

# LEGISLATIVE COUNCIL

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

Thursday, 19th July, 1956

The Council met at 2 p.m.

## PRESENT

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

### Ex-Officio Members

The Hon. the Chief Secretary,  
Mr. M. S. Porcher (Acting),

The Hon. the Attorney General,  
Mr. C. Wylie, Q.C., E.D,

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. 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. C. Tello.

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

### Deputy Speaker

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

### Nominated Unofficials

Mr. T. Lee.

Mr. W. A. Phang.

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.

Mr. R. B. Jailal.

Clerk of the Legislature —  
Mr. I. Crum Ewing.

Assistant Clerk of the Legislature  
—Mr. E. V. Viapree.

### Absent

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

The Hon. R. B. Gajraj.

Mr. W. T. Lord, I.S.O.—on leave.

Mr. J. I. Ramphal—on leave.

Mr. Sugrim Singh—on leave.

The Speaker read prayers.

The Minutes of the previous meeting held on Thursday, 12th July, 1956, as printed and circulated, were taken as read and confirmed.

PRESENTATION OF REPORTS AND  
DOCUMENTS

**The Financial Secretary:** I beg to lay on the table :

Order in Council No. 45 of 1956 made under section 8 (b) of the Customs Ordinance, Chapter 309, on the 3rd day of July, 1956, and published in the Gazette on 14th July, 1956.

Annual Report of the Licence Revenue Officer for the year 1955.

**Sir Frank McDavid** (Member for Agriculture, Forests, Lands and Mines) : I beg to lay on the table :

Report of the Lands and Mines Department for the year 1955.

**The Attorney-General :** On behalf of the Member for Labour, Health and Housing (Mr. Cummings), I beg to lay on the table :

Report on the Medical Department of British Guiana for the year 1955.

Report of the Sawmill Workers Advisory Committee, 1956.

**Rice Farmers (Security of Tenure) Bill**

**Sir Frank McDavid:** I desire, Sir, to be permitted to make just one statement. It is merely that I propose to take the second reading of the Rice Farmers (Security of Tenure) Bill on Thursday next — Thursday of next week.

**Mr. Speaker:** We will try to have a meeting on that day. The Clerk will make a note of that.

**POSSIBILITY OF PLYWOOD  
INDUSTRY**

**Mr. Raatgever:** Sir, I beg to lay on the table the report of the Select Committee appointed (in terms of

Resolution No. XXXVI of the 4th of March, 1955,) "to investigate and report on the possibility of establishing a plywood industry in the Colony". I would also like to state for the information of Members that samples of the new wood called "chipboard" which has been made from local timber, are now lying in the Committee room and are open for inspection by Members.

**Mr. Speaker :** I do not suppose anybody has read this report as yet.

**Mr. Raatgever :** No, Sir.

**Mr. Speaker :** I would like to call attention to something in the details relating to the investigations, and would ask that they be dealt with as early as possible, because I propose to make certain suggestions.

**Mr. Raatgever:** Thank you, Sir.

**FIRE BRIGADE BILL**

**The Chief Secretary:** I beg to give notice of the introduction and first reading of a Bill intituled:

"An Ordinance to provide for the establishment of the British Guiana Fire Brigade and for purposes connected therewith."

**CONFIRMATION OF ORDER IN COUNCIL**

**The Financial Secretary :** I beg to give notice of 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. 45 of 1956, which was made on the 3rd day of July, 1956, and published in the Gazette on 14th July, 1956."

## NOTICE OF QUESTIONS

HOUSES OWNED OR CONTROLLED BY  
GOVERNMENT

**Mr. Raatgever:** I beg to give notice of the following questions:

To the **Chief Secretary:**

1. May I be furnished with a complete list of all Government owned or controlled houses occupied by public officers?
2. What is the cost of the construction of those houses?
3. Are the houses furnished or unfurnished?
4. What rentals are paid by the officers occupying those houses?
5. Are there any Government officers who occupy rent free quarters? If so, will Government state whether such houses are officially designated as rent free or are those houses occupied by Government officers who are entitled to rent free quarters?
6. Are there any Government officers who receive assisted house allowances or assistance towards payment of house rent?
7. Will Government state whether rentals of Government occupied houses or quarters were increased following the revision of salaries? If so, by what amounts?

## DESTRUCTION OF VALUABLE RECORDS

**Mr. Phang:** I beg to give notice of the following questions:—

To the **Chief Secretary:**

1. With reference to the news items in the *Guiana Graphic* of 11th July, 1956, to the effect that insects had been destroying valuable records in the Housing Department Building to the extent that an officer had to use an insect exterminating bomb, will Government give the assurance that the said valuable records were not the files of the old and irreplaceable

colonial newspapers, the subject of recent questions in this Honourable House?

2. Is Government still satisfied that the irreplaceable records are being protected satisfactorily from damage?

## ORDER OF THE DAY

## Currency (Amendment) Bill, 1956

**The Financial Secretary:** I beg leave to move the first reading of a Bill intitled:

"An Ordinance to amend the Currency Ordinance."

**The Attorney General:** I beg to second the motion.

Question put and agreed to.

Bill read a first time.

LOCAL GOVERNMENT (AMENDMENT  
NO. 2) BILL, 1956.

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

"An Ordinance to amend the Local Government Ordinance with respect to the charging of fees by a Local Authority for burials in a cemetery or burial ground under its control and for a copy of an entry in a register of burials."

**Mr. Kendall** (Member for Communications and Works): I beg to second the motion.

Question put, and agreed to.

Bill read a first time.

## FISHERIES BILL

**Mr. Speaker:** The debate on the Fisheries Bill has not yet been concluded, as it was left in the Committee stage at the last meeting.

**Sir Frank McDavid:** Yes, Sir. I beg to move that the Council resolves itself into Committee to resume consideration of the Bill intituled:

“An Ordinance to regulate fishing in the waters of the Colony.”

**The Attorney General:** I beg to second the motion.

Question put, and agreed to.

Council in Committee.

Clause 2—*Interpretation.*

**Sir Frank McDavid:** I have caused to be circulated a statement or an amendment which I would like to move at this stage. The statement which was sent to Members yesterday should be cancelled and replaced by one which was circulated by the Clerk this morning. May I say at once that its object is to make assurance doubly sure about the object and intention of this Bill. At this stage all I would wish to say is that whereas in the Bill the criterion for determining whether or not a person should or should not take out a licence to fish, was whether or not he was engaged in fishing for commercial purposes, the criterion in the amendment would be whether or not a person is engaged in fishing habitually—as a sole or regular occupation. These amendments will, I am sure, remove any doubts and fears in the minds of Members as to the intention and the object of this Bill. None of the points raised in this Council about these are in the slightest justified. I beg to move that the definition of the term “commercial purposes” in clause 2 be deleted, and that the following new definition be inserted after the definition of the term “fishing boat.”

“fisherman” means any person who is the holder of a valid licence issued under the provisions of section 11 of this Ordinance.”

The reason for including such a definition does not immediately appear, and therefore I will now indicate it. Fishermen will be entitled to certain rights and privileges which are indicated in the proposed new clause 12, and the word “fishermen” will also be used in the Regulations in connection with other matters. That is why it is necessary to have a definition of “fishermen” in the first part of the Bill. That is as far as I will go at the moment.

**Mr. Carter:** Does “fishing” include killing? In the definition of “fishing” we find that it includes “killing, gathering or destroying any such fish.” How would this affect the sugar estates which annually destroy more fish than what is consumed in the whole country in five years? It is a matter of necessity if they are to manufacture sugar successfully. Clause 34 (1) provides that the Governor in Council may make Regulations which may:

“(q) prohibit or regulate the deposit or discharge in waters of any solid or liquid substance detrimental to fish;”

I would like the hon. Member for Agriculture to tell this Council whether the Governor in Council would prohibit or regulate the discharge of lees water from sugar factories into canals, which we know kills every fish which may be in those canals.

**Sir Frank McDavid:** The hon. Member began his remarks by asking whether “fishing” includes killing, and connected “killing” with the killing of fish, not in the process of fishing but in the process of polluting water. Of course they are two different things. He has himself pointed out that under clause 34 (1) (q) power is to be given to the Governor in Council to make Regulations, with the approval of this Council, which would prohibit or regulate the deposit or discharge in waters

of any solid or liquid substance detrimental to fish. Consequently, if the Governor in Council should deem it desirable or necessary to make such Regulations as would apply to drainage canals on sugar estates, presumably such Regulations would be made.

