

LEGISLATIVE COUNCIL

THURSDAY, 21st NOVEMBER, 1946.

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

PRESENT :

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

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

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

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

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

The Hon. J. I. de Aguiar (Central Demerara).

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

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

The Hon. T. Lee (Essequibo River).

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

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

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

The Hon. G. A. C. Farnum (Nominated).

The Hon. J. A. Veerasawmy (Nominated).

The Clerk read prayers.

Minutes of the meeting of the Council held on Thursday, 14th November, 1946, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENT.

ERECTION OF NEW GENERAL POST OFFICE

The PRESIDENT: I have one announcement of public interest to make. We are getting on with the erection of the

new General Post Office building. The Architect has now submitted the preliminary plans and model, and these will be referred to the Commissioners of the burnt-out area for their approval. We have decided to call for tenders publicly in the Caribbean and the United Kingdom and the tender notices will be drafted together with the necessary bills of quantities and after having been considered in Executive Council and passed they will be published in the *Gazette*. There will be a special Committee to consider the tenders submitted. That is as far as we have got today. Many other decisions have been made as regards details, but for the information of the public I think it should be announced that definite progress has been made with regard to the erection of the new Post Office.

TRADES UNION (AMENDMENT) BILL, 1946

The ATTORNEY-GENERAL: It will be within the recollection of hon. Members that there was a Bill before this Council relating to Trades Union which was introduced and read the first time on August 29, and read the second time on September 5. In view of the comments made by hon. Members a new Bill has been drafted and is now in the hands of hon. Members and, consequently, I ask leave at this stage to withdraw the Bill which was introduced and read the first time on August 29, and read the second time on September 5.

The PRESIDENT: If hon. Members approve the Bill would be withdrawn.

Agreed to.

PAPER LAID.

The COLONIAL SECRETARY laid on the table the following:—

Air Mail Rates of Postage (Parcels) Order, 1946 (No. 52 of 1946).

GOVERNMENT NOTICES

BILLS—FIRST READING

The ATTORNEY-GENERAL gave notice of introduction and first reading of the following Bills:—

A Bill intituled "An Ordinance further to amend the Trades Unions Ordinance, Chapter 57, with respect to the audit of accounts of Trade Unions."

A Bill intituled "An Ordinance to allow and confirm certain additional expenditure incurred in the year ended the thirty-first day of December, 1945."

A Bill intituled "An Ordinance to continue certain expiring laws."

A Bill intituled "An Ordinance to amend the Georgetown Town Council Ordinance in certain particulars."

NOTICE OF QUESTIONS

MEDICAL DEPARTMENT

Mr. RAATGEVER gave notice of the following questions:—

1. What action, if any, has Government taken to discipline those employees of the Public Hospital, Georgetown, whose negligence a Coroner's Jury on 9th November 1946 found responsible for the death of one Selwyn Spencer?
2. If no action has yet been taken, does Government propose to take any, and if so what is the nature of such action?
3. What steps, if any, is Government taking to safeguard against a recurrence of such negligence?
4. When is Government appointing an Advisory Committee to the Medical Department.

TRANSPORT & HARBOURS (AMENDMENT) BILL, 1946

Council resolved itself into Committee and resumed consideration of a Bill intituled—

Bill

"An Ordinance to amend the Transport and Harbours Ordinance, 1931, with respect to the Management of the Transport and Harbours Department."

COUNCIL IN COMMITTEE

Clause 4—Establishment and powers of Advisory Council.

The CHAIRMAN: We went through this clause in principle—in fact, we discussed it at considerable length—and I

think I said we would bring it back in its completed form for ratification.

The ATTORNEY-GENERAL: Hon. Members have agreed so far as to the formation of an Advisory Council and that being so, it was agreed that a new sub-clause—3C. (1) relating to the "Appointment and constitution of the Advisory Council"—should be prepared and circulated to Members. It will be seen from the terms of this full and complete amendment that it follows along the lines of section 4 of the original Ordinance, in so far as the procedure to be adopted is concerned. If hon. Members look at section 4 of the original Ordinance—No. 30 of 1931—they would see that the provisions for an Advisory Board are practically and substantially the same as those appearing in this clause 4. If it is agreeable to hon. Members, we shall take the whole clause as it stands and pass it accordingly. I therefore move the insertion of the following new sub-clause—3C. (1):—

3C. (1) The Advisory Council (hereinafter referred to as "The Council") shall consist of seven members.

