

LEGISLATIVE COUNCIL

(Constituted under the British Guiana
(Constitution) (Temporary Provisions)
Order in Council, 1953)

FRIDAY, 26TH NOVEMBER, 1954

The Council met at 2 p.m. His Honour the Speaker, Sir Eustace Woolford, O.B.E., Q.C., in the Chair.

PRESENT :

His Honour the Speaker, Sir Eustace Gordon Woolford, O.B.E., Q.C.

Ex-Officio Members:—

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

The Hon. the Financial Secretary,
Mr. W. O. Fraser, O.B.E.

Nominated Members of Executive Council:—

The Hon. Sir Frank McDavid, C.M.G., C.B.E. (Member for Agriculture, Forests, Lands and Mines).

The Hon. P. A. Cummings (Member for Labour, Health and Housing).

The Hon. W. O. R. Kendall (Member for Communications and Works).

The Hon. G. A. C. Farnum, O.B.E. (Member for Local Government, Social Welfare and Co-operative Development).

The Hon. R. B. Gajraj.

The Hon. R. C. Tello.

Deputy Speaker:—

Mr. W. J. Raatgever, C.B.E.

Nominated Officials:—

Mr. W. T. Lord, I.S.O.

Mr. J. I. Ramphal.

Nominated Unofficials:—

Mr. T. Lee.

Mr. W. A. Phang.

Mr. L. A. Luckhoo, Q.C.

Mr. W. A. Macnie, C.M.G., O.B.E.

Mr. C. A. Carter.

Mr. E. F. Correia.

Rev. D. C. J. Bobb.

Mr. H. Rahaman.

Miss Gertie H. Collins.

Mrs. Esther E. Dey.

Dr. H. A. Fraser.

Lt. Col. E. J. Haywood, M.B.E., T.D.

Mr. R. B. Jailal.

Clerk of the Legislature—

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature—

Mr. E. V. Viapree (acting).

Absent:—

The Hon. the Chief Secretary,
Mr. F. D. Jakeway, O.B.E. (acting).

The Hon. G. H. Smellie—on leave

Mr. Sugrim Singh—on leave.

The Speaker read prayers.

The Minutes of the meeting of the Council held on Thursday, the 25th of November, 1954, as printed and circulated, were taken as read and confirmed.

REPORTS AND DOCUMENTS

Mr. Farnum: (Member for Local Government, Social Welfare and Co-operative Development): On behalf of the hon. Member for Communications and Works (Mr. Kendall) I beg to lay on the table the following document—

The Constitution of the British Caribbean Air Transport Advisory Council.

I also desire to lay on the table—

The Annual Report of the Probation Service for the year 1953.

ORDER OF THE DAY

MUNICIPAL COUNCILS POSTPONEMENT OF ELECTIONS BILL

Mr. Farnum (Member for Local Government, Social Welfare and Co-operative Development): I beg to move the first reading of a Bill intituled—

“An Ordinance to provide for the postponement of Elections to the Town Councils of Georgetown and New Amsterdam and for purposes connected therewith.”

Mr. Gajraj seconded.

Question put, and agreed to.

Bill read a first time.

SOCIAL SECURITY

Council resumed the debate on the following motion and amendment:

“BE IT RESOLVED: That this Honourable Council accepts in principle the recommendations contained in Professor Richardson’s Report on Social Security in British Guiana and approves of the proposals of the Governor in Council on those recommendations as set out in paragraph 34 of Sessional Paper No. 10 of 1954.”

Amendment:

“Substitution of a semi-colon for the full stop at the end of the motion and the addition of the following words:

“and that this Council records its grateful thanks to Professor Richardson for his valuable Report.”

Miss Collins: I must also express my deep appreciation of Professor Richardson’s Report, and congratulate Government on having given to us this Report and their recommendations thereon. As I looked back with happy recollections on the days when I stood with the veteran leader, Hubert Critchlow, who for years advocated Social Security, I was happy when you, Sir, referred to his activities as far as Social Security is concerned. I am fully aware that domestic servants will not be protected in these measures, as I notice they have been excluded. But I think the domestic servants in this Colony should be included in these measures.

I would like to associate myself with the remarks made by some of the previous speakers, but I cannot agree with the hon. Member, Mr. Carter, when he says “If you are a pauper, you are a pauper.” These are progressive days, and I am one advocating improved women’s social services and fighting for the change of the name “Alms House,” I have sent resolutions to Government from time to time, and a year ago I received a letter informing me that the matter was being considered. Since my advent to this Legislative Council early this year, that matter was discussed and Members were asked to submit a name in substitution for “The Alms House”. They failed to do so, and the matter came before the Board of Poor Law Commissioners. After several discussions the Board arrived at the decision of that name, “The Palms.” I regret that that name does not meet with the approval of some Members, but I hope it would be passed and allowed to remain.

Dr. Fraser: I also would like to congratulate Government on its implementation of the Report by Professor Richardson on Social Security. I think the increase in the rates must be very heartening to the poor people of this Colony with the increase cost of living. The point made by my hon. Friend, Mr. Macnie, yesterday, that employees on the land should be brought into the Provident Scheme, I think, is worthy of great attention by Government. There are a large number of employees who come under this category but would not be looked after if they are not brought under the Scheme.

As regards the provision of milk, biscuits and cod liver oil for the school children, I think those recommendations by Professor Richardson should be put into action by Government early. It is important that improved nutrition be made available to the young people of this Colony. We have been looking after the old people, and the young people are now to be looked after with improved nutrition. I think, Sir, that Professor Richardson's Report is a very good report, and I do hope that this Colony will be able to implement all the recommendations as early as possible. I beg to support the motion.

