

LEGISLATIVE COUNCIL

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

FRIDAY, 2ND NOVEMBER, 1956

The Council met at 2 p.m.

PRESENT

The Deputy Speaker,
Mr. W. A. Macnie, C.M.G. O.B.E.—
In the Chair.

Ex-Officio Members

The Hon. the Chief Secretary,
Mr. F. D. Jakeway, C.M.G., O.B.E.

The Hon. the Attorney General,
Mr. G. M. Farnum (Ag.)

The Hon. the Financial Secretary,
Mr. F. W. Essex.

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—on leave.

The Hon. L. A. Luckhoo, Q.C.

Nominated Officials

Mr. J. I. Ramphal

Nominated Unofficials

Mr. T. Lee

Mr. W. A. Phang

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

Mr. R. B. Jajal

Clerk of the Legislature —

Mr. I. Crum Ewing

Assistant Clerk of the Legislature

Mr. B. M. Viapree Ag.)

Absent:

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

The Hon. R. C. Tello—on leave.

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

Mr. Sugrim Singh

The Deputy Speaker read prayers.

ANNOUNCEMENTS

Mr. Deputy Speaker: Hon. Members, I have to announce that leave has been granted to the Hon. R. B. Gajraj from the 3rd to the 16th November as Mr. Gajraj will be out of the Colony on official business for that period.

EARLY ADJOURNMENT

I also wish to announce that if the Council is still in session at 4.15 this afternoon I propose to adjourn the sitting in order that certain hon. Members, including myself, may be able to attend a funeral.

MR. RAMPHAL WELCOMED BACK

I am sure that hon. Members would wish me to welcome back to the Council the hon. Member, Mr. Ramphal, who, we hope, has returned with even more vigour and fresh from his holiday overseas.

PAPERS LAID

The Chief Secretary: I beg to lay on the table:

Annual Report of the Probation Service for the year 1955.

Statement on Training and Scholarship awards to Public Officers and candidates for appointment to the Public Service of British Guiana.

I think hon. Members will find the information contained in the Statement on Training and Scholarship awards of particular interest in relation to the motion standing in the name of the hon. Member, Mr. Lee, on the Order Paper regarding recruitment to the Public Services,

ORDER OF THE DAY

Public Utility Undertakings and
Public Health Service Arbitration
Bill

Mr. Cummings (Member for Labour Health and Housing): I move that Council resolves itself into Committee to resume consideration of the Bill intituled:

"An Ordinance to provide an Arbitration Tribunal for the settlement of disputes in public utility undertakings and in certain services and to prohibit strikes and lock-outs in such undertakings or services, in certain circumstances, and for purposes in connection therewith."

Hon. Members will remember that clause 16 was deferred as a point of law was involved.

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to.

Council in Committee.

Clause 16.—*Evidence.*

Mr. Cummings: I have had an opportunity of consulting the hon. the Attorney General on this clause and I think it would be best for me to let him deal with the subject.

The Attorney General (Mr. Farnum, acting): I have gone into the question of the wording of clause 16 and I am of the opinion that the amendment suggested by the hon. Member, Mr. Lee, does not appear to be really necessary or desirable. I may point out that this type of wording has been used before, and occurs in the Labour Arbitration Proceedings Regulations made under the Labour Ordinance, in which there are provisions for arbitration, and in those Regulations provision is made for the Tribunal having power to summon wit-

nesses, and they contain exactly the same proviso. In addition to that the relevant Jamaica and Trinidad legislation contains the identical wording.

It appears to me that there may be a reason for that, arising out of the fact that there is no requirement that the Tribunal should consist of trained lawyers. As I said on the last occasion, it is my view that the proviso to clause 16 of this Bill would not preclude the Tribunal from investigating or going into the *bona fides* of an objection of a witness, as distinct from making a ruling on the legal effect of the production of a document or of the answer to a particular question. For these reasons I do not think the hon. Member's amendment desirable or necessary, and I suggest that the clause be passed as printed.

Mr. Correia: We are in a very awkward position; Mr. Lee is not here. He is a barrister, but as a layman I still feel that clause 16 is negated by the proviso. I think it would be fair to allow Mr. Lee an opportunity to hear what the learned Attorney General has said.

Mr. Deputy Speaker: He is now entering the Chamber. Has the hon. the Attorney General any objection to repeating what he has just said?

The Attorney General: I do not promise to repeat what I said in precisely the same words; that would be very difficult. As you are aware, sir, I explained to the Council that I did not think the amendment proposed by the hon. Member, Mr. Lee, was really necessary, and I pointed out that in my view the proviso to clause 16, as worded, would not preclude the Tribunal from investigating the *bona fides*, of a witness, and having regard to the fact that there is no provision for the Tribunal to consist of trained lawyers, my hon. friend would be the

first to realize that it might be undesirable to empower the Tribunal to decide what would be the legal effect of an answer to a question, or the legal effect of the production of a document in so far as a witness is concerned. I also pointed out that in the corresponding legislation in Trinidad and Jamaica there is precisely the same proviso, and we ourselves have used this form in the Regulations made under the Labour Ordinance of 1942. That, in effect, is a summary of what I said.

