

**THE
PARLIAMENTARY DEBATES**

OFFICIAL REPORT

[VOLUME 7]

**PROCEEDINGS AND DEBATES OF THE FIRST SESSION OF THE NATIONAL
ASSEMBLY OF THE THIRD PARLIAMENT OF GUYANA UNDER THE
CONSTITUTION OF GUYANA**

188th Sitting

2 p.m.

Friday, 30th March, 1979

MEMBERS OF THE NATIONAL ASSEMBLY (63)

Speaker

Cde. Sase Narain, O.R., J.P., Speaker

Members of the Government – People's National Congress (46)

Prime Minister (1)

Cde. L.F.S. Burnham, O.E., S.C.,
Prime Minister (Absent – on – leave)

Deputy Prime Minister (1)

Cde. P.A. Reid,
Deputy Prime Minister of
National Development (Absent)

Senior Ministers (12)

Cde. H.D. Hoyte, S.C.,
Minister of Economic Development and Co-operatives (Absent)

Cde. S.S. Naraine, A.A.,
Minister of Works and Transport

Cde. B. Ramsaroop,
Minister of Parliamentary Affairs
and Leader of the House

Cde. C.V. Mingo,
Minister of Home Affairs

- * Cde. H. Green,
Minister of Health, Housing and Labour (Absent)
- * Cde. H.O. Jack,
Minister of Energy and Natural Resources (Absent)
- * Cde. F.E. Hope,
Minister of Finance
- * Cde. G.B. Kennard, C.C.H.,
Minister of Agriculture (Absent)
- * Cde. M. Shahabuddeen, C.C.H., S.C.,
Attorney General and
Minister of Justice (Absent)
- * Cde. V.R. Teekah,
Minister of Education, Social
Development and Culture
- * Cde. R.E. Jackson,
Minister of Foreign Affairs (Absent – on leave)
- * Cde. J.A. Tyndall, A.A.,
Minister of Trade and
Consumer Protection (Absent)

Ministers (2)

- Cde. O.E. Clarke,
Minister – Regional
(East Berbice/Corentyne) (Absent – on leave)
- Cde. C.A. Nascimento,
Minister, Office of the Prime Minister (Absent)

Minister of State (10)

- Cde. F.U.A Carmichael
Minister of State – Regional (Rupununi) (Absent)

*** Non-elected Ministers**

Cde. P. Duncan
Minister of State, Ministry of
Economic Development and Co-operatives

Cde. K.B. Bancroft, J.P.,
Minister of State- Regional
(Mazaruni/Potaro)

Cde. J.P. Chowritmootoo, J.P.,
Minister of State – Regional
(Essequibo Coast/West Demerara)

Cde. J.R. Thomas,
Minister of State, Office of the
Prime Minister

Cde. R.H.O. Corbin,
Minister of State, Ministry of
National Development

Cde. S. Prashad,
Minister of State – Regional
(East Demerara/West Coast Berbice)

Cde. R.C. Van Sluytman,
Minister of State,
Minister of Agriculture

Cde. L.A. Durant,
Minister of State – Regional
(North West)

(Absent)

* Cde. F.U.A. Campbell,
Minister of State for Information,
Minister of National Development

(Absent)

Parliamentary Secretaries (5)

Cde. M.M. Ackman, C.C.H.,
Parliamentary Secretary; Office of the
Prime Minister and Government Chief Whip

Cde. E.L. Ambrose,
Parliamentary Secretary, Ministry of Agriculture

*** Non-elected Ministers**

Cde. M. Corrica,
Parliamentary Secretary,
Ministry of Education, Social Development
and Culture

Cde. E.M. Bynoe,
Parliamentary Secretary, Ministry of Trade
and Consumer Protection

Cde. C.E. Wrights, J.P.,
Parliamentary Secretary, Ministry of Economic
Development and Co-operatives

Other Members (15)

Cde. W.G. Carrington, C.C.H.

Cde. S.M. Field-Ridley

(Absent – on leave)

Cde. E.H.A. Fowler

Cde. J. Gill

(Absent)

Cde. W. Hussain

(Absent)

Cde. K.M.E. Jonas

Cde. J.G. Ramson

Cde. P.A. Rayman

Cde. A. Salim

(Absent – on leave)

Cde. E.M. Stoby, J.P.

(Absent)

Cde. S.H. Sukhu, M.S.

Cde. C.A. Sukul, J.P.

Cde. H.A. Taylor

Cde. L.E. Willems

Cde. M. Zaheeruddeen

Members of the Opposition (16)

(i) People's Progressive Party (14)

Leader of the Opposition (1)

Cde. C. Jagan,

Leader of the Opposition

Deputy Speaker (1)

Cde. Ram Karran,

Deputy Speaker

Other Members (12)

Cde. J. Jagan

Cde. Reepu Daman Persaud, J.P., Opposition Chief Whip

Cde. Narbada Persaud

Cde. C. Collymore

(Absent)

Cde. S.F. Mohamed

Cde. I. Basir

(Absent)

Cde. C.C. Belgrave

Cde. R. Ally

Cde. Dalchand, J.P.

Cde. Dindayal

Cde. H. Nokta

Cde. P. Sukhai

(ii) Liberator Party (2)

Mr. M.F. Singh, J.P.

Mr. M.A. Abraham

OFFICERS

Clerk of the National Assembly – F.A. Narain, A.A.

Acting Deputy Clerk of the National Assembly – A. Knight

30.3.79
2 p.m.

National Assembly

2 – 2.05 p.m.

PRAYERS

ANNOUNCEMENT BY THE SPEAKER

Leave to Members

The Speaker: Leave has been granted to Cde. Prime Minister, to Cde. Jackson, and to Cde. Clarke for today's Sitting.

PERSONAL EXPLANATIONS

Guyana Chronicle Article on Appointment of Ombudsman

The Leader of the Opposition (Cde. Dr.C. Jagan): Cde. Speaker, I wish to raise a matter of personal importance in connection with a statement carried in the State Paper, the **Guyana Chronicle**. On the front page of today's issue it says "JAGAN'S TARDINESS DELAYING APPOINTMENT OF OMBUDSMAN" and it goes on:

"Government is anxious to appoint a new Ombudsman but the appointment is being delayed because Opposition Leader Dr. Cheddie Jagan has not yet responded to a request from Prime Minister Forbes Burnham for them to confer on the matter, Attorney General and Minister of Justice, Dr. Mohamed Shahabuddeen, has said."

Cde. Speaker, the facts are that after receipt of a letter from the Prime Minister I wrote him on the 16th October, 1978, replying to his letter in the following words:

“Thank you for your letter of October 11, 1978, intimating that in accordance with article 52(2) of the Constitution you wish to have consultation with me on the appointment of an Ombudsman. Before the meeting is arranged I shall be grateful if you would let me have the names of persons whom you may be considering for this appointment.

Yours sincerely,
Dr. Cheddie Jagan.”

No reply was given to me following that letter and on the 8th February, a Member of Parliament, Cde. Reepu Daman Persaud, attempted in a letter addressed to you to have this matter raised on the Suspension of the Standing Orders as a Matter of Definite and Urgent Public Importance. That was not permitted. Debate was not permitted and the following day I wrote to the President. On the 9th February, 1979, I wrote the President a letter pointing out that the term of office of the Ombudsman, Mr. Van Sertima, had come to an end and that he had not been asked to continue for another term, as far as I was aware. I have a copy of the letter here. I do not wish to read the whole thing but just to inform the House that the information conveyed in the Chronicle is certainly erroneous and incorrect and by the Attorney General who should know better. He has, I believe, charge of this matter and he should know what has transpired. I am sure the President must have informed him and the Prime Minister about my representations to him on this score.

First, Cde. Speaker, so far as I am concerned, I do not want to go through the exercise, as I have done on so many occasions in the past when I have submitted names and all have been discarded. That is why on this occasion, rather than going through a wasteful exercise, I asked that the Prime Minister should submit the names of persons whom he wanted appointed, or whom he is considering appointing, to this post. I hope, Cde. Speaker, that the Attorney General will withdraw the statement and, indeed, make an apology. I hope that the Chronicle also will

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carry the correction in the same way, with the same prominence, that this one was carried in the said paper.

2.05 p.m.

The Speaker: Speaking for myself, when the remarks were made yesterday by the Attorney General there was no one on your side who said that he had made an incorrect statement. Therefore, I blame the **Chronicle** completely. In the light of your explanation I will ask them to carry your full statement so that the public will have a correct and true picture of what was stated.

PUBLIC BUSINESS

MOTION

SUSPENSION OF STANDING ORDER

“Be it resolved that paragraphs (2) and (3) of Standing Order No. 46 be suspended to enable the Assembly to proceed at its sitting on Friday, 30th March, 1979, with the second reading and the remaining stages of the following Bills:

- (i) Customs (Amendment) Bill 1979,
- (ii) Teachers’ Pensions (Amendment) Bill 1979.”

The Speaker: Cde. Leader of the House.

The Ministry of Parliamentary Affairs and Leader of the House (Cde. Ramsaroop): Cde. Speaker, yesterday I signified my intention by way of a notice to move this Motion standing in my name to enable these two measures to be taken today. With respect to the first measure,

the Customs (Amendments) Bill, looking at this document one gets the impression it is a very voluminous document but on closer examination one can see that the measure is relatively simple and will be explained to this House by Cde. Minister of Finance if the House endorses the Motion that I am submitting today.

The other measure, I may urge by way of mitigation that we are only short of one clear day with respect to this measure which has been introduced and I think six clear days have already elapsed. However, with respect to the first measure, in view of its urgency, I am asking this House to commend the Motion which is before you.

Question proposed.

The Speaker: Cde. Reepu Daman Persaud.

Cde. Reepu Daman Persaud: Cde. Speaker, while we are willing at times to allow the Government to proceed with its business and sometimes we do not say anything when the Government moves to suspend the Standing Orders, we must record against the day that the Government has got its business and the Government is aware that these measures are required within a certain period. Surely, there is the staff, there is the personnel to ensure that the Standing Orders are complied with. Our complaint is that if we do not comply, we get absolutely no facility and I think the Government has been very consistent in suspending the Standing Order in order to bring measures before the House which, to our minds, are not absolutely urgent and vital and the Minister himself has not alluded to any circumstances which he could not foresee that led him to ask the House to suspend the Standing Orders. Our position, therefore, Cde. Speaker, is that we are opposed to this kind of thing particularly because our own Motions are never debated, are never brought before the House and time after time we are called upon by the Government to suspend the Standing Orders so that it can rush through its business.