Of course it would be a question of expediency and propriety. The sugar industry of British Guiana must find some means by which the offensive substance which flows from the manufacture of sugar could escape. There is no question about that. It has to go out somehow, and I do not think it would be expedient to make Regulations which would prohibit sugar estates passing such substances through their canals out to sea. If it were ever found that sugar estate drainage canals were so polluted as to interfere with proper fishing in the waters beyond, it might be necessary to do something about it. All I can say now is that there are powers to do just that sort of thing, but whether it would be expedient to do so I cannot say. We must have the sugar industry, and if in the process of the manufacture of sugar some fish are killed we would have to put up with that.

**Mr. Rahaman:** In clause 2 "waters" is defined to include "the sea and any harbour, bay, creek, lake, lagoon, pond, river, stream, trench or canal." I do not know whether the open savannahs would come within that definition. I do not think it should be an offence to catch fish in the savannahs where people travel in small boats for that purpose.

**Sir Frank McDavid:** Whoever said that anybody would be committing an offence by catching fish there?

**The Chairman:** The hon. Member's remarks are not relevant to the clause under discussion which has nothing to do with waters in savannahs.

**Mr. Carter:** I think it is time that Members appreciate that when another Member is speaking they should wait until the question raised has been disposed of. The hon. Member rose to make a point which was completely irrelevant to what I was discussing. I would like to know, if it is found expedient to discharge lees water from sugar factories into drainage canals, and the proposed Regulations came before this Council for approval, whether we could object to the discharge of such substance into canals and suggest, as an alternative, that pumps and pipelines be installed at sugar factories to discharge lees water into the sea? If that would not be possible then I would move that the word "killing" be deleted from the definition of "fishing."

**Mr. Jailal:** For the purpose of clarification I may point out that sugar estates discharge their lees into their sideline canals, which are low level canals, so that it would be more relevant to prohibit fishing in those canals. If the hon. Member is thinking of the destruction of fish by the discharge of such water into the swamps created by flood following, there may be some cause for argument. What I think is really exercising the hon. Member's mind is whether a rice farmer is to be prosecuted because he lets out the water from his rice field and all the *patuas* die.

**Sir Frank McDavid:** All that does not arise in the definition. Later on the hon. Member may find some clause under which he can raise what he has in his mind. There are industries, not in British Guiana alone but in other parts of the world, which give off particularly offensive and deleterious substances to animal life. I am aware that in those countries strict regulations are made to prevent such substances from destroying fish and other animal life. We are taking powers to do

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the same thing here, but it is much too early to ask me whether Government intends to make Regulations to prevent sugar estates, for example, from letting out some kind of effluent, but we are providing powers to do it. That is as far as we can take it.

**Mr. Carter:** The aim of this Bill is to protect the fishing industry, and one form of protection is to prohibit the killing or destroying of fish, but if we are to allow fish to be killed in the process of agriculture I would move the deletion of the word "killing" from the definition of "fishing".

**Sir Frank McDavid:** I am not quite sure whether the hon. Member is in favour of fish being killed in this Colony or not in favour.

**Mr. Carter:** I am not in favour of fish being killed in this way.

**The Chairman:** It is a fact that the discharge of water from sugar factories kills fish. Does water, from rice fields do the same thing?

**The Attorney General:** May I suggest to the hon. Member that the word "killing" in the definition of "fishing" has nothing to do with the point he has in mind. The definition concerns "fishing", and in order that no form of fishing may escape the provisions of the Bill the definition goes on to say that fishing "includes killing, gathering or destroying any such fish." That must be interpreted to mean killing in the course of fishing. It does not mean that if a sugar or rice factory discharges some fluid into water that kills fish, that the sugar factory is fishing. The particular trouble that is worrying the hon. Member can be met by the provision of suitable Regulations under this Bill when it becomes law. If the hon. Member feels so strongly about the matter

he could move the Government to make Regulations to do what he desires, when the Bill becomes law. Until he supports the Bill and helps to get it through the Governor in Council has no power to stop that pollution.

**Mr. Carter:** Am I to understand that if any person indulges in any form of activity other than fishing and thousands of fish are killed in the process, he could be prosecuted?

**The Chairman:** If and when the Regulations are published they will come before this Council for approval. That will provide the hon. Member with an opportunity to propose the measure of protection he desires. His objection is rather premature, but he has given an idea of what he has in mind.

**Rev. Mr. Bobb:** I rise to have clear in my mind the intention of the hon. mover of the Bill in moving the deletion of the definition of the term "commercial purposes" which means "selling, exposing for sale, exchanging, bartering, or consigning fish, whether fresh or preserved in any manner." I would like to know whether he intends to have this definition covered by Regulation or in some other clause of the Bill.

**Sir Frank McDavid:** I do not know if the hon. Member paid me the compliment of listening to what I said earlier this afternoon. I pointed out that the reason for removing the definition of the term "commercial purposes" was that we did not propose that that should be any longer the criterion for determining whether a person should or should not take out a licence to fish, and that the new criterion, as indicated in the new clause 11 as contained in the amended statement, is whether or not a person is engaged in fishing as his sole or principal business. The question of selling will no longer arise



if the new clause 11 is passed. The words "commercial purposes" disappear from the Bill altogether, and the reason is that the term "commercial purposes" is a bit difficult to define. The hon. Member will remember that I indicated at some stage that it was necessary to include the word "habitually" between the words "means" and "selling", so that "commercial purposes" means habitually selling, but on further consideration it was agreed that even that was not a suitable criterion, so that the proposal now is that "commercial purposes" and the question of selling should come out altogether.

Persons who fish may do so at any time, as long as they are not fishermen in the true sense of the word — those engaged in the fishing business as a trade or occupation. Those are the only people who will need to have a licence. It does not matter if you are a sportsman or a villager, you may fish as much as you like. I submit it is much simpler and much more effective and in keeping with the real intentions of this Bill.

**Rev. Mr. Bobb:** I thank the hon. Member: that clears up one point. There is another reference which is in clause 34 (1) (n), to regulations being made to regulate and control the marketing, purchase, sale, processing, canning or freezing of fish either generally or in respect of any particular area or areas. With the term "commercial purposes" having been deleted, how do the acts mentioned in this subclause coincide? Perhaps when we come to that at a later stage the hon. Member will explain.

**Mr. Correia:** Who is to say when a person is a fisherman—a common or garden fisherman or a part-time fisherman?

**Sir Frank McDavid:** Again, Sir! Who is to say who is a fisherman?

First of all, of course, the definition says:

"any person who is the holder of a valid licence issued under the provisions of section 11 of this Ordinance."

Unless you hold a licence you cannot do certain things. Also, unless you hold a licence you cannot get certain facilities. Now, who is to say who is a fisherman? Obviously the person who challenges an individual that he is not a fisherman: in other words, the prosecutor. If the Fisheries Department catches a certain person doing something and he is not a fisherman, it is up to them to prove that fact. It is difficult to establish, I quite agree, but the onus will be on the prosecutor. But as I said before, the reason for the whole thing will be found in the fact that, one, we are trying to prevent him from doing things he should not do, and, two, to give him the benefit of certain conditions. Those points will certainly come out later on when we are at clause 11.

**Mr. Macnie:** Through no fault of mine and due to circumstances beyond my control I was unable to present during the debate on the second reading of this Bill. In view of the proposed deletion of the definition of "commercial purposes" and the proposed amendment to clause 11, if you will forgive me, Sir, I would ask the hon. mover whether there is not some need for re-consideration of the definition of "fishing boat", which, reading from the Bill, means

"any boat which is used for the purpose of capturing fish for gain."

Subclause (3) of clause 11, as amended, will read:

"No person shall engage in fishing for gain as his sole or principal occupation unless he is the holder of a valid licence issued under this section."

If a person who fishes, but does not do so as his sole or principal occupation and

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he uses for that purpose a boat which is not registered, would that fishing boat come within the meaning of the Ordinance? I am sorry if I am being difficult.

**Sir Frank McDavid :** No, there is no need. Indeed, the words "for gain" appear in both of the parts which the Member read, and if he would look at them again, he would see that the same idea is in both. I do not know the *raison d'être* for the hon. Member asking for some change in the definition. I am sorry if I cannot follow him.