Mr. Lee: If the learned Attorney General has advised the hon. Member in charge of the Bill that this clause is what is required, I have no objection, but as a lawyer sitting here as a Member of this Council, I say that the proviso entirely nullifies the object of clause 16. If Government proposes to set up an Arbitration Tribunal to inquire into labour disputes in essential services I think the Tribunal should have the power to compel a witness to answer a question, so long as they decide that the reply to the question would not incriminate the witness. If a witness is entitled to refuse to answer a question because he thinks it would incriminate him, and there is no penalty attached to such refusal, I think the whole proceedings would become a farce.

For instance, if a union decides that its members employed in an essential service should go on strike, an entry to that effect would be made in its Minute Book which would be in the custody of the secretary of the union. The secretary is summoned by the Tribunal and declines to produce that book when requested to do so. How can the tribunal then decide that these individuals, who are acting under union laws, are guilty of an offence? Don't Members see that this provision is of a contradictory nature? If the hon. Member is willing to accept it as

[Mr. Lee]

it stands, then I will say nothing more but my objection will be in *Hansard*. The only other thing I can do is to ask at the third reading stage that the Bill be deferred.

The Chairman: The hon. Member can move an amendment to the clause.

Mr. Cummings: The hon. Member referred to the Member in charge of the Bill being satisfied with the Attorney General's point. The position of a Member in charge of a Bill, as I understand it, is this: he does not come here to express his own opinion on questions of law, because, constitutionally, the Attorney General advises the Government in that respect. Therefore I would be wrong if I did not say that that was the Government's view. If it is now a question of another legal opinion being before the Committee, then let the hon. Member move an amendment and this Council will take the final responsibility for whatever is advised.

Mr. Lee: Thank you. I will move an amendment, that the words, "without being bound by the rules of evidence in civil and criminal proceedings" be deleted.

The Attorney General: On a point of order: May I ask whether the hon. Member would make a draft? I wonder if I can assist him.

Mr. Correia: Would the hon. Member speak a little louder?

The Attorney General: I was saying that I would assist my friend with a form of amendment that would meet with his views.

The Chief Secretary: If I may interject a few words at this stage: I am not a lawyer, but as a layman I cannot see the point in the hon. Member's statement that this reduces the effect

of the law to a farce. This tribunal is to decide on the evidence put before it, whether or not there is justification for the case put before it by either side in the dispute. If one side or the other declines to give evidence that is relevant to the dispute, then it would be damaging its own case and the tribunal would draw its own conclusions.

Mr. Lee: Perhaps the Chief Secretary misunderstood what I was saying. It is not irrelevancy that I am talking about. I am saying that this proviso nullifies the tribunal's powers. If a tribunal is set up to inquire into a dispute between employers and workers in an essential service and duly make a report and either side refuses to produce a document or answer a question before that tribunal, what would be its duty in the matter? It will ignore that evidence and that will not give justice to the cause.

If the learned Attorney General is going to move an amendment in preference to the one which is here —

Mr. Cummings: No —

The Attorney General: On a point of correction, I am not going to move it, but the hon. Member may find the form I would suggest would meet with his purpose.

Mr. Lee: I cannot accept it. This is the same thing, only put in another way.

The Chairman: I do not know whether all Members were given a copy of this suggested amendment. I did not want to interrupt Mr. Lee, who, as far as I am concerned, still has the floor.

The Attorney General: There are copies available, sir.

The Chairman: I think all Members of this Council should have copies before them.

Sir Frank McDavid: If the hon. Member is not going to move the amendment, what is the use of circulating it?

The Chairman: I am surprised that it was not circulated.

Mr. Cummings: What happened was this: at one stage the legal advice was that no harm would be done by agreeing with Mr. Lee, although the necessity for his amendment was not there. But later on we decided not to put the amendment; that is, after you were handed one copy so that you could follow it. We are not moving the amendment, so we are not circulating it. However, if the hon. Member is going to move an amendment, then the Attorney General is prepared to assist him by giving him a draft. He can give it back if he does not want it.

The Chairman: On a point of courtesy, if a paper is handed to the Chairman, what is the objection to all hon. Members seeing that paper?

Mr. Luckhoo: May I ask who is moving this amendment, sir?

The Chairman: We do not know yet, but I am asking that it be circulated, as it is a document before the Committee. I do not know if hon. Members agree with me.

Mr. Cummings: Sir, it is not for the Committee to agree; it is your ruling.

Mr. Ramphal: I think that while Mr. Lee was not in his seat the Attorney General made reference to certain rules which are embodied in the Labour Regulations, No. 19 of 1950. Speaking purely from memory, I think Mr. Lee was a Member of the Executive Council when these Regulations were made on 20th July, 1950. I just want to refresh Mr. Lee's memory that

they may be part of his handiwork in the past. They are under the Labour Ordinance, and the proviso at section 3 (2) is almost identical with the wording of the proviso now before us, and it has not proved unworkable but that does not mean that if the hon. Member made a mistake he cannot seek to correct it now.

