

LEGISLATIVE COUNCIL

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

THURSDAY, 29TH NOVEMBER, 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. 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. G. A. C. Farnum, O.B.E.,
(Member for Local Government, Social
Welfare and Co-operative Development),

The Hon. R. B. Gajraj,

Nominated Official

Mr. J. I. Ramphal.

Nominated Unofficials:

Mr. T. Lee

Mr. W. A. Phang

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

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

Mr. Sugrim Singh

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

Clerk of the Legislature—

Mr. I. Crum Ewing

Assistant Clerk of the Legislature

Mr. B. M. Viapree (Ag.)

Absent :

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

The Hon. R. C. Tello — on leave.

Mr. C. A. Carter.

The Speaker read prayers.

MINUTES AMENDED

The Minutes of the meeting of the Council held on Thursday, the 22nd of November, 1956, as printed and circulated, were taken as read.

Mr. Speaker: I would like to make a correction by way of an addition to the Minutes. It is with respect to the second paragraph on page 2, which reads—

“The Speaker thanked Members and took the opportunity to place on record an expression of his appreciation of the able manner in which Mr. W. A. Macnie, C.M.G., O.B.E., had conducted the business of the Council during his absence from the Colony.”

I had made reference to his public service in this Chamber, and I desire to add that I expressed appreciation of his services as a Member of the Council. In other words, I paid tribute to the valuable services rendered by Mr. Macnie during his membership of the Council.

The Minutes were accordingly amended by the insertion of a comma and the words “and paid tribute to the valuable services rendered by him during his membership of the Council” at the end of the paragraph.

Minutes confirmed as amended.

PAPERS LAID

The Financial Secretary: I beg to lay on the table the following documents—

Order in Council No. 75 of 1956 made under Section 8 of the Customs Ordinance, Chapter 309, on the 21st day of November, 1956, and published in the Gazette on 24th November, 1956.

Order in Council No. 76 of 1956 made under Section 8(b) of the Customs Ordinance, Chapter 309, on the 16th day of November, 1956, and published in the Gazette on 24th November, 1956.

Schedule of Supplementary Estimates for the month of October, 1956.

Schedule of Supplementary Estimates (Development) for the month of October, 1956.

GOVERNMENT NOTICES

ORDER IN COUNCIL NO. 75 OF 1956

The Financial Secretary: I beg to give notice of the following motions—

“Be it resolved that this Council in terms of Section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council No. 75 of 1956 which was made on the 21st day of November, 1956, and published in the Gazette on 24th November, 1956.”

ORDER IN COUNCIL NO. 76 OF 1956

“Be it resolved that this Council in terms of Section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council No. 76 of 1956 which was made on the 16th day of November, 1956, and published in the Gazette on 24th November, 1956.”

SUPPLEMENTARY ESTIMATES
FOR OCTOBER, 1956

“Be it resolved that this Council approves of the Supplementary Estimates for the month of October, 1956, totalling \$1,419,463.81, which have been laid on the table.”

SUPPLEMENTARY DEVELOPMENT
ESTIMATES FOR OCTOBER, 1956

“Be it resolved that this Council approves of the Supplementary Estimates (Development) for the month of October, 1956, totalling \$176,029.73, which have been laid on the table.”

OTHER NOTICES

LA PENITENCE HOUSING SCHEME

Miss Collins: I notice reference has been made in the Press to the plight

of certain residents of La Penitence. I would like to ask the hon. Member for Labour, Health and Housing about the position there. I led a deputation to the hon. Member and was given certain assurances. I would like to ask the question submitted in my name.

Mr. Cummings (Member for Labour, Health and Housing): I anticipated this question from the hon. Member, though I did not see it on the Order Paper. I am therefore prepared to answer it now, if you, Sir, permit me.

Mr. Speaker: I have not seen it. Even if I approve of it, let me read it through. I think the first part of it ought to be redrafted. I do not wish to delay action on a matter of some public importance, and if the hon. Member is prepared to answer now he may do so.

Mr. Cummings: I am prepared to answer it now.

Mr. Speaker: That you should never do — answer a question immediately it is put.

Mr. Cummings: That is a fact, but the criticism is not true and that is why I am most anxious to answer it.

Mr. Speaker: That being so I would like to think it over.

RICE FARMERS' (SECURITY OF TENURE) ORDINANCE

Mr. Luckhoo: I beg to give notice of the following motion, a copy of which I have handed to the Clerk—

“Whereas under the Rice Farmers' (Security of Tenure) Ordinance, 1956, tenant rice farmers commit an offence by keeping their oxen on the holding after cultivation, reaping and threshing;

“And whereas these tenants in many cases have nowhere to keep their animals and have in the past kept their animals on the holding;

“Be it resolved that Section 56(3) of Ordinance No. 31 of 1956, Rice Farmers' (Security of Tenure) Ordinance, 1956, be repealed.”

I had given notice of other motions, copies of which I handed to the Clerk.