**Mr. Macnie :** I do not see the definition of "fisherman".

**Sir Frank McDavid :** A fisherman now means any person who is the holder of a licence. That is what I have just moved.

**Mr. Macnie :** It does not say for gain.

**Sir Frank McDavid :** A fisherman is a person who holds a valid licence. No person who fishes for gain as his sole occupation is to be allowed to carry on unless he holds a valid licence.

**Mr. Macnie :** But a man may fish for gain and use a boat which he does not often use. Would he have to register that boat?

**Sir Frank McDavid :** It is obvious that that is quite a different thing. If he has a fishing boat, then he must register it. There is a proviso I hope to move which will seek to give the Governor in Council power to exempt certain boats from this wide operation. When I come to that I will explain, but the point is, if you are going to have a fishing boat as such, you must apply to have it registered.

**The Chairman :** Is the hon. Member satisfied with that? One is involved

in the other, as the "Minister" said. A fisherman must obtain a licence and especially if he uses a boat for gain he must obtain a licence. He does not become liable to be prosecuted unless he fishes for gain. The boat has to be licensed.

**Mr. Macnie :** Yes, Sir; but it was not the man I was talking about: it was the boat.

**Mr. Correia :** He need not have a boat to be a fisherman.

**The Chairman :** I know; he can fish over the stelling. Is the Hon. Member proposing an amendment?

**Rev. Mr. Bobb :** On that same question, is this definition of fishermen to exclude any person who catches fish like *hassar*, or *patua*, without using a boat, and sells part of his catch, if it is a large one? Supposing he gets a large catch, uses a provisions boat to bring it to town and sells the fish? In that case we would rather be liberalising the fishing industry.

**Sir Frank McDavid :** We are trying to regulate the fishing industry and to protect fishermen and somehow or the other it has got around that we were trying to interfere with the unfortunate people who fish around with their cast nets looking for *hassars* and *patuas* — far from the idea.

**Mr. Carter :** I beg to move an amendment to the definition of the word "waters" by the insertion of the words "within the territorial area" between the words "sea" and "and"—

**Sir Frank McDavid :** May I say at once that that amendment is quite unnecessary, because if the hon. Member looks at clause 37 (1) he will see that the provisions of the Ordinance apply to all waters within the territorial limits of the Colony.



**The Chairman :** Are there any other objections? The question is, that Clause 2 as amended stand part of the Bill.

Agreed to.

Clause 3.—*Register of fishing boats and particulars thereof.*

**Sir Frank McDavid :** Clause 3—

**Mr. Carter :** Sir—

**Sir Frank McDavid :** Will the hon. Member please let me proceed? At Clause 3 (1) it is suggested that the full stop at the end be substituted by a colon, that is, after the word "Director" and the following proviso be added:

"Provided that the Governor in Council may by Order exempt any class of fishing boat, or fishing boats in any specified area or areas of the Colony from the provisions of this section and such Order may from time to time be varied or revoked by a further Order."

I felt very sensitive when my friend the hon. Member, Mr. Phang, in the course of the debate on the second reading referred to the crab-catching industry in the North West District indulged in by the Amerindians who use corials and woodskins. He pointed out that they did not pursue this for "commercial purposes"—that is the definition which we have removed—and he wanted me to assure him that they would not come within the provisions of the Ordinance. To register all these boats and put a number on them, and to make doubly certain that these people are not fishing for gain would be a very difficult thing. This proviso, however, gives the Governor in Council the power to do what should be done—to exempt specific classes of boats, and I can say at once that the only kind of boat which the Fisheries Department wishes to cover at this moment is the large-scale fishing boat, I think 30 feet in size. An Order will be issued, if

this Ordinance is passed, exempting these smaller boats like corials and woodskins which are used from the application of this section. Similarly the Governor in Council can, under this proviso, issue an order exempting a whole area.

As I see it, the whole of the interior should be exempted at once because we cannot control it, and we cannot and do not intend to register such boats. We may exempt from the application of this section the whole of the North West District, and so I do hope that hon. Members will understand that in this measure to regulate the use of fishing boats in large areas of the industry there will be no attempt whatever to control small crafts which are used by a number of people in the interior and remote districts.

**Mr. Carter :** I was about to ask if these people would be allowed to use the boats which have been exempted, in view of clause 7 (1) which states :

"No person shall use, or being the owner, shall permit any other person to use a fishing boat for the purpose of fishing unless the vessel has been inspected and is registered under this Ordinance and there is in force such certificate of seaworthiness as may be required therefor by any law or Ordinance in force in the Colony."

**Sir Frank McDavid :** Surely the hon. Member understands. The proviso is all-embracing. It covers the first direct statement in the Bill—every fishing boat should be registered; if a boat is exempted by the Governor in Council, then it means that it is exempted from inspection within the particular meaning of this Ordinance.

**Mr. Correia :** I would like to know, Sir, what would be the expenditure on the officers or the machinery for carrying out this Fisheries Ordinance. In other words, what would it cost Government to carry out the Regulations under this Ordinance.

**Sir Frank McDavid:** I simply do not know, but I have not been warned, Sir, about the possibility of any increased expenditure. Certainly, there will be no substantial increase to carry it out. This is an attempt to register large-size fishing boats in the Colony and to issue licences to fishermen. Surely, that does not necessitate any large staff. In some of the country districts the Department may get some of its officers to carry out the registration, but I do not conceive there will be any necessity for a large staff at all.

**Mr. Correia:** These laws are usually made without any intention of increasing staff, but one never knows how far they would go. As a matter of fact, the reason why I question the matter is because not long ago I was at Lethem and an Aboriginal Indian there had one fish to sell, but the Customs Officer held him up for not declaring the fish before he attempted to sell it. That is the kind of thing that happens in the interior and other parts of the Colony where these officers are placed. Laws such as the one we have before us cost the Colony a good deal of money in the end.

**Mr. Macnie:** I must rise to support my hon. friend who has just taken his seat. This is the sort of thing we are afraid of. I might find myself under a charge similar to the one mentioned by the hon. Member—for attempting to buy a fish across the river, or some such thing. The rivers in the interior have no marked boundaries, and if one catches a fish in the river who is going to say what particular side of the river it was caught on? Is that the sort of thing we would be paying these officers for? It is the old story about “a little authority”, and I am afraid of what it would cost to set up the machinery to operate this Ordinance. It

is true that Government very wisely decided to accept the advice of the hon. Member for Agriculture that provision be made to exclude fish of certain sizes and categories from the effect of the Ordinance, because I do not think the hon. Member (Mr. Correia) was speaking only against the cost of the machinery that would be required to operate it. The Regulations themselves are likely to be of a lengthy nature.

Only last year, speaking from memory, when we were on the Budget we noticed that the Agriculture Department had set up two sets of officers for the fishing industry—inland and marine—and I think that appears in the Estimates today. I was looking at them only a few days ago in another connection and I came across it. Are these men going to be placed in charge of the Fishery Department for the operation of the Ordinance? We were asked for additional expenditure in 1955; are we going to be asked for more in order to operate this Ordinance? We are going to be told that if we pass a law we should give the Department the staff which would be necessary to carry it out.

**Mr. Raatgever:** Like the last two Members who have just spoken, I myself am very apprehensive that this Ordinance is going to cost the taxpayers a lot of money. We are going to have the expenditure of Government Departments exceedingly high, since there are certain Departments with staff falling over each other. I said during the last few years that there would be increased taxation on the poor people in this country. Taxation would go higher than even in the United Kingdom which is so highly developed, and I do not know what is going to happen since nobody seems to be trying to stop it. This is the sort of thing that makes

people see red and misbehave themselves. We are piling up expenditure and taxation on the poor people.

**Sir Frank McDavid:** We are dealing with clause 3 (1) and I hope that the amendment which embodies a few words will be passed. The hon. Mr. Macnie in his speech made a statement about some divergence of opinion about having a Customs post at Lethem; but if I remember rightly, Government is seriously considering the matter. I may point out that that would be a Customs post on the boundary of the Colony, and I think it is a little out of the ordinary to use that as an illustration of bad administration on the part of Government and the need for additional expenditure.

What we are dealing with now is the question of registering fishing boats and the licensing of fishermen. I myself, if I were Financial Secretary today, would have objected to any idea of having additional staff to carry that out. What might happen afterwards is that Government might be advised to bring in Regulations — but not too early or unnecessarily — with regard to fishing on farms throughout the country but, of course, that is a different matter. That would be in the hands of the Council, as the Regulations would have to be approved by that body. I have pointed out several times that the control of fishing is an extremely difficult subject, and that any unnecessary legislation should be avoided. Any idea that we are seeking to control the production of fish should not be permitted. All that we are attempting to do is to register fishing boats and to issue licences to fishermen.