I wish to add that where any tribunal of this kind is concerned, it is better to leave the matter as it is, and I am sure it would not be found unworkable.

Mr. Correia: If we made a mistake in 1950 I see no reason why we should continue it; also, if Jamaica or Trinidad errs, I do not see why we should err with it.

The Chairman: I take it that the Attorney General has withdrawn or proposes to withdraw the amendment which was included in the Minutes of the last meeting, on page 4.

The Attorney General: "Further consideration of the Bill was deferred to enable the Attorney General to draft an amendment to Clause 16."

The Chairman: Above that.

The Attorney General: I had started to move an amendment. I would definitely like it withdrawn from the Minutes.

The Chairman: The hon. the Attorney General has asked leave to withdraw the amendment to Clause 16 which he moved on 26th October, and which appears on page 4 of the Minutes of the meeting of that date.

Agreed to.

Amendment withdrawn.

The Chairman: Does the hon. Member, Mr. Lee, propose to move an amendment to Clause 16?

Mr. Lee: I beg to move this amendment to the proviso of Clause 16:

"Provided that no witness shall be required to answer any question or produce any document where the answer or the production of the document would in the opinion of the tribunal have a tendency to expose the witness or the wife or husband of the witness to any criminal charge or any penalty or forfeiture."

The Chairman: You stopped at "forfeiture."

Mr. Lee: Yes.

Mr. Cummings: I hope the hon. Member would see his way to take the other words in, as I think they are very necessary.

Mr. Lee: Your Honour, I cannot understand this; I emphasize, in the opinion of the tribunal, not the witness.

Mr. Cummings: No, sir; I do not think the hon. Member understands. I agree with the form he is putting his amendment in, but I am suggesting to him that if this amendment is carried, it ought to be carried with the words, "or on any other lawful ground." What I am suggesting is, that he take the whole draft.

Mr. Lee: Can the hon. Member say whether they accept the amendment?

Mr. Cummings: How can we accept the amendment when it is contrary to the Attorney General's advice. I am saying that for the purpose of the amendment the hon. Member should not leave out any words which appear to be necessary.

Mr. Lee: Let the tribunal be the body to decide whether a question should be answered or not. That is why I stopped at "forfeiture"; and the wording of Clause 16 is not exactly the same as section 3 (2), to which Mr. Ramphal referred, for the latter carries a penalty "not exceeding forty-eight dollars" for any person who fails to comply with the provisions of any notice signed by the Chairman of the tribunal. That is the witness's privilege in any Court proceedings not to answer any question or to produce any document which may incriminate him. Who is to decide to compel him to answer the question or to produce the document? Is it not the Tribunal? That is what I would like to point out. I therefore move the deletion of the proviso in clause 16.

Mr. Luckhoo: I cannot personally agree to that amendment. I think the whole approach is entirely wrong. It is not something objective but subjective. It is not for the criminal to determine whether the question or the document would incriminate him. A person, who is fully aware of what his answer would lead to or what the production of a document would lead to can by virtue of this proviso make full use of it. What you are merely doing is shifting from the subjective and placing it on the Tribunal. The point has been made by the hon. the Chief Secretary that if anyone attempts to be facetious and attempts to escape answering a question which is simple in manner and form, he can obstruct the normal progress of the enquiry. This is a valuable safeguard not only in this Bill but in many parts of the laws. Personally I think it should be maintained.

The Chairman: Does any other Member wish to speak to the clause on the amendment put by the hon. Member, Mr. Lee?

Rev. Mr. Bobb: I wish to make one point. It does appear to me that there is one qualifying phrase in the proviso that makes this amendment necessary. In line 2 of the proviso as printed it says: "on the ground that it will tend to incriminate him." The fact that it is on the ground of incrimination lies, to my way of thinking, in the nature of the document or the nature of the question which may be produced or answered. It does not seem to me to mean that as soon as a witness says he will not answer a question or produce a document willy-nilly he has not to answer the question or produce the document. He must satisfy the Tribunal as to the ground on which he refuses to comply. In that case I think the witness has the right to justify his objection. I therefore do not think there is need for altering the proviso.

The Chairman: I propose to put the clause with the amendment by the hon. Member, Mr. Lee. Hon. Members have heard the amendment. It is the same as that which has been passed around and furnished hon. Members.

Mr. Lee's amendment put and declared lost.

Mr. Lee: Division, please!

<i>For:</i>	<i>Against:</i>
Mr. Lee	Mr. Jaisal
Miss Collins—2.	Dr. Fraser
	Mrs. Dey
	Rev. Mr. Bobb
	Mr. Carter
	Mr. Phang
	Mr. Ramphal
	Mr. Luckhoo
	Mr. Gajraj
	Mr. Farnum
	Mr. Kendall
	Mr. Cummings
	Sir Frank McDavid
	The Financial Secretary
	The Attorney General
	The Chief Secretary—16.