Mr. Speaker: At the moment I have not revised them. One of them referred to a Bill, which I know is being prepared. I was hoping to see the hon. Member about it. As soon as I have got through them, they will be placed on the Order Paper.

ORDER OF THE DAY

SUPPLEMENTARY ESTIMATE FOR JULY TO SEPTEMBER, 1956

The Financial Secretary: I beg to move the following motion standing in my name on the Order Paper—

“Resolved that this Council approves of the Supplementary Estimates for the months of July, August and September, 1956, totalling \$1,069,339.02, which have been laid on the table.”

Although these three schedules total over \$1,000,000, \$420,000 is to cover the re-allocation of items which have already been voted under “Public Debt” Head. \$120,000 is to pay the additional cost of living allowances to Pensioners, which this Council approved in 1955, but because it was late in the year it could not be paid in that year. \$212,000 is the additional interest on loans raised during the year and the cost of remitting them. Revotes account for \$82,000. These items amount to around \$823,000 of the total of \$1,069,329. These schedules have been considered in detail by Finance Committee, and I therefore recommend that they be approved by this Council.

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to.

Motion adopted.

SUPPLEMENTARY ESTIMATES
(DEVELOPMENT)

The Financial Secretary: I beg to move that it be resolved:

“That this Council approves of the Supplementary Estimates (Development) for the months of July, August and September, 1956, totalling \$3,200,532.56, which have been laid on the table.”

These schedules which total such large amounts were half of them accounted for by revotes and additional provision for the Transport and Harbours Department in its Development Programme for 1956. The position with regard to that Department's amount is fully explained in the note to the September schedule which is now before the Council. In brief, these amounts which are needed for steamer and cargo services are entirely covered by revotes from 1955, but the railway portion includes an extra \$307,000 because the life of the East Coast railway will need to be extended and more work done on it because of the delay in the reconstruction of the East Coast road. It is not yet known whether the Department's five-year development programme can be adjusted to cover this additional expenditure.

Of the balance of \$1½ million on the schedule, \$856,000 represents accounting adjustments and discounts of the London loan of \$1,649,999, raised this year. The sum of \$278,558 is a replacement of the existing amount for Geological surveys in the current estimates. The balance was largely made up of revotes. So I think that although the total is a formidable one, it is not really so terrifying as it looks. The amounts have been examined and accepted by Finance Committee and I therefore recommend them to the full Council.

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to.

Motion carried,

WAGES COUNCIL BILL

Mr. Cummings (Member for Labour, Health and Housing): I beg to move the second reading of the Bill intituled:

“An Ordinance to provide for the establishment of Wages Councils.”

I think it would be of assistance to the Council if I invite Members' attention to the fact that the policy of the Government is self-government in industry, that is to say, the Government is an ardent supporter of collective bargaining. We believe that workers represented by enlightened and strong trade unions can sit around the table with employers and themselves negotiate their conditions of employment, but there are some undertakings in which workers are not organized or not sufficiently organized enough to be able to represent themselves as against or along with their employers.

Consequently there exists at the moment legislation under the Labour Ordinance, at Part III, Regulation of (Minimum) Wages, for the setting up of Advisory Committees. Section 7(2) of the Ordinance provides:

“The Advisory Committee shall include representatives of employers and employees and such other members as the Governor in Council may deem fit.”

That Ordinance goes on to provide for the making of Orders prescribing rates payable, by the Governor in Council. The weakness of that is that, an advisory committee set up under the provisions of that section may be appointed without consultation with either side and possibly without the inclusion of independent members to provide a more impartial element. One does attempt to do this administratively but it is not mandatory — there is no law compelling it. Further, these *ad hoc* advisory committees, conscious of the fact that the committee is not the final authority, would tend at times to make unrealis-

tic recommendations or would be less precise than if they bore the full responsibility for the Order they advise. So this Bill seeks to remove the weakness of Part III of the Labour Ordinance, and the Bill follows with suitable modifications the United Kingdom Wages Councils Act.

I wish also, in moving the second reading of this Bill, to emphasize that the enactment of this legislation would not be a departure from the established policy of self-government in industry. Minimum wage legislation will not continue to be in force, except where negotiations fail or where is involved a field of employment in which there is little or no organization among the workers and, of course, the employers.

The aim of the Bill is set out clearly under the heading "Objects and Reasons." Clause 3 seeks to make provision for the establishment by a wages council order of a wages council by the Governor in Council where he considers it expedient to do so. Clause 4 seeks to provide that before making a wages council order, the Governor in Council shall refer to a commission of inquiry appointed by him for that purpose, the question whether a wages council should be established; and clause 5 seeks to make provision for the procedure when a matter is so referred, and for the making by the Governor in Council of a wages council order.

Clause 6 seeks to provide for the publication of the intention of the Governor in Council to make a wages council order, for objections against the making of such an order to be lodged, for the consideration of those objections by the Governor in Council, and for the publication of an order if and when made. Clause 7 seeks to make provision for the revocation and variation by the Governor in Council of a wages council order.