**Rev. Mr. Bobb:** Notwithstanding the assurance given by the hon. Mover of the Bill, I think it would be a good thing for it to go on record

that there would be no machinery to carry this Ordinance into operation. Some reference has been made to the question of some of the duties being carried out by District Administration Officers, and while I do not know what the hon. Member for Local Government feels about it, I know that it has always been said that the District Administration offices are carrying too much extra load. I think there would be some extra cost for running this Department, and that the work could be distributed in such a way that it would not be necessary to set up a new Department simply for the people in the rural districts.

**Mr. Farnum:** Some reference has been made to the District Administration offices in this matter, and I can assure hon. Members that the District Administration has pointed out that their officers are absolutely unable to take on any more duties. To those who think that some of these officers may have been shedding some of their duties, I would refer them to Dr. Marshall's report where it will be found that there are about three pages of duties that these District Administration officers have to perform.

**Mr. Speaker:** The Bill does contemplate that the Ordinance will result in some additional machinery. There must be some additional machinery, since there must be some adjustment of certain duties. I think it was stated that if there were additional officers to be appointed for the purposes of this Ordinance, the appointments should be made by the Governor in Council. Those are the people who would inspect the fishing boats and whose remuneration the Governor in Council will fix. At this stage it would seem reasonable to anticipate the appointment of these officers, nearly all of whom have been

[MR. SPEAKER]

rural constables in the past. Provision has to be made for the carrying out of the Ordinance and there must be a certain amount of expenditure.

**Mr. Raatgever:** Sir, if it is said that the operation of the Ordinance is not going to cost any more money, then it seems to me that the Agriculture Department has much more staff than it should have. That is what I said here just now. The Department is overstaffed and I do not know what is going to happen if this sort of thing goes on.

**Sir Frank McDavid:** Everyone, including my hon. friend, I think, is imagining too much. The object in putting Fishery officers in this Bill is to create in them statutory powers under the Bill. I do not say that the whole of the Fishery Department would be let loose on the community, but certain regulations will be required and there are no such Regulations at the moment. All the Bill is seeking to do is to regulate fishing boats and to regulate fishermen. I cannot see that it will be necessary to appoint any new or additional Fishery officers under this Ordinance.

**Mr. Speaker:** This clause relates to the appointment of those officers who would be inspectors and we have to deal with that later on. The Director of Agriculture has the power to appoint certain officers—or to recommend their appointment—and I do not know whether hon. Members think it right to criticise the Ordinance and to say that it would result in an increase of expenditure and not in any increase of fish supplies.

**Mr. Raatgever:** Sir, these Regulations are not going to produce even one more fish for the people of this Colony to use. As a matter of fact, since we have had these Fishery officers the fish have disappeared, if

you want to know. That is the point.

Clause 3, as amended, passed.

Clause 4—*Application for a registration of fishing boat and particulars thereof.*

**Mr. Carter:** Can the hon. Member (Sir Frank McDavid) tell us by what standard a fishing boat would be considered "to be fit for the purpose of fishing?"

**The Chairman:** We must assume that some examination will be made.

**Mr. Jailal:** I would suggest the deletion of the word "fit" and the substitution of the word "seaworthy". Would the word "fit" include fishing gear and tackle, or only the condition of the boat?

**The Chairman:** The clause says: "fit for the purposes of fishing."

**Mr. Carter:** But there must be some standard.

**Sir Frank McDavid:** I think the analogy of "fit" there is that it must be suitable for the purposes of fishing. That is a question of fact to be determined by those who know about fishing. The whole point is suitability for fishing. That is a matter for determination by those who know.

**The Chairman:** In the early days of the opening up of the interior the boats were inspected by Mr. McTurk alone. They were not examined by any specialist officers.

**Mr. Jailal:** The captain might have examined the boat and said it was all right, but it was the Gold Officer who determined whether it was fit or not.

**Mr. Lee:** Those boats were examined by the Gold Officer with respect to measurements.

**Mr. Carter:** My reason for asking the question is to avoid an applicant having to appeal to the Governor in Council against a refusal of registration, which is a very arduous way of having the matter settled. There should be some standard to determine the fitness of a boat.

**Rev. Mr. Bobb:** Perhaps some explanation may be found in clause 34 (1) (d) which provides that the Governor in Council may make Regulations to "prescribe the particulars to be recorded in respect of fishing boats". It seems to me that at the time of making those Regulations these technical matters will have to be settled.

**Sir Frank McDavid:** The inspecting officer is to be a Fishery Officer who is a trained person. We have two Fishery Officers at the moment. There are not two divisions, as indicated by Mr. Macnie, but two posts shown on the Estimates, one Inland and the other Marine. They are trained specialists whose business is to describe the various types of boats used in the fishing industry. I am sorry I cannot give a description myself. The criterion by which the officer will decide when a boat is fit for fishing is probably laid down in his books and cannot possibly be included in an Ordinance. One must assume that by virtue of the fact that we are requiring a Fishery Officer to make an inspection, he would do it according to some recognized principles. Obviously the first thing is that the boat has to be seaworthy so as not to jeopardize the lives of those who go out in it. It also has to have fixed gear.

**Mr. Jailal:** There are at present a number of ballahoes in which shrimping is done. I would be scared to go off the Fort Groyne in one of those craft, but since I was a boy I have seen men going to sea in them. I have heard lectures on this subject and I am seeking to make sure that those people who are at present engaged in fishing and have had their fishing equipment for many years

will not be forced to equip themselves with new boats and equipment in order to obtain a licence. A fishing boat which now goes as far as the North West District costs about \$1,500.

**Sir Frank McDavid:** Let me assure the hon. Member that this Bill is not an attempt to put hindrances in the way of those now engaged in fishing. It is an attempt to help them, and I was trying to explain that the reason for the proviso which we have just passed is to make assurance doubly sure, that certain classes of boats need not be registered at all. I hinted that they would begin by only registering 30ft. boats. It amazes me to believe that any Fishery Officer who has the welfare of fishermen at heart would attempt to make it impossible for some fisherman who is now using a certain type of boat to continue to do so, by preventing him from getting a licence. It would be utterly foolish. I certainly give an assurance that if that class of boat does come within the clause we would exempt it from the application of the section when the Ordinance is passed, by Order in Council. Obviously, one must be careful about the lives of people employed in those boats but, generally speaking, there would be no attempt to interfere with the work of fishermen as it is now.

**Miss Collins:** Fishermen were very worried about this provision with regard to fitness. Some of them have been engaged in fishing for over 20 years, and they feel that if they were required to provide new boats they would not be able to do so. I do not know whether Government is prepared to provide new boats in the places of those which are deemed unfit. I am however glad for the assurance given by the hon. Member for Agriculture.

**Mr. Correia:** Assuming that a boat is seaworthy, I cannot understand subclause (3) which says:

"(3) The Director may refuse to issue a certificate of registration for a fishing

[Mr. Correia]

boat if he is satisfied that the issue thereof would not be in the public interest."

What is the public interest?

**The Chairman:** There has been a very interesting debate in the House of Lords on the definition of "public interest" in relation to the question of security and the giving of evidence before a Court. There is some proposal to alter that definition. It is very difficult to define "in the public interest".

**Sir Frank McDavid:** It is, nevertheless, a very real and important thing. It cannot be defined, as you have said, Sir, but it covers such a wide field. All I can say is that the Governor in Council would ultimately decide the matter in the unlikely event of the Director considering that it is not in the public interest that somebody should get registration for a fishing boat.

**Mr. Correia:** It is giving the Director too much power.

**The Chairman:** It is not sufficiently informative.

**Sir Frank McDavid:** Under clause 4(1) a person makes application for registration of a fishing boat. Subclause (2) provides for inspection of the boat and the issue of a certificate of registration if the boat is found to be fit for the purposes of fishing. Subclause (3) provides that the Director may refuse to issue a certificate of registration if he is satisfied that the issue thereof would not be in the public interest. The words "in the public interest" in this subclause is the criterion, but it is very difficult to define. The Director is merely the instrument that makes the first move, and after that the Governor in Council makes the final decision.