Did not vote :

Mr. Correia—1.

The Chairman: The motion for the amendment is therefore lost.

Question "That clause 16 as printed stand part of the Bill" put and agreed to.

Clause 16 passed as printed.

Mr. Cummings: I do not know whether the hon. Member, Mr. Lee, wishes to pursue the point he was drawing attention to.

Mr. Lee: Yes. Your Honour I am asking that the schedule be recommitted in order that I may move an amendment to insert postal services under Item 11—"The Government Telegraphic, telephonic and wireless services." If the Council agrees I would move that the Schedule be recommitted in order to move that insertion.

Mr. Cummings: I think it is fair that if a point strikes the hon. Member we should give him a chance to be heard.

Question put, and agreed to.

Schedule recommitted.

Mr. Lee: I move as an amendment to Item 11 of the Schedule that the word "postal" be inserted.

The Chairman: The amendment proposed by the hon. Member is the insertion of the word "postal" and a comma between the word "Government" and the word "telegraphic" in item 11.

Mr. Cummings: I have agreed to the recommittal of the Schedule because it is perhaps important that Members of Council should know the reason for the omission of postal services. This point was very carefully

[Mr. Cummings] considered by all concerned with the preparation of the Bill and, I may say, we did think of putting it in, but this is what the Secretary of State said about it:

"As regards the definition of essential services, I am of the opinion that this should be as restrictive as possible and should be confined to those services which are essential to the life and well being of the community. I fully recognise that there is difficulty in some territories, e.g. with services such as transport, in drawing a line between those parts of a service which are vital and those a stoppage of which would cause little more than serious inconvenience. In general, I consider that a service should only be scheduled as essential when the major portion of that service is concerned with amenities a stoppage of which is likely to have an immediate and serious effect on the life and health of the community; and where the essential portions of a service can be separately and clearly defined, those portions only should be scheduled. I should be glad to be consulted before action is taken on any matter of this kind which gives rise to difficulty."

One may feel that certain services are essential, but it is not the object of this Bill to include all such services. We are limiting it to certain services which we all recognize. In the opinion of all who have connection with this type of legislation that it would be wrong to take it further than was originally intended — those services which affect the life and health of the community.

The Chairman: Does the hon. Member wish to pursue his point?

Mr. Lee: Yes. I do wish that.

The Chairman: Does any other hon. Member wish to speak to the Schedule and the amendment proposed by the hon. Member, Mr. Lee?

Mr. Ramphal: I rise to support the hon. Member for Labour. The right to withdraw labour is the funda-

mental right of every worker. The hon. Member wishes to safeguard that as much as possible. This Bill before us, is a restriction of that liberty, and it is recognized in every quarter that wherever such restrictions are to be applied, they must be applied only when the life and health of the community are going to be in jeopardy. And it is the view of the Government for whom the hon. Member (Mr. Cummings) has already spoken that the postal services do not fall in such a category. It is true they were within the prescribed area in the past, but time and circumstances have led to have a second thought on that. I hear the hon. the Chief Secretary now whisper that they are not prescribed services.

The Chief Secretary: I think I am correct in saying that the postal services are not prescribed as such.

Mr. Ramphal: I was speaking from recollection. As hon. Members know, I have just returned. I am not going to join issue with the hon. the Chief Secretary. The point is, we must not restrict the liberty of the individual without the absolute necessity for so doing.

Mr. Lee: Perhaps it is not known to hon. Members of this Council that the employees of the telegraphic and telephonic services are the same as those of the postal services. The Postmaster General is in charge of the telephonic and telegraphic services as well as the postal services and has his seconds in command to answer enquiries. Are we going to separate them from the Post Office and have distinct groups of employees? Why do we not recognize conditions as they exist and apply the provisions of this Bill as they ought to be applied? I am only seeking to add Postal Services to the Schedule because they comprise

the same people as the Telephonic and Telegraphic Services. A postal employee may not belong to the Telephonic and Telegraphic Services but has to carry out telegrams. If you are going to consider the Services of the Post Office, do not do it half way. I think the framers of this Bill were thinking of services existing abroad which we do not have here.

Mr. Cummings: I do not follow the hon. Member's reasoning. I think it is reasonable that some employees in a department may be regarded as coming under the Essential Services Ordinance. It is exactly the same in respect of the employees of the Mayor and Town Council of Georgetown — some come under the Essential Services Ordinance and others do not. It is quite true that in some cases one employee has two functions, but in so far as his functions in an essential service coming under this Bill are concerned, I do not think he is excluded.

The Chairman: I put the amendment moved by the hon. Member, Mr. Lee. Those in favour will say "aye" and those against "no."

Question put, and the Chairman declared the "noes" have it.

Mr. Lee: I ask for a division.