Clause 8 seeks to provide for the constitution, officers and proceedings of commissions of inquiry. Clause 10 seeks to make provision for the submission by a wages council to the Governor in Council of wages regulation proposals relating to remuneration of workers and their holidays, after carrying out such investigations as it might think fit, and also for the making of wages regulation orders by the Governor in Council and for the publication of such an order. Clause 11 seeks to provide for the effect and the enforcement of wages regulation orders. Clause 12 seeks to enable a wages council in the case of infirmity or physical incapacity of a worker which renders him incapable of earning the statutory minimum remuneration, to authorize the payment of a wage less than such minimum to a worker. Clause 13 seeks to provide for the computation of remuneration payable to a worker, and for certain deductions from such remuneration.

Clause 14 seeks to prohibit the receipt by an employer of any payment by way of premium where a wages regulation order is applicable to an apprentice or learner, and contains certain exceptions. Clause 15 seeks to provide for the keeping by the employer of certain records, and for the notification of any wages regulation proposals or wages regulation order of the workers employed by him. Clause 16 seeks to provide for the liability of an agent or employee of an employer who is himself the immediate employer of the worker, and it also seeks to enable an employer to plead that a contravention of the provisions of the Ordinance was due to the act or default of some other person.

Clause 17 seeks to make provision for the appointment of officers, and prescribes the powers of those officers. Clause 18 provides the penalty for false entries in records, for producing false records, and for giving false informa-

[Mr. Cummings]

tion. Clause 19 seeks to enable the Governor in Council to make regulations for the purposes of the Ordinance, and clause 20 seeks to provide for the payment of certain expenses from the general revenue of the Colony.

Before I take my seat I would emphasize the desirability for this permanent body. This body will be reviewing wages council orders from time to time, and its decisions will enjoy the sanctity one hopes for it. One is at times unwilling to depart from precedent in certain instances, but I think it can be readily appreciated that to have a tribunal giving decisions as a permanent body is far better than having *ad hoc* bodies without representation doing the same thing with regard to the minimum wage. I may add that in Executive Council we were fortunate to have Mr. Tello, Secretary of the B.G. Trades Union Council, who gave his views and those of his organization. I had meetings with him and this Bill, I venture to say, meets with the approval of both sides of industry. I do hope Members will find it possible to support it.

Sir Frank McDavid: I beg to second the motion.

Mr. Correia: This Bill was published on 17th November, 1956. It is a very important Bill which affects the rights of employers and workers in trade unions, the latter especially. In view of the shortness of time, I am asking the hon. mover to see whether he can defer the Bill, and so allow hon. Members time to consider it. It needs more time for study. I do not know whether the hon. Minister would agree to that.

Mr. Cummings: I feel I am now in the hands of the Council. This legislation is something we owe to the country. We have been promising it for quite a long time. Nevertheless, it is important legislation and if it is the

wish of the Council — the expressed wish of the Council — that something beneficial to the working class people of the country should be deferred longer than it has already been, then I am in the hands of the Council.

Mr. Correia: We had only two weeks' notice. I am going to do certain research on this Bill and I am sure other Members would like to do the same. The time has been so short that I have not been able to get the information I want in order to give the Bill my blessing or to oppose it. I am warning this Council that if Government does not agree to a deferment but "machine-guns" this Bill through, then the responsibility will be Government's.

The Chief Secretary: Before a decision is taken on this: if the Bill is deferred the delay resulting will be considerable because we are dealing with the Budget tomorrow, and it will take up the rest of the year, possibly. It is likely that we would not then be able to give this Bill further consideration until next year.

Mr. Lee: The "opposition" would be glad to study this Bill. Those who are not in trade unions would have to be consulted whether they like this Bill or not. This Bill will confer on Government powers which will interfere with trade unions' rights.

Mr. Cummings: I may say, to assist Members of the "opposition" — as Mr. Lee described it — that this is the implementation of May Day resolutions over a number of years — year after year. I have been at pains to emphasize that this is not a departure from the accepted policy of self-government in industry. We are still seeking to promote collective bargaining, but there are certain indus-

tries — my friend knows them very well — which for years have been existing without these minimum wage orders. We find this in countries where there has been trade unionism for over a century, as for instance the Agricultural Wages Board in the United Kingdom and in Canada. There is no effort to undermine trade unionism, and I think I made it clear that the Trades Union Council (I have a note on my file) have given this Bill their blessing. There is no question of opposition coming from recognized unions.

Mr. Speaker: I do not care to put the matter to the Council in a formal way. How long would it take you to make representations, Mr. Correia?

Mr. Correia: A week, Sir.

Mr. Cummings: I do not follow that, Sir. Representations to whom?

Mr. Speaker: One moment, please. Mr. Correia represents the interior. Mr. Correia, I was wondering whether your attention had been called to anything you have not told the Member about. Are you thinking of those who work in the interior?