(2) The members of the Council shall be —

(a) six persons appointed by the Governor as follows:

(i) five persons who are unofficial members of the Legislative Council;

(ii) one other person; and

(b) the General Manager who shall be Vice-Chairman of the Council.

(3) Subject to the provisions of this section every appointed member of the Council shall hold office for two years from the date of his appointment, and shall be eligible for re-appointment.

(4) The Governor shall appoint an appointed member of the Council to be the Chairman thereof, and may at any time revoke any such appointment.

(5) The Chairman of the Council shall preside at all meetings of the Council which he attends and, in his absence the Vice-Chairman of the Council shall preside. In the absence of both

the Chairman and the Vice-Chairman from a meeting, the members present shall elect one of their number to preside at the meeting.

- (6) The Chairman, the Vice-Chairman or other member presiding at any meeting of the Council shall have an original and a casting vote.
- (7) At any meeting of the Council three members, including the presiding member shall form a quorum.
- (8) The Governor may grant leave of absence to any appointed member of the Council, and in such case he may, subject to the provisions of sub-paragraph (i) of paragraph (a) of subsection (2) of this section, appoint another person to be a member of the Council during the period of such absence on leave.
- (9) The Governor may at any time revoke the appointment of any member of the Council.
- (10) Any appointed member who —
- (a) being appointed a member under sub-paragraph (i) of paragraph (a) of sub-section (2) of this section, ceases to be an unofficial member of the Legislative Council;
 - (b) by writing addressed to the Colonial Secretary resigns from the Council; or
 - (c) departs from the Colony without leave of the Governor; or
 - (d) remains out of the Colony after the expiration of his leave; or
 - (e) fails without reasonable excuse (the sufficiency of which shall be determined by the Governor) to attend four consecutive meetings of the Council, —

shall cease to be a member of the Council.

- (11) If the appointment of a member of the Council is revoked under subsection (9) of this section, or if a member ceases to be a member of the Council under subsection (10) of this section, the Governor may, subject to the provisions of sub-paragraph (i) of paragraph (a) of subsection (2) of this section, appoint another person to fill the vacancy

for the unexpiring period of the former member's term of office;

Provided that where the Legislative Council has been dissolved the Governor may appoint, in place of those persons who were members of the Advisory Council by reason of being unofficial members of the Legislative Council, such persons as he may think fit to be members of the Advisory Council until the first meeting of the Legislative Council after such appointment.

- (12) Notice of every appointment, of every revocation of appointment, and of every cesser of membership, shall be published in the Gazette.
- (13) The Council may act notwithstanding any vacancy in the Council.
- (14) The Council shall cause minutes to be kept of its proceedings.

The CHAIRMAN: The question is that clause 4, as amended, stand part of the Bill.

Question put and agreed to.

Clause 4, as amended, passed.

Clause 8—First Advisory Council.

The ATTORNEY-GENERAL: As a consequence of the amendment just passed, clause 8 will have to be deleted and I therefore beg to move that clause 8 be deleted.

Motion put and agreed to.

Clause 8 deleted.

The ATTORNEY-GENERAL: Clauses 9, 10, and 11, will have to be renumbered as clauses 8, 9, and 10, respectively.

Agreed to.

Second Schedule.

The ATTORNEY-GENERAL: As regards the second schedule, in consequence of the amendment items (1) to (17) will be deleted because they all relate to clause 4. Further, items (18) to (46) will be renumbered as items (1) to (29) respectively. In so far as clause 5 is concerned,

for the words "five and six" in the first line, we will now have to substitute the words "four, five and six."

Amendments put and agreed to.

Clause 5 recommitted and passed as amended.

Second schedule, as amended, passed.