Committee voted as follows —

<i>For :</i>	<i>Against :</i>
Mr. Jaisal	Dr. Fraser
Mrs. Dey	Miss Collins
Mr. Correia	Rev. Mr. Bobb
Mr. Carter	Mr. Phang
Mr. Lee—5	Mr. Ramphal
	Mr. Luckhoo
	Mr. Gajraj
	Mr. Farnum
	Mr. Kendall
	Mr. Cummings
	Sir Frank McDavid
	The Financial Secretary
	The Attorney General
	The Chief Secretary—14.

The Chairman: Motion for the amendment of the Schedule is therefore lost. I shall now put the Schedule as printed, though it is redundant.

Question put, and agreed to.

Schedule passed as printed.

Council resumed.

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

Sir Frank McDavid: I beg to second that.

Question put, and agreed to.

Bill read a third time and passed.

Interpretation (Amendment) Bill

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

"An Ordinance to amend the Interpretation Ordinance."

Section 39 of the Interpretation Ordinance confers power on the Governor to delegate to designated persons certain of his powers, but no such corresponding provision exists in the Ordinance giving the Governor in Council the same power of delegation. That has been found to be a disadvantage in practice in many ways. It means that a number of comparatively minor matters which could perfectly well be dealt with by, for instance, the Member charged with responsibility for the administration of certain Departments and holding the portfolio, have to go through the formality of being put before the Governor in Council before they can become law.

It does inhibit the gradual development of the ministerial system as we envisage it, and as we hope it will

[The Chief Secretary]

develop, because it does not allow the Governor in Council progressively to confer on a person power which he could well exercise. The object of this Bill is to amend the Ordinance so as to give the Governor in Council the same power of delegation as is at present given to the Governor. I would draw attention to the proviso of the delegation which does not allow the Governor in Council to delegate power to hear an appeal or to make regulations, rules or orders. That power must always be exercised by the Governor in Council and cannot be delegated. I formally move that the Bill be read a second time.

The Attorney General: I beg to second the motion.

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.—*Power of Governor in Council to delegate certain powers.*

The Chief Secretary: I am advised by the hon. the Attorney General that the marginal note on the right hand side should not read "Additional section added to Interpretation Ordinance" but "Additional section added to Cap. 5." I therefore move that the marginal note be amended accordingly.

Agreed to.

Clause 2, as amended, put and agreed to.

Title and enacting clause agreed to.

Council resumed.

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

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

Executive and Legislative Councils (Remuneration of Members) (Amendment) Bill

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

"An Ordinance to amend the Executive and Legislative Councils (Remuneration of Members) Ordinance, 1953."

Hon. Members will recall that recently a Select Committee sat to consider new Standing Orders of this Council and submitted a report which has been accepted, and new Standing Orders have been made and approved by the Governor. One of the provisions which, I understand, it was intended to include in those Standing Orders, and which exists normally in Standing Orders of Legislatures, was the power to withdraw remuneration from a Member of the Legislative Council who had been suspended. The Committee was advised, however, that this should not be done by Standing Rules, since it would infringe a Statute which this Bill now seeks to amend. The Ordinance provides that certain remuneration shall be paid without qualification. It would therefore have been out of order to have put that provision in the Standing Orders. That is the reason why this Bill is before the Council, to provide that where a Member is suspended his emoluments would be withdrawn for the period of his suspension. I formally move that the Bill be read a second time.

The Attorney General: I beg to second the motion.

Mr. Deputy Speaker: Does any Member wish to speak on the motion for the second reading of the Bill? It is quite an important Bill. As no Member desires to speak I will put the question "That the Bill be read a second time."

Agreed to.

Bill read a second time.

Council resolved itself into Committee and approved the Bill as printed.

Council resumed.

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

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

Industries Aid and Encouragement (Amendment) Bill

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

"An Ordinance to amend the Industries Aid and Encouragement Ordinance."

The objects of this Bill are very clear. As hon. Members are aware, in furtherance of our policy to encourage the establishment of new industries and to develop existing industries, certain categories of goods may be admitted free of duty with the approval of the Governor in Council. The particular articles are included in the Schedule to the Bill. It is clearly the sort of Schedule which should be amended in the light of experience as we go along. The only significant changes which are now proposed are, firstly, that we should add trucks,

lorries and waggons for transporting materials exclusively within the curtilage of a factory, mill or mine, and not to be used on a public road, to the list of items which may be allowed in duty free if the industry is a new one, or if it is for the purpose of developing an existing industry.

The second significant change is that building materials for the erection of offices and store houses attached to mills or factories shall be added to the list of articles to be exempted from duty. Transport vehicles are really an extension of the existing Schedule which exempts machinery and appliances. This is all part of the general policy to assist new industries and to encourage the development of existing industries, and I trust hon. Members will accept the Bill. I formally move that the Bill be read a second time.

Sir Frank McDavid: I beg to second the motion.