Mr. Correia: Of workers generally, Your Honour, both of the workers in the interior and of the trade unions themselves. I do not want to delay the business of the Council by any means. I like to see work done, but at the same time I like to see it done properly.

Mr. Speaker: There is one way of proceeding with the Bill. After we have taken the second reading we can go into Committee and leave the Bill in Committee with the understanding that if those representations do not come forward even during the Com-

mittee stage we would proceed to the third reading, which must be before the end of the year. Would that suit you, Mr. Correia?

Mr. Correia: I do not think we should have the second reading until we are prepared to consider the Bill. I am asking for a postponement for a week, after which I would be prepared to debate the Bill.

Mr. Cummings: I am opposed to the request. As I have said, I think the responsibility is too much for me to take on. This is something that has been delayed for years. I do not understand what Mr. Correia means when he says that he would like more time to go into the Bill. If a schoolboy does not do his home work it is no fault of the teacher. I am in the hands of the Council. If the hon. Member does not read his papers it is not my fault.

Mr. Speaker: I am going to ask the Council to vote on it. I am not prepared to accept the responsibility. Those in favour of the deferment of the Bill will say "Aye" and those against "No". I think the "Noes" have it.

Mr. Correia: Division, please.

The Council divided and voted.

<i>For:</i>	<i>Against:</i>
Mr. Jaisal	Mr. Lord
Mr. Rahaman	Mr. Sugrim Singh
Mr. Correia	Dr. Fraser
Mr. Luckhoo	Mrs. Dey
Mr. Lee—5	Miss Collins
	Rev. Mr. Bobb
	Mr. Phang
	Mr. Ramphal
	Mr. Gajraj
	Mr. Farnum
	Mr. Cummings
	Sir Frank McDavid
	The Financial Secretary
	The Attorney General
	The Chief Secretary.—15

Motion negatived.

Mr Speaker: Would any Member like to speak on the second reading, or speak at all? Do not let us filibuster.

Mr. Lee: I am limited to 30 minutes, Sir. You can call me "to book". I hope we will change that rule. From my observation the Bill does not provide a sufficient penalty for disobedience of an order by the Wages Council. There may be employers who may flout an order of the Wages Council even though it will be a statutory body. Suppose the proprietor of a laundry in the interior was ordered by the Wages Council to pay his employees certain wages, and instead of complying with the order he dispensed with his employees and carried on the laundry himself, is there anything in the law to compel him to employ assistance? Such a person would not be affording employment for the people in his area. In the case of a company which is ordered to pay its employees certain wages, if it refuses to comply with the order the manager may be prosecuted, but the really guilty persons would be the Chairman and Directors of the company. Is there any provision in this Bill for the imposition of a penalty on the persons directly responsible for the disobedience of an order? I think the matter should be looked into.

Mr. Luckhoo: There is one observation I would like to make. The hon. Member for Labour has given an assurance, which I accept, that this Bill has the full approval of the Trades Union Council, but I recall that a few years ago when the establishment of Wages Boards was being discussed during consideration of the Venn Commission's Report, there was strong opposition from those very trade unions. I also recall vividly the hon. Member, Mr. Tello, going through the countryside and explaining to the people that in his opinion Wages Boards would in

a way be depriving trade unions of their full powers in collective bargaining. I am conscious of the fact, having read the Bill and done some home work on it, that there are certain safeguards in it as compared with what was propounded to us a few years ago. Nevertheless, I utter a note of warning that trade unions know what they are going into, for by their expressions they are accepting Wages Councils.

I recall Mr. John Gutch, who was presiding in the Legislative Council on that occasion, pointing out that he regarded the establishment of Wages Boards as being rather a retrograde step—a type of formula which would only be adopted where there were—and he cited the example of farmers scattered all over England and various places where it was not possible to have unions set up to represent these people and to enter into collective bargaining arrangements. He said that if such people got together under the aegis of a Wages Board or Council, such as is envisaged in this Bill, that would be acceptable to them, and they did have such Councils set up in England and other places. But he sounded a note of warning that the establishment of Wages Boards in this Colony might be a way of weakening the powers of the trade unions, and that was the view adopted by the Legislature a few years ago.

But there are changed conditions, and I am conscious of the fact that there are certain safeguards in this Bill, to which I shall refer in the Committee stage, which might give it a different complexion. I am prepared, therefore, to support the Bill on the assurance, which I accept, that it has been studied by the trade unions through their authorised body, the T.U.C., and that they are in approval.

Mr. Cummings: To be absolutely precise, the assurance I gave was that the Trades Union Council had accepted the Bill. I did not say that they had studied it, or what they did, but I have their approval in writing signed by the General Secretary. As the hon. Member's support is based on an assurance, I think I ought to let him have all the information on it. The letter is dated the 5th of June this year.