Cde. Chairman, these measures, he spoke of them being voluminous but not controversial. My information is different because the statement on these measures says that they require a great deal of understanding.

Looking at the Teachers Pensions (Amendment) Bill, 1979, it might be an extension of the Pensions Act. There might be many provisions and changes that are favourable to the Teachers but in order for one to follow this Bill and understand it, one has to relate it to the Principal Act and even to the Constitution and that will take some time. And you yourself know, Cde. Speaker, that we were in this House for the past two weeks dealing with the Budget and no Member of this House really had the time and the opportunity to do the type of work that is required so that we could make an intelligent and objective contribution on these measures.

The Speaker: Hon. Member Mr. Singh.

Mr. M.F. Singh: Mr. Speaker, I would like to associate myself and, indeed, endorse the remarks of the speaker, the hon. Member Reepu Daman Persuad. We have been involved in a debate in Parliament on the estimates. This has been said to be a voluminous document but a very simple measure. This is the Customs (Amendment) Bill 1979. If I merely read the explanatory memorandum it would be quite clear that it is not really a simpler matter. This Bill seeks to amend the Customs Act 82:01 primarily for the purpose of giving effect to the decisions of the Common Market Council, to introduce a new structure for the Common External Tariff and a new system for determining the origin of goods produced in the Caribbean Common Market.

The origin of goods produced in the Caribbean Common Market is something that we have always talked about. I would have liked to have had the opportunity to really go through this thing thoroughly. I do not think it really is a matter of routine to come here and merely say yes to this. What can I say? How could I possibly have studied this? I understand it was tabled

two or three days ago. How could you possibly have got through this voluminous document and this would have been a Bill which require an expert's advice. All parties have advisers; the United Force has advisers who would have been able to advise us on this. When can we go to them to get advice when they are involved here? All parties have advisers, the United Force has who would have been able to advise us on this. When can we go to them to get advice when they are involved here? To my mind the Standing Orders are intended to be observed but they are being observed in the breach, and I would deprecate this action of the Government. I know no particular reason has been given, no special reason has been advanced for the suspension of the Standing Orders and I think Standings Orders should be observed and when there is a request for the suspension of the Standing Orders, some vital reason should be given.

The Speaker: Hon. Member Mr. Singh, I have been informed, I do not know if you were not, that this Bill has to go through before the 1st April, I am merely talking about the Customs Bill.

Mr. M.F. Singh: The hon. Minister has not said that. You may have private information which I am not aware of; you are now telling me. The hon. Minister did not say that when he got up. In the case of the Teachers' Pension Act, I welcome it coming before Parliament but I certainly would have liked an opportunity, since it really is amending an Act and you have to go to the original legislation and insert and read into it what this Bill says. I certainly would have liked some time to be able to really study and digest it even though I know that it is something that has been long withheld from this Parliament and I welcome it coming forward to Parliament. But I would have preferred an observance of the rules of Parliament rather than a breach of the rules or a request for a suspension as has been the case on this occasion.

The Speaker: Cde. Minister, do you wish to say anything?

Cde. Ramsaroop: No, Cde. Chairman.

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Question, put and agreed to.

Standing Order 46(2) and (3) suspended.

2.15 p.m.

BILL – SECOND AND THIRD READINGS

CUSTOMS (AMENDMENT) BILL 1979

A Bill intituled:

“An Act to amend the Customs Act.”

[The Minister of Finance]

The Minister of Finance (Cde). Hope: In accordance with article 80(2) of the Constitution of Guyana I signify that the Cabinet has recommended that the Customs (Amendment) Bill 1979 be introduced in the National Assembly. In moving the Second Reading of the Customs (Amendment) Bill before us is obviously a very voluminous document merely because it wishes to substitute a new tariff system for the existing tariff system. This is basically why it is so extensive in size and, in fact, I suspect it has taken a great deal of time on the part of the printers to get this printed for distribution.

Some time ago the Caricom Council of Ministers met and made a decision that the countries in the Caricom region should substitute the new BTN system now called the C.C.C.N. system. In the past, I think we would have been accustomed to the use of the Standard International Trade Classification System which is basically a United Nations system, that was used in the former colonies. But while we were adopting the S.I.T.C. system – and I think the British used that as well – most of Europe utilised the Brussels trade nomenclature system. A few years ago the relative merits of these systems were examined and most countries in the

world considered that for tariff purposes the Brussels Tariff Nomenclature was a better classification system for trade and so most countries moved into the B.T.N. system for classifying trade.

In the meantime, the S.I.T.C. system was revised by the United Nations. So instead of the S.I.T.C. system – old, we have the S.I.T.C. – revised. There are basically two systems operating in the world for classifying trade, the S.I.T.C. Revised and the B.T.N. As I said, most countries had adopted the B.T.N. and the Caricom countries decided that it was time that we went into a common external tariff utilising the B.T.N. system particularly that the E.E.C. was using the B.T.N. system. Since Caricom was also establishing close relations with other trading blocks, it was decided by the Council of Ministers then to have a common system for classifying trade and the B.T.N. was adopted.

Very recently, the Customs Corporation Council, which is the Council which supervises the tariff classification and of which we are members, decided to examine the B.T.N. to make certain modifications in the interest of better classification and, most important, to relate the B.T.N. system, now called the C.C.C.N. system, to the S.I.T.C. revised, so at the moment, therefore, we have in the world a fully integrated system, in other words, where the B.T.N., now called the C.C.C.N., is now related to the S.I.T.C. revised. As I said earlier, the C.C.C.N. system of classifying trade is much more precise and much more effective in terms of tariff where goods have to be described by material or by status in order to be put in a particular class. It is better in a sense than the S.I.T.C. – Revised. The S.I.T.C. – Revised is largely useful for statistical purposes, but bearing in mind that in the area of trade information for statistical purposes, analytical purposes, apart from tariff purposes; it was considered necessary to take an integrated approach, that is, the successor to the B.T.N. system and the S.I.T.C. Revised. Most countries have adopted that procedure.

In the region, the Council of Ministers for Caricom decided that the region will also, for the purposes of uniformity and so on; adopt the C.C.C.N. system which is, as I said, closely

related to the S.I.T.C. Revised. That simple decision to utilise the C.C.C.N. system meant that all the tariffs in the region had to be amended and it was decided that the various countries will seek to have this amendment in place by 1st April, 1979. Hence, the need to proceed with this Bill at this time.

The Bill before us, Cde. Speaker, represents our intention to adopt the new C.C.C.N. system which is really a successor to and a revised system of the B.T.N. which we have been using up to now. While we have this system we will be able to also adopt the S.I.T.C. – Revised which is the system we have been using up to about 1975 when we went to the B.T.N., but now the statistical people and the tariff people would have two different systems and classifications to work with, but two consistent and integrated systems.

In addition to changing the tariff system, the opportunity was taken to change the measures. Up to now we have been using mostly imperial measures. But as this House knows, we have decided to go metric and the opportunity was taken in this Bill to substitute the metric system of measurement in place of the old imperial measure we had been adopting until now. That is the second purpose of the Bill.

Thirdly, one of the schedules deals with the origin system of trade within Caricom. I think the country knows, this House knows that until now, for goods coming out of Caricom to qualify for area treatment, the system has been to look at the value added. In other words if a commodity or good has within its value 50 per cent of the value arising from local raw materials and services, then that good qualify for entry free of duty within the CARICOM states.

2.25 p.m.

I think it is generally known as we have heard criticisms of this principle by the Opposition in the past, it has been generally accepted that, in the process of the operation of this system, some amount of malpractices did arise in the sense that it was possible by weighting

things like internal transportation costs, weighting profits, to ensure that there was, on paper at least, a value added of 50 per cent which would then qualify the good for a number of years now within the CARICOM COUNCIL of Ministers and the decision was that an expert should examine the whole process of measuring or determining the origin of goods coming from the CARICOM countries and that expert has been able to make certain recommendations as to what should be the qualifying criteria for goods produced and traded within the region.

I think it was Schedule IV which in fact goes into a great deal of detail determining each kind of good, each class of goods, what proportion should be of local manufacture in order for goods to qualify. The purpose of this is to guarantee that to a greater extent than the previous system guaranteed, the local raw materials are utilised in the production of goods which qualify for duty-free treatment within the region. Perusal of it will show, for instance, that in most cases the qualifying percentage would be as high as 65 per cent to ensure that that good qualified for duty-free entry, but it is much more detailed. Therefore, the system would now be capable of less manipulation because you then have to look at the particular commodity, examine its process, examine the raw material, examine the percentage of that raw material in it and then you can determine whether it should have duty-free entry.

Basically the Bill before us seeks to amend the Customs Act in those three ways: to substitute the new C.C.C.N. system of classification for the B.T.N. system we are now using; secondly, to introduce the new metric system and, thirdly, to adopt formally the system for determining the criteria on the basis of which goods can qualify for duty-free treatment within the CARICOM region.

I wish also finally to underscore a fourth element that the Act does not – I repeat, it does not impose any kind of tax. The rate of duty for the same goods has been maintained in every case. It is just a change in the tariff system, a change in the measure from imperial to metric and there has been no change in the rate of taxation. So even after this Bill is passed one would expect to find that the duty will be the same next weeks as it is now for the same goods.

With that explanation I should like formally to move the Second Reading of the Customs (Amendment) Bill 1979.

Question proposed.

Cde. Narbada Persaud: Cde. Speaker, the Minister has indeed given the reasons for the presentation of this Bill this afternoon. I find it very difficult, however, to debate this matter in this House despite the very simpler manner in which the Minister tried to make out the presentation here this afternoon.

The Explanatory Note says that this Bill seeks to amend the Customs Act, Chapter 82:01, primarily for the purpose of giving effect to the decisions of the Common Market Council to introduce a new structure for the Common External Tariff, a new system for determining the origin of goods produced in the Caribbean Common Market.

The word that I wish to emphasis is the word “primarily.” When we would have gone into that word “primarily,” the reasons for which the Minister has alluded to this afternoon, we have to look into the secondary reasons for the Bill. I think you will agree, despite the fact that the Standing Order has been suspended, that it was impossible for us to do any type of work on this Bill. I have tried in the limited time to compare the law to see what was being amended here today. I do not know whether the laws are up to date or not but we see in the very beginning it is stated at clause 3, it deals with the penalty for evading customs law regarding imported or exported goods and gives the five reasons anybody committing those crimes shall be liable to – “a fine of treble the value of the goods or one thousand dollars at the election of the Comptroller.” It goes on to say – “and to imprisonment for one year.”