Mr. Lee: Mr. Speaker, I would like to say that Professor Richardson has to a great extent touched the ills of the workers of British Guiana, especially in respect of Workmen's Compensation. I have always thought, and I still contend that the dependents of a worker or a person who has suffered death should be cared for by the employer, and that a pension scheme should be initiated by the employers for that purpose. As Professor Richardson says, "the lump sum that is given as compensation is squandered". If a check is taken of that, you would find that 99 per cent. of the people who

have received compensation did not apply it in such a manner as to give relief to the extent that is intended.

I therefore advocate and suggest to Government that in the implementation of the recommendation as regards workmen's compensation, it should be made incumbent on the employer to pay pensionable rates according to the wages of the worker at the time of his death and also according to the extent of the family for whom provision has to be made. Most of the workers in this Colony do not have two or three or four children but more and, therefore, if that worker is working for, say, \$10.00 a week it cannot be sufficient to support his entire family. So that provision should be made for the protection of that wife or reputed wife, and family. While I admit that provision is being made by Government for allowances to be given to 'outside' persons, we cannot at the same time turn them destitute because the breadwinner of the family has met his death through accident while working for the employer.

Another thing I would commend to the attention of this Government is that Dr. Clark, before he makes his report, should enquire whether a National Health Scheme would be helpful to this Colony. I see Professor Richardson has made some remarks about it, but my experience of a subsidised medical service in Wakenaam and Leguan is that it is only a farce, because Government does not supply the medicines necessary for the care of the people who are sick in those islands. I feel that if Government is going to implement the recommendations of Professor Richardson, care should be taken that the Dispensaries in the different districts are supplied with the necessary medicine that can keep the people healthy and let them be an asset to the country. This is what we find: the Medical Practitioners—and I am sorry

[Mr. Lee]

to say, some of them are my best friends—are holding, that because Government on the one hand cannot provide the medicine, they have to tell the people "this medicine will cost you so much". They provide the medicine, though not at exorbitant prices I must say, for some of the people can afford it. We have to institute a nationalised health service in which the community would get medical service at such a rate that it would benefit the public. When one goes to the Dispensaries one is told that one must substitute. Substitution in medicine cannot be done in some cases.

Mr. Cummings (Member for Labour, Health and Housing): I do not know if this will assist my hon. and learned friend, but at Paragraph G of the Sessional Paper, on page 8, Government's position is clearly stated, that

"With the exception of the proposals for the building of Cottage Hospitals which were already being implemented under the Development Plan, consideration of the recommendations regarding the provision of more adequate medical care including hospital accommodation should be deferred until the Report of the Medical Services Enquiry Committee had been received."

I was at pains yesterday to mention that the Report has been received, and the proposals on which my learned friend is now dilating are covered in the Report and will come before this Council. I think the hon. Member's remarks are somewhat premature.

Mr. Lee: That is in writing and not in practice. I agree that hospitals in the rural areas will help people; but what has Government done about the hospital that was at De Kinderen? Government allowed the estate to dismantle the hospital when it could have been used. Now they have to erect a building. How long will that take? I am talking about practical politics—and not what

is written. Were not these recommendations made before? Let them look at the 10-Year Development Plan. I do admit I am looking forward to the Minister implementing the recommendations as early as possible, so that the people will be able to say, "Yes, the Interim Government is doing some work that will benefit the people". It has been ever long that experts have come and gone and the work they suggested was never carried out. Let us see that the work is carried out from now on and then I will keep my mouth shut and co-operate with the Government, so long as it does the work and does it quickly. Building a hospital does not require experts and technical men. To build a hospital does not require technical knowledge. What is required is money. If the work is given to a contractor and it is not done within the fixed date, one can do otherwise and get another contractor.

A man has been appointed in respect of community housing, and there are organisers in this respect. So far as my area is concerned, within the next three months we can lay on the table information as to what can be done in the community housing scheme, and I sincerely hope Government will take notice of our recommendations and implement them as early as possible, so that the Interim Government can say "We have Ministers who can do the work." If they do not do their work and I am here, I will always criticise them. I shall also call the attention of the proper authorities to see that it is done.

I sincerely hope that every person who is interested in seeing the \$44 million Plan implemented will draw the attention of Government to these things.

Mr. Lord: I also rise to support the motion for the acceptance in principle of Professor Richardson's

Report, but I feel I should have been a far happier man if I had even the assumption of what it will cost the Government to increase the cost of Old Age Pensions and Public Assistance. The hon. Mover gave by way of estimate the figure \$100,000 for Public Assistance.

Mr. Farnum: May I point out that on page 3 of the Sessional Paper the figures are given there: what it cost at the end of 1953 and what it will cost at the end of 1955.

Mr. Lord: That is in respect of the actual sum to be disbursed but not actually what it will also cost to put it into effect—the machinery.

A very admirable suggestion is that the system of free medical attention and free hospital accommodation should be extended to all persons whose wages are less than \$20.00 a week, and also to their dependents, and I think it should be considered along with the report of Dr. Clark. I feel the proposal to establish a Provident Fund and Contributory Pension Scheme is also an admirable one, and that Government should make it compulsory with regard to employers.

With regard to Housing I think the condition of a 'down payment' of a sum equal to 25 per cent. the value of the house to be built, extravagant. I think it is rather stiff for the people whom we are out to serve. It is beyond the means of people in the lowest income group.

What I think is most important is the proposal for experimental training centres for youths leaving school, where for three or four days a week the elements of woodwork and agriculture would be taught to them. I think this would help the older boys and the un-

employment situation with which this country is faced.

Mr. Gajraj: Yesterday I spoke on the motion moved by the hon. the Member for Local Government and Social Welfare. I take this opportunity on the amendment moved by the hon. Member, Mr. Ramphal to clarify a point I made in the course of my speech. His hearing was a little defective in the earlier portion of my speech, and in view of his missing that little portion he interpreted a remark of mine to mean that what was proposed was the dispensing of charity to old people as they became less useful in service to others. I want to say that I did not reply at the time because I was rather puzzled.