I may say that at one stage Mr. Tello did express the view—his personal view and not the view of the T.U.C.—that Wages Councils could have the effect of weakening the trade unions, but he went back to his Council, and this is what finally came out of it. I am reading from the letter from the Secretary of the T.U.C. in which he states:

“I am directed to inform the Ministry of Labour that the Executive Council of the T. U. C. by a unanimous vote have accepted the principle for the provision of Wages Council by legislation.”

The letter goes on to deal with certain legislation not dealt with in this Bill. I think the T.U.C.'s approval of the Bill is unequivocal. I am only saying what happened, and I happen to know that the unions do want this Bill.

Mr. Correia: I have not very much to say on the Bill. I am just warning that if the hon. Member wants to machine-gun this Bill through the Council today he can do so, but I am leaving the responsibility on Government when it goes to the public.

Mr. Ramphal: I do not think that Government is “bulldozing” this Bill in any way. For as many years as I can remember, the trade unions have been passing resolutions year after year asking that Wages Councils should be established in this Colony. In the early development of trade unionism there was a large body of opinion in

this country which held the view that if Wages Councils were introduced too early the development and growth of trade unions might be retarded, and for a number of years my predecessors in office did all they could to foster the growth of strong, healthy trade unions on the basis of collective bargaining. That policy has not been changed.

The hon. Member who introduced the Bill has given an assurance of Government's policy in this matter. There are strong unions which do not have any use for Wages Councils; they stand by their collective bargains. Weak unions have use for Wages Councils, and what we have before us today is nothing more than an expansion of what we have in our law at the moment. We have *ad hoc* Wages Councils operating under another name. We are now only putting Wages Councils on a sound and permanent footing, and I therefore wish to join the hon. Member for Labour in asking hon. Members to accept this Bill as something which, even though we may never use it, is good to have on our Statute Book. It is a protection for a group of people who may be unable to protect themselves. Even in the United Kingdom there is a Wages Council Act in force, and Wages Councils are in operation. I would certainly ask hon. Members to approve of this Bill in its entirety.

Mr. Cummings: In reply to the hon. Mr. Luckhoo's observation about Mr. Gutch's opposition to Wages Council's, I would like to say that this Council and myself have a very high regard for Mr. Gutch, and his opinions have always been worthy of very careful consideration, but as against that I would like the Council to hear the views of the Labour Adviser to the Comptroller for Development and Welfare in the West Indies, Mr. Catchpole. This is what he said

[Mr. Cummings]

at the recent meeting of the Labour Commissioners of the Caribbean area at which the policy of the establishment of Wages Boards was discussed and endorsed. This is what Mr. Catchpole said:

"With regard to the question of wage-fixing I do not like *ad hoc* Committees for that purpose. If satisfactory machinery is necessary because of weakness in collective bargaining or the absence of adequate unions or union representation, then a Wages Council is, to my mind, the clear answer. A Wages Council provides for representatives from the two sides, and the three additional members act as mediators or as a balancing factor."

I did make that point later on, but I feel that we can very well have it emphasized and bring out the fact that those who had been for years advising in this matter are guilty in accord with this policy. I may mention that it was also discussed at a Conference of Labour Ministers at a London meeting and heartily endorsed with the limitation that it be only used when absolutely necessary.

The hon. Member, Mr. Lee, referred to the question of the inadequacy of penalty. I think that the point he raised is met by clauses 16 and 18. He was speaking of the responsibility of principal and agent, and that is dealt with in clause 16, and of the adequacy of penalty which is dealt with in clause 18.

On the question of adequacy of penalty for offences under the Ordinance, offenders are liable to a fine not exceeding \$500 or imprisonment for a term not exceeding three months, or to both fine and imprisonment. I hope the hon. Member is satisfied. I propose when we go to the Committee stage to ask for an amendment to clause 18. The last three lines of the clause reads—

"he shall be liable on summary conviction to a fine not exceeding five hundred

dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment."

I am advised by the hon. the Attorney General that under the Summary Jurisdiction Ordinance the alternative term of imprisonment to a fine of \$500 is six months, and it would be confusion if we have three months in this Ordinance. There is no particular reason for the three months. I may remind the hon. Member, Mr. Lee, that there is still the old existing Labour Ordinance. Hon. Members will observe that we have not even repealed Part III of that Ordinance, so that the penalties existing under that Ordinance are applicable here.

Question put, and agreed to.

Bill read a second time.

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

COUNCIL IN COMMITTEE

Clauses 1 to 17 passed as printed.

Clause 18—*Penalty for false entries in records, producing false records, or giving false information.*

Mr. Cummings: I beg to move that this clause be amended by the deletion of the word "three" between the words "exceeding" and "months" in the line before the last, and the substitution of the word "six" therefor.

Question put, and agreed to.

Clause as amended passed.

Clauses 19 and 20, First and Second Schedules and the Title and Enacting clause passed as printed.

Council resumed.

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

Mr. Ramphal: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

Georgetown Town Council (Amendment No. 3) Bill

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

"An Ordinance further to amend the Georgetown Town Council Ordinance."