When I checked the law these words do not appear in the law as it exists – that is if I must subject myself to correction, I have not checked the revised law but I have checked these –

“and to imprisonment for one year.” It means then not only what the Minister has told us. There are many other things here that we have to look into. I think that we should make it clear that we on this side of the House would wish to support this Bill since, from my information; it makes it easier for Customs entries first of all to be made. In checking this it is very simple to locate the number. Originally, the tariff heading numbers were not broken down numbers, but in this arrangement they are broken down and it makes it simpler. Therefore to my mind the move is a good one. But let us move to the other aspect and that in relation to the change of measurement. I want to know why in this amendment here we still have on one page, for example, in relation to 22.04 at page 70 we find in the rate of duty column that it has been converted to \$1.43 per litre but just above that we continue to have \$13.03 per gallon, below that at 22.08 on the very page we have \$6.52 per gallon and above that, that same \$6.52 is converted to \$1.43 per litre. Where is the consistency? If we are going metric we are going metric. This is not only applicable to this paper. We find \$6.52 as existed in the old Act is brought forward here just the same, \$6.52 per gallon, and on the same page that \$6.52 is converted to \$1.43 per litre. I should like the Minister in his reply to say why this is so. If we are going metric then all should be changed. This will add some confusion if an entry at one time has to be made in gallons and at another time in litres. Cde. Speaker, as I said, we are inclined to support this Bill but these inconsistencies must really be drawn out.

2.35 p.m.

The Minister at the end stated that the rate of taxation has not been changed. Really, Cde. Speaker, I do emphasise that because of the shortage of time we were not able to do our homework well, but I have some examples in relation to the existing law, I don't know when last it was revised. I find, for example, at page 71 of this new amendment, where we have gin and vodka and rum, there have been some increases. We find for example, Cde. Speaker, on page 67 something is included whereas it is not in the existing law. On Page 107 a new classification is included; it is not in the old one. We find, for example, under clothing in the existing law,

percentage of duty is 35 per cent, in this one on page 173, we are asking for 45 per cent. Then at page 300 beer made from malt \$7.16 per gallon and before it was \$3.16 per gallon.

So, Cde. Speaker, from the few that I have given, it shows clearly that time really was not available to do the research that is necessary to find out. The Minister, however, has stated in his final remarks that no additional taxation is involved. However, with my little research I have been able to find that there exists some type of additional duty and some additional items have been admitted. I hope the Minister would be kind enough to inform us this afternoon, why these discrepancies are there.

It is necessary to note that, as I said earlier, the passing of this Bill would obviously assist those persons who have to deal with importation and preparation of entries and also the customs officers who have to go through the entries. But as I said earlier it is very difficult for one to come to this house in such a short time and make a proper contribution as we would have wanted to make this afternoon. I only hope that the Minister would at least attempt to explain the few points I have raised as I was not able to go through the whole thing, 300 and something pages, to compare it with the old one. But from the little research I have done, I have found that there are some discrepancies.

Cde. Dr. C. Jagan: Cde. Speaker, the Minister informed us that one of the objects of this Bill is to straighten out matters pertaining to duty-free entry into other territories from countries where goods are manufactured and that the purpose is to ensure that the countries in which the goods are really manufactured show that they have a certain value added, a certain amount of percentage.

Now, you will recall, Cde. Speaker, that some time ago Cde. Ram Karran brought to this House a whole bag of products and displayed them to this House and in fact on that same occasion pulled off labels marked “Made in Trinidad” or “Made in Barbados” and under those labels on the containers you had “Made in Britain” or “Made in the United States.” And no

doubt this Bill is intended to make sure that we do not have such kinds of manufacturing racketeering which went on before. In other words what we had in the past was the importation in bulk of goods, or the raw materials from the United States, the assembling of those in assembly plants, packing them, bottling them, putting them in containers and passing them off as having been made within the region, whereas in truth and in fact even the labels and the containers, not to speak of the contents, were all produced abroad. This can be regarded as a good step.

But what I would like to ask the Minister is this: I know also that in the Caricom Treaty, in the Appendix, I think it was, pages and pages listed products like apple juice and tomato juice and wrought-iron as having originated within the area. What is happening about that? I know that in some of the small territories there was an attempt to bring some agreement to re-classify those items. But there was objection by some of the territories especially the small territories and as a result no agreement was reached. I don't know if any has been reached since the last I heard but the summit conference has never taken place and maybe it is still in limbo. So that while on the one hand we are trying to raise the percentage of value added and while we are trying to prevent certain crippling practices as the Minister of Finance pointed out when he said that transportation costs are inflated and so on, at the same time, the core of that problem was the basic item which was produced abroad but which was deemed to have been produced, according to the Treaty, internally. That is the core of the problem and that has not yet been sorted out.

The other problem which I would like to raise, Cde. Speaker, is this. This is only one side of the question, the other side is the exorbitant prices that we have to pay for these products even if we produce them in the area, even if they qualify under the new term of value added. What is the Government doing about that? They know.

I understand the Government objected on one occasion that the price quoted for detergents was more expensive than if they were bought from the parent company in England. When Jamaica got a loan from Trinidad, in the agreement it was stipulated that as the other side

of aid given to Jamaican, they had to buy goods in Trinidad. Drugs produced in Trinidad were ten times more expensive than if they had been bought from outside. Drugs and other things assembled in Trinidad, cars, and so on.

We have our own cases where we have to buy oil. I have referred to those figures before in this House, 147 per cent increase in a period of six months from September 1972 to April 1974 when in the same period the price of gasoline increased in the United States by only 28 per cent. Texaco is one of the biggest refineries in the world, rooted in Trinidad, producing oil and refining oil produced in Trinidad and oil brought from outside, then sold here and sold in the United States. But we are paying 147 per cent and United States pay 28 per cent increase. Fertilizers from the U.S.A. Chemicals in Trinidad, the price to the United States, its parent company, is \$188 per ton of urea; to Guyana it is \$320. That is what the Minister should be coming and telling us. What are they doing about that? Instead of bringing these things in haste, pushing them down the throats of Members of this Parliament without having the time to research and study, they should tell us how this country is being robbed. We want Caribbean unity. We want economic co-operation. But this is highway robbery by the multinationals which are operating in these territories and they are continuing with a whole pack of tricks to exploit the people in the Caribbean, Guyana included. That is what the Minister should be telling us, especially in these times when things are so hard.

2.45 p.m.

What have they done to diversify our trade? I think two years ago they went to a conference in Cuba and said they are applying for affiliation to Comecon. Are they so enslaved, so tied up that they can do nothing about this super exploitation of the Guyanese people? These are the more important questions which this Parliament should be debating rather than these little frills thrown in from time to time. What we want to see is the shape of it, and if we look at the shape we would see the multinationals exploiting us. Don't just look at the frills. Can the Minister tell us whether this has to do with the fundamental change which people are talking

about with a list which was appended to the original Caricom agreement? What of the question of the prices, prices which are manipulated by these multinational Corporations. This is why Allende was killed, because Allende was able to show that in his country, multinationals were making 70 per cent profit and the parent companies in North America were making 12 per cent profit. That is why after nationalisation Allende said, “We will re-adjust all the figures and use the 12 per cent which they make in North America in determining what the prices will be.” That is why they killed him. But we are going along merrily, paying big compensation –

The Speaker: Maybe we do not want to be shot.

Cde. C. Jagan: But they are shooting down the people here. The Prime Minister told me once, “You want me to be dead like Allende?” But they are working with the multinationals, with the sharks, they are working hand in glove with imperialism and people are suffering in this country. What have they done about Comecon? How much have you shifted your trade? Since the Prime Minister visited Moscow, tell us how much has been done. Do not only make declarations about anti-imperialists, let us see it in practice, not just in verbal statements. What has been done with all the agreements? I would like the Minister to tell us something about these very important questions which are facing this country today.

The Speaker: Cde. Minister.

Cde. Hope: (replying): Cde. Speaker, if I may deal with the remarks of the Leader of the Opposition in the first instance, as Dr. Jagan spoke one got the impression that here was a person who was completely remote, far removed from recent events in Guyana. Dr. Jagan speaks as if he is not living in Guyana; he is not following events in Guyana. He raised questions which are entirely theoretical. Let me give an example. We in this Government are not defending multinationals. We know the practices of the multinationals in terms of the manipulation of prices and we have, from time to time, raised our voices in condemnation of these practices. But take, for instance, soap. We were in a problem here some time last year in the area of soap when

soap was short. I do not think members of the Opposition appreciated why, but basically this was an instance where a multinational was increasing its price for bath soap and we refused to buy. It was from a Caricom country. We in fact sought and got soap at more reasonable prices from a Comecon country. I would not want to deal with irrelevancies we are talking in the context of trade -- **[Interruption]**

The Speaker: Dr. Jagan, I do not think it is a fair statement to sit down here and make. You did not raise the point; you raised a question of buying from other countries which the Minister is referring to. If you wish, that is another discussion. At the moment, let him answer you.

Cde. Ram Karran (The Deputy Speaker): Cde. Speaker, the Minister is raising other matters.

The Speaker: Cde. Ram Karran, I did not see you.

2.55 p.m.

Cde. Hope: And what goes for soap went for a number of other commodities. We have refused to buy, for instance, split peas from a certain area county because we thought that this was not an area-produced commodity. In fact, over the years we in Guyana have come into sharp criticism from our CARICOM partners because of our attempt to take a realistic view of the price of goods and the origin of goods. In fact, it is well known that a number of our consumer items are coming out of such countries as the People's Republic of China, the German Democratic Republic, Hungary, and so on and it is a wide range of commodities, it is textiles, it is glassware, it is bath soap, it is tyres, it is drugs, it is trucks and other forms of capital goods. A wide range of consumer goods and capital goods is coming from the COMECON countries and there is no other region, there is no other trading bloc in the world with which our trade has expanded in recent years as it has expanded proportion-wise with the COMECON countries.

I think what one has to appreciate is that we are constantly changing the direction, the structure, of our trade and it is not merely because – I want it to be clearly understood – of a principle that we want to trade with COMECON countries. It is also because it is part of the Government's policy to seek after the cheapest source of our goods and that search is constantly going on, and while it is true that multinationals may be exploiting people with prices, certainly if a Government is controlling its economy and it has the strength and the will to do so, no multinational concern can in fact exploit the people. And that is the position in Guyana.