The Attorney General: I would like to know, on what ground is the hon. Member speaking now? Is the hon. Member seconding it? I understand the hon. Mover has accepted it.

Mr. Speaker: The amendment has been moved and seconded.

The Attorney General: The hon. Member is making an excursion into—

Mr. Ramphal: May I ask if the amendment was accepted? Is it still before the Council?

Mr. Speaker: It has been seconded; it is by reason of that the hon. Member is speaking.

The Attorney General: I do not know if the hon. Mover has accepted it.

Mr. Gajraj: He has accepted it, I considered the provision of funds to pay these people in their old age was an obligation on their employers, and therefore if it was an obligation, there would be no question of charity.

Sir Frank McDavid: I am still waiting to hear the hon. Member speak on the amendment.

Mr. Cummings: Sir, I seek your guidance as to whether I can reply to certain patent inaccuracies in the speech of the hon. Member, Mr. Lee.

Mr. Speaker: In my view, you cannot answer the criticism, or we will debate the motion all over again.

Mr. Cummings: I thought it within my right to correct inaccurate statements.

Mr. Speaker: The mover said he hoped to see these things done, or something like that.

Mr. Cummings: You have ruled, Sir?

Mr. Speaker: Yes.

Mr. Farnum: I think I am sufficiently optimistic to believe that this motion will be carried unanimously, therefore it is not necessary for me to say very much in reply to the debate. I certainly join with hon. Members in expressing our gratitude to Professor Richardson for his very comprehensive Report. I go further: I say that the present generation and future generations will bless Professor Richardson who has given us what I regard as a charter of Freedom From Want. I believe that the Beveridge Plan in the United Kingdom was regarded as a charter to take care of the people of that country from the cradle to the grave. The finances of this country are not adequate enough to afford us social security on such a large scale, but we must be thankful for small mercies. I think what Professor Richardson has recommended will serve us for many years. I would also like to join in the

deserving tribute paid by other hon. Members to Dr. Nicholson and Mr. Debidin, Members of the previous Legislative Council, who were responsible for bringing forward motions urging the appointment of an expert to advise Government on the question of social security.

I am very grateful to the hon. Member, Mr. Macnie, for his constructive suggestions with regard to the establishment of a Contributory Provident Fund. In order to implement that proposal it will be necessary to introduce a Bill, in the drafting of which consideration will be given to the points dealt with by him and other Members.

With regard to Sickness Insurance I can assure the hon. Mr. Macnie that there is no intention to shelve that proposal. It is simply deferred for a time. In the second paragraph on page 11 of his Report Professor Richardson states:

"A contributor would be entitled to draw benefits after he had contributed for 26 weeks. After a waiting period of three days to exclude minor sickness, workers would be entitled to receive benefits in cash at the rate of \$4.00 a week for a period not exceeding four weeks in any one year. These benefits would be paid only on production of an approved medical certificate. Subsequent benefits would be subject to the condition that a worker had contributed for at least 26 weeks since last drawing four weeks benefit, or proportionately fewer contributions if he had drawn benefit for shorter periods."

The allowances are very generous, and for that reason it was decided to defer the proposal in order to get some clarification of it.

One hon. Member expressed the hope that the school feeding scheme would soon be implemented throughout the Colony. It is being done very gradually, and it has been arranged that schools in several outlying dis-

tions of biscuits, milk and cod liver oil. The scheme is so popular that I observe that in many schools large quantities of biscuits have been stolen. Apparently the children cannot wait to be served; they help themselves to a double share.

I know there has been some criticism of the proposed change of "Alms House" to "The Palms," but I would remind hon. Members that there is an avenue of palms in the compound which may be the reason why that name was suggested. I may mention that it was suggested by what are known as the Poor Law Commissioners. Quite a long time ago — I think it was last year — I asked Finance Committee to assist in finding a suitable name but without success, and we had to invite the assistance of the Poor Law Commissioners.

I share the hon. Mr. Macnie's concern about the question of finding alternative accommodation for the people around the sugar estates. I am hoping that with the aid of the Credit Corporation work will be started in various directions, and that our people will learn to help themselves in the matter of building their own homes. We are trying to teach them to get together and co-operate.

We should like to make the payments to the old age pensioners before Christmas. An additional sum of \$50,000 will be required for Public Assistance and \$150,000 for Old Age Pensions will be required to cover the period from July to December this year. These additional sums will bring the total provision for the year to \$680,000. In conclusion I accept the amendment suggested by the hon. Mr. Ramphal yesterday expressing the Council's appreciation of the valuable Report by Professor Richardson.

Question put, and agreed to.

Motion, as amended, carried unanimously.

INCREASED OLD AGE PENSION RATES

Mr. Farnum : I beg to move :

Be it resolved that the amount of pension payable under and in accordance with the provisions of the Old Age Pensions Ordinance, 1944, as fixed in subsection (1) of section 8 of the said Ordinance shall, with effect from the 1st day of July, 1954, be varied—

- (a) in the case of a person ordinarily resident in the Georgetown area from four dollars and fifty cents per mensem to seven dollars and fifty cents per mensem; and
- (b) in the case of a person ordinarily resident elsewhere than in the Georgetown area from three dollars per mensem to five dollars and fifty cents per mensem;

And be it further resolved that Resolution No. XXVIII passed by the Legislative Council on the 9th day of March, 1951, be annulled with effect from the 1st day of July, 1954.

This motion is really formal; it is to authorise the payment of the increased rates of old age pension. I have already spoken on the matter in dealing with the previous motion, and I do not think it is necessary for me to say much more, except that, as I mentioned yesterday, the suggestion has been made that the rate for pensioners in New Amsterdam should be the same as that for Georgetown. Government is giving consideration to that suggestion and it is proposed to examine the cost of living in New Amsterdam in order to consider the desirability of making the rates in Georgetown applicable to New Amsterdam. I formally move the motion.