This Bill really introduces three measures. As set out in the Objects and Reasons attached to the Bill, clause 2 seeks to make provision for the adjournment of the court to revise the list of voters to any date or dates not later than the 15th of June in any year. Under the Principal Ordinance provision is made for the adjournment of the court but it does not limit the time for such adjournment in order that the court can conclude its business expeditiously. This clause is intended to supply that limitation.

Clause 3 seeks to make the settled and agreed lists of voters available for sale to the public. This amendment is considered desirable in view of the fact that by virtue of the Georgetown Town Council (Amendment) Ordinance, 1956, (No. 10) publication of the lists is no longer necessary. Formerly the lists of voters were published in the Official Gazette. That is no longer being done, and it is in order to give the public the opportunity to get copies of the lists that this enactment is necessary.

Clause 4 seeks to give effect to a decision of the Mayor and Town Council of Georgetown to pay pensions, gratuities or premiums not only to officers and servants of the Council but also to those persons or classes of persons mentioned in the Bill subject to the discretion of the Council. This provision is similar to that contained in section 110 of Chapter 152.

Clause 5 is the most important part of the Bill. It seeks to give the provision referred to in clause 4 retrospective effect.

Mr. Speaker: Is that correct—it seeks to give effect as from 1951?

Mr. Farnum: That is so.

Mr. Gajraj: I rise to second the motion for the second reading of this Bill. The hon. Mover has made it quite clear that there are three separate amendments to the existing legislation and, I think it is only fair to say that all three of them are very desirable indeed. In fact so far as the first one is concerned — the placing of a time-limit for the sitting of the open court for the purpose of revising the voters lists—that is something that has remained in its present position for a long number of years, and we have never had any instance of its having been misused. However, in these days with the number of voters increasing rapidly year after year, with the large number of persons claiming to be placed on the Register of Voters and the number of objections to such claims also increasing it seems that it can be made use of by any group of persons in order to delay the finalization of the voters lists by postponing the sitting of the court from time to time as provided in the Ordinance. It is therefore desirable that a time-limit be placed on the sitting of the

[Mr. Gajraj]

Court so that the final list with those persons entitled and claiming to be voters of Georgetown can be made by the middle of the year.

With reference to the second amendment, which is the question of the list of voters when finalized, settled and signed being made available to all ratepayers who may desire to have copies, hon. Members of Council will recall that about a year ago a Bill was brought before this Council to remove from the Mayor and Town Council of Georgetown the obligation to publish the voters lists in the *Official Gazette* when it was the hon. Member, Mr. Ramphal, who rightly pointed out that unless there was some provision whereby it was obligatory on the Mayor and Town Council to print a large enough number of the voters lists and have them available for sale to voters at a reasonable price, we might one day be placed in the position where at an election there are not enough lists available. The hon. Member, Mr. Luckhoo, as Mayor and I, gave the assurance that the Town Council would see to it that a large enough number is printed for sale to persons desiring same. Since opportunity was being taken to amend the Ordinance, Government thought it very desirable to incorporate the idea which was proposed and accepted in this Council and approved by the Mayor and Town Council of Georgetown.

I now come to the third and last part of the Bill—the question of giving the Mayor and Town Council the power to award pensions and gratuities to employees who may die while in the service. There is no need for me to labour the necessity for this bit of legislation. Indeed, such legislation presently exists, but the purpose of this particular part of the Bill is to make it retroactive from the year 1951.

There would have been no necessity to ask for this amendment if we had realized about a year ago when this pension concession was passed that as it stood it did not have retrospective effect. The Mayor and Town Council had since early in 1952 passed resolution asking that this be done, and Government was invited to pass the appropriate legislation.

We all know the difficult times we passed through in 1953, and that to some extent was responsible for the delay in bringing the legislation to this Council. So, Mr. Speaker, the object of this Bill is to give effect to the wishes of the Mayor and Town Council of Georgetown, and I feel sure that all Members of this Council would join with us in seeing that these desirable features are put on the Statute Books as soon as possible.

Mr. Speaker: Who signs the lists?

Mr. Gajraj: Those lists are signed by the Mayor and the Town Clerk.

Mr. Speaker: Does any other Member wish to speak?

Mr. Farnum: I do not wish to, Sir.

Question put, and agreed to.

Bill read a second time.

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

Council resumed.

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

Mr. Gajraj: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

REMOVAL OF HOUSES AT LA PENITENCE

The Chief Secretary: I beg to move that the Council do now adjourn until tomorrow.

Mr. Cummings: I think I can speak on this motion for the adjournment. Before the adjournment I should like to take the opportunity to refer to a statement which I saw in the Press this morning with regard to certain tenants at La Penitence.

Mr. Lee: May I ask if my hon. friend is in order? I think it is the person making the motion for the adjournment who should speak now, and no other person.