We have a regime of price control. There are a very few commodities which come on the market today where the Government does not assiduously examine the price and the claim from any supplier for an increase. Only very recently we were considering – it was an hour ago I was engaged with officials in the Ministry of Trade examining the price of condensed milk. I have on my desk today when I get back to examine the price of bicycle tyres. What I am trying to say is that it can only come from the mouth of a man who does not appreciate what is happening in his own country if anybody stands up and says that the people who sell in this country have free play to do what they like with prices. Many multinationals, have refused to sell to this country because we refused to pay increased prices. That is sometimes the cause of the temporary shortages which we sometimes encounter, they occur because of the refusal to purchase goods at any price. So while the multinationals are exploiting people in terms of prices, let me say clearly and unequivocally that they are not allowed to get away with that in Guyana today.

The Comrade also spoke about the basic materials lists. This is a list under the Caricom arrangement on the basis of which the agreement said that goods in that particular list would be deemed to be domestic or regional raw materials for the purpose of qualifying for entry. That list, as a result of a number of discussions, is now no more. It is defunct. It no longer exists so far as more developed countries in the region are concerned. That is, as far as we are concerned, Jamaica and Barbados and Trinidad and Tobago are concerned, that basic materials list does not exist. It exists to some modified extent only for the less developed countries in the region and I think it is a transitory situation.

So clearly we are very vigilant in terms of ensuring that goods coming from Caricom countries do really qualify for entry on the basis of their past criteria, and extant until now. We have had several disputes with our Caricom partners when we have sought to reject some of these goods, but we have maintained our position and have won on one clear case, that is, electrodes where we insisted that they did not qualify and although the argument went to and fro that they did qualify, we were not satisfied and those goods did not come in here as duty-free goods qualifying under the tariff arrangement.

So, whatever the Agreement may have said, whatever clause did exist in the Agreement, I want to make it quite clear that we have sought to bring a very realistic position to bear on the operation of that Agreement and have sought to ensure that the people in Guyana were not taken advantage of by the unscrupulous use of loop-holes which did exist in the Agreement and since 1971 discussions have been going on steadily with the Caricom Council of Ministers and a lot of adjustments have been made to a number of these things.

With regard to the other questions raised, I think it was in the area of alcohol – I think it was rum – where both gallons and litres, both imperial and metric measurements were used, I am advised that the Caricom Council of Ministers, recognising the peculiarities associated with the rum trade, the trade of liquor in terms of the bottling and the measurement, have decided to maintain in those circumstances, for those products, the imperial measure, “gallon” rather than “litre.”

One other question was raised on the question of classification. It may well be that when one compares some of the headings on other old B.T.M. systems with the one before us one may find that some of old Headings are not there. I am advised that in the process of restructuring this trade some 90 headings have been taken out and the goods distributed under other headings.

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2.55 – 3.05 p.m.

I agree that it will take some time to recognise those but I think that is the function of the people who are clearing goods with the Customs – what I think the House is dealing with is the question of principle and what the Bill is seeking to do.

May I finally reiterate that there is no change in the rate of duty applicable to any goods?

Question put, and agreed to.

Bill read a Second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

Bill reported without Amendment, read the Third time and passed.

3.05 p.m.

MOTION

CONFIRMATION OF CONSUMPTION TAX (AMENDMENT) ORDER 1979

(No. 25)

“Be it resolved that this National Assembly, in accordance with section 5 of the Consumption Tax Act, Chapter 80:02, confirm the Consumption Tax (Amendment) Order 1979 (No. 25), which was made on 21st March, 1979, and published in the Gazette on 24th March, 1979.” [The Minister of Finance]

The Speaker: Cde. Minister of Finance.

Cde. Hope: Cde. Speaker, in moving the Motion standing in my name I wish only to explain that the Motion seeks to introduce a new Consumption Tax. In fact, if one were to look at the Customs Act since the Common External Tariff was produced in this country about four years ago, one would see that there was a similar regime of consumption Tax because most of the imported goods carried consumption tax which was part of the process of reducing the import duty rates as part of the Common External Tariff. Since we amended the tariff schedule, with changing trends, with changing measures it would be necessary also to amend the existing Consumption Tax Order.

The purpose, therefore, of this Motion is really to introduce a new consumption tax system because of the change in the classification system as well as the change in the system of measure.

Question proposed, put, and agreed to.

Motion carried.

TEACHERS' PENSIONS (AMENDMENT) BILL 1979

A Bill intituled:

“An Act to amend the Teachers’ Pensions Act and to make a consequential amendment to the Pensions Act.” [**The Minister of Education**]

The Speaker: Cde. Minister of Education.

The Minister of Education (Cde. Teelkah): Cde. Speaker, I beg to move that the Teachers’ Pensions (Amendment) Bill, 1979 be now read a Second time. In so doing I feel very honoured, for this piece of proposed legislation, when promulgated will become one of the most

important laws relating to the teaching profession of Guyana and the teachers of this country will certainly be eternally grateful to the present Government for having passed it.

This Bill, it is my submission, is clearly one of the major pieces of legislation concerning the educational system. I contend that it is abundantly clear even to the most diehard anti-Government person, be he Guyanese or non-Guyanese, that education in Guyana today is going through fundamental, far-reaching, sweeping changes.

It will be true to charge that the Ministry of Education and the educational system as a whole – the great emphasis that is put on them by the People's National Congress – are being given priority treatment. I say without fear of contradiction that never before in the history of Guyana has there been so much done, so much proposed to be done for the education of the citizens of our country, and all of these things are being done in a relatively short period of time.

This Bill when passed, will benefit thousands of teachers ranging from 18 years of age to teachers who served in what were formerly known as Government-aided Secondary Schools, to teachers who served in privately-owned schools taken over by the Government in 1976.

The Bill contains ten clauses. Clause 1, as usual, deals with the Title and commencement of the Bill. In clause 2, there are three very important aspects. I would not attempt to deal with the procedural matters and the details here and there which are for the purpose of tying up legislation. I would prefer to deal with the substance of the clause. The three main aspects to be noted are as follows.

The first one concerns those teachers in what are generally known as Junior Secondary Schools, schools which were first set up by the P.P.P. Government between 1961 and 1964. Those teachers who served on them had no cover terms of superannuation benefits. There was no legislation or no amendment to the Pensions Act to take care of those teachers, and not only for those teachers in schools established during that period, but to help teachers in schools

established after that period also, so we are talking about a period when junior secondary schools were established from 1961 up to 1976. Clause 2 will therefore take care of those teachers and I am sure those teachers will certainly welcome this amendment.

3.15 p.m.

The second aspect in clause 2 deals with pupil teachers who joined the service at eighteen years of age. As the present Teachers' Pension Act stands at the moment, pupil teachers eighteen years of age cannot gain for service rendered from that period onwards. Their service is counted only after having attained the age of twenty. We strongly think that in a country where the age of majority is eighteen years, it is wrong for a person starting to work at the age of eighteen not to have his or her service counted from that date. This Bill seeks to make amendment to the Principal Act to rectify that situation so that a teacher starting out on his or her teaching career at eighteen years of age would have his or her service counted from that point of time.

The third aspect of clause 2 seeks to redefine the term "teacher" in the Principal Act. As the Act at the moment stands, and this is Chapter 39:05, the definition states:

"teacher" means a certificated teacher or uncertificated teacher, but does not include a person employed to teach one or more specified subjects;"

Now we are moving here to amend that definition. We are moving to make it read as follows: ""teacher" means certificated or uncertificated teacher." I will tell you why it is important. In this age when people specialise, you will very well find a teacher who is doing one subject, teaching mathematics throughout the school, or English, or geography, or physics, or chemistry, and therefore if we go by this definition, that teacher would not be granted superannuation

benefits, pension or gratuity. Therefore, it is necessary to make it abundantly clear in the Act that a teacher could qualify for superannuation benefits if he or she teaches only one subject.

Clause 3 is specifically intended to deal with those teachers who seek election to the National Assembly. I am sure all Members of this House are aware, or ought to be aware – and when I say all Members, there are three political parties represented in this House, the P.N.C., the P.P.P., and the U.F., and all three political parties must have realised that there is a problem in having their activities who are teachers getting on their election lists from time to time, because those teachers have to resign from their profession in order to get on the list. That causes the interruption in the service of the teacher because it means that if the teacher is not successful and is not elected, then the teacher has broken service. Therefore, if the teacher was in the profession for 25 years, or 10 years, or 15 years, that would have gone overboard.

There are several Members of this Assembly at the moment who were teachers before and who have had to resign. Then, there are also many other teachers who sought election, for example, as late as 1973, to the National Assembly who did not succeed in their attempt to be elected and they have suffered broken service as a result. This clause seeks to rectify that situation so that if a teacher attempts to be elected to the National Assembly and does not succeed, within two months that teacher could get back his or her job and there would be no break in service.

Clause 4 seeks to cover those other teachers not covered in clause 3 of the Bill in terms of interruptions in their service. Cde. Speaker, there are two sets of teachers who are thus affected or who are presently affected. There is in the first place the case where a teacher has been acting for six months, a year, a year and a half, two years, three years, and is considered an acting teacher or a temporary teacher. That teacher's service in terms of superannuation benefits begins only when the teacher is appointed, and whatever service was rendered during the period he or she was acting or was a temporary teacher is not counted. Under this Bill at clause 4, we seek to

remedy that situation by taking into consideration for superannuation benefits the first day on which the person started to teach as a temporary or acting teacher, onwards. Once the person has no break in service, if the teacher started, say, on the 1st September, 1978 as a temporary or acting teacher and was appointed as a permanent teacher on the 1st September, 1979, that year when he or she would have been deemed a temporary or acting teacher would be considered part of his or her service.

3.25 p.m.

Then, there is also the case where there are persons who would like to become teachers but at the time of their application to become teachers they were not successful, so they obtained jobs in the Public Service, in the non-pensionable areas or generally they obtained jobs for which they were paid money out of the Government's treasury, public funds. As the law stands at the moment, whatever service was given as non-pensionable public servant or whatever service was given in any area where public funds were used to pay a person before that person was appointed as a teacher, that service is not counted. We seek here in clause 4 to take care of that situation so that from the time the person starts out to work and is being paid out of Government funds, that service will be added on to his or her service as a teacher whenever he or she starts on his or her teaching career, and therefore the two are added together.

In clause 5 we have the other way round, the opposite to that. Let us say, for example, there is someone who has pensionable service as a public servant and who taught in any school before he or she was appointed a public servant. The service as a teacher will also be added on to the service rendered during the period when he or she was a public servant. So we are tying up the legislation from all angles. The whole idea is that if a person is being paid out of public funds he or she should qualify for superannuation benefits.

