

**THE
PARLIAMENTARY DEBATES**

OFFICIAL REPORT

[VOLUME 1]

**PROCEEDINGS AND DEBATES OF THE FIRST SESSION OF THE
FIRST PARLIAMENT OF GUYANA UNDER THE
CONSTITUTION OF GUYANA.**

17th Sitting

Friday, 18th November, 1966

NATIONAL ASSEMBLY

The Assembly met at 2 p.m.

Prayers

[Mr. Speaker in the Chair]

Present:

His Honour the Speaker, Mr. A. P. Alleyne

Members of the Government

Ministers

The Honourable L. F. S. Burnham, Q.C.	- <i>Prime Minister</i>
Dr. the Honourable P. A. Reid	- <i>Minister of Home Affairs</i>
The Honourable P. S. d'Aguiar	- <i>Minister of Finance</i>
The Honourable N. J. Bissember	- <i>Minister of Housing and Reconstruction (Leader of the House)</i>
The Honourable R. E. Cheeks	- <i>Minister of Local Government</i>
The Honourable E. F. Correia	- <i>Minister of Communications</i>
The Honourable Mrs. W. Gaskin	- <i>Minister of Education and Race Relations</i>
The Honourable L. John	- <i>Minister of Agriculture</i>
The Honourable R. J. Jordan	- <i>Minister of Forests, Lands and Mines</i>
The Honourable M. Kasim	- <i>Minister of Works and Hydraulics</i>
O. R. Kendall, C.B.E.	- <i>Minister of Trade, Shipping and Civil Aviation</i>
Mahraj	- <i>Minister of Health</i>
A. Merriman	- <i>Minister of Labour</i>
H. Thomas	- <i>Minister of Economic Development</i>

Parliamentary Secretaries

Mr. D. B. deGroot

- *Parliamentary Secretary,
Prime Minister's Office*

Mr. G. Bowman

- *Parliamentary Secretary
Ministry of Labour*

Mr. O. E. Clarke

- *Parliamentary Secretary,
Ministry of Education
and Race Relations*

Mr. P. Duncan

- *Parliamentary Secretary
Ministry of Local
Government*

Mr. J. G. Joaquin, O. B. E., J.P.

- *Parliamentary Secretary
Ministry of Works and
Hydraulics*

Mr. C. V. Too-Chung

- *Parliamentary Secretary
Ministry of Finance*

Other Members

Mr. W. A. Blair

Dr. J. K. M. Richmond

Mr. J. Budhoo

Mr. T. A. Sancho

Mr. W. G. Carrington

Mr. R. Tello, Deputy Speaker

Mr. R. G. B. Field-Ridley

Rev A. B. Trotman

Mr. H. Prashad

Mr. H. M. S. Wharton, J.P.

Members of the Opposition

Dr. C. B. Jagan, Leader of the Opposition

Mr. J. R. S. Luck

Mr. A. Chase

Mr. D. C. Jagan

Mr. Ram Karran

Mr. H. Lall

Mr. R. Chandisingh

Mr. M. Khan, J.P.

Mr. H. J. M. Hubbard

Mr. Y. Ally

Dr. Charles Jacob, Jr.

Mr. L. Linde

Mr. M. Hamid, J.P.

Mr. R. D. Persaud

Mr. E. M. Stoby

Clerk of the National Assembly

- Mr. F. A. Narain

Deputy Clerk of the National Assembly (Acting) - Mr. M. B. Henry.

Absent:

The Honourable S. S. Ramphal, C.M.G., Q.C.,
Attorney-General and Minister of State

Mr. B. H. Benn

Mr. C. V. Nunes

Dr. F. H. W. Ramsahoye

Mr. E. M. G. Wilson

Mr. M. Poonai

Dr. S. A. Ramjohn

Mr. S. M. Saiffee

Mr. M. Bhagwan.

QUESTIONS TO MINISTERS

PHOENIX CANADA OIL COMPANY
LIMITED

Dr. Jacob: I beg to ask the Minister of Economic Development Question No. 42 standing in my name:

- (a) Has the Government entered into an Agreement with Phoenix Canada Oil Company Limited for the construction and operation of an Oil Refinery in Georgetown?
- (b) If the answer is in the affirmative -
- (i) Why have the terms of the agreement not been made the subject of parliamentary debate prior to their acceptance by the Government?
- (ii) Is the Agreement subject to ratification by the National Assembly and, if so, when does the Government propose to seek such ratification? And if not, why not?
- (c) If the answer is in the negative -
- (i) What is the stage reached at this time in the negotiations between the Company and the Government?