Mr. Cummings: I do not know whether my friend does not wish the public to know the truth about this thing. I am only trying to inform the Council as a whole of this matter. If Members of the Council do not wish to hear, let them stop me.

Mr. Lee: I am only seeking to find out if the procedure is right. I am not objecting. If it is accepted as a precedent, then I will have the chance to speak on another occasion.

Mr. Speaker: I have seen the note from Miss Collins. I think she should make a motion.

Mr. Cummings: But I can also move an amendment to the Chief Secretary's motion.

Mr. Speaker: This statement is going to be made on the initiative of a Member,

Mr. Cummings: As Your Honour pleases.

Mr. Speaker: I know you are anxious to have it done properly.

Mr. Cummings: I appreciate you will wish to have it done properly.

Mr. Speaker: Miss Collins, in the shortest possible time, will you state why you are making a formal motion under the rules?

The Chief Secretary: I do not think it is necessary to make a formal motion at all. The point is covered under Standing Order 5 (4), where a Member of the Executive Council may move a motion for the adjournment, and any other Member may raise a point concerning any matter involving the responsibility of an Executive Council Member.

Miss Collins: A report appeared in the Press today to the effect that the Estate Authorities require their land in the South La Penitence area and have therefore served tenants with notices to remove their houses by the 30th November, and I would like some statement by the Member for Labour, Health and Housing on the matter.

Mr. Cummings: Miss Collins is anxious to bring this matter to the Council because she has been taking an active part in it. I was saying, when I was interrupted on a point of procedure, that I read in this morning's papers that there was some concern over a notice to quit which had been served on tenants of certain sections of the estate known as La Penitence.

Hon. Members are aware that that estate was purchased by Government some time in 1954. It is necessary, in order that the surrounding circumstances can be fully appreciated, to mention that the proprietors were selling that estate to a

[Mr. Cummings]

certain individual for \$135,000. Government intervened and persuaded the proprietors, with the permission of the purchaser, to rescind the contract and sell that land to Government for \$80,000. Government then set out to survey the land. Mr. Aubrey Barker of the Housing and Planning Department moved in and worked out what it would cost to put the roads in order.

Efforts were made to have the City Council extend its water supply to that area. I think mains have already been laid down and all necessary steps were taken to make the area reasonably fit for human habitation. But these things take a little time, and I may say that all the necessary surveys have not yet been completed. There was one matter which was of some urgency. The land almost immediately north of this estate—I am not sure about the exact location—that is the land adjoining the drainage trench, had on it 99 tenants, living in their own houses but on land which the estate owned. There were structures on 93 lots and two lots were vacant; 69 were owner-occupied, 27 renter-occupied and two lots were unoccupied.

It came to our notice that in order to widen their drainage trench—because they were diverting through the Sussex Street canal — they found they would have to ask these people to remove. Representations were made by these people and I believe Miss Collins was one who spoke on behalf of 400 of them. As a result of that I invited the Directors of the Company to a meeting on 2nd July, 1955, and among those present were Mr. A. L. Tasker, Public Relations Adviser, Bookers; Mr. G. Paes, Managing Director, Industrial Holdings (B.G.) Ltd. and Mr. B. P. McCarthy, Director, Industrial Holdings (I.G.) Ltd. I will quote from the Minutes of that meeting:

“The Member enquired whether those persons in the lower income group cate-

gories would wish to enter into an aided self-help scheme. After discussion, and having regard to the fact that the representatives of the Company were not in a position to discuss details as to the number of middle and lower income groups affected, it was decided that a survey should first be carried out to ascertain the actual need from which it will be possible to consider the question of providing alternative accommodation for those persons affected.

It was further agreed that the survey would be undertaken by an officer of the Housing Department, in collaboration with a member from Messrs. Bel Air Estates, Ltd., and that the Company would inform the affected parties that a discussion had been held with the Member with a view to seeing what could be done to assist them. It was also decided that publicity would be given to the purchase by Government of the 48-odd acres at La Penitence Village.

The Member agreed to give further consideration to the matter after the Survey shall have been completed.”

An assurance was given Miss Collins that steps were going to be taken, and she is concerned whether indeed any steps were taken as a result of that. Subsequently another group calling themselves the Plot-Holders Association came to the Ministry—the Ministry hears anybody who wishes to make recommendations. They were told what was being done and their fears were allayed.

I am very happy to report that the survey has been completed and recommendations submitted. This is a problem which I defy anyone, even a magician, to solve without due consideration. I may say, I propose to circulate for the information of Members these documents which sets out the results of the survey and the conclusions. I did not prepare it, and it is a very well-prepared document. It sets out the purpose of the survey, the number of persons who wish to acquire lots, the rental accommodation, why it becomes necessary to re-

move some of them from that area, the general characteristics of housing in that area, the structural characteristics of buildings, conditions of building and so on; what would be the cost of removal, sanitary facilities and accommodation required and that sort of thing.

