry comes up the treatment is precisely the opposite? The sentence in "Thunder's" editorial, "It has been the policy of the P.P.P. to do everything possible to encourage and assist the industry", whilst obviously being true in respect of rice, might well have added the phrase, "And of course the contrary is true of sugar."

What, in fact, do we find in the case of sugar? I was interested at the time of the Budget by the way in which the newspaper of the Majority Party handled the Budget proposals. The issue of "Thunder" on the 10th of January this year, after the Financial Secretary's Budget Statement on January 8, headlined the fact that there was to be a tax on sugar. We were told then of

"Government's bold, forward looking measures for raising and spending money to put British Guiana on the road to progress. The new Budget provides for increased taxes to be borne by King Sugar."

This could only be read as a deliberate attempt to gain popular support for the idea that the sugar industry was being soaked once more by the Majority Party.

The article went on to refer to "Protective tariffs . . . to protect and encourage local industry", but what in Heaven's name is the sugar industry if not a local industry? "Thunder" listed furniture, brooms and so on as the articles to be protected, making it clear that the new tax was an attempt to discriminate against one industry and one industry only. And the writer of this article then argued that this was a bold step which had been taken to raise money on exported sugar, because it was high time the sugar industry made a greater contribution towards the costs "arising from sugar's policy of mechanization and stabilization of the labour

force, with ensuing retrenchment of thousands of workers".

Now reference to "thousands of workers retrenched" has been made several times in this Chamber. The phrase was used only the other day by the Minister of Labour, Health and Housing (Mrs. Jagan). She quoted and the Minister of Trade and Industry has also quoted, the figure of 5,000. I have been able to do some research into this question, and it may be useful if I state precisely the facts concerning retrenchment. I have figures for the five crops from Autumn 1955 to Autumn 1957, and I think Members will be interested to know that during that period the sugar industry as a whole retrenched 7,851 workers, whose names were struck off the rolls; but during the same period it re-engaged, or took on as new employees, 5,565 workers, leaving a balance of 2,286.

This figure of 2,286 is one which can give no comfort to anybody, but I would point out that it is somewhat less than half the figure that has been bandied around by people in this Chamber.

I would also like to point out two interesting facts: of the 7,851 workers whose names were struck off the rolls, 3,811, or 49%, had worked for less than a total of five days in any one of the five crops; and 5,573, or 71%, had worked for less than 15 days.

Now these figures are important, not because they can be made to show that our real unemployment situation is better than is sometimes believed, but simply because they show that work was available within the sugar industry. 5,573 workers worked less than 15 days and were struck off the rolls; yet in the same period the industry took into employment no less than 5,565 workers. The work was there, and workers were needed to do it.

The figures also show what everybody has known for a long period of

[MR. TASKER]

years; that there were a large number of people employed who did not look to the sugar industry for their main or single source of income.

That is what stabilization in the sugar industry has done so far. It has not put thousands upon thousands of people out of work; on the contrary, it has rationalized and stabilized the industry's labour force to the point where the worker who wants to work is now obtaining more work than he did before, and is earning higher wages as a result.

The figure of 2,000 workers retrenched is unfortunate. Nobody wants to add to unemployment, but equally no industry — not even the sugar industry — can be expected to employ more people than it can afford to employ, and it is absurd for Government or for anybody else, to think that the sugar industry can go on employing people for whom there is no work.

I would like also to refer to the issue of "Thunder" of 24th January last, in which the hon. Minister of Trade and Industry, when commenting on criticisms of his Government's proposals to tax sugar, wrote:

"Those who argue that the Government is being discriminatory and unduly severe should be reminded that from 1942 to 1952, when the sugar production tax was \$1 per ton, the price of sugar varied from \$100 to \$180 per ton. Today the tax remains at the same figure, but the average price of sugar is around \$215 per ton."

I want to take up that statement because, although it is clear how the hon. Minister arrived at his figures, the price quoted for today is not the average price at all. The hon. Minister was referring to the "negotiated" price which, as he knows, represents approximately 50% of B.G.'s sugar exports. And, as he also knows, the industry has to sell the balance of its exports on the world market, generally at much lower prices.

In fact, while the world price average for 1957 was about \$200 per ton,

it was about \$134 in 1958, and it is at the moment fluctuating around \$100 per ton. That is the world price today — appreciably below the cost of production. So that if you take the world price of \$100 per ton, and the negotiated price of \$215 per ton under Commonwealth Sugar Agreement, then you do in fact arrive at an average price today of \$160 per ton—or much the same as the average quoted by the hon Minister for the period 1942—1952.

As to the purpose of this tax, a good deal of play has been made in comments in this Council, on the fact that a former Financial Secretary, Sir Frank McDavid, conditionally suspended, rather than finally abolished, the sugar tax. I think it is only reasonable to point out that when he did this the then Financial Secretary was dealing with the cost of living. When he said, "I shall give a warning that the sugar duty may have to be reimposed if it becomes essential to raise revenue for this purpose", the purpose he was referring to was to stabilise the cost of living. I am not suggesting for one moment that any Government is not entitled to seek to impose any duty at any time, but I think it should be clearly recognised that the reasons quoted by the Financial Secretary in 1952 can hardly be said to apply today.