**Mr. Carter:** If the Director has not arbitrary powers the Fishery Officers have.

**Rev. Mr. Bobb:** I also do not feel very easy about the phrase "in the public interest". I have heard it used in connection with the constitutional crisis in this country and therefore "in the public interest" somehow connotes a certain type of behaviour in my mind, but it may be quite wrong. In this case would it not be sufficient to say "in the interest of the industry"?

**The Chairman:** That is not what is intended. The certificate applies to the owner of the boat, and the idea is that the Director may consider it undesirable to issue a certificate of registration to a particular person in the public interest. There may be cases in which no reasons may be given for the refusal to issue a certificate. For instance, the applicant may be a person of a suspicious character.

**Mr. Raatgever:** I think this subclause is unnecessary, and certainly gives too much arbitrary power to the Director. I move the deletion of subclause (3).

**Sir Frank McDavid:** Before we go any further: the hon. Member, the Rev. Mr. Bobb has indicated one aspect of the Bill which was undoubtedly in the minds of the framers of this subclause, and this subclause, by the way, is being taken from other Ordinances in other countries of the Commonwealth. As I said, the question of its application to the industry itself is of public interest. The time may arrive when in one area there may be far too many fishing boats for the benefit of the fishing industry itself.

That is where the interest of the consumer comes in. All these are aspects of public interest. Then there is a wider sphere of which observation has been taken. There should be this saving clause in this Bill, and it would be quite wrong to say that these officers would have the power, for the power

rests with the Governor in Council. It is quite obvious that if anybody applies to the Director and gets a letter saying, for instance, "I regret to inform you that your application has been refused as it is not in the public interest" the final arbiter is going to be the Governor in Council, but if this Legislature feels that the Governor in Council should not have this power, then all it has to do is to reject it. But I submitted that it is very desirable that in this case it should rest with the Governor in Council as it covers all the aspects of the public interest, the interest of the industry and a wider interest — all of which are involved in the phrase.

**Rev. Mr. Bobb:** Does the unsuitability of the boat come within the meaning of "the public interest"?

**Sir Frank McDavid:** The refusal to issue on the ground of unfitness is inherent in subclause (2) itself. There again, if a man feels that because he has been refused he has been unjustly dealt with, there is the Governor in Council.

**Mr. Carter:** We know what a long drawn-out process it is to put something through the Governor in Council. What is a poor fisherman to do when he has to wait until that process is completed?

**Mr. Raatgever:** That bears out what I was saying. If a fisherman's application is refused by the Head of Department on the ground of unfitness and he goes to the Governor in Council, that body will consider his appeal but it is very rare — and I am speaking now as a past Member of the Executive Council — that the Governor in Council rescinds the decision of a Head of Department. I am saying that out of my knowledge of 5½ years. I am not giving away any secrets but I am making a categorical statement.

**Rev. Mr. Bobb:** One more thing: what if this part of the clause is deleted:

"The Director may refuse to issue a certificate of registration for a fishing boat if he is satisfied that the issue thereof would not be in the public interest."

**Members:** Oh, no!

**The Chairman:** Are you proposing an amendment? There has been one amendment already, to delete the entire subclause. The Deputy Speaker moved that.

**Mr. Macnie:** I think my only concern is about the words "public interest". If one looks at the Objects and Reasons of the Bill, one will see that it states:

"This Bill reflects the result of a comprehensive examination into the needs of the fishing industry and has been endorsed by Dr. Hickling, Fisheries Adviser to the Secretary of State for the Colonies."

Now, I feel that this Bill concerns the Fishing Industry and fishing as such. The words "public interest", as Your Honour knows, have a big connotation, and there is considerable discussion at the moment about it. Again, as Your Honour will recollect, police officers would say in a certain situation, "it is not in the public interest to disclose where we got the information". That is another interpretation of "public interest". Then we have "public interest" in the interests of security. In view of the depth of meaning and in view of what is stated in the Objects and Reasons, I am asking the hon. mover of the Bill to substitute "in the interest of the fishing industry" for the words "in the public interest" in subclause (3) of clause 4. I am supporting what the hon. Member, the Rev. Mr. Bobb, has pointed out.

**Sir Frank McDavid:** I myself am more concerned with the fishing industry rather than with the wider aspect



[Sir Frank McDavid]  
of the public interest, but that comes within the sphere of the Attorney General. Speaking for myself, I would not feel too unhappy if the words were altered to read "in the interest of the fishing industry" because I regard that as more important. It may be that it is very desirable to control the number and size of fish to be caught or exercise that control in regard to a particular area.

If Your Honour agrees just to leave this particular clause for a few minutes and pass on, I will examine it in consultation with the Attorney General and see whether we can afford to let it remain "in the public interest", or change it to "in the interest of the fishing industry", which I am personally concerned with.

**The Chairman:** I would like to point out that clause 6 provides for the cancellation of registration of fishing boats if it is not in the public interest. I must point out that anybody may get a certificate: he does not have to be domiciled here. This country is very near to certain neighbours who can reach us by boat. So that the words "in the public interest" might become of some importance.

**Mr. Raatgever:** But all the boats in the Colony are registered, and if a man wants to take his boat to a neighbouring territory, he can do so at any time.

**The Chairman:** You cannot refuse to register a boat from a neighbouring territory.

**Mr. Raatgever:** I am asking that my amendment be withdrawn for the time being, and if I am not satisfied I will move it again.

**Mr. Correia:** I am prepared to accept the amendment by Mr. Macnie.

**The Chairman:** That is being considered. Clause 4 will be left for further consideration.

**Sir Frank McDavid:** Sir, I suggest that we can continue from clause 8, deferring clauses 4 to 7.

Agreed to.

**The Chairman:** Clause 8 is under consideration.

Clauses 8 and 9 put, and passed as printed.

**Mr. Carter:** I am asking for the recommittal of clause 9.

Agreed to.

Clause 9 recommitted.—*Registration number to be painted on to fishing boat.*

**Mr. Carter:** This clause states:

"(1) The owner of every fishing boat registered under this Ordinance shall cause to be painted on the port and the starboard sides of the bow in figures each of which shall be not less than six inches in height and four inches in width a number corresponding with the registration number of such fishing boat."

I want to know what will be the case with the Amerindian corials or ballahos or woodskins, which go in for commercial fishing. People use them in the creeks to catch fish for their own use and for sale and I presume they will have to be registered. I wonder if the Fishery Officers would refuse to recommend their registration because of their smallness in size, which would prevent the accommodation of figures six inches high and four inches wide.

**Sir Frank McDavid:** I have said at least six times that the proviso just passed is designed to exclude all these types of boats and that an Order in

Council may be made to exempt even the whole of the interior. I told the hon. Member that, but he has come back to the point.

**Mr. Carter:** I am rising so many times that it appears that I am making sport of this Bill, but my main reason for rising is that it seems there are factors not stated explicitly in the Bill.

**Sir Frank McDavid:** Absolutely nothing that is wrong will happen to anybody. I do not think anyone except the owners of fishing boats and true fishermen will notice anything in this Bill for quite a long time.

**Mr Correia:** I do not think I can accept the penalty proposed in sub-clause (3) of this clause for failure to paint the registration number onto the boat. I feel that penalty is too high for such a minor offence.

**Sir Frank McDavid:** Subject to the advice of the learned Attorney General, I propose to make a single amendment changing the amount of the fine to the same amount as shown on page 2 of the list of amendments for another offence. I think there will be some justification if subclause (3) is amended and the words "five hundred dollars or to imprisonment for a term not exceeding six months" are replaced by the words "fifty dollars," without changing the effect.

**Mr. Correia:** I will accept that.

Amendment put, and agreed to.

Clause 9 passed as amended.

Clause 10—*Inspection of a fishing boat.*

**Mr. Carter:** This clause states:

"The owner of a fishing boat shall, once in every year, and as often as is

required, at such time and place named by a fishery officer, submit his fishing boat for inspection."

It was discussed just now and more or less brought out that there would not be fishery officers other than there are at present. I want to know whether in this case it is Mohamet who will go to the mountain or the mountain will come to Mohamet. If I am convinced to the mountain or the mountain will not be subjected to those provisions then I will be satisfied.

**Sir Frank McDavid:** I have no real worry or doubt about the intentions of this clause, and I am saying for the seventh time, it is intended to remove the whole of the interior from the application of certain provisions. This is one of them.

Clause 10 put, and passed as printed.