Clause 6 makes provision for the Chief Education Officer to certify that the teacher has discharged his or her service with fidelity, that is, consistent with the position as presently exists in the Public Service for public servants whereby the Permanent Secretary certifies that the public servant has discharged his or her services with fidelity, but we go on in clause 7 to give greater protection to the teacher whereby no pension or gratuity or superannuation benefits as a whole could be reduced or withheld without the concurrence of the Teaching Service Commission and we are under this clause, to wit, clause 6 putting the teachers on the same basis as the Judges under article 104 of the Constitution of Guyana.

I am sure that the teachers will be very happy to hear about this fundamental protection that is being given them under this Bill. I can hear the Parliamentary Secretary to the Ministry of Education, Social Development and Culture, saying that it sounds too good to believe but anyone reading it will see it is written here in clause 6. Clause 8 is perhaps the most important clause in terms of popularity for the teachers. Clause 8 is really striking very far indeed and I think when the teachers of Guyana realise what has been given to them by this Government they will cheer, they will applaud.

I shall explain to you why. Clause 8 is going to recognise and accept the services of teachers in nursery, primary and secondary schools which were privately owned and which were taken over by the Government on the 13th September, 1976. I am sure we are all aware of the fact that there are several thousands of teachers who served in privately-owned nursery schools, privately-owned primary schools, privately-owned secondary schools. Before this amendment to the Teachers' Pensions Act they did not qualify for a cent even though they have been teaching in a school for 25 or 30 years. Without this Bill they will not get a cent and it is my contention that when the legislation is passed and publicity is given to what the teachers will gain under this bit of legislation, when the teachers realise what they are really getting on this bit of amendment, I think they will jump up in joy with their hands in the air.

Most of them, the vast majority of them, especially those who taught in nursery schools, several thousands of them and especially those who had private schools or were teaching in privately-owned secondary schools, or what is known as privately-owned high schools, they never dreamed they would get a cent when they will have retired. It is almost unbelievable that Government has recognised that those persons have rendered yeoman service to this nation, to the citizens of this nation and they will now qualify when this Bill will have been passed and has become part of the legislation of Guyana. They will benefit from it; they will be able to get a pension or gratuity. **[Applause]**

Under clause 8 (2) we have a provision because representations were made to us, to enable certain persons who were part owners or persons who shared in the dividends or surpluses of a privately-owned school while teaching in that school but who got very little after several years of service – if no provision is made such persons will not get a cent in terms of pension or gratuity. Under 8 there is a provision there to take care of such persons.

Also, under that very clause 8, I do not know if Members of the House are aware that in certain schools, before Government took over control of them in 1976, there were contributory pension schemes. If those contributory pension schemes have ceased to exist, because Government did say “we will take care of you from now on,” those teachers will benefit but even those teachers who were gaining under the contributory pension schemes if we carry out a survey and we discover that the size of the pension that was being given or was to be given or is being given was so ridiculously low as to give the person an inadequate means of living through old age, that person qualifies for superannuation benefit under clause 8 of the Bill which stands before us.

3.35 p.m.

And then there is clause 9 which caters for those persons who have a break in service for over five years so that we could have their names restored to the Teachers’ Pension Register.

We have stipulated the case because there are good cases. For example, if a person had to resign for the purpose of wanting to improve his or her qualifications, then when the person will have re-joined the service it will be possible under this Bill, when it will have become part of the Principal Act, for that person to have that contract of service rectified.

There is Clause 10 which seeks to make corresponding amendment to the Pensions Act Chapter 27:02 which apply to Public Officers, to allow a person who joined the Public Service after being a teacher to have his service as a teacher reckoned as pensionable service. So we make sure that from all angles no teacher suffers for any reason whatsoever. There are, also, several cases where a person was a teacher before he joined the Public Service. We are ensuring in this Bill that the necessary amendment is made to take care of such changes.

It is therefore my submission also that this Bill is clearly of non-controversial nature. It is my submission also that it is of immense value, importance and significance to all the teachers of Guyana regardless of their political persuasions. I contend that all of Guyana's teachers, regardless of race, colour, or creed, will benefit from this proposed legislation and when it will have been passed they will all see before their very eyes substantial benefits accruing to them.

I wish to inform the National Assembly that before bringing this Bill to the House, on the direction of the Prime Minister, I gave a copy of the Bill, immediately after it was approved by Cabinet – and that was long before it was to be Gazetted – to each of the two Unions functioning in the teaching profession of Guyana, namely, the Guyana's Teachers' Association and the Association of Masters and Mistresses, for their comments and reaction. I am very pleased to say that we have had no negative comments from those two Unions.

With those remarks I therefore, invite Members of the House, especially members of the Opposition, to give their unstinted support to this Bill because it provides superannuation benefits for teachers who are members or supporters, or sympathizers of all political parties of Guyana. It does not discriminate against anyone. I say to the Opposition, support this measure

because when you will have supported it you will have supported teachers in Guyana in their quest for greater superannuation benefits. This Bill is yet another tangible proof of the People's National Congress Government's seriousness and sincerity to make Guyana the second socialist country in the Americas.

Question proposed.

The Speaker: Cde. Ram Karran

Cde. Ram Karran: Sir, I observed that the hon. Minister with his superlatives and emphasis in introducing this Bill attempted to deal with the clauses as they appear and to illustrate them perhaps, but without telling the House the reasons behind those clauses.

It is a little departure from the customary general Second Reading debate and I attribute that to the hon. Minister's inexperience and youthfulness. The hon. Minister referred to this Bill as a major piece of legislation for which the teachers would be externally grateful. He also spoke of the freeness of education in this country. I want to pause here and say that nothing is free in Guyana. The Guyanese people have to pay for everything, free education, free books, and the Government is acting as if this money is manna from above. It is what the people pay.

The Minister dealt with the several clauses of the bill, some of which are not only irrelevant but out of place and I don't want to deal with them. I want to deal with the substance of the Bill and the main reason for the Bill. We do not say that the amendment to the Teachers' Bill is not necessary.

The hon. Minister said that no one is going to the pressurised or penalised and that the P.N.C. Government is fair and just. But right here is this House, Cde. Speaker, you are aware of it, the Clerk is aware of it, Members are aware of it that the Government is withholding the pensions from Members who have served in this House. **[Interruption]** It is the man who

refused to vote. There are several of them. The T.U.C. took a decision that this matter ought to be adjusted and the President undertook on his own to speak to some big wig of the P.N.C. so that that injustice can be adjusted. Unfortunately, several of these people not attached to the P.N.C. – not those who have sold over but those who have been in opposition to the P.N.C. – cannot get their pensions. The hon. Minister cannot make fowl of one and fish of the other. They cannot get their pensions.

3.45 p.m.

Another Resolution which was put up by the P.S.U. was taken at the last Congress of the T.U.C. which said that the T.U.C. must take a Resolution restraining the Government from interfering with civil servants in carrying out their duties. But that is a terrible habit on the face of a Government.

The Speaker: Cde. Persaud, it is your party member who is speaking. If you encourage the others to heckle –

Cde. Ram Karran: I am saying that that is a very serious habit described in the words of my friend the hon. Minister. There are things that need to be explained. What is in the Bill? He says that teachers who have been eligible for pension will have to get a certificate from the Chief Education Officer. I want to qualify that by what I just said about civil servants not being able to perform their duties. The Minister says that the Teaching Service Commission? Do you have, as in the days of the P.P.P., Opposition members on this Commission? Do they have Opposition members on any of these Commissions and Boards? They have puppets. You only have to raise a whip and all of them get down on their knees.

The Chief Education Officer has got to give a certificate that the officer has served with diligence and fidelity. Today we have civil servants who are prosecuted. They are allowed to take part in politics. In fact, it is just a formality that they have to resign. I underwent that

procedure. You resign formally, you contest a seat, if you are successful you enter Parliament. If you are not you go back to teaching. Two teachers must have asked unpleasant questions of the Minister and they were fired. They had plenty of years of service. Yet they say teachers can expect a great deal from this Government. No one in the days of the colonialists could be dismissed unless he got a charge sheet and it is answered. If it is answered satisfactorily, nothing happens. If it is not, obviously, disciplinary action will be taken. You have that sort of thing now? Ministers do not have anything to do with civil servants, teachers, on special assignments in the service. There are procedures. Those things are handled by civil servants themselves. What we are having today is like Idi Amin. Amin is on the run now. Coming events casting their shadows. Nobody believes the hon. Minister. Everyone was laughing and smiling as he was speaking. The emphasis and superlatives are too many. The eloquence! I heard a calypso by Cde. Corrica, “Sly Vincent, your name gone abroad.”

Cde. Teekah: Cde. Speaker, on a point of order, Cde. Ram Karran is misleading the House. There is no such calypso sung by Cde. Corrica.

Cde. Ram Karran: The hon. Minister tells us that all those teachers who have been teaching in private schools prior to the taking over of the Government will be given pensions. That is misleading. It is misleading because the Act says that it is only those teachers who from the date of joining – exception is made, of course, for people who might have been teaching in private schools where they have pension schemes – if they happen to be the right people and if they happen to toe the line.

Let me tell the hon. Minister what happened in the Colonial Transport Department in 1928. The hon. Member Mr. Mingo will remember – his father was a contributor to that scheme. There was a contributory scheme and when it was decided to make sections of that department into a pensionable one, the fund was insisting on paying back to the people all their benefits but the new pension ordinance was not as elegant and as good as the scheme affecting the people on the fixed establishment. Nevertheless, the difference was that in the first scheme on the fixed

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establishment it used to pay...and in the Transport and Harbours Pension Scheme with certain other related departments they used to pay \$17.50. But unlike the hon. Minister's Bill, it went back to the time when the employee joined the service, not from when the schools were taken over. If the Government wants to be liberal, let it see that the people, who have their record that they started in 1936, have their service made pensionable from that date.

3.55 p.m.

There are other ones and this is an indication of what is to come. Page 9:

“Except in those cases to which regulation 6 applies, where the Chief Education Officer refuses to enter the name of a teacher in the Teachers' Pension Register, the teacher may appeal to the President...”

Did anybody vote for the President? How does the President come into the picture? Why do they not go to the Courts, limited though the Courts may be, with all the limitations? Why send them to the President? The President is the creature of the Government. Or are you talking about the President to come?

This Bill is not as elegant, not as suave as has been indicated to the House by the Minister with all his emphasis and with all his great talk. This is full of holes. The principle of it is good but the little things inside make it very difficult for the people who will work under it.
[Applause.]

Cde. Reepu daman Persaud: I wish to make a very short contribution to the debate on this Bill. When the Minister spoke this afternoon one got the impression that the legislation is so framed that everything will be automatic. Whatever benefit is to be enjoyed that benefit is clearly enunciated in the letter of the law, but on deeper scrutiny of the legislation itself one finds that this is not so.