- (ii) Does the Government intend to have the terms of any likely Agreement fully debated in the National Assembly before acceptance and, if not, why not?

The Minister of Housing and Reconstruction (Leader of the House) (Mr. Bissember): On behalf of the Minister of Economic Development, I wish to state that the Government has not entered into any agreement with Phoenix Canada Oil Company Limited. The Company submitted an application which the Government has turned down.

Dr. Jacob: As a supplementary question, I would like to ask the Minister what stage the negotiations had reached before the proposal was turned down.

2.10 p.m.

Mr. Bissember: I repeat, the application was turned down; it was rejected by the Government.

Dr. Jacob: As a further supplementary question: Would the Minister be good enough to state whether other proposals from other oil companies were being considered before the proposals submitted by Phoenix Canada Oil Company Limited?

Mr. Bissember: Yes, sir.

Dr. Jacob: That being the case, would the Minister be good enough to let the House know the names of these other oil companies with whom negotiations took place?

Mr. Bissember: When proper notice of the question is given, the information will be submitted to the House.

Dr. Jacob: Since the Minister is reluctant to reply to the last question, I would like to ask another question and I urge upon him the necessity for a reply. In the event of any agreement being entered into with the other oil companies, will the Minister state whether terms and conditions equivalent to or better than those offered by Phoenix Canada Oil Company Limited will be insisted on by the Government?

Mr. Bissember: When that event occurs, if it does occur, the exigencies of the moment will determine the answer.

Leader of the Opposition (Dr. Jagan): Will the Minister give to this House the reasons for the rejection of the application by Phoenix Canada Oil Company Limited to establish an oil company here?

Mr. Bissember: If notice of that question is given, the Minister concerned will state all the reasons.

Dr. Jagan: Is it true that the Government is not satisfied with the *bona fides* of the Phoenix Canada Oil Company Limited, as seems to be indicated?

Mr. Bissember: I have said nothing about *bona fides*; I have not used the term. I reiterate, if notice of the question is

given the Minister concerned will answer at an appropriate time.

Dr. Jagan: Will the Minister state whether any negotiations took place concerning a possible modification of the offer which was made?

[The hon. Minister offered no reply.]

Dr. Jacob: As a further supplementary, will the Minister state whether the Government is negotiating with Esso Standard Oil Company, Texaco and Shell Oil Companies, either individually or collectively for the establishment of an oil refinery in this country?

Mr. Bissember: The answer given to the original question has no relation to the supplementary just asked. It is an independent question. [Interruption.]

Dr. Jagan: Is it true, as the Parliamentary Secretary has just indicated, that Chase Manhattan Bank has advised the Government that this company has no status?

[The hon. Minister offered no reply.]

MOTIONS RELATING TO THE
BUSINESS OR SITTING OF THE
ASSEMBLY AND MOVED BY A
MINISTER

EXEMPTION OF NATIONAL SECURITY
(MISCELLANEOUS PROVISIONS)
BILL FROM STANDING ORDER

No. 9(2)

Mr. Bissember: I move that the proceedings of the National

Security (Miscellaneous Provisions) Bill in today's sitting and in all subsequent sittings of the National Assembly be exempted from Standing Order No. 9 (2) in the Standing Orders of this Assembly and that the provisions of that Standing Order should not apply to these proceedings.

Question put, and agreed to.

Mr. Hubbard: Divide!

Mr. Speaker: Next item, please.

PUBLIC BUSINESS

MOTION

CONFIRMATION OF CUSTOMS DUTIES

(AMENDMENT) (No. 7) ORDER, 1966

"Be it resolved that this National Assembly in terms of section 9 of the Customs Ordinance, Chapter 309, confirm Customs Duties (Amendment) (No. 7) Order, 1966 (No. 16) which was made on the 18th of October, 1966 and published in the Gazette on the 29th of October, 1966."
[The Minister of Finance.]

The Minister of Finance (Mr. d Aguiar): This Motion relates to the normal action that has been taken in the past to assist local industry. It provides for duty-free importation of caustic soda if it is to be used in the local manufacture of glass or glass products, and it provides for duty-free importation of decorated tin plate, cork discs,

plastic lining and agglutinant for use in the manufacture of crown corks. I therefore beg to move that the Motion, as printed, be now passed.

Question put, and agreed to.

Motion carried.

BILLS - SECOND READING

**GUYANA COAT OF ARMS
 (REGULATION) BILL, 1966**

A Bill intituled:

"An Act to regulate the use of the National Coat of Arms of Guyana. **[The Minister of Home Affairs.]**

The Minister of Home Affairs (Dr. Reid): I beg to move the Second Reading of the Guyana Coat of Arms (Regulation) Bill 1966.