Clause 11.—*Director to issue commercial licences for fishing.*

**Sir Frank McDavid:** I now beg to move that Clause 11 be deleted and there be substituted therefor five sub-clauses as shown on the statement of amendments. The whole purpose of the new provisions is to make it clear that the owner of a registered fishing boat must apply for a licence to fish if he wants to use his fishing boat for that purpose. If he does apply, he must get it—as long as his boat is registered. The opening words of subclause (1) state:

"The Director shall on application made to him in the prescribed form issue to the registered owner of every fishing boat registered under this Ordinance a licence to fish in any of the waters of the Colony. . ."

so, if a person who has a boat applies and gets it registered, he also applies for a fishing licence and he gets it. This licence has to be carried on the

[Sir Frank McDavid]  
fishing boat whenever and by whomsoever it is used for fishing. The owner may loan out the boat, but as long as his licence is on the boat he is covered but the new subclause (2) provides that any other person may make application to the Director for a licence to fish.

The words at the end of the subclause I have just quoted are:

“... and such licence shall be carried on the fishing boat whenever and by whomsoever it is being used for fishing.”

I am sorry I omitted to mention that I have been persuaded it would be a hardship on fishermen to expect them to carry these “identification tags” whenever they are out at sea working hard, and I have agreed that those words should be deleted.

To go back to my argument—Anybody who might fish casually or for sport, can sell what he gets and take what he gets for himself, and he does not have to get a licence.

We pass now to subclause (3). The only person who has to get a licence is the person who engages in fishing for gain—as his sole or principal occupation. Such a person, under this Bill, is expected to take out a licence, and in the next clause it is an offence if a true fisherman goes in for fishing without applying for a licence. I will now deal with the proviso on page 2 (of the amendments circulated), and it reads:

“Provided that the provisions of this subsection shall not apply to any person while employed on a fishing boat registered under this Ordinance who is not the registered owner thereof.”

I have already explained that “fishing boat” applies to the owner and that the licence entitles him to certain benefits. Any person will be entitled to those benefits therefore, so long as he is employed on a fishing boat. The Gov-

ernor in Council has examined this proviso and has agreed that it should be applicable to the waters of the Colony. The proviso has been put in to make assurance doubly sure. The hon. Mr. Phang can be assured that it bears positively no reference to the North West District. I think the Governor in Council would much rather remove a district like that from the provisions of that particular section altogether. There might be in that district a person who indulges in fishing as his sole occupation, but there is no reason why a person in that remote district should be made to take out a licence if he is a regular fisherman.

I hope hon. Members understand that a provision like that is not intended to revolutionize the industry completely. I hope this proviso would make the intention perfectly clear that there is no reason for fear in the mind of anybody. I do want to say if I might that it is very unfortunate that such an impression of this debate has gone out. In last Sunday's “Chronicle” there appeared a most extraordinary statement by a gentleman whose name I would not call—that this proposal to tax fishermen was one of the highlights of the week—and these are some of the words he uses:

“... according to that “Bill” you people, especially those who have fishing as their “hobby” on Sunday mornings etc., will have to throw away or put up your fishing rods, lines, and cast-nets unless you're licensed...”

That is nothing of the sort—there is nothing like that. I have said so a dozen times, and I am at a loss to understand why so-called intelligent people should print a thing like that. I am just dealing with the last words in this subclause—11 (2). Before we leave this clause, may I ask also that the marginal note be altered consequentially. Instead of the marginal note being made to read “Director to issue commercial licences

for fishing", it should read "Licence to fish".

Clause 11, as amended (by the substitution of a new clause), passed.

Clause 12—*Commercial licence.*

**Sir Frank McDavid:** The provisions of this clause have been already explained, but I have drafted a new clause 12 with a different object altogether. I was rather interested by what the hon. Mr. Carter stated in the course of his remarks. He said that this Bill is not calculated to promote the welfare of fishermen in the Colony and pointed out that Dr. Hickling, in the very first paragraph of his report, stressed the need to promote the fishing industry and to encourage the people engaged in fishing. The hon. Member is quite right, and he knows that we have been trying to do quite a lot recently along those lines, although not as much as in Port of Spain, perhaps. Government has actually put up a Fish Centre in Georgetown for the benefit of the industry. I said in the course of my speech at the second reading of this Bill that I was very sorry I was unable to synchronize the opening of that Centre with the passing of this Bill. There are, in the buildings there, facilities for promoting the interest and the welfare of the industry. The new clause 12 says:

"12. The Director may, with the approval of the Governor-in-Council, establish and maintain out of such funds as may be voted by the Legislative Council fish centres and depots in order to afford facilities for the servicing and provisioning of registered fishing boats and for the disposal and sale of catches of fish and to provide services and amenities for the use of fishermen."

Now, hon. Members would see that that is one of the advantages in the registration of fishing boats. The registered fishing boats will be allowed to use these and other services which the Centre will supply. Only a registered fishing boat can use them, and with a

licensed fisherman. Therefore, we see what are the advantages of having his boat registered and having a licence which would entitle him to be a fisherman.

**Mr. Carter:** Mr. Speaker, I have before me a note at the side of the hon. Member's amendment, and it consists of two words—"Dr. Hickling". What I am saying is that there is no mention in this Bill of any of the things that Dr. Hickling recommended.

**The Chairman:** It has been already pointed out that clause 12, as printed in the Bill, will be substituted by a new clause 12.

**Sir Frank McDavid:** May I ask also that the marginal note which now reads "Commercial licence" be deleted and that there be substituted therefor "Provision of fish centres, depots and other services".

Agreed to.

Clause 12, as amended, passed.

Clause 13—*Licence to export fish.*

**Mr. Correia:** I see that there has been no provision for exporting fish for scientific purposes, and I would like to know whether or not a licence for that purpose would have to be obtained. If that is so, I think it should be inserted here (in clause 13 (1)).

**Sir Frank McDavid:** I wonder whether the hon. Member would say why that should be inserted here. The provision being inserted now is no different from the law in other countries. If anyone wishes to export fish for scientific purposes he can apply for a licence in the ordinary way and he would get it.

**Mr. Correia:** I do not know whether the present Ordinance makes provision for that, and for a person who wants to

[Mr. Correia]  
export fish for scientific purposes has to take out a licence.

**Sir Frank McDavid:** Yes; it is only a formal licence. I do not know whether there is any special fee for it today.

**Mr. Raatgever:** I think there should be a fee because these people make a lot of money by exporting fish for scientific purposes. They export the fish to institutions in the U.S.A. and in many other parts of the world.

**Mr. Carter:** I should like that to be stated in this clause so that if fish is exported for aquarium or scientific purposes it should be able to bring us hard currency which we need. I speak about this because I was in the export trade in fish at one time. I know that some of this fish is exported to Trinidad, and that Trinidad in turn exports it to the U.S.A. and earns dollars which we in British Guiana should earn. I would like this clause to provide a fee for the export of fish to Trinidad.

**Sir Frank McDavid:** Does the hon. Member seriously think that we should include in our laws a provision that no fish should be exported to Trinidad or to Barbados, or any other of the Federated territories? However, since the clause governs the control of exports, what the hon. Member has to do is to persuade the export authorities to see that no fish is sent to those islands. I do not see that any fee could be charged because clever people, or people, cleverer than we are, get hold of this fish and re-export it to the United States and other places.

**Mr. Raatgever:** I know that a section of the B.W.I.A. had offered to export this fish to the U.S.A. and other parts of the world. The difficulty has been to get planes to come direct to British Guiana and take the fish. I do

think that something should be enacted here to enable us to get some fees on that fish because it is sold to wealthy Americans for a lot of money and this Colony does not benefit in the slightest.

**Sir Frank McDavid:** I have no doubt that the Financial Secretary would be willing to agree that we should put a slight tax on that fish, but it is a horse of a different colour to ask that it be done in this Bill. I do not know whether the hon. Member is serious about the suggestion, but I have no doubt that he would follow it up if there are any reasons for it.

**Mr. Tello:** I have no doubt that it is a commercial matter. The hon. Mr. Carter seems to be worried about the dollars that we are not earning, and I think the Financial Secretary can consult with the Chamber of Commerce and get their views on the American market. The main point is that the fish is going to Trinidad, and in making use of this particular market there must be some advantage which Trinidad is enjoying that the traders in British Guiana are not using. I am appealing to the Deputy Speaker to use his influence with the Chamber of Commerce and let us get some benefit in this matter.

**Mr. Carter:** I do not think this offence is so grievous as to warrant a fine of \$1,000. I would suggest a reduction of the penalty to \$100.