Mr. Garaj seconded.

Mr. Raatgever: Before the motion is adopted I would like to ask the hon. Member why New Amsterdam is not included with Georgetown? I submit that the people in New Amsterdam are entitled to the same treatment as those in Georgetown. It is a principle which I have always advocated in the Executive Council and in the Legislative Council. I was not born in New Amsterdam but I see no reason why New Amsterdam should be regarded as a country district. I think the motion should be amended.

The Financial Secretary: The matter has been considered and is being investigated. If the hon. Member would give his approval to the motion Government would look into the matter to see whether New Amsterdam should be given the same rate as Georgetown.

Mr. Raatgever : As far as I am aware the minimum wage for certain employees is applicable in Georgetown and New Amsterdam. Elsewhere in the Colony there is a different rate. Why in the case of old age pension is there differentiation between Georgetown and New Amsterdam? It is within the power of Members of this Council to have this motion amended if necessary. I have heard Members of this Council refer to the Executive Council as the Government. That is erroneous. We are the Government of this country and it is for this Council to ratify or throw out any measure that we consider wrong. If this motion is carried it would create hardship on the poor people in New Amsterdam while the investigation is being made. I would like to move an amendment. It is for this Council to decide what money should be paid out of the public purse. The Executive Council decides policy and recommends.

The Attorney General : It is not competent for this Council to increase any amount.

Mr. Ramphal : As the matter is under consideration, and in view of the fact that New Amsterdam is very well represented in the Executive Council, I am sure its interests would be well protected in that Council. In this Council also there are a few New Amsterdamers and a few adopted New Amsterdamers, and I am sure they will take very great care to see that the investigations proceed along proper lines and speedily. At present Georgetown and New Amsterdam are not grouped together for social assistance, but they are in regard to minimum wages. The investigation will necessitate further delay in this matter. Professor Richardson's Report was submitted on the 14th of April — over seven months ago. The Administration has been wise enough to avoid any charge in that respect by making the new rates retrospective to the 1st of July. I am appealing to the hon. Member, Mr. Raatgever, not to press his point for an amendment of the motion in view of the assurance that the matter is being investigated.

Mr. Raatgever: I am pressing the point. I think it creates a hardship on the people of New Amsterdam. For early closing purposes and for the purpose of a minimum wage for employees New Amsterdam and Georgetown are bracketed together. Why should there be this differentiation now? If the poor people must get this relief, I think we should give it now. It is true that we cannot change the money here except the Governor in Council approves, but we can recommend that it be done and that immediately. That is what I propose to do. On the other hand, we can hold up the motion until it is done. I have been a Member of this Legislature

for nearly ten years, and I know that we can do that. If you allow me, Sir, I would move an amendment.

Mr. Speaker: The hon. Member has the right to move an amendment to the recommendation. Does the hon. Member propose to move an amendment?

The Attorney General: The whole point is this: having had an assurance by the hon. Member in charge of the measure that this matter is being actively investigated now. Obviously that is because of the necessity for being satisfied as to the desirability of relating the payments of New Amsterdam to those of Georgetown. Consequently the hon. Member, although there may be some merit in what he has said, must appreciate the fact that before the Executive Government can present to the Legislature their decision as to this matter, the report of the investigation which is in train should be before them. I think the hon. Member, having had that assurance from the hon. Member for Local Government including other Members of this Council, should be satisfied with that assurance and, I take it, agree that the matter should come before this Council as soon as possible.

Mr. Correia: I would like to join the hon. Mr. Raatgever in respect of New Amsterdam, and I would also like to include Bartica. I think the cost of living in Bartica is higher than in Georgetown and, therefore, Bartica should be considered if New Amsterdam is to be considered.

The Attorney General: I may anticipate the hon. Member, Mr. Phang, in regard to Morawhanna also.

Mr. Speaker: Apart from the question of the cost of living. I think it is because opportunities for employment are less in New Amsterdam than in Georgetown. There are

more people not employed at all there and a large number of people who are destitute. That is the point. Would any other Member like to speak?

Mr. Tello: I would like to support the motion as it stands. Indeed I am surprised that there is contemplation of moving an amendment which would entail delay, as I see it. If the motion goes through as it is, without amending it and creating delay, we would earn the gratitude of the people it is intended to serve. The assurance from the hon. Member for Local Government that steps will be taken to implement the motion and pay this money before Christmas is, of course, worthy of consideration. I am certain that those people who are involved, on reading the assurance given by the hon. Member that consideration will be given and investigation made into their claims to be placed on the same basis as Georgetown, would have their fears removed as to any attempt being made to be unjust to them. I think anyone who entertains any degree of fear that this Government has no intention of implementing these progressive measures as early as possible should regard the passing of this motion as evidence of the good intention of Government and of Government's sincere intention of reaching right down to the people who are most urgently in need of assistance. Often good intention can serve to be a detriment to the attainment of the very goal desired.

In spite of the experience of my good friend across the table (Mr. Raatgever) from whom I have learnt a great deal since I have been here, I think I have been associated with these humble people far more than he and I am more qualified to speak for them. I want to say that these people, grouped all over the whole Colony, much prefer to have this motion go

[Mr. Tello]

through as speedily as possible and receive their back-pay which, as the popular saying goes, will be regarded as a Christmas Bonus. I am very pleased that this matter has been dealt with so expeditiously, and I trust that in future these old age pensions will be watched with the greatest care.

I am opposed to any effort or any means of trying to slow down our approval to the implementation of this measure that must reach the people who are in a rather destitute situation. It has been said here by one Member that for some time now in and out of this Council this matter has been discussed, and there has been unanimous clamour to raise the value of these pensions and also to reduce the Means Test. Now that a decision has been taken, I think nothing should be done to prevent its expeditious implementation.