Like Cde. Ram Karran, I say that the principle of the Bill is good but I wonder if the principle, as enunciated, will be operated in a fair and just manner in view of the fact that ultimately the decision will have to be made by the Minister concerned. In debating any Bill in this House we never restrict our thinking to any particular individual. We deal with the matter as a principle. This being so we cater not only for the current Government but we cater for future Governments. We think not only of the present Minister; we think of other Ministers as well and let me say that I have faith in none.

If we look at clause 3, to which the Minister referred. The Minister spoke of the person who may wish to contest elections. He may have his name placed on the list of candidates and at the conclusion of the election he is not put on the list to come into the House. We must not be led away, but we do not have the first-past-the-post- system and at the conclusion of the election one will have to know whether he or she wins the constituency. At that stage a man's name may be on the list and several months after he is named to fill a vacancy that may have occurred in Parliament.

Reading this legislation and taking into account my own limitations in the field of law, it looks to me, and laymen are saying, that the person concerned with the legislation, as it framed, does not allow for flexibility for that person who will be named, not after the period specified in the Act, to re-apply for the job, but it may be several months, several years after the elections bearing in mind that the duration of the term is five years in the terms of the present Constitution.

I wish to seek clarification from the Minister on that provision. I wonder why the Minister is so thin-skinned. This is not a school. This is a Parliament. A Member has a right to

challenge and if you feel that I am not right I stand corrected. I will go on home and sleep afterwards. I am not thin-skinned. Let the Parliament be treated for what it is.

Clause 3 of the Bill reads thus: that a person who may have contested the election and at the conclusion of the election that person, a teacher, decided that he or she will re-apply for entry into the service, when I read the wording of the particular clause I would interpret it to mean that if “on application made by him he is re-employed as a teacher in a school within two months after the notification by the Elections Commission” – the operative words to which I wish to refer are “if...he is re-employed,” that to my mind will mean that some individual or institution will have the right to decide whether that person gets back the job or not. I want to seek clarification. **[Interruption]** The Minister says that one has a degree and the other is a clerk but you know that the lawyer’s clerks in this country have been of tremendous help to people who have qualified as lawyers and this is so until this day.

The Speaker: It is 4 o’clock.

Sitting suspended at 4 p.m.

4.30 p.m.

On resumption –

The Speaker: When the Suspension was taken, Cde. Reepu Daman Persaud was speaking. Cde. Persaud.

Cde. Reepu Daman Persaud: When the Suspension was taken I was making a vital point, a point that needs to be examined. I was saying that the wording of the clause 3 of this Bill does not even make it automatic for a person to be employed immediately after the election results are known. That is, he complies with whatever period is set by the clause for him to apply to get back into the teaching profession. I think that that individual would still have the

right to say whether he wishes to be re-employed or not. I don't think that that point could be disputed.

We are all aware of what an election is. A teacher is involved in an election campaign; we all know what happens during a campaign. A person ought to be able to campaign without any let or hindrance. He ought to be able to fully air his political point of view without any fear that subsequent to the campaign, when the elections would have been concluded, he will have to subject himself to any individual inspection before he is employed. My criticism of the Bill is that it should be so framed that a man who chooses to contest an election, when the election is concluded, if he does not act to the contrary, automatically, he should be employed back into the teaching stream. I hope that point is clearly understood.

Now, my entry into this debate came after the Minister in his presentation did not refer to the provisions of the Bill. Let me read them. There is a proviso and if you read the very clause 4 to which he refers you will see what I am talking about:

“Provided that where the pensionable service of a teacher has been preceded by an unbroken period of service as an acting or a temporary teacher which is not pensionable or by service in the public service which is not pensionable or service paid for out of an open vote in the public service, or any combination of such services, such service or any part thereof may be taken into account in computing pension or gratuity, but only with the approval of the Minister where the pensionable service of the teacher has not been immediately preceded by service as a teacher which is not pensionable or service in the public service as mentioned aforesaid.”

So that means a teacher who may be involved and who is entitled to pension under this Act, has to first obtain the approval of the Minister holding the portfolio of Education.

Now, let us look at Clause 5(b):

“where such service in a pensionable office did not immediately precede service as a teacher the period of service in such a pensionable office may not be taken into account in computing pension or gratuity, except with the approval of the Ministers.”

My understanding is, and has been, that people who have given service in any field, where they have accrued pension rights, whether they go into a Corporation or anywhere else in the Government service, those persons ought to, by law, take that pension right and it ought not to be subjected to any form of hindrance. I know of Pensions Acts passed in this House where it was ensured that people, who, prior to their entry into the diplomatic service, may have given service, were entitled to add whatever pension they were entitled to subsequent to their entry into the diplomatic field. And those laws were framed to make it almost automatic in the case of the Ambassadors.

Here again, clause 5 says that if a man has given service and it has been unbroken, where such service in a pensionable office does not immediately precede service as a teacher, in that he may have done something else in the process, if he is to get his pension, that pension must be subject to the approval of the Minister. So that again shows another clause in the Bill.

Let us take clause 8(2). If one examines it and looks at the proviso, one will see that it is badly worded:

“Provided that the Ministry may, having regard to the amount of dividend or surplus received by any such teacher, grant the teacher a pension or gratuity under this Act in respect of the service of the teacher in the school prior to 13th September, 1976 or a lower rate of such pension or gratuity.”

Cde. Speaker, there are many clauses that were added, secondary clauses; I think was the term used. According to this law, in the case of those who were in those schools prior to the date

on which those schools were acquired by the Government, and to which this particular provision applies, the Minister has the discretion to say whether those persons are entitled to pension or not.

4.35 p.m.

I do not want to be any advocate for any particular private school, but we all know, Cde. Speaker, that there were schools in this country that could not make two ends meet. Those people who have been operating have had to go into mortgages and what have you. We know some names of people who were involved in private secondary schools. Two of them served with much distinction in the Parliament. That I recall, and many people, who today, occupy high professional status, came out of those schools. People like those who may still be within the teaching stream also need the new law since they were not with Government all the time and were only taken into stream subsequent to the taking over of the schools. Their receiving pension will be dependent on whether the Minister at the time, whoever is the Minister, approves of that application. I think this is the greatest weakness in this Bill.

I make the very strong point that I think that in certain areas the legislation should have been more or less automatic. Probably, the argument might be that in approving pensions like these, they cannot be made automatic. But, Cde. Speaker, because the draftsmen will have to carry out the wish and policy of the Government, if the legal men who are competent and who have shown their competence in the past have got their own views, it does not matter. But whatever they are required to do, they use their special skill and experience to give effect to the policy of the Government and there can be no doubt that that is the practice.

This is not simply a question of drafting of the legislation; it is what particular policy Government wishes to pursue. It looks to me, examining this particular legislation that the policy seems to be ensuring in the legislation who gets and who does not get. That kind of legislation gives room for political patronage. That kind of legislation undoubtedly opens the

gateway to discrimination. That kind of legislation would thwart the rights of any particular person.

The Government says that it will not indulge in the type of drafting that will make it difficult for any person to obtain what he or she is entitled to. I would like to believe that the Government will be sincere. We are very concerned and I want to assure you, sir, as I would proceed to assure the House that my contribution is very sincere. My reservation on this Bill is founded on years of experience. If the doors are going to be open, as they should be open, for teachers to contest elections, those teachers must feel free. Perhaps I can pose this question and the Minister will answer. Has the Government examined all the financial implications that will be involved with this new piece of legislation?

Our position – and I must qualify each statement – is that people must get their entitlement, they must get their pension, but I am very conscious of the change in the \$14 a day. I only hope we will not face a similar situation in this Bill. The legislation is there, the intention is there, the sincerity is there, but the productivity is not there and, indeed, the money is not there and so we cannot pay. I think those are all very pertinent considerations in a Bill of this type. I think there is need for me to chronicle all the provisos. In the circumstances, I would prefer to see the Bill without these provisos. If the Bill as printed is to be proceeded with in the House, then we want this afternoon a little bit more than the usual assurance, not an assurance simply for members who constitute this Assembly, but we need an assurance which can remove the existing fears in the minds of the countless teachers who are going to be affected by this legislation. The Government must be able in the Parliament this afternoon to alleviate those fears so that the intention of the legislation can really be operative both in spirit and in letter.

There is one last point and that is the one which gives the right for concurrence with the Teaching Service Commission? I pose the question. Who appoints the Teaching Service Commission? We know of charges of people saying that they were dismissed without even the

knowledge of the Teaching Service Commission, without even the law of natural justice being put into operation.

4.45 p.m.

Those are obvious considerations which must be examined at this time before we approve this legislation and I want this afternoon not to call on any particular section of the House but since it is a Bill, it is proved that it is a Bill that has to do with people's existence and sustenance and with the well-being of people, in this case teachers, I want to call on Members of this House to look upon the Bill not purely with party eye but look upon it objectively that all may receive fair and just treatment under provisions that are clear and there should be no form of impediment at all put in the way of people receiving their pension.

Mr. M.F. Singh: By and large, we in the United Force support this Bill and, indeed, say that it is long overdue but there are certain aspects about it about which we are very perturbed indeed.

Let me quickly move and deal with the first aspect. Let us look at clause 3(7) on page 4. I should like to read it because I think it is important for us to read it and realise the implications of it. It reads:

“Anything in subsection (2) to the contrary notwithstanding, if a teacher –

- (a) resigned his office as a teacher not earlier than one month prior to the date on which lists of candidates may be submitted to the Chief Elections Officer in order to become qualified for election to the National Assembly.
- (b) was a candidate at the election; and
- (c) failed to be elected,

he shall, if on application made by him he is re-employed as a teacher in a school within two months after the notification by the Elections Commission in the Gazette of the result of the election, be deemed for the purposes of this section to have been employed as a teacher in a school as if he had not resigned and as if during the period commencing with the effective date of his resignation and ending on the day immediately preceding his re-employment he had been on leave of absence without pay, and that period shall be taken into account as qualifying service.”

That looks good but there are certain things we have to point out. This is qualified by so many things. What is the position, sir? It means that a teacher, if he is not elected will be able to get uninterrupted service but only if he is employed within two months of the announcement of the election results.

What happens in the case where he is employed after two months? What happens in the case where he is not employed at all? I supplement what the last speaker said. Quite apart from the fact that they may be deliberately victimised, as the last speaker said, if they happened to belong to the Opposition, then their re-employment could be stalled until after two months. It is quite possible. I am not saying it will occur but there may be fear in the person’s mind: “If I talk too much during the election then can stall my re-employment, if I do not get into Parliament, until after two months. And if after two months of the result of the election I am not re-employed, I fail to benefit under this provision.”