For, after all, that was a period of food subsidies. These have since been removed, all except one, and that, oddly enough, is on something produced by the sugar industry. The subsidy on the price of sugar for domestic consumption has been maintained by the sugar industry through the years, and Government insists that the price at which sugar is sold locally shall be a price well below the cost of production. It may be of interest to Members to know that the British Guiana sugar industry continues to subsidize the local price of sugar to the tune of approximately \$1 million per annum. And that figure of \$1 million is calculated on the conservative assumption that the sugar industry in British Guiana should receive at least the average of the local

prices paid to the producers of all the other sugar producing territories of the West Indies.

As I remarked earlier, the sugar industry seems to get it in the neck whenever it is politically expedient to find a scapegoat, and yet it is continuously expected to do more. An interesting example at the present moment concerns the future of the housing areas on the sugar estates—the extra-nuclear areas. People have forgotten today that the Venn Commission strongly recommended that extra-nuclear housing should be the responsibility of Government. People have forgotten that, as usual, there was “no money”, that the re-housing of sugar workers was therefore undertaken by the sugar industry, and that close on 40,000 people have been re-housed in this way.

Why did the Venn Commission recommend that the extra-nuclear areas should be the responsibility of Government? Not merely because of the provision of money to build the houses, but because they did not feel that it was a good idea—any more than the sugar industry did—that workers should continue to live in the close confines of the estates. Certainly it can be argued that the sugar industry was slow to recognize its responsibility; and yet when we look at the history of other industries in other areas, no slower than anyone else, and in many cases well ahead of others.

The houses got built; the Interim Government very properly followed up with other schemes for low cost housing and community development; the Marshall plan for the reorganisation of local government was designed to encourage self-reliance and independence in the rural areas; and, of course, the sugar industry was still the natural target for any politician who liked to get up and denounce paternalism through estate housing.

Yet the sugar industry has been trying now for over two years to hand

over the extra nuclear areas as new communities for responsible local government. If these communities are to become an integral part of our system of local government, then Government should accept the responsibility for them: but Government has consistently refused the responsibility, which instead is being carried by the Sugar Industry Labour Welfare Fund.

Finally Sir, I argued recently, in relation to the increased excise duty on Banks beer, that this would be regarded as a discouragement of capital. I do not for one moment suggest that there is necessarily any analogy between an export duty on a ton of sugar and an excise duty on a bottle of beer: but if we are all agreed on the need to attract capital from all sources, is it wise—is it a sound taxation policy—to introduce discriminatory taxation on certain sections of capital? I argued in the case of Bank Breweries that the company was brand new, and I thought that it was unimaginative to go for it so early in its life. Certainly, there is no comparison between the sugar industry and Bank Breweries, either in age or in capital formation, but the fact remains that capital which is thinking of coming here looks at the capital which is here already. New capital looks at the treatment of old capital; and the capitalist who is wondering about putting his money into British Guiana, or into any other country for that matter, will first ask himself this question: ‘How is capital treated?’

What is the sugar industry to answer, in the light of this proposed tax? A tax that cannot be justified on any grounds except discrimination. I believe it is wrong in principle to introduce discriminatory taxation. I believe it is wrong in principle to tax the productive efficiency of an industry that has made and is making, so great a contribution to the economy of British Guiana; and since we are dealing with the principles of this Bill, I shall vote against it.

Mr. Speaker: Does any other person wish to speak on this Bill?

Mr. Tello: I would like to speak on it, but I am afraid that the time is not very much at our disposal to permit me to make my speech.

Mr. Speaker: There is still time. As no other Member wishes to speak I shall ask the hon. the Chief Secretary to reply.

Mr. Tello: I am opposed to the principles as set out in this Bill. I have realised that I was correct in my assumption that it was unwise for the Government to impose such a tax. I do not know what was the intention of the Government; whether it was intended to force the Sugar Industry to contribute more than the usual contribution to the revenue of the Colony, or whether it was simply a political move to impress the followers of the Majority Party that they are not in any way collaborating with the sugar industry politically. Whatever was their opinion we have seen that the most unfortunate blow has hit those people who cannot afford to deal with further taxation.

I said in my speech the last time that much more consideration should have been given to the introduction of this new tax as far as it could go. I told the Government that they had not played their part in solving the unemployment problem and to introduce this tax now would be interfering with the workman's security. Today I realize and am satisfied that I was correct in my assump-

tion; and I am also satisfied that sufficient thought was not given to the decision of imposing this tax; and further, it was a tremendous blunder on the part of the Government. I think that it is not too late for Government to give further consideration to the points made during this period of the debate.

Mr. Speaker: It seems to me that you are still on the recitals; that being so, I think it is fitting for the adjournment to be taken.

CONGRATULATIONS TO FINANCIAL SECRETARY

Mr. Speaker: I am sure that the Members of this Council would wish me to say on their behalf and on my behalf how glad we are to learn of the honour which has been bestowed upon the hon. the Financial Secretary on his recent appointment as a Companion of the Most Distinguished Order of Saint Michael and Saint George.

The Financial Secretary: Thank you very much, Mr. Speaker. I am very grateful to you for saying such typically kind words, and am very touched with the way hon. Members have received them.

The Chief Secretary: Sir, I beg to ask that Council adjourn until two o'clock tomorrow afternoon.

Agreed to.

Council adjourned accordingly.