Title and Enacting Clause :

The ATTORNEY-GENERAL : The Title and Enacting Clause will also be amended by the addition of the words "and to provide for the appointment of an Advisory Council."

Amendment put and agreed to.

Council resumed.

The ATTORNEY-GENERAL : I beg to move that this Bill be now read a third time and passed.

Mr. CRITCHLOW seconded.

Motion put and agreed to.

Bill read a third time and passed.

URGENT BILLS

The PRESIDENT : Mr. Attorney-General, do you desire to move any of the other Bills at this stage ?

The ATTORNEY-GENERAL : I desire to ask that the Standing Rules and Orders be suspended to enable me to take the first reading of these three Bills and of the other Bills of which I have given notice; then, later, to proceed through all the stages with the two other Bills—items (ii) and (iii) in the second schedule of the Order of the Day—leaving over the other Bill relating to Trades Unions until we meet again.

Mr. LEE : I would like to explain that the Assistant Secretary of the Trades Union Council has sent me a letter stating that they desire to discuss this matter with me. I take it that they would meet during this week and, therefore, I would have an

opportunity to hear their views before the Bill is passed.

The PRESIDENT : I am hoping to be able to deal with the Town Council Ordinance tomorrow. I propose to meet tomorrow, and then on Wednesday, Thursday and Friday next week. I am anxious to clear up as much work as possible by the end of November in order that we can start with the Estimates for 1947 as early as possible in December. If we delay the Trades Union Bill until next week it will be all right, but it may be squeezed out later. It is a matter for the hon. Member, however, because he has requested it. It is unfortunate that the Trades Union Council did not come to some decision before.

Mr. LEE : It is unfortunate. I am only a member of the Trades Union Council and the Assistant Secretary has sent this letter to me. Perhaps at the next meeting of that Council reason might prevail and I would ask Government to allow the Trades Union a chance to discuss this Bill among themselves and have their views put before Government in a proper way. I might indicate to Government what their views are.

Mr. de AGUIAR : Is the hon. Member speaking on the Bill ?

The PRESIDENT : I do not think he proposes to do that. It is not being taken now.

Mr. LEE : I have no objection to the Bill in principle. The West India Royal Commission recommended that Government should pay for the auditing of Trades Unions' accounts or that the work should be done by Government auditors. The Cosmopolitan Workers' Union of which I am President, and some of the other unions feel, however, that it would not be the best thing to have Government auditors because they would not be under any obligation not to divulge anything seen in the books of the Trade Unions. The Unions feel that the auditing should be done by recognized auditors who would not be under any obligation to disclose to Government or anyone else anything relat-

ing to the business of the Unions, but that they should be paid by Government. As a Trade Unionist, I feel that this view is the right one and that even though Government is going to pay for the auditing we—the Unions—should dictate who should do it. I am expressing my own personal view in the matter, and if the Unions are given an opportunity to consider it they might agree with what is being done.

Mr. CRITCHLOW : Only today I received a letter from the Trades Union Council about this matter. I am particularly surprised, because they asked me to get Government to adopt the recommendations of the Royal Commission and now they are asking me to oppose this Bill. I definitely would not oppose it and I think it should go through.

Mr. JACOB : I have here the recommendations of the West India Royal Commission, and at p. 15, paragraph 10, under the heading "Labour and Trade Unions", they recommend the following among other things :—

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

It does not say here that Government should pay, but that the Trade Unions should have their own auditors. I interpret this to mean that Government should pay and that Government should undertake the audit. If some members of certain Unions feel that private business might be disclosed by the auditors, instructions should be issued by the Labour Department that only the accounts of the Unions should be audited, and if they have to refer to correspondence as regards receipts and payments the auditors should look at those things only. I can see no

objection at all to Government paying for the audit, or to Government auditors being used to audit the accounts. Therefore, I see no objection to the Bill being proceeded with in the normal course—allowing seven days for its consideration by those concerned.

The ATTORNEY-GENERAL : I have asked for the suspension of the Standing Rules and Orders, first of all, to read the Trades Unions (Amendment) Bill and also the Town Council (Amendment) Bill for the first time . . .

Standing Rules and Orders suspended.