Mr. Cummings (Member for Labour, Health and Housing): Mr. Speaker, as one born in New Amsterdam it is but natural that I should wish to see New Amsterdam, which I consider an urban area, placed in the same category as Georgetown. I know that the hon. Member, Mr. Raatgever, feels that we must do what is fair. As I see it, the Executive Council is in this position we would like to do what is fair but we are not sure of what is fair. Consequently we want to make an investigation. If that investigation is in favour of New Amsterdam being treated on the same basis as Georgetown, the emoluments are retrospective as from the 1st of July. Therefore I cannot see that we would in any way affect adversely the people of New Amsterdam by waiting on that investigation. I am sure my hon. friend, Mr. Raatgever, is not suggesting that we should rush and do

something arbitrarily without considering the *status quo*.

So far as Social Assistance is concerned, there is a differentiation between Georgetown and New Amsterdam, but we feel that it may not be the correct thing to do that and we want to investigate the matter. I think it is reasonable to ask that my hon. friend accept the assurance that has been given and support the motion as it is.

The Attorney General : May I be permitted to express one point, and that is this: it is clear that this Council cannot make any increases, and consequently the only thing that this Council can do is to make recommendations. But naturally the result of such recommendations is dependent on enquiry by the Executive Government. That being so, we have already reached that position, as the hon. Member for Local Government has already told this Council that that enquiry is on the way. He has also given the assurance that he would endeavour to expedite that enquiry. That being so, it is not necessary—if I may be permitted to say so without offence to the hon. Member, Mr. Raatgever,—to add that amendment to what we are now considering, because it is already being done. But the hon. Member has the assurance of the hon. Member for Local Government.

We all appreciate the fact that the hon. Member, Mr. Raatgever has brought that phase of the matter to the attention of this Council, emphasizing the desirability for making provision for New Amsterdam in the same way as is being made for Georgetown, and that there should be no differentiation between the two towns from the point of view of social security. In some instances Georgetown and New Amsterdam bear the same

burden, and in some other instances there is a difference. Therefore what the hon. Member is saying, is that there should be no differentiation, and we fully appreciate that.

Mr. Speaker : The hon. Member, Mr. Tello, rather fears that if this amendment is accepted it would postpone the payment, but I do not think it will interfere with that being done. It is only a recommendation, and even if it is accepted by the Council it would not interfere with the payment.

Mr. Kendall (Member for Communications and Works): I am glad to see there are so many friends in this Chamber who are sympathetic with New Amsterdam, and I know, Sir, that this matter has been discussed in another place. The hon. Member on my left (Mr. Farnum) has given an assurance which I accept. The only thing I would like to say now is this: I sincerely hope that my hon. friend, Mr. Ramphal, who is our Labour Commissioner, would see to it that the necessary information to bring about the speedy findings of the investigation would be made, so that the people of New Amsterdam who should benefit would receive that benefit early.

Mr. Tello : I would just like to explain that my fear was founded on the fact that the hon. Member, Mr. Raatgever, threatened the delay of payment.

Mr. Speaker: It cannot be done.

Mr. Luckhoo: What I would like to ask is this: can the hon. Member assist me by pointing out any similar case where reference is being made to a town and Georgetown is singled out and New Amsterdam is excluded? In other words, is there any legislation referring to a town where George-

town is named and New Amsterdam is omitted? For example, so often we find that when various licence taxes are mentioned Georgetown and New Amsterdam are grouped together with the very rate, which is higher than that for the other parts of the Colony.

I think the hon. the Attorney General is right that so far as we can go is merely to make recommendation. But I feel that if that recommendation carries with it the full force and weight of the Members of this Council, it would receive adequate and weighty consideration in the Executive Council. I am strongly in favour of the recommendation and am grateful to the hon. Member, Mr. Raatgever, for having drawn our attention to it. I am prepared to give it full support as a recommendation, and I hope that Government or the Executive Council would also give it the consideration it deserves.

Mr. Rahaman : This is the time and place when a motion is before this Council for any amendment, whether it is adding to or deleting from the motion. I do not think we should wait for any investigation. I think this is the time for any desired amendment to this motion.

The Attorney General : I am surprised to hear the hon. Member say we can decide this matter without an enquiry. We are Members of a responsible Legislature, and it is desirable that these matters should be investigated otherwise when the aftermath and difficulties come we cannot just say, "We did it right away without going into the matter." Even the hon. Member who introduced the suggested amendment has emphasized the fact that it would be a recommendation, because he understands, and knows, and appreciates that it would be necessary to investigate after the Council

[The Attorney General]

has recommended. So I do not think the hon. Member is quite right.

Mr. Speaker : I may suggest, before the hon. Member moves his amendment, that as we have the assurance by at least two or three Members of the Executive Council that the matter is under enquiry, it has become the practice in such cases not to press an amendment of the kind proposed when the Member in charge of the matter will be expected to announce when a decision has been made. Therefore, I think, if the hon. Member gives that undertaking the hon. Member (Mr. Raatgever), who has been a Member of the Executive Council and knows very well that the hon. Member would not say the matter is under consideration if it is not so, should accept it. It is not like an assurance given by an ordinary Member. I suggest it is the duty of the hon. Member in charge of the motion to make a note of all that has been urged in the debate and inform the Members of the Executive Council what has been said.

Mr. Bobb : What is in my mind in respect of this matter is the question of procedure, as I am new to this Council. What I would like to know is, when a motion is brought to this Council and the hon. Member in charge of it knows that it is being put to the Council almost conditionally—that is to say, an investigation is in progress in respect of it—is it not helpful or desirable that such condition should be stated, so that there will be no need for consideration of an amendment? As it is, one would be inclined to say, if no mention is made about the condition and there is nothing in the preamble to indicate that an investigation is in progress, that it should be done. I just raise it as a question of procedure.