**Sir Frank McDavid:** I think myself that \$1,000 is too severe a penalty but I think it should be rather more than \$100. I move the substitution of the words "five hundred dollars" for the words "one thousand dollars." I think the term of six months imprisonment should remain.

Amendment agreed to.



Clause 13, as amended, put and agreed to.

Clause 14 passed as printed.

Clause 15—*Licences to be shown on demand.*

**Sir Frank McDavid:** Having deleted from clause 12 the words which require a fisherman to carry his licence whenever he is engaged in fishing, the provision in this clause that all licences must be shown on demand to any Fishery Officer is inconsistent. I think we should make the words less stringent than "on demand". I therefore ask that this clause be deferred for further consideration.

Clause 15 deferred.

Clause 16—*Duration of licences to fish and to export fish.*

**Rev. Mr. Bobb:** I think this clause should also be deferred in view of the occurrence of the words "in the public interest."

Agreed to.

Clause 16 deferred.

Clause 17 passed as printed.

Clause 18—*Fee for licences.*

**Sir Frank McDavid:** I move that clause 18, as printed, be deleted and that the amendment as shown on the statement of amendments be substituted as follows:

"18 The fees for licences issued under this Ordinance and the fees or charges in respect of any facilities, services or amenities provided thereunder, shall be those prescribed by regulations made under section 34 of this Ordinance."

The reason for this is to include power to impose fees or charges in re-

spect of the facilities for fishing boats and for fishermen which have now been inserted under clause 12. I also move that the marginal note be amended to read: "Fees and Charges."

Clause 18, as amended, agreed to.

Clause 19 passed as printed.

Clause 20—*Unlawful use of licence.*

**Sir Frank McDavid:** I wish to withdraw the amendment indicated in the statement as I am advised by the hon. the Attorney General that it is not necessary. The only amendment proposed is the deletion of the words "five hundred dollars, or to imprisonment for a term not exceeding six months" in sub-clause (2) and the substitution of the words "fifty dollars."

Agreed to.

Clause 20, as amended, put and agreed to.

Clause 21 passed as printed.

Clause 22—*Offence to forge certificate of registration or licence.*

**Mr. Carter:** This clause has relationship to clause 20, the penalty in which has been reduced to \$50. This clause deals particularly with forgery, and subclause (2) says:

"(2) In this section the term 'forgery' has the same meaning as that assigned to it by section 240 of the Criminal Law (Offences) Ordinance."

Looking at that section of the Ordinance I discovered that it carries imprisonment for 14 years without a fine. I am glad to find that the penalty has been reduced in this case to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months. It is quite true that quite a lot of forgery can take place, but since this

[Mr. Carter] clause bears relationship to clause 20 I am suggesting that the fine be reduced to \$500.

**Mr. Jailal:** I wish to object to that most strongly. It is possible for dishonest people to filch a fisherman of his money, and I would be inclined to suggest a fine of \$10,000.

**Sir Frank McDavid:** I also object to any reduction of the penalty. This clause deals with serious offences in the nature of forgery under the Criminal Law Offences Ordinance. Not only forgery of a licence but forgery of any sort is a very serious offence, and I do not think that a maximum penalty of \$1,000 is too severe for an offence of that sort.

**Mr. Carter:** I do not press the suggestion.

Clause 22 put, and agreed to.

Clause 23.—*Appointment of fishery officers.*

**Mr. Macnie:** I observe that sub-clause (2) of clause 23 says:

“(2) Fishery officers shall receive such remuneration as is approved by the Governor-in-Council”

Should the remuneration not be fixed by the Legislative Council?

**Mr. Raatgever:** This is taking away the functions of the Legislature. Our powers are being removed.

**The Attorney General:** It does not do anything of the kind. It says that the Governor in Council shall fix the remuneration, but no money can be taken out of public revenue except with the approval of the Legislature. All this clause does is to give the Governor in Council power to fix the remuneration.

**Mr. Raatgever:** Subclause (2), says that Fishery Officers “shall receive such remuneration as is approved by the Governor in Council.” That is a categorical statement which should be amended to read “approved by the Legislative Council”.

**The Attorney General:** I would like the hon. Member to explain how the Governor in Council could get money out of the revenues of the Colony without the approval of the Legislature.

**Mr. Raatgever:** I happen to know that Government is paying money out without the sanction of the Legislative Council, and I am going to inquire where the authority came from.

**Mr. Macnie:** Is there any Ordinance with a similar provision? We have had other Departments established without this provision, I think.

**The Attorney General:** We have several laws which provide that the Governor in Council shall fix certain remuneration.

**Sir Frank McDavid:** On the second reading of the Bill I took particular pains to refer to this clause, and pointed out that the term “Fishery Officers” used in the clause does not refer to the holders of the posts provided on the Estimates, but obviously what was meant was that for the occasion it might be necessary to appoint Fishery Officers outside of the Establishment for some specific purpose. In that case two things happen. First of all they cannot be appointed unless there is money to pay their salaries, and that money can only be obtained by vote of the Legislature. Their remuneration has to be fixed by somebody, and that body is the Governor in Council who employ them and pay them out of money voted by the Legislative Council. I do not conceive of the employment of Fishery Officers outside



the departmental staff unless there was some special need for them, or by virtue of special Regulations.

**Mr. Macnie:** I appreciate what the hon. Member has said, but there are officers already on the Establishment who are called Fishery Officers.

**The Chairman:** I think the clause might be differently worded.

**Sir Frank McDavid:** I will illustrate. Supposing, as I indicated in my speech on the second reading, it was decided after all the scientific advice we can get, that we should control the catching of *arapaima* in the interior. We have been pressed very hard to save the *arapaima*, and assuming it was decided to do that there would be Regulations passed with the approval of the Legislative Council providing for certain things — perhaps fixing a close season, the size of the fish and the method of catching it. Assuming that all that is accepted, then the Governor in Council would ask for Fishery Officers to carry those provisions out, and might decide to employ Fishery Officers for a period to see that the Regulations were observed. The Governor in Council would appoint the officers and fix their remuneration. This clause is to provide for the employment of special officers to do certain things which the Ordinance or Regulations require.

**Mr. Correia:** All I will say is that unless such legislation is backed up by proper biological surveys it will have a very rough passage through this Council.

**Sir Frank McDavid:** I am not in favour of controlling the *arapaima* at all. I am not at all satisfied that there is sufficient scientific evidence about it, but there are other people who know more about it than I do, and are pressing that it should be done. Supposing it is decided to do so, we shall put up

Regulations for the approval of the Council, and we shall require temporary assistance.

**Mr. Lee:** I suggest that the clause be deferred for further consideration.

**Mr. Raatgever:** So long as I am here I shall oppose any attempt to take away the functions of the Legislature. This is such an attempt, and I will never allow it to be done. I move the deletion of this clause unless the hon. Member is prepared to amend it in such a way as to give the Legislature the right to vote the money required.

**The Chairman:** The hon. Member cannot deny that it does admit of that interpretation. Can't he do something about it.

**Sir Frank McDavid:** If the Attorney General is prepared to find some other wording.

**The Attorney General:** We all desire the same purpose, and the object here is not to take away from the functions of the Legislative Council. That is what I think there is some doubt about.

**Mr. Raatgever:** I will accept what the hon. Member says and ask that it be deferred.

**Sir Frank McDavid:** I must object: this is the Legislative Council in session when we are expected to make decisions, and already a number of clauses have been deferred.

**Mr. Raatgever:** The hon. Member can object as much as he likes. There are other Members here on whose behalf I think I can speak. If they are opposed to a deferment they will say so.

Agreed to.

Clause 23 deferred.

Clause 24.—*Powers of fishery officers.*

**Mr. Correia:** This Clause give the Fishery Officers too much power.

**Mrs. Dey:** Supposing the person involved is a woman? There is a law against any male officer searching members of my sex.

**Mr. Correia:** Believe me, the powers allowed are too wide.

**Sir Frank McDavid:** I feel very strongly in support of the hon. Member, Mrs. Dey.

**The Chairman:** I am trying to find the reference in the clause itself.

**Mrs. Dey:** Subclause (1) (h) "inspect and search any baggage . . ."

**Sir Frank McDavid:** "Baggage" is not used there in the sense the hon. Member intended.

**The Chairman:** If I may assist the hon. Member, the word relates to property.

**Sir Frank McDavid:** It is done in respect of nurses.

**Mrs. Dey:** In the case of a female it must be done by a female and not a male.

**Sir Frank McDavid:** I have seen ladies' baggages being searched by male Customs Officers.

**Mr. Correia:** I wish this Clause to be deferred.

**The Chairman:** Does the hon. mover have any objection?

**Sir Frank McDavid:** I have, Sir, unless the hon. Member can point out some specific instance. I do not think it should be deferred just for the sake of postponement.