In times past, and through the ages, persons have used the Coat of Arms as a means of making money and it is not meet and right to do this, because of the dedication of all people to their national Coat of Arms. Therefore, from ancient times, every country has given protection to its Coat of Arms, and this Bill seeks authority to give protection to the Guyana Coat of Arms.

Despite the very great care that was taken in ancient times with the Coat of Arms, there were men who were bent on being unscrupulous, and who endeavoured to use it for commercial reasons. It is an offence to public taste

[DR. REID]

to use a Coat of Arms in this manner. We hope, when this Bill becomes law, to give the Guyana Coat of Arms the protection that is necessary.

I now have great pleasure in moving the Second Reading of this Bill.

Bill read a Second time.

Assembly in Committee.

Clauses 1 and 2 agreed to and ordered to stand part of the Bill.

2.20 p.m.

Clause 3.

Mr. Ram Karran: In view of the fact that in moving the Second Reading of this Bill the hon. Minister said that, in the past, Coats of Arms were commercialised, I thought that Clause 3 of this Bill should have stipulated a condition under which licences would be granted for the use of the Coat of Arms of Guyana. There is very strong suspicion in my mind, and in the minds of many people, that the Guyana Coat of Arms, even though it appears to have two tom-cats at the side of it, will be abused. An important piece of legislation like this, in my mind, should have conditions attached to the Bill so that no Government, whether it is the P.N.C., the P.P.P., or even the U.F., would be able to allow its supporters to use the Coat of Arms as a commercial trading implement.

I strongly urge that the necessary provision be made in this Clause to lay down the terms and conditions so that the Minister, whoever he is, would not be able to say that because your eyes are of this colour or because your business does not satisfy the conditions required by the party in power - or the P.N.C. for that matter - the Coat of Arms may not be used.

Mr. Luck: I rise in support of the point made by the hon. Member. I hope that the hon. Minister will give the assurance to this House that on no account will any licence to use the Coat of Arms be given, for instance, to those who produce and sell rum. I mention this matter because my understanding is that a very sincere parson from the United States, preaching in a church in this colony - [The Prime Minister: "In this what?"] - country, found it necessary to tell his parishioners that the slogan "The rum of the nation for any occasion" is offensive to good taste. He found it so because he felt that rum should not go along with nation. Now that we are on the task of nation-building, rum, the devil's advocate, and spirituous liquors ought not to become the symbol of this new nation.

I hope that the Minister who moved the Second Reading of this Bill will give us the assurance that there will be strict and rigid control of these licences and that producers of spirituous liquors will not be granted permission to use the national Coat

of Arms. At this point I should like to inquire who is the Minister responsible for ceremonial.

Mr. Ram Karran: I thought that the hon. Minister of Home Affairs - I presume he is the Minister responsible for ceremonial - would get up and make an effort at least to satisfy Members of this House with respect to the possibility of the abuse of this very important bit of legislation.

The hon. Minister cannot deny the fact that, up to early twentieth century, the British Coat of Arms had been prostituted by big businessmen, Members of Parliament, and others very closely attached to the Crown. Even though the British have had their tradition for centuries - the Minister spoke of ancient times, he has not spoken of recent times - efforts have been made in the United Kingdom to prevent the tarnishing of the Coat of Arms. This is a very serious matter, even though it might appear to the Government to be slight.

I thought that the hon. Minister would have some respect for the House and the Chair and would get up and express what is the Government's point of view with respect to the possible abuse of the Coat of Arms.

Mr. Hamid: I noticed that d'Aguiar Bros. have been using the imperial Coat of Arms and I was wondering, now that we have our national Coat of Arms, whether permission will be given to this company to abuse this

national Coat of Arms on their produce and in rum shops.

Clause 3, as printed, agreed to and ordered to stand part of the Bill.

Clause 4 agreed to and ordered to stand part of the Bill.

Assembly resumed.

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

NATIONAL SECURITY (MISCELLANEOUS PROVISIONS) BILL

Dr. Reid: I beg to move the Second Reading of a Bill intitled:

"An Act to make provision for divers matters touching on national security."

Mr. Jagan: On a point of order. Under Standing Order No. 46(2) this Bill cannot be debated today. Standing Order 46(2) reads as follows:

"An interval of not less than three days must elapse between the first and second reading of a Bill. "

This Bill was introduced on Tuesday. My submission is that three days would have to elapse from Tuesday - Wednesday, Thursday, Friday - and the Bill could only be debated tomorrow or Monday, but not today.