The Attorney General : The whole point is, the hon. Member, Mr. Raatgever, raised the point and the hon. Member in charge of the motion said that that particular aspect has not been ignored and in fact is being actively investigated. That being so, as a Member of the Executive Government his reply normally should satisfy hon. Members of this Council. It is not a question of a part of the motion having been omitted. It is a question of elucidating information from the hon. Member who introduces the motion. The hon. Member having introduced the motion, the hon. Member, Mr. Raatgever, expressed his views on it and at the same time followed that up by proposing an amendment. The hon. Member who moved the motion then said that the matter was actively engaging attention and was already discussed in some form by the Executive Government. That procedure is as good as if it was put in the form of a motion.

Mr. Carter : The motion is before the Council and it must either be adopted or thrown out. If in our opinion the motion should be amended, we should have the right to amend it. The only reason I will not support this amendment is because of the urgency of this matter, otherwise I will strongly support it. You cannot tell me that this country has not got a department that looks after the statistics of British Guiana, that one can apply to and find out what is happening in New Amsterdam or any part of the Colony on any question one wants to know.

Mr. Speaker : I think I can answer the hon. Member. The recommendation is one that does not necessarily involve expenditure of money. You cannot move a motion that a certain expenditure be undertaken. The only thing that you are entitled to do is to make a recommendation that the expenditure be incurred. The other point

is, if in the course of the debate some proposal is made that has not received the consideration of the Executive Administration, you are entitled to press for an amendment, but if in point of fact the proposed amendment is already being considered, it is not the usual practice to move that amendment but, with the assurance of the Mover, the motion is accepted. That is good parliamentary practice. So there is no necessity to move the amendment. There is an obligation on the Member in charge of the motion to let this Council know if any decision has been arrived at.

Mr. Raatgever: In view of your suggestion, Sir, and the assurance given by various Members of the Executive Council I am not going to press the amendment, but I would like to make it clear that while I am aware that under the present Constitution a Member does not have the right to initiate money measures, I am also aware of the fact that we have control over the purse-strings and we can refuse to vote anything. If a recommendation is made in the form of an amendment the Administration has to give serious consideration to our recommendation as we have the right to throw out measures that come before us. We are here, after all, as representatives of the people of the Colony although we are nominated, and as such we have a constitutional right to say on behalf of the people what money should be spent and what money should not be spent. The Executive Council decides matters in principle and it is for us to accept them or not.

I am going to accept this assurance and leave it to the hon. Member who moved the motion on the understanding that proper consideration should be given to it. However, nothing I suggest is intended to hold up paying the

money. It would have been paid. It would not take a very long time to carry out the investigation. As the hon. Member, Mr. Ramphal said, the Administration was sitting on this report for six or seven months during which time this investigation could have been made as to whether the cost of living and the standard of living in Georgetown and New Amsterdam were exactly the same. There was ample time.

Mr. Ramphal: May I be permitted to make one observation arising out of the statements of the last speaker on the question that this is an Interim Constitution, and because of that we are precluded from tying to or removing from this motion, an amendment. I want to say for the purposes of the record that in the finest constitution in the world, the mother of Parliaments, it is the Administration alone that can initiate any money Bill. I am sure my friend is very loyal to the ancient rights of the Administration.

The Attorney General : But what the hon. Member did say was that under the present Constitution we may not be able to initiate a money Bill. But under the present or the past constitutions the position is the same in matters regarding money: it has to flow from the Executive. I do not wish it to be thought that any special measure precludes this particular Legislature from privileges that existed before.

Mr. Lee: I would like to say that the Government or the Executive Council is playing with fire. Let us assume for argument's sake that New Amsterdam should be considered and the Government as it stands wants to force the pace and vote against it. It means that the motion will be thrown out. The policy that Government should

[Mr. Lee]

adopt is to ask that it be deferred and come back with an amended motion. But to force it down our throats and say that consideration will be given to New Amsterdam: when will that be? Another year?

The Attorney General: Nobody has suggested it should be forced down anybody's throats. The hon. Member is being unreasonable. All that is being done is this: we are saying, "Let us have the money to satisfy the need immediately in connection with all to whom this resolution applies; at the same time we want it understood that there is no difference between Georgetown and New Amsterdam."

Mr. Gajraj: I think it might soothe the troubled breast if I say this. At the present time in making a payment of \$4.50 we have Georgetown as separate from the rest of the Colony of British Guiana. It is not that we are making a change in the present set up. Government is merely carrying out this proposal so as to expedite things. That is all it aims at. But the idea has been considered, and very seriously, that New Amsterdam be considered and that is why an investigation is being taken. But when we come back there might be some prayer from people in Kitty or Bel Air saying that they too are living in the suburban areas, and therefore they should be considered. There is no limit. Are we going to keep these areas waiting and hold up this thing? I do not think any Member would wish to hold up anything at this time.

Mr. Speaker: Would the hon. Member like to reply?

Mr. Farnum: I gave the assurance yesterday that the investigation would be carried out. I repeat it today. Actually, investigations have already started along those lines.

Question put, and agreed to.

Motion carried.

INCOME TAX (AMENDMENT) BILL

The Financial Secretary: I beg to move the second reading of the Bill intituled:

"An Ordinance further to amend the Income Tax Ordinance with respect to Exemption from Income Tax."

Mr. Cummings seconded.

The Financial Secretary: This Bill is very short, and is one brought forward in pursuance of an Agreement this Colony entered into with the Foreign Operations Administration of the Government of the United States in connection with Technical personnel who are actually in the Colony and assisting us in connection with the Development Programme. When these Officers came they were told they would be exempt from income tax and this is what this Bill seeks to do.

I beg to move that this Bill be read a second time.

The Attorney General seconded.

Mr. Speaker: Does any one else wish to speak?

Question put, and agreed to.

Bill read a second time.