That is an inhibiting factor to a person is contesting elections. Quite apart from that sir, you and I know and we in this House know there is red tape; there is the usual administrative delay involved in appointment and re-appointment and that sort of thing. We dealt with it yesterday. One of the members of the Opposition talked about vacancies and the Minister replied that there is the usual problem, there are teething problems with the Teaching Service

Commission and because of the red tape and the administrative delay, appointments are taking a long time to be made and re-appointments could take long to be made too.

It could be that there is no discrimination at all but just because of administrative delay and that sort of thing, the man's application for re-employment, is kept back and is not dealt with until after two months after the results of the elections are announced. It is no fault of any person in particular, just plain public service delay and the man is not re-employed within two months. In that case he ceases to benefit. Nobody is to be blamed except the usual red tape. But the fact is that he ceases to benefit under this legislation if he is not re-employed within that period of two months.

We know that there is a huge backlog of work in respect of the Teachers Service Commission. We know that the life of Parliament has been extended for fifteen months and in the usual course we can accept that there would be a further extension of the life of Parliament and the T.U.C.'s request will be acceded to that, within 15 months after, the election will be held and the election results will be announced, but we know there is a backlog.

The Minister has admitted that there is a backlog. Suppose, as a result of that backlog, the man's application is not dealt with within the two month period. He loses completely. This section of the Bill will not benefit him at all. I want to move an amendment making it mandatory that such a teacher as we are talking about here must be re-employed if he applies within two months of the result being published, but it was pointed out to me that this Bill deals with functions and employment, the function of the Teachers Service Commission. I do not wholly accept that. As a lawyer, laws differ but that was pointed out to me. I am getting a little older now. I have not put it in an amendment. It is coming to the stage where I feel less inclined to indulge in exercises of frustration. I would have liked to have put forward a formal amendment which would have read like this:

If a teacher

- a) resigned his office etc
- b) was a candidate at the election;
- (c) failed to be elected,

he shall on application made by him be re-employed as a teacher in a school within two months after the notification by the Elections Commission in the *Gazette* of the result of the election, and shall be deemed etc.

That amendment would have made it mandatory that he shall on application made by him be re-employed as a teacher in a school within two months after the notification in the *Gazette* of the result of the election and shall be deemed etc.

The Speaker: Hon. Member, Mr. Feilden Singh, you are not moving the amendment? You are merely expressing your view that if you had been inclined to move that amendment this is the reason you would advance.

Mr. M.F. Singh: What I am saying is that I had an indication that that kind of Amendment would be accepted –

The Speaker: You are not moving an Amendment.

Mr. M.F. Singh: I am not moving an Amendment. As I say, I am getting too old to deal in exercises of frustration. That would have been the Amendment I would have moved in order to make it mandatory that a man should be re-employed within two months.

However, I feel, as the hon. Minister has said, that it is the clear intention of the legislation and, indeed, the clear intention from the hon. Minister's speech, to give a teacher back his job if he is not elected and let him have uninterrupted service. In view of that I wrote down

what the hon. Minister said. “No one shall suffer for any good reason.” These were his words which I wrote down. Well, if this man is putting himself forward to be elected to Parliament and does not in fact get into Parliament, then he should not suffer. And it should be mandatory that he gets back his job and that he does not suffer due to anybody holding back until after two months. If he so wishes he should get back his job.

4.55 p.m.

I would therefore like the hon. Minister to give this House the assurance that any such teacher as we are talking about here, will, in fact, be appointed if he applies within the two months. I know my Amendment would be defeated because the Government has the majority. All I can do is ask the Minister of Education to give the assurance that it will be given in respect of any person to which this section applies.

The hon. Minister has power under the Teaching Service Commission. I checked the Teaching Service Commission Act and I want to make a plea that this Volume Chap. 39:07 be brought up to date.

The Speaker: I won't be doing it. You are a Member, get the thing done; see that it is done.

Mr. M.F. Singh: You wouldn't be doing it? I must come here and do it?

The Speaker: I have done my duty, you must do yours.

Mr. M.F. Singh: I would implore you to use whatever influence you may have to cause this Volume to be brought up to date.

The Speaker: Your observations are noted.

Mr. M.F. Singh: I hope my plea is noted. But, sir, it is really unfair to see that these Volumes are not brought up to date. From the Teaching Service Commission Act I read Section 7 (6):

“Subject to the provisions of this Act, the Commission may regulate its own procedure and, with the consent of the Prime Minister or of the Minister, may make rules for that purpose or for conferring powers or imposing duties on any public officer, manager, teacher or on any other authority for the purpose of the discharge of its functions.”

Maybe something could be incorporated in the rules of the Teaching Service Commission to make it mandatory. This is a suggestion I am putting forward that something should be incorporated in the Rules.

The Teaching Service Commission Act gives the power for the rules to be improved. The rules can have incorporated in them, in my humble opinion, the sort of thing which would deal with what I am saying, that if the Teaching Service Commission receives a request from a teacher for re-appointment after the results of an election are announced and he is not appointed to Parliament, then within those two months, he must, as of right, be re-appointed. This is what I am suggesting could be done.

Let us deal with another case which was mentioned by the last speaker. Let us deal with another case which was mentioned by the last speaker. Let us deal with a case – and we are thinking in terms of what the hon. Minister has said that no one should suffer for any good reason – of a teacher who resigns his job, not in this circumstance, but within the life of Parliament to fill a vacancy in the Parliament. It is not a case of where his name fails to be extracted from a list. He resigns, his name is put on the list and then he goes back and is re-appointed a teacher. Let us take the case where he resigns voluntarily during the life of the Parliament to fill a vacancy which occurs in the Parliament and his name is extracted from the

list and he comes in during the life of the present Parliament. What would be the position in respect of a teacher such as that? What would be the position also if it is a teacher who has been a Member of Parliament but is free when the Parliament is dissolved but goes on a new Parliament? Again, that is a case which will not be covered by this legislation.

Let us take for example, the case of a Member who fills a vacancy, and the case of an existing Member who goes to Parliament when the life of Parliament is ended and is put on a new list, but fails to be elected to Parliament and goes back to his teaching job. He will not be a person who has resigned his office as a teacher in so far as the legislation goes. He would have resigned long before the life of the new Parliament. What would be his position?

Let us take a great example. Ministers Carmichael and Chowritmootoo were teachers. If they were to resign from Parliament tomorrow what would be their position? They will not come under this legislation; they will not be covered by this part of the legislation at all because they will not have resigned in order to go on a list of candidates to contest an election. Suppose they went back to their jobs as teachers, will they be able to get back their job?

If Minister Chowritmootoo resigns tomorrow, will he be able to get back his job as of right? The Minister himself said no one ought to suffer for any good reason. What about his previous service? Will it be regarded as uninterrupted? Again, his previous service will not be covered by this legislation. It will not be regarded as uninterrupted. So in the absence of any provision in this legislation, Minister Chowritmootoo would not be in a position to get back his job, to have it counted as uninterrupted service. There is nothing in the legislation which deals with that. I go further to say that if he serves out the life of this Parliament, went on the list for the next elections and is not appointed to the new Parliament, again, he is not covered by the legislation. If he resigned a long time before, that would also be a case not covered by the legislation.

I would like the hon. Minister to give the assurance, on behalf of the Ministry, to the Parliament and the nation that we would deem it an obligation for any Minister of Education to exercise his or her powers in this direction. Even though I do not agree with the discretion, I am

5.05 p.m.

asking that the discretion and power be emphasised under clause 3(b) of the Bill which I will read. Clause 3 starts really on page 3, and it states:

“Section 7 of the Principal Act is hereby amended in the following respects –

- (a) by the substitution of the following proviso for the first proviso to subsection (5) thereof – “Provided that any interruption in service as a teacher caused by -
 - (a) temporary suspension of employment not arising from misconduct; or
 - (b) voluntary resignation (whether before or after 1st October, 1974) in circumstances otherwise than as mentioned in section 7(7) followed by re-employment as a teacher at any time thereafter, shall be disregarded for the purposes of this subsection but only with the approval of the Minister in respect of the circumstances to which paragraph (b) of this proviso applies.”

I would like it not to have been subject to ministerial approval. But since the legislation I know will not be changed, I am humbly asking for the assurance from the hon. Minister that the Ministry will use its powers to ensure that no one will suffer and that the person will be entitled if he wants to be re-appointed as a teacher and that his service should be uninterrupted service

even though not covered by this specific part of the legislation which is clause 3(7) of this Bill. So those are two assurances I am asking for on behalf of the Parliament and the nation.

There are two other aspects that I am not happy about.

The Speaker: I think you might only get in one more assurance, you might not get two.

Mr. M.F. Singh: I may be shorter than you think. I refer to clause 6(c) (2) of the Bill which states:

“No teacher shall be granted a pension or gratuity under this Act without a certificate from the Chief Education Officer to the effect that he has discharged the functions of his office with such diligence and fidelity as to justify the grant to him of such pension or gratuity.”

That, sir, is an inhibiting factor. I think if a man has served and he has served the years well, then he would not be depending on a certificate from the Chief Education Officer. If he had not done so in the past, then you should have fired him. But do not wait until he has given up his service and then leave it to the Chief Education Officer to decide on a slip of paper. If a man is not doing his work with diligence, then he should be fired at the time and then you will be able to justify it, but not at all at the end of his service.

The last aspect that I am not happy about is that there are many clauses which seem to be dependent on the discretion of the Minister or the approval of the Minister. There are many of them. I am not saying anything against this hon. Minister. I am talking about it as a general fact. I would not hesitate to say that this hon. Minister should be commended for having brought this legislation to this Parliament. I have been advocating it and lobbying for it and I would in all honesty commend him for it. I do not share his ideological convictions but I am saying that we

in the United Force do not sit in this honourable House in a position merely to oppose whatever the Government brings before this House. If a Minister does something commendable, I will commend him for it. Since his assumption to office there has been very important legislation brought to the House which we have been advocating for years.

The Speaker: Two minutes more.

Mr. M.F. Singh: With those remarks I would say that I commend the Minister but I would like him to give the assurance because I am not happy about those things of which I spoke.

Cde. Teekah (replying): Cde. Speaker, first of all, I wish to sincerely thank the hon. Member Mr. Feilden Singh for recognising what has been done in the Ministry of Education over the last two years or so. It is good to hear some of these things from time to time. There have been many criticisms about certain provisions of the Bill. They have come from, in the first, place, Cde. Ram Karran, followed by Cde. Reepu Daman Persaud then from Mr. Feilden Singh.