BILLS—FIRST READING

The ATTORNEY-GENERAL : I beg to move that the following Bills be read the first time :—

A Bill intituled "An Ordinance further to amend the Trades Unions Ordinance, Chapter 57, with respect to the audit of accounts of Trade Unions."

A Bill intituled "An Ordinance to amend the Georgetown Town Council Ordinance in certain particulars."

Mr. CRITCHLOW seconded.

Motion put and agreed to.

Bills read a first time.

The ATTORNEY-GENERAL : I am now asking for the suspension of the Standing Rules and Orders to enable me to take the following Bills through all their stages :—

A Bill intituled "An Ordinance to allow and confirm certain additional expenditure incurred in the year ended the thirty-first day of December, 1945."

A Bill intituled "An Ordinance to continue certain expiring laws"

Mr. CRITCHLOW seconded.

Question put, and agreed to.

Standing Rules and Orders suspended.

SUPPLEMENTARY APPROPRIATION (1945)
BILL, 1946

The ATTORNEY-GENERAL : I now beg to move that the following Bill be read a first time :—

A Bill intituled "An Ordinance to allow and confirm certain additional expenditure incurred in the year ended the thirty-first day of December, 1945."

Mr. CRITCHLOW seconded.

Motion put and agreed to.

Bill read a first time.

The ATTORNEY-GENERAL : I now beg to move that this Bill be read a second time. Hon. Members will see that the Bill is self-explanatory and that it seeks to confirm certain expenditure in excess of that provided by the Appropriation Ordinance, 1945, and contains a Schedule with the amounts to be provided under the terms of the Ordinance.

Mr. CRITCHLOW seconded.

Mr. RAATGEVER : I would like to know what was the financial position in 1945 when this additional expenditure was incurred. I would like to know whether there was a deficit or a surplus of revenue.

The PRESIDENT : I would ask the Colonial Treasurer to answer that. I think he would give you a full reply.

The COLONIAL TREASURER : With the passing of this Bill it is estimated that there will be a deficit at the end of 1946 of \$1,900,000 but I am hoping it would be slightly less than that.

Mr. RAATGEVER : That is not very satisfactory. I would like to know what difference that would make as regards the surplus we had at the end of 1944.

The COLONIAL TREASURER : The position is that the surplus would be reduced by that amount. It is in the vicinity of \$6,000,000. Whatever the deficit is at the end of 1946 it would be reduced by that amount.

The PRESIDENT : I think we are out of order. I think when we get into the Committee stage the hon. Member can ask the question.

Mr. RAATGEVER : I would like to get definite figures.

Mr. JACOB : I think I have the figures here. I think I can help the Gov-

ernment. The 1946 Estimates which were laid on this table gave the figures of the estimated financial position of the Colony at the 31st December, 1945. The surplus at 31st December, 1944, was \$6,950,659 and there was a deficit of \$1,900,000 for 1945, leaving a surplus of \$5,050,659 at the end of 1945. Whatever the deficit for 1946 may be that will have to be taken off that amount.

The PRESIDENT : I am indebted to the hon. Member for doing the work of Government. Does any other Member wish to speak on the principle of the Bill ?

Motion put, and agreed to.

Bill read a second time.

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

COUNCIL IN COMMITTEE

Clause 2 — Supplementary amount authorised for financial year 1945.

Mr. RAATGEVER : I would like to have that information now.

The CHAIRMAN : I think I would help the Colonial Treasurer. You wish to know what the surplus would be at the end of 1946 or 1945.

Mr. RAATGEVER : At the end of 1945 or the 1st January, 1946.

The CHAIRMAN : The accounts for 1945 are now closed and you can get the absolute figure in respect of that. The Colonial Treasurer will give you the absolute figure for 1945. The figure for 1946 can only be estimated and it depends on many factors including how much assistance we get from His Majesty's Government for Subsidization. I do not think we can give the complete figure now.

Mr. LEE : I am rather perturbed that the anticipated deficit for this year is nearly \$3,000,000. I would like to know about that. Personally, I would oppose every item of expenditure from now on to the end of the year. You can be sure of that.