Council resolved itself into committee and passed the Clauses as printed.

Council resumed.

The Financial Secretary: I beg to move that the Bill be read a third time and passed.

The Attorney General seconded.

Question put, and agreed to.

Bill read a third time and passed.

PUBLIC HEALTH (AMENDMENT) BILL

Mr. Cummings: I beg to move the second reading of the Bill intituled:

"An Ordinance further to amend the Public Health Ordinance, 1934."

Under Section 135 of the Public Health Ordinance, 1934, where the owner of the land desires to sell, lease, rent or grant such land in separate lots to any person or to lay it out for building purposes he is obliged to submit to the Central Board of Health a plan showing the manner in which it is proposed to sub-divide the land and the streets, roads and means of access to each lot and the provision for drainage. Under these provisions, before the transport of any such land can be advertised the owner must obtain a certificate from the Board that the means of access to and drainage of each lot have been provided on the plan and no building operations may be commenced on the land until the works specified in the plan have been executed by the owner.

The objects of the Bill is to amend the provisions of section 135 of the Ordinance so as to provide that the transport of any such land shall not be advertised until the means of access to and drainage of each lot as shown on the plan approved by the Board have actually been provided.

I beg to move the second reading of this Bill.

The Attorney General: I beg to second the motion, and for the benefit of those hon. Members who have not got the original Ordinance before them, I will quote the relevant subsection, (3):

"The Registrar shall not advertise the transport of any land, nor shall it be trans-

ported, until the owner has deposited the plan as aforesaid and also a certificate signed by the secretary that the means of access to, and the drainage of, each lot have been provided on the plan to the satisfaction of the Board."

These last words are being deleted and in their place are being substituted, as will be seen, the words, "have been provided in accordance with the plan to the satisfaction of the Board." And that achieves the object to which the hon. Member has referred to in moving the Bill.

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE

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

Clause 1—*Short title.*

Agreed to.

Clause 2. —*Amendment of section 135 (3) of the Principal Ordinance.*

Mr. Ramphal: What is the position of those people who have received possession of land without the pre-requisites having been satisfied? Would they be able to build on the land?

Mr. Cummings: That is the very reason for this proposed amendment. It has been found that a person would lay out land to dispose of to others for building purposes. Under the existing Ordinance such a person would go to the Registrar with a plan showing the works proposed to be done; transport was advertised and title given to the purchaser. The Central Board of Health would refuse to allow the purchaser to build on the land if the necessary works had not been done in accordance with the plan. It is now sought through this Bill to prevent an advertisement of transport unless the works shown on the plan have been actually executed.

The Attorney General: We are going a little back into the procedure and stopping the advertisement at the source. This amendment provides that no steps should be taken until the works have been carried out.

Mr. Cummings: May I add this further. I think the hon. Member's question was also intended to find out whether this new provision would be retrospective. There is no provision for its being retrospective. Those unfortunate people would either have to execute the works themselves or take some action to compel the previous owner to do so.

Mr. Ramphal: That is exactly what I was thinking. There are some unfortunate people who cannot build now because the works have not been executed.

The Attorney General: I may point out that subsection (4) of section 135 of the Principal Ordinance provides:

"(4) No building operations on any land aforesaid shall be commenced by any person until such works as specified in the plan approved as aforesaid shall have been executed by the owner to the satisfaction of the Board by a certificate signed by the secretary."

Mr. Ramphal: A second certificate must be obtained from the Board of Health before a person could build. I was wondering whether any provision could be devised to assist those people.

Mr. Cummings: I will undertake to give consideration to the hon. Member's suggestion.

The Attorney General: I take it that the hon. Member does not wish to defer consideration of this Bill.

Mr. Ramphal: Not at all.

Mr. Luckhoo: The purpose of this amendment is to protect purchasers, so that when they have obtained transport they would not be met with a request to do works which should have been done by the vendor.

Clause 2 put, and agreed to.

Title and enacting clause agreed to.

Council resumed.

Mr. Cummings: I move that the Bill be now read a third time and passed.

The Financial Secretary seconded.

Question put, and agreed to.

Bill read a third time and passed

RENT RESTRICTION (CONTINUANCE) (AMENDMENT) BILL

Mr. Cummings: I beg to move the second reading of a Bill intituled:

"An Ordinance to amend the Rent Restriction (Continuance) Ordinance, 1954".

In doing so I may indicate that I propose in Committee to seek an amendment to clause 2 by substituting the word "fifteenth" for the word "thirteenth" day of January.

Section 16 (1) of the Rent Restriction Ordinance, 1941, as amended by section 7 of the Rent Restriction (Amendment) Ordinance, 1947, made provision for the Ordinance to continue in force up to and including the 31st December, 1951, and empowered the Legislative Council to extend the duration of the Ordinance by resolution for further yearly periods prior to the due date of its expiration. The Ordinance was continued in force for a period up to and including the 31st December, 1953, by Resolution L of the Fourth Session of the Fourth Legislative Council published in the *Gazette* dated the 13th December, 1952. After the suspension of the Con-

stitution on the 9th October, 1953, there were no more sittings of the Legislature for the rest of the year, and it was therefore necessary to enact the Rent Restriction (Continuance) Ordinance which came into effect on the 16th January, 1954, with retrospective effect as from the 1st January, 1954.

It appears, however, that for the first 15 days of 1954, so far as the public were aware, the Rent Restriction Ordinance was not in force. This period has been covered retrospectively. As however, certain sections of the Rent Restriction Ordinance create criminal offences, it would be wrong in principle for anyone to be convicted under such sections for an act committed between the 1st January, 1954, and the 15th January, 1954, and accordingly this Bill seeks to add a proviso to section 2 (1) of the Rent Restriction (Continuance) Ordinance, 1954, to the effect that no person shall be liable to be prosecuted, convicted or punished under the provisions of the Rent Restriction Ordinance for any act or omission between the 1st January, 1954, and the 15th January, 1954, inclusive.