Mr. Correia: I am very glad to support this Bill, and I hope Government will find more items for inclusion in the Schedule as an encouragement of new industries in the Colony. It has been done in other places and it goes a far way in the development of a country. I therefore trust that Government will include other items in the Schedule from time to time.

Mr. Jailal: I join the hon. Member in supporting this Bill. I think it is a move in the right direction, providing a facility which is most necessary in the building up of industries in the Colony. However, I wish to make one point with respect to the circumscription of vehicles of the earth removing class. The hon. the Financial Secretary referred to dump trucks which I regard as vehicles which carry a very restricted load, and as such should be allowed a wider field. In other words, we should not prescribe that dump trucks imported into the country should

[Mr. Jailal]

only operate within the limits of a company's holding. My reason for that is that within recent times it has been found that the building trade has resorted to the use of sand, and as our road programme is about to be put into operation it has been reported that a great deal of sand will be used in the construction of our roads. We know that quite recently small contracts have been offered by a certain Department but have not yet been given out. However, it indicates that there is going to be great need for this particular type of equipment in order to encourage the proper use of our roadways.

For example a dump truck imported into the Colony is built to a certain size and specification. To overload it would mean an abuse of the equipment and loss of hydraulic force. One could not therefore attempt to overload a dump truck as he would one of the wooden vehicles made locally. Consequently, no contractor is willing—indeed even the Public Works Department is unwilling to import this type of equipment except for a special job. The result is that the Colony loses the benefit of the use of this specialized equipment. Those vehicles are much more expensive than those with the flat chassis, those of the 5-ton class costing as much as \$5,000.

Our country is growing up and we need every expedient for its progress in doing so. We are finding great difficulty to get labour to do the jobs necessary. Small capital is unable to procure the means by which it can cut down the prices of certain articles. The movement of mud, sand and stone is necessary to our building up and I feel that dump lorries should be included on a general basis, with certain restrictions, because there are no lorries for general haulage. This type of equipment will be necessary for meeting our transportation and road problems, and if we do not now think in

terms including it, contractors from abroad would find it extremely difficult since they would have to pay duty on all the vehicles they bring in. It is also unfair to local concerns who have an interest in haulage. No country can gainsay the fact that things like trucks and other mechanical aids for moving earth are essential; and they are very essential in a country that is growing up. I would like some consideration to be given to what I have said when we are dealing with this Bill clause by clause.

Mr. Luckhoo: I have just returned from the country areas and one of the places I had the honour of visiting was Pln. Port Mourant. There at an open air public meeting attended by over 1,000 persons, in spontaneous contributions from the crowd (which I wished all hon. Members could have heard) the closing down of the Port Mourant factory was bemoaned. Instead of chimneys going down the people wanted to see chimneys going up. These are people who are in a sorry plight over the closing down of the factory and who deserve every sympathy and consideration. These are people who appreciate the truism that the progress of a country is dependent upon the industrialization of that country, and here by the legislation before us today is a measure which is pointed towards the encouragement of industry. The expression from the people of Port Mourant was quite a different story from the one heard so often previously that prosperity can be bought at the expense of pulling down chimneys. Prosperity can only be earned by putting up as many chimneys as possible, and as such, one welcomes Bills of this kind.

I think what Government is virtually doing is carrying out with good faith the motion accepted by this Council last year (and I say with all modesty that I had the pleasure of moving it),

asking that everything be done to aid industry by means of various concessions with regard to tax, and so on.

A little earlier this year I again had the privilege of visiting the United States and there endeavouring to induce individuals and large business concerns to come to this Colony and bring with them for investment purposes the good fortunes which they enjoy. I put forward in as an attractive form as possible the various inducements which this country offers, and the reply I received almost universally was, (and these were the very words) "we have been invited by countries all over the world to come and bring capital, but there are two factors necessary for us to enter into any country: one, stability of the Government, and two, tax concessions." The former is very important and one over which we may not have full control; it is a matter for the country to determine and we are working towards it; and in regard to the latter, it is pleasing to find that we in this country of Guiana are endeavouring to give every possible form of inducement to capital from abroad to enter this country. I mention these things merely to point to the fact that there are a number of factors which all can contribute to the industrialization of our Guiana, and I may add that it is a very healthy sign to see the desire for it wherever one goes in this country. I have pleasure in supporting the Bill.

Mr. Carter: In supporting this Bill I would like to add to what hon. Members have said by pointing out that the resources of the interior are relatively untapped and are attracting the attention of foreign capitalists. Communications with the interior are poor and expensive and it is most likely that some investors would like to bring their own aircraft in order to get about the interior. I would therefore ask the mover of this Bill to see

whether aircraft of this kind can be included in the provisions of this Bill.

Question put.

Mr. Deputy Speaker: I am sorry I did not ask the hon. mover to reply; the Bill received so much acclamation that I forgot. It was my fault, and I hope the mover will take the opportunity later on.

Agreed to.

Bill read a second time.

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

Clause 1 was passed as printed.