Mr. JACOB: I think my hon. friend is a little premature. We have heard a rumour that it is about \$3,000,000, but that is in respect of the Estimates for 1947. It was suggested in certain places at a certain time that the deficit would be around \$3,000,000 for 1947. What I have risen to ask is this: I am not quite certain I have the right figures here. The actual surplus at the end of 1944 was, as I said just now, \$6,950,659. I think Sir Gordon Lethem intimated in his speech to the Members of this Council in May or June last, that the deficit for 1945 would be slightly over \$1,000,000. Is the figure now \$1,900,000 for 1945 or is it for 1946?

The COLONIAL TREASURER: 1946.

Mr. JACOB: All the figures appear to be wrong then. If at the end of 1944 there was a surplus of \$6,950,000, then the deficit for 1945 was about \$1,000,000 and the surplus at the end of 1945 was \$5,950,000. At the end of 1946 the deficit is estimated to be \$1,900,000, then we can count on a possible surplus at the end of 1946 of \$4,000,000. That seems to be possible.

The CHAIRMAN: I would ask hon. Members to stick to the business before them. We are dealing with certain additional expenditure for 1945. The hon. Member has quite rightly asked what was the financial position at the closing of the accounts for 1945, and the Colonial Treasurer will now give us what the surplus was at the end of 1945.

The COLONIAL TREASURER: At the end of 1944 the surplus balance of the Colony was \$6,950,659.05. At the end of 1945 the deficit was \$1,054,686.20. There was a depreciation of the investment of the surplus fund by some \$375.87 and so at the end of 1945 there was a surplus of \$5,895,596.98. But that sum will be reduced by the deficit at the end of 1946, whatever that sum may be. It is estimated at \$1,900,000.

Mr. FERREIRA: I think what has given rise to the remarks is the knowledge that Government has issued a minute

warning heads of Departments that the deficit will be \$3,000,000. If that is correct—

The COLONIAL TREASURER: It is not correct. We now estimate it at \$1,900,000 for 1946.

The CHAIRMAN: I think the hon. Member is a little premature. There is no possible chance of a gap of \$3,000,000 between expenditure and revenue estimated for 1947.

Question put and agreed to.

Clause 2 passed as printed.

The Council resumed.

The ATTORNEY-GENERAL: With the consent of Members I beg to move that this Bill be now read a thi'd time and passed.

Mr. CRITCHLOW seconded.

Motion put and agreed to.

Bill read a third time and passed.

EXPIRING LAWS CONTINUANCE BILL, 1946.

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

A Bill intituled "An Ordinance to continue certain expiring laws."

As hon. Members will see from the preamble, this Bill deals with the Sugar Duty Ordinance, 1942, which was temporary in its duration and limited to expire on the 31st December, 1942, but was continued in operation from year to year to the 31st December, 1946. It is desired that the operation of that Ordinance should be extended to another year. The Bill also deals with the Sugar Experiment Stations Ordinance, 1942, which was also temporary in its duration and limited to expire on the 31st December, 1943, but was continued in operation from year to year to the 31st December, 1946. It is considered desirable that that Ordinance should also be continued for another year. This Bill seeks to continue those two Ordinances. I beg to move that it be now read a second time.

Mr. CRITCHLOW seconded.

Motion put, and agreed to.

Bill read a second time.

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

COUNCIL IN COMMITTEE

Clause 3—Continuance until 31st December, 1947, of Ordinance No. 29 of 1942.

The ATTORNEY-GENERAL: I move that at the end of the fifth line we substitute the word "words" for "word."

Question put, and agreed to.

Clause 3 passed as amended.

The Council resumed.

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

Mr. CRITCHLOW seconded.

Motion put, and agreed to.

Bill read a third time and passed.

The PRESIDENT: We have come to the end of the Order of the Day which was much shorter than I expected, owing to the deferment of the Trades Union Auditing Bill. I suggest that we move into Committee informally and discuss a confidential despatch which I circulated to you. I have a few things to tell you. Shall we adjourn for five minutes during which time the Clerk will get the room ready for our informal meeting? The Council is adjourned to 2 p.m. tomorrow.