**Mr. Macnie:** In connection with the status of a member of the Police Force, in subclause (1), it seems to me that the inclusion of the words "or in charge of a Police Station" makes it possible for a constable to do the searching or to have the powers of a sergeant, because, as we all know, a constable may be temporarily in charge of a Station.

**The Attorney General:** This is by inclusion of the words, "or in charge of" no means an unusual provision, and it is there for the very reason, that a junior officer may act when no sergeant is there.

**Mr. Macnie:** Does it not appear to be putting it the other way?

**The Attorney General:** The hon. Member will realize that this clause is necessary.

**Mr. Raatgever:** I agree that the whole clause is too drastic. Again, this is attempting to interfere with the liberty of the subject, and that is contrary to the democratic idea.

**Mr. Macnie:** I feel certain officers must have these powers if the laws are to be carried out. I do not want to be misinterpreted.

**The Chairman:** We had better defer the clause.

Agreed to.

Clause 24 deferred.

Clause 25—*Power to enter lands.*

**Rev. Mr. Bobb:** Is it intended to give the fishery officer the powers of a policeman?

**Mr. Raatgever:** I want to know whether a policeman can enter my house at any time of the night to search without a warrant.

**Mr. Chairman:** Ordinarily speaking, they must be armed with search warrants to do so.

**Mr. Raatgever:** Yes, they must get a warrant. But in a stupid thing like controlling fishing and boats an officer is to be given the power to enter people's houses without them. A felony is not involved. I would like to see this clause deferred for further consideration by the Attorney General.

**Rev. Mr. Bobb:** I think, too, it ought to be deferred for further consideration. I shall be glad if the hon. mover considers this along with the previous clause.

**Sir Frank McDavid:** It is matter for the legal department whether these powers are consistent with those given to Justices of the Peace and certain officers.

**The Attorney General:** I do not know what hon. Members want, but in order that a regulating law of this nature should be effective provisions of this kind are necessary.

**The Chairman:** I shall be glad if hon. Members proposing amendments will prepare them in writing. They cannot expect the Law Officers to work on amendments like that.

**Mr. Raatgever:** We are not all legal men, and we can only indicate something where it affects the people of this country. May I suggest that the Attorney General and the hon. mover meet Members unofficially and discuss these matters? This Bill is ill-conceived.

**Mr. Macnie:** I would like to ask Your Honour, whether your suggestion as to the preparation of memoranda applies to all the clauses that have been deferred, especially that clause in which the phrase "in the public interest" was used. If it does, then I would like to know what is the purpose of *Hansard*.

**Sir Frank McDavid:** I myself do not say that I need the memoranda. I had intended to consider the substitution of some other phrase where neces-

sary in the clauses deferred and, as the Rev. Mr. Bobb suggested, to consider them together. But I do feel a little doubtful about the deferment of clause 24 and clause 25 because I have not any clear indication of the minds of hon. Members who took them up. I think I am prepared to discuss that with the Attorney General and to decide on something we may find suitable, but I am not dependent on memoranda.

**Rev. Mr. Bobb:** On the question of memoranda, I would like to make this observation: in Committee we make suggestions we think are likely to help. I think that is the object; not just to criticize. In Committee one is stimulated to see the other's points, and one will not see these when sitting alone and preparing memoranda. I think the present practice should continue, as when there are matters of such magnitude for Members to consider I think this is a useful opportunity for making suggestions.

If we delete or defer clause 24 (2) or clause 24 (1) (b), it follows that clause 25 must be reconsidered. At the present time a Justice of the Peace or a policeman can come to me overnight to sign a warrant to enter people's property because he suspects something—only suspects—but there is no such provision here in clause 25 (2):

"Any fishery officer or member of the police force may, where he has reason to suspect . . ."

It is quite inconsistent with present practice. That is why I agree to the deferment.

**Mr. Lee:** It is 5 o'clock now. May I ask for an adjournment.

**The Chairman:** I will not allow the hon. Member that privilege; he has come too late.

**Mr. Raatgever:** I was here very early, and I am also asking for it.

**The Chairman :** Very well. Can we meet tomorrow?

**The Chief Secretary :** There is not enough business to justify coming back tomorrow.

**The Chairman:** Next week ?

**Sir Frank McDavid :** I had hoped to take the Rice Farmers Bill on Friday, thinking we would get through with this Bill today.

Council resumed.

CONFIRMATION OF ORDER IN COUNCIL  
No. 39 OF 1956

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

"Resolved, That this Council in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council No. 39 of 1956 which was made on the 3rd day of July, 1956, and published in the *Gazette* on 7th July, 1956."

I must apologise, Sir, for bringing this Order once again before the Council. The Order which the Council passed on June 28 had a technical flaw in it. It was intended that that Order should merely narrow the meaning of "special mining supplies". Unfortunately, however, in drafting the new Order it was overlooked that in it there is nothing to say that the various articles to come in at this specially low rate of duty must be for the use of registered mining companies. The whole point of the original Order was, of course, to assist the country's mining industry and the words inserted in the Order now before Council—"The following goods when imported by or on behalf of a registered mining company"—were in the original Order, which Order in Council No. 34 of 1956 amended. I feel now, therefore, that the Order will be entirely acceptable to this Council.

APPROVAL OF ISSUE OF \$1¼  
MILLION LOAN

**The Financial Secretary:** I beg to move that the Resolution at item No. 6 on the Order Paper be adopted. It reads:

"Resolved, That, with reference to the Public Loan Ordinance, Chapter 297, this Council approves of an issue of \$1¼ million of the loan authorised thereunder for defraying the cost of the reconstruction and rehabilitation of the Telecommunications System being raised in the Colony, such issue to bear interest at the rate of 5% per annum and to have a currency of 30 years but with the right of redemption after the expiration of 10 years from date of issue being reserved."

Under the Public Loan Ordinance, 1953, the Governor is authorised to issue debentures to an amount not exceeding \$7,200,000 for the construction of the Telecommunications system and such other votes as may be allowed by the Legislative. We have varied a bit under the second part, but not under the first for which \$5 million was specified in the Ordinance. Any development programme envisages the greatest possible mobilisation of local investment and we shall be coming to the public here with loan issues from time to time in such manner and shapes as market conditions require. This \$1.75 million is intended for the telecommunications programme on which \$11 million has already been spent from a loan advance account. The terms proposed for the loan are the same as those offered for last year's local issue, except that the rate of interest has been raised from 4½ to 5 per cent in view of the general rise in interest rates since then. In commending this resolution to the Council I should like to express the hope that the public will show its confidence in the country by making a large effort to take up this loan in full and at full speed.

**Sir Frank McDavid:** I beg to second the motion.

**Mr. Lee:** May I enquire from the Financial Secretary whether the Georgetown Town Council has not asked for permission to raise a loan with interest payable at 6 per cent.

**Mr. Speaker:** What has that got to do with this?

**Mr. Lee:** It has to do with it in this way: if the Town Council is raising a loan at 6 per cent. interest and Government is raising one at 5 per cent., shouldn't we think that the Town Council will get theirs first?

**Mr. Speaker:** It is a matter for the public.

**Mr. Raatgever:** I agree with you, Sir.

**Mr. Speaker :** I was going to ask the Financial Secretary whether it would be possible to give some indication of the denominations of the bonds. I know of a previous instance where this was done, but the subscription list was closed before the general public

could subscribe. Insurance companies and others similarly situated were given preference and the entire loan was closed within 48 hours or so. The ordinary man in the street must be given an opportunity of subscribing to a local loan—within his means. I do hope to see the terms made liberal in that respect by including in the size of the denomination bonds of \$10, \$50 and so on.

**The Financial Secretary:** I, personally, do not know if the City Council has asked for authority to raise a loan, but that is not to say that it has not. I propose that the bonds issued for this loan of \$1¼ million will be in denominations ranging from \$50 to \$10,000. I respectfully agree with you, Sir, as regards the usefulness of issuing a bond as small as \$50.

Motion put, and agreed to.

**Mr. Speaker :** Council will now adjourn to Thursday next, July 26, at 2 p.m.