Clause 2.—*Repeal and re-enactment of the first schedule to Chapter 109.*

Mr. Carter: I beg to move an amendment to the First Schedule to include the word "aircraft"—

The Financial Secretary: I think I should point out that any proposal to add to this Schedule would be creating a charge on the revenues of the Colony and would not therefore be in order.

The Chairman: I think the best course for the hon. Member, Mr. Carter, would be to put forward his proposal by way of a motion at a later stage. The Financial Secretary is quite correct in saying that the effect of the amendment would amount to a charge on the revenue.

The Financial Secretary: I am speaking without the book, but I think aircraft come within the provision.

The Chairman: Would the hon. Member accept that?

Mr. Carter: Yes, sir.

The Chairman: Does the hon. mover wish to say anything in reply at this stage before I put Clause 2?

The Financial Secretary: Yes, if I may, sir, Government is very gratified to hear the support from hon. Members, especially about the principle of encouraging industry.

There are one or two other things I would like to say about the purpose of this legislation. It is essential to encourage industry but not to spoon-feed industry, and in these things there are limits to which one can go. We have to raise revenue in certain ways—and it is not always easy to raise revenue—and as time goes on, as people make application to bring in this or that equipment that is vital to their industry we will have to consider the matter and amend the Schedule if necessary. That is why I said, in moving the second reading, that this is the Schedule we have put forward from experience. There are lots of things that can be added but we must remember it means loss of revenue while aiding industrialization, and one has to make sure that it is the right time for a new industry, whether the new industry should pay or not pay, and whether we should encourage the new industry to come in at all.

The point made by the hon. Member, Mr. Jailal about vehicles for road building is one which I myself had thought about. One transport undertaking was established some time back. It is not the sort of thing one should encourage unduly, unless, as Mr. Jailal said, there is a special case or a special reason. We do have a low rate of duty for vehicles intended for use in the interior but others come in at the usual rate. I am not satisfied in my own mind that if a company has 20 lorries, four new vehicles should come in free. So it is rather a large question, but naturally will be considered from what I have said. I will certainly check on

Mr. Carter's point about aircraft. I do not know whether it is a question of singling them out for industrialization purposes.

Mr. Jailal: Under item (3) of the Schedule, I am going to take what the Financial Secretary said. In the case of haulage vehicles, I would like to see us use our labour to the best advantage and we would not be encouraging this if the practice of hauling long timbers on a dray cart is to go on. If saw-millers who are delivering this stuff were able to get vehicles just to haul it, they would take it safely to whatever job site it has to go and it would be easy and cheap transport. That is a four-wheel vehicle I am talking about. If the Licensing Authority had to deal with that, they would ask: "How much load can it carry"? and you would have to reply, "A load of two to five tons". Immediately that vehicle would be charged with a licence fee of \$350.00 if it is to run on your East Coast road and \$250.00 if it is to restrict its operation to Georgetown. But this vehicle cannot fetch goods in competition with the train or with people who are licensed to transport general cargo.

It is my feeling, therefore, that this backwardness in thought is causing our system not to be fully developed. For instance, there are only two persons who can move heavy machinery along the roads of British Guiana. Why is that so? There is a reason for it—prohibitive charges. If a man wants to remove a boiler from Georgetown to Blairmont, even if the railway takes it, he still has to get equipment to carry it across. It therefore means that the small sawmiller or small ricemiller is unable easily to transport such equipment as a boiler because of the heavy duty charged on specialised equipment that can do nothing else but a specialized job. I feel that in respect of a vehicle which carries a restricted load, the Licensing

Ordinance should be reviewed to make provision for such cases. It is extremely unfair for a man to buy specialised equipment and then to be told that he must operate it only in Georgetown because the countryside is prohibited to him. He cannot undertake a job which will take him to Crabwood Creek, a facility that should be allowed such vehicles within the provisions of the Aid to Industries Act. We should adopt in future any means by which we could shift about everything here.

In Finance Committee I illustrated very clearly how our Transport and Harbours Department was in itself ineffective in certain cases. I pointed out that had it not been for the sugar estates many rice mills on the Corentyne Coast would have had to come to a standstill when they lost the use of their boilers. I feel that one of the things that may be necessary at this time, because of the introduction of this legislation, is that we attempt to reduce our licence fees because they are out of date and do not meet our special requirements. I am thinking mainly of the best equipment for the job, and I feel that when the hon. the Financial Secretary studies the matter, it may be necessary for him to have a keener look at the method of our licensing.

In speaking about this I want to bring up the matter of bulk sugar transport. It is most likely that specialised vehicles would be used which would only carry a certain type of load. I cannot see how the Licensing Authority would be able to take from those people a licence fee completely out of proportion with the business they have to do. I can see it, that the moment sugar leads the way with those specialised trucks, rice is going to be transported in bulk ton. It is only a little time more for that to come about. In how many months

more this specialized transport will be on the road, I cannot say, but when it does it will be forced to pay sums of money in licence fees entirely out of proportion with the business they do. I feel that encouragement should be given to industry in that direction and, therefore, I am recommending very strongly that at this time we should completely revise our licensing schedule. I recommend that to the hon. the Financial Secretary for his study. It is important that our licences be revised. It may increase our revenue, as it may mean that people who are now jogging along will be able to make use of specialized things to help and speed up our development programme.