In support of my proposal I have three English authorities

[MR. JAGAN]

in which this phrase was interpreted. The Standing Order states "not less than three days".

2.30 p.m.

Mr. Speaker: Read it.

Mr. Jagan:

"An interval of not less than three days must elapse between the first and second reading of a bill ..."

Mr. Speaker: When was the Bill read for the First time?

Mr. Jagan: On Tuesday. Today is the third day and it must also elapse. I wish to cite some English authorities on this rule. The first is the case of Chambers against Smith, 1843, and it is referred to in the 13th Volume of the Law Journal Reports, on page 27. In this case, notice of appeal had to be given not less than fifteen days and the court, in determining not less than fifteen days, had this to say:

"We think the words mean fifteen full days."

The other case that I wish to cite is on page 204 re Railway Sleepers Supply Company, 1885, Chancery Division, Volume XXIX.

"The interval of not less than fourteen days which under sect. 51 of the Companies Act, 1862, is to elapse between the meetings passing and confirming a special resolution of a com-

pany is an interval of fourteen clear days, exclusive of the respective days of meeting, and therefore a special resolution for reduction of capital passed at a meeting held on the 25th of February, 1885, and confirmed at a meeting held on the 11th March, 1885, was held to be bad."

In this case, a company purported to pass a resolution, in fact, it passed a resolution on the 25th of February, 1885. Under the Companies Act, not less than fourteen days must elapse - this is similar to our provision that not less than three days must elapse - before that resolution could be confirmed. The resolution was confirmed on the fourteenth day and the court held that it was bad.

Now, in dealing with the facts of the case, Justice Chitty, on page 207 dealt with it in this way:

"Now, supposing the statute had said at an interval of not less than one day; if the first meeting were held say on the 1st of January, the second meeting could not properly be held on the 2nd of January, for one day must intervene, therefore the 3rd of January would be the earliest day, and adding thirteen more days to make up the fourteen, the second meeting could not be held before the 16th."

It is similar here. The question is: today is the third day. Only

two days have elapsed. My learned and hon. Friend the Prime Minister will agree with me that they do not count a fraction of a day. [The Prime Minister: "Cite an authority."] This same case. In this case, it is quite clear that, at the meeting at which the solution was passed on the 25th February, if fourteen days had to elapse, then it should have been dealt with on the 12th of March and not on the 11th of March. My submission is that this Bill cannot be proceeded with today.

Mr. Bissenber: The Standing Order which my learned and hon. Friend referred to is 46 (2). I wish to refer to Standing Order No. 69 which deals with Supplementary Financial Provisions. Under this Standing Order it is stated that one clear day --

Mr. Speaker: What is the difference between a day and a clear day?

Mr. Bissenber: Standing Order No. 23 dealing with Period of Notice speaks of fourteen clear days. Standing Order No. 46 (2) which was referred to by my learned and hon. Friend does not speak of clear days.

Mr. Speaker: What is the difference between a day and a clear day?

Mr. Bissenber: A day would mean, in accordance with the Interpretation Ordinance, twenty-four hours, to be reckoned *de momento in momentum*. I submit

that since the Standing Orders in some aspects refer to clear days, and this particular Standing Order does not use the word "clear" we are in order to proceed with this matter today.

Mr. Speaker: The hon. Member Mr. Jagan submits that this Bill cannot be proceeded with today. He cited the Standing Order in support of his contention that three days must elapse between the First Reading and the Second Reading of the Bill. The hon. Mr. Bissenber, in replying, cited two Standing Orders. One states a "clear" day. I am not quite satisfied with the distinction between a day and a clear day. I interpret a day to be twenty-four hours, or a sitting day of this House from 2 p.m. until, maybe, 10 p.m.

When we met on Tuesday, this Bill was read for the First time. When we met on Wednesday, that was one sitting day; then on Thursday, two sitting days. Today is the third sitting day, and I am of the opinion, and I rule, whatever be the repercussions, in favour of Mr. Jagan that this Bill is not properly before the House. [Applause.]

2.40 p.m.

The Prime Minister: I beg to move the suspension of Standing Order No. 46 so that this Bill may be proceeded with, which I am entitled to do under the Standing Orders.

Mr. Speaker: Having ruled that this Bill is not properly

[MR. SPEAKER]

ADJOURNMENT

before the House at this stage, I do not think I can permit it to be dealt with now. I am sorry I cannot accept your Motion to suspend the Standing Order.

Mr. Bissenber: Having regard to your Ruling, I move that the Assembly do now stand adjourned to Monday, 21st November, 1966, at 2 p.m.

Adjourned accordingly at 2.40 p.m.