As a result of that survey the Housing Department earmarked 10 acres of land to re-house these people. Somebody has to pay compensation, if necessary; I have not had the advice of the Attorney General about it, but it does seem reasonable for the Company to do so. However, this is a matter for the the Company and the Ministry when we are in a position to know what is involved. We are not now in that position, but many people today seem to regard it as excellent politics to jump into something the Ministry is considering to make news for the papers. I do not wish to be misunderstood as saying that they wish to do harm, but the manner in which the news was reported gave the impression that here were poor people suffering and Government doing nothing about them, and that I would come here and wave a magic wand. I hope I have misinterpreted it, but that is the impression I got as well as a number of people who read it. I can only seek to enlighten the hon. Member concerned — I know she has done quite a lot in the matter of these tenants.

I do hope that that information meets with the approval of Council, and (I hope I will be correctly reported on this) those people at La Penitence will realize that in purchasing that estate at half the cost, using persuasion, and having a survey made and reserving a site of 10 acres on which to move those people, Government has done in a short space of time everything that

possibly could have been done. We may make mistakes but I hope the Council and the public will find that we err in good faith.

Mr. Lee: The tenants are under notice.

Mr. Cummings: I believe the notice has been misunderstood. I will read from a copy which was sent to my Ministry at the request of the Permanent Secretary. This is the paragraph which I think is worrying the tenants:

“Whilst we are prepared to give you a reasonable time to remove your house and erections conditional on your communicating with the Housing Officer on or before the 30th November, 1956, and making satisfactory arrangements with him for moving, it is essential that you take this letter with you when you go to the Housing Department, and that you will call there immediately you receive this letter, as the sites will be allotted in the order in which applications are made for the sites.”

It is not a notice to take effect on the 30th of November. What they are told is that they must communicate with the Housing Authority before the 30th of November, so that he could make arrangements to remove them as early as possible. I misunderstood it myself from the way in which it is written.

I do wish to say that unless the Company is going to back down on the assurance given me, it intends to give the people reasonable time to remove and to discuss with me arrangements for the operation.

Mr. Luckhoo: May I have Your Honour's leave to make one observation?

Mr. Speaker: Yes.

Mr. Luckhoo: I have seen one of those notices; I do not know if it is the same as the one to which the hon. Member has referred. So far as I am aware it is not a question of the people and the Government, but between the people and the Company. The people were informed that if by the 30th of November removal was not effected, or arrangements made with the Housing Department, legal proceedings would be taken against them. That is what caused the people to be very much upset, and they are very anxious and eager to get assistance. It is not a question of the Government, but of the people receiving notice from the Company concerned. It was a notice to quit.

Mr. Cummings: I think if the hon. Member looks at this he will see it is a copy of the notice recently sent.

Mr. Luckhoo: The relevant paragraph reads:

"The Commissioner of Housing will notify us of the arrangements made with you and if you have not communicated with the Housing Officer by the 30th November, 1956, we regret that we will have no alternative but to take proceedings against you immediately thereafter to recover possession of the premises in your possession."

There was no question at all of the Government coming into it, but the people were very much disturbed, having received from the Company to whom they were paying rentals, that particular document.

Mr. Cummings: I do appreciate what the hon. Member has said, but I am sure that as a lawyer he will agree with me that that is not a notice to quit. It is a notice of an intention to serve a notice to quit if certain things

are not done. I can appreciate that the tenants would be concerned.

Mr. Luckhoo: I am very happy to hear my friend say that it is an intention to give notice.

Mr. Cummings: I think this is just legal sword play with which I do not think we should trouble the Council. I feel sure the hon. Member will agree that the tenants have misunderstood what the Company is about. They are not being turned out on the 30th of November. If the Company were doing that I would say without contradiction that it would be a flagrant breach of the undertaking they have given to Government, and their reputation would be in jeopardy. I do not think that on such a small matter a Company of that magnitude and reputation would venture a breach of assurance. I do wish my friend will take the opportunity of conveying to the tenants the fact that Government has given and is giving every attention to this problem.

Mr. Luckhoo: I will certainly do that, and I shall tell them that the hon. Member has also been spokesman for the Company.

Mr. Cummings: I do that sometimes. I am not honoured with doing it all the time.

Mr. Speaker: Miss Collins, if you look at Rule 17 you will see that you are in the position of a Member who has not given notice to the Speaker of the question which you wished to ask about a matter of an urgent character. You should have obtained my leave prior to the sitting, but you have had the matter ventilated. I was hoping

that you would have moved the suspension of the Standing Orders to allow you to bring the subject up. At any rate you will remember that next time.

Miss Collins: I am satisfied with the explanation, Sir.

The Chief Secretary: With great respect, Your Honour, I think that is

a procedure which should only be used in a matter of urgent public importance. There are degrees of urgency.

Mr. Speaker: That is the procedure in a matter of this kind. If a Member is in a position to do it he should bring the matter up in that way. Council will now adjourn until 2 o'clock tomorrow.