Question put, and agreed to.

Clause passed as printed.

Title and enacting clause passed as printed.

Council resumed.

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

Sir Frank McDavid: I beg to second that.

Question put, and agreed to.

Bill read a third time and passed.

HYDRO-ELECTRIC POWER BILL

Motion for second reading of a Bill intituled—

“An Ordinance to make provision for the grant of licences authorising the utilisation of the waters of the Colony for the purpose of generating electrical energy, and for matters connected therewith.”

Sir Frank McDavid: I believe certain hon. Members have in mind to ask that consideration of this Bill be deferred on the ground that they have

[Sir Frank McDavid]
not had adequate time to study its provisions. As you have intimated that you will be adjourning in less than a half hour, it may suit the convenience of Council if the adjournment is taken now. I would not like to break my speech on the second reading or the continuity of the debate should be deferred. If it is the wish of the Council, I would be prepared to move the adjournment now.

Mr. Deputy Speaker: The hon. Member may move that consideration of the Bill be deferred.

Sir Frank McDavid: I move that consideration of this Bill be deferred to the next meeting.

Miss Collins: I beg to second that.

Mr. Deputy Speaker: Does any Member wish to speak to the motion?

Question put, and agreed to.

Consideration of the Bill deferred to the next meeting.

DUTY-FREE MEDICAL SUPPLIES

Order-in Council No. 66 of 1956

The Financial Secretary: I beg to move the following motion —

“Be It Resolved:

That this Council in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council No. 66 of 1956, which was made on the 26th day of September, 1956, and published in the Gazette on 20th October, 1956.”

Under Item 25 of the First Schedule to Chapter 309, equipment and medical and surgical supplies for hospitals approved by the Governor are admitted duty free. It is now considered that this same privilege should be applied to materials which are actually

imported for the construction, replacement or extension of new hospitals. The loss of revenue thereby will be comparatively small, and it is in keeping with the policy that as many of these hospitals should be built especially in areas where there are no medical facilities. Under this Order in Council it is now proposed that a hospital which is operated by a private concern for the purpose of providing treatment generally should be exempted from Customs Duties—the sort of hospital which, for instance, is run by a Mission or a mining company in a remote area and provides medical facilities not only for the employees but the people in the surrounding areas. I feel sure that hon. Members would agree with this proposed concession by Government as being in the best interests of the country and at very little cost to Government.

Sir Frank McDavid: I beg to second that.

Mr. Correia: Again I rise to congratulate Government on their move under that Order in Council. The hon. Mover mentioned about the loss of revenue, but I think that loss would be negligible compared with what would have been the cost had the Government undertaken to build the same hospitals put up by the missionaries and non-profit making institutions in the remote areas. I think it is a great saving to the Colony and Government should not consider the small amount of revenue they would lose compared with what they would save in the building of hospitals to accommodate our people who need hospitalisation. I am glad to see that Government is moving in the right direction. It is a direction in which not only hospitalisation facilities are increased for our people but a saving is made in the revenue of the Colony too.

Question put, and agreed to.

Motion unanimously adopted.

The Chief Secretary: I beg to move that Council adjourn to Thursday next.

APPRECIATION OF DEPUTY SPEAKER'S SERVICES.

Mrs. Dey: I rise to say—subject to correction—I have been informed that this Council will meet next Thursday, and I think this may or may not be our last meeting with you, Sir.

Mr. Deputy Speaker: It is possible that the hon. Member is correct. It depends upon the time of the return of His Honour the Speaker to the Colony. He is expected on the 7th. When I accepted my new appointment His Excellency asked that I should at least continue until His Honour the Speaker returns. So the length of my services in this Council depends upon the time of the return of His Honour the Speaker. It is possible that this would be my last meeting.

Mrs. Dey: Thank you very much, Sir. In that case, I would like to say, dependent on the return of His Honour

the Speaker, that we cannot allow you to leave this Chamber without telling you how much we appreciate the manner in which you have conducted the business of this Council—with dignity.

Mr. Deputy Speaker: I would like to thank the hon. Lady Member, Mrs. Dey, for her remarks and all hon. Members for the assistance they have given to me while I was in the Chair. I find it difficult to speak on this occasion, but I would like to assure hon. Members, if this is my last appearance here that my services in my new appointment are at the disposal of hon. Members of this Council. I hope to serve the future Legislature in my new appointment not as a Member of the Council and I hope to serve my country. I would remind hon. Members that the hon. the Financial Secretary would like to have a meeting of Finance Committee immediately after this meeting. I now adjourn the Council until next Thursday.

Council adjourned at 4 p.m. to 2 p.m. on Thursday, the 8th of November, 1956.