I move that the Bill be read a second time.

The Attorney General seconded.

Question put, and agreed to.

Bill read a second time.

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

Clause 1. — *Short Title.*

Agreed to.

Clause 2.— *Amendment of section 2 (1) of the Principal Ordinance.*

Mr. Cummings : I move that the word "fifteenth" be substituted for the

word "thirteenth" in the last two lines of clause 2.

Clause 2, as amended, agreed to.

Title and enacting clause agreed to.

Council resumed.

Mr. Cummings: I beg to move that the Bill be now read a third time and passed.

The Attorney General seconded.

SUPPLEMENTARY APPROPRIATION (1955)
(No. 2) BILL

The Financial Secretary: I beg to move the second reading of a Bill intitled:

"An Ordinance to allow and confirm certain additional expenditure incurred in the year ended the thirty-first day of December, 1953."

The sum for which this Bill seeks appropriation is \$299,277.64. This expenditure was incurred without any authority and only came to light after the accounts of the Colony had been closed in 1953. As it was covered by no other Appropriation Bill passed during the year, it is now necessary to seek the approval of the Council for the expenditure.

The Attorney General seconded.

Question put and agreed to.

Bill read a second time.

Council resolved itself into Committee to consider the Bill clause by clause and passed the Bill as printed.

Council resumed.

The Financial Secretary: I move that the Bill be now read a third time and passed.

The Attorney General seconded.

Question put and agreed to.

Bill read a third time and passed.

FACTORIES (AMENDMENT) BILL

Mr. Cummings: I beg to move the second reading of the Bill intituled:

"An Ordinance further to amend the Factories Ordinance, 1947."

This is a very simple measure. The definition of the word "factory" in the local Ordinance differs from that in the U. K. Factories Act. The effect of the difference in the definition has been, as is stated in the Objects and Reasons, paragraph 2, that employers had to pay a large number of employees in certain concerns who were deemed to be factory workers within the meaning of the local Ordinance while it was never intended that those people should fall within the proper ambit of the definition of "factory". It is now sought to remedy that by adding the following proviso to section 2 of the Principal Ordinance:

"Provided that no place situate within the close, curtilage, or precincts forming a factory and solely used for some purpose other than the processes carried on in the factory, shall be deemed to form part of a factory, but such place shall, if otherwise it would be a factory, be deemed to be a separate factory".

In other words employers would not now have to pay overtime rates to clerical workers and that type of persons, merely because they work in the same building.

I move that the Bill be read a second time.

The Financial Secretary seconded.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into Committee to consider the Bill clause by clause and passed the Bill as printed.

Council resumed.

Mr. Cummings: I move that the Bill be now read a third time and passed.

The Financial Secretary seconded.

Question put and agreed to.

Bill read a third time and passed.

NEW AMSTERDAM TOWN COUNCIL (AMENDMENT) BILL

Mr. Farnum: I beg to move the second reading of a Bill intituled:

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

The objects and reasons for bringing forward this Bill are to effect certain changes in the provisions of the New Amsterdam Town Council Ordinance, 1949, which have been shown to be desirable since the coming into operation of the Ordinance on the 19th November, 1949. Clause 2 seeks to remove doubts regarding the taking by Councillors of their oaths of office. Provision is made for the oaths to be taken at the first meeting of the Council and for them to be administered by the Town Clerk. Clause 3 seeks to provide that the Deputy Mayor shall be elected at the meeting summoned for the election of the Mayor, and that the Mayor-elect shall preside and have a casting vote at his election. Paragraph (d) of the said clause seeks to make provision for the election of the Deputy Mayor at the first meeting of the Council after the election of the Mayor in the event of failure to elect the Mayor at the meeting summoned for his election. The object of this clause is to remove doubts regarding the procedure for electing the Deputy Mayor.

Clause 4 seeks to provide, pursuant to the change in the date of his election, that the Deputy Mayor shall take the

oath of office not forthwith on his election but at some time before he exercises any of the functions of his office. Paragraph (c) of this clause seeks to provide that the Deputy Mayor shall be ex-officio a Justice of the Peace in relation to the Town of New Amsterdam. Clause 5 seeks to enlarge the provisions of section 93 of the Ordinance by providing that no disqualification or want of qualification shall invalidate the acts of a person elected a councillor and acting in that capacity. Clause 6 seeks to provide that the Town Clerk shall be ex-officio a Justice of the Peace in relation to the Town of New Amsterdam.

Clause 7 seeks to enable the Governor in Council to extend the time within which an appraisalment required under the Ordinance shall be made. The immediate object of this clause is to avoid the necessity of having a general appraisalment before the details of the proposed new method of valuation have been fully worked out. Clause 8 seeks to increase the poundage rates provided in the Principal Ordinance. Clause 9 seeks to confer on the Town Council of New Amsterdam the powers enjoyed by the Georgetown Town Council in relation to the exhumation of corpses unlawfully buried in the Town.

The object of clause 10 is to permit the Council to carry forward into the following financial year debts and overdrafts incurred during the expiring year. Clause 11 seeks to make provision for the increase, reduction or abolition by resolution of the Council of any fee or charge fixed under any by-law made in accordance with the provisions of the Ordinance. Its object is to avoid the necessity of having recourse to the Executive Council in respect of any increase in any such charge which from time to time becomes desirable.

I beg to move that the Bill be now read a second time.

Mr. Tello seconded.

Question put, and agreed to.

Bill read a second time.

Mr. Ramphal: There is a very important point which the hon. Member, Mr. Raatgever, is going to raise.

Mr. Farnum: I believe there is going to be some discussion in Committee.

Mr. Speaker: Then we will leave the Bill at this stage. I adjourn Council to next Thursday, 2nd December, at 2 p.m.