5.15 p.m.

I shall take some of them together and I shall deal with some of them separately. Sometimes one is inclined to be a little rough in a debate. Sometimes one is inclined to be arrogant but every man's attitude is determined by the circumstances of that particular occasion. I do not desire to be rough. I do not desire to be arrogant. I was told by a member over on the other side that I am becoming like Minister Hoyte. I do not desire to be rough.

The Speaker: Let us continue with the Bill.

Cde. Teekah: It is in response to the criticisms and attitude of certain members. I shall try to be as brief as I can and deal with them as smoothly as possible.

Cde. Reepu Daman Persaud, trying to be legalistic, was speaking about a broken service, about termination of services. Certain things he said, should be automatic, certain things should not be at the disposal of the Minister, at the discrimination of the Minister and so on. Let us understand: we are dealing with a Pensions Bill. We are dealing with legislation, dealing with pensions. We are not dealing with a situation where a person is in continuous service and one is trying to take away or reduce the rights of emoluments of that person. We are dealing with cases where somebody has resigned or somebody has broken services. If we in the Government were to accept the proposals of the Opposition to remove ministerial discretion and so on then it means that the whole structure of our pensions laws will have to be changed. The whole basis of the laws will have to be changed and that is the premise on which the Opposition and the Government differ. Maybe it should be changed. The problem is this: The Opposition is dealing with personalities or dealing with cases, not dealing with principles as a whole.

If we look at the laws of Guyana we would see first of all – it must be pointed out that pension is given on the basis of continuous service. This is the point which is being missed by all the members of the Opposition who have spoken so far – that pension is given in normal circumstances on the basis of continuous service. For example, in the Chapter 27:02 in Part II, Regulation 6 says:

“Except as otherwise provided in these Regulations, only continuous service shall be taken into account as qualifying service or as pensionable service.”

It is very clear here. The Teachers Bill or the Teachers Act when this Bill will have become part of the Teachers Pensions Act is no different from the rest of the laws governing pensions in this country. It is similar. The Pensions Act of the teachers will be similar to the rest and if we changed the Teachers’ Pensions Act it means we will have to carry out a whole series of amendments to the other pensions laws in Guyana because the whole premise will be changed

because the premise hereby states:

“Except as otherwise provided in these Regulations, only continuous will be taken into account as qualifying service or as pensionable service.”

This is the premise from which the pensions laws in this country move. They all start off from this premise. This is the premise from which pensions laws govern the Public Service, the Teaching Service, all Services. This is what we should all recognise.

The other thing I want to point out is that heavy weather has been made by Cde. Ram Karran and Mr. Feilden Singh, and I think also Cde. Reepu Daman Persaud, about the Chief Education Officer giving a certificate that the teacher will have discharged his duties with fidelity and so on. Again this is nothing new. In the Pensions Act governing public servants' pensions it is stated at clause 4 (3):

“No officer shall be granted a pension, gratuity or other allowance under this Act without a certificate from the head of his department or, if he is himself the head of a department, from the Permanent Secretary of his Ministry and, if he is a Permanent Secretary, from the President...”

What is being proposed here for teachers is nothing new. It is consistent with the rest of our pensions laws. It is all part of the same thing and it is nothing new as Cde. Ram Karran said about making fish and fowl. It is the same principle running through all the laws.

Heavy weather was also made about ministerial discretion. I want to draw to the **attention** of the House and the nation that prior to 1968 if a person resigned – and I am sorry that Cd. Ram Karran is not here because he was once – I do not know if that was public service, if it was pensionable public service – he was once in that category bit in those days if a person

resigned he got nothing and it was only after 1968 when the pensions laws of Guyana was changed by this same Government, that is being attacked now that we have the following stated at clause 10 of the Pensions Act:

“Where the service of an officer who holds a pensionable office is terminated by virtue of his resignation from the public service, the Minister may, if he thinks fit having due regard to the special circumstances of the case, grant him such pension, gratuity or other allowance as the Minister considers just and proper as if he were an officer to whom section 9 applies.”

This only came in 1968. Prior to that he got nothing. There was no giving him a guarantee. This is now in the place of nothing. Parliament has granted the Minister’s discretion taking into consideration that this must look at the circumstances of his resignation and give him pension or gratuity and other allowance. These three points must be borne in mind:

- (1) pensions or gratuity or allowances or superannuation benefits if given are normally given after continuous service.
- (2) That this Government decided that in certain cases by ministerial discretion we will give pensions if they have broken service. If they do not have continuous service and they have broken service we will give pensions.

I do not know if the Opposition would like us to go back to prior to 1968 where no pension, no gratuity, no allowance was given to someone if he resigned.

And the other question of the Chief Education Officer giving a certificate that he **has** discharged his duties with fidelity, that is here in the Act governing pensions of public servants and I may emphasise this that this was here from time immemorial in Guyana. In the days

before Guyana was independent, the Governor had the power and the Governor used to get his officers to do that. There was always the proviso that someone, some superior officer, should certify that some X,Y,Z person discharged his duties with fidelity and satisfaction and so on. This is nothing new and making a lot of noise about it – that we are trying to emasculate teachers and so on, we are trying to be unjust to teachers – is not true. It is consistent with the other laws.

If the Opposition is saying it does not agree with this principle and a Motion is moved to change the whole structure of the pensions; that is a different matter. You cannot change for the teachers and then have the public servants here. Are they saying that we should change only the teachers' law so that you will have no C.E.O. certifying and you will have no ministerial discretion where services were interrupted and so on and you must have, not the basis of continuous service given should warrant, should attract, pensions. Now, in the case of private enterprise, they give pension or gratuity to somebody who served well. That is the principle on which we are operating and it goes for teachers as well. So there is no difference there.

5.25 p.m.

Cde. Reepu Daman Persaud was quoting law. I do not think he has read all. He would see in the Pensions (Amendment) Act, No. 12 of 1976, it is stated at 9 (e):

“Where the service in a pensionable office has been immediately preceded by an unbroken period of service in an appointment other than a pensionable office, or of service paid for out of an open vote, or of both such service, such period, or any part of such period, may be taken into account in computing pension or gratuity.”

Now, the same principles run through all legislation but if one were to observe these things – that is why I say a little knowledge can be a dangerous thing. You may know a little bit of this but if

you don't know the rest you can cause confusion, you can contradict. Run through the whole of the legislation, you will see one thing running through all. It is something that goes through all.

Cde. Ram Karran spoke about a contributory Pension Scheme. He spoke about why this Pension Scheme was not observed or why the people who belong to a certain Pension Scheme are not given the same amount as others. Why do we treat them differently? My submission is very simple. If (A) was drawing from a Pension Scheme before the 13th September, 1976, (B) was not drawing from any Pension Scheme before 13th September, 1976, is it fair to put the two of them on the same basis? That is my contention and that is logic.

Cde. Reepu Daman Persaud spoke of injustice. That is injustice. That is what this Bill seeks to do and if one really sought to look at the other bits of legislation governing the same thing, one will see that the results are sound and reasonable.

The hon. Member Reepu Daman Persaud made an accusation which I should rebut. He said teachers were dismissed without the knowledge of the Teaching Service Commission. No one in this country has the authority or the right to dismiss any teacher. Only the Teaching Service Commission can dismiss a teacher.

Cde. Persaud also spoke of provisos. He ought to know, he once served in the office of a lawyer, that there is hardly a piece of legislation that does not carry a proviso. The Constitution of Guyana carries provisos. Constitutions of other countries in the world carry provisos. Almost in any piece of legislation you can pick up you will find provisos. Therefore, it is nothing new to find provisos in this Bill.

The hon. Member Mr. Singh asked some pertinent questions. He asked about what happens in a case where a teacher resigns to contest an election and does not succeed. He re-applies to the Teaching Service Commission for his old job, that is, the job of a teacher, and

within two months' time, his application was not successful through the tardiness of the Teaching Service Commission. What happens in that case?

Let me say this, that one does not only look at the letter of the law. Forgive me for saying that lawyers know that there is the spirit and the letter of the law which must be taken together. We know that both should go together. In this Bill what is being sought is to give protection, certain rights, certain assistance, certain help to teachers who seek to get into Parliament but do not succeed. I want to say this, that I think that I agree with the hon. Member Mr. Feilden Singh, I do not see why the Teaching Service Commission should not, within two months' time, reinstate that person in his or her old position.

I wish to make a promise on behalf of this Government for which I speak on this question, that if at any time in the future any member suffers and any member of the Opposition brings it to the attention of the House, I will move the amendment to have it so widened and stretched out. I am speaking as Minister of Education. The intention here of Cabinet is to allow the unsuccessful candidate to get back his job. We selected two months because a period of two months has been used in other pieces of legislation. I see no reason why someone should not get back into his job within two months. That is the spirit of the law and I think the person has a right to get back his job in two months. Therefore, that is the guarantee I would like to give the hon. Member Mr. Feilden Singh and he acknowledges it.

The other point I would like to make is that the vacancies are hardly likely to be filled in such a short time. It is not so easily done. Therefore, I am sure there would be no problem in so far as someone getting back his or her old job is concerned.

Mr. Feilden Singh raised a hypothetical case where a person is a successful candidate. For example, the hon. Member Mr. Abraham, Cde. Minister Chowritmootoo and Cde. Minister Carmichael were teachers and their names come to mind immediately. Assuming that they

would like to get back into the teaching profession tomorrow, this Bill allows them to get back in. Clause 3(a) (b) states:

“voluntary resignation (whether before or after 1st October, 1974) in circumstances otherwise than as mentioned in section 7(7) followed by re-employment as a teacher at any time thereafter, shall be disregarded for the purpose of this subsection but only with the approval of the Minister in respect of the circumstances to which paragraph (b) of this proviso applies.”

Section 7(7) is the section that deals with the almost automatic re-entering of the unsuccessful candidate into the teaching profession. I think I understand why the hon. Member Mr. Feilden Singh does not particularly like ministerial discretion. It is like this. Under the proposed clause 3(a) (b), voluntary resignation, a person seeking election to Parliament will have to voluntarily resign, so he is caught under that clause. He resigns and serves three years as a Parliamentarian or Prime Minister or what have you. If he is so unfortunate, because of the onerous duties he has to carry out, that he wants to get back into the teaching profession, naturally we cannot leave it open like that, at any time he could go back.

Suppose that during that period there is no vacancy, suppose his conduct generally does not do good for the teaching profession, suppose he was charged for some criminal offence, supposed he was jailed. We must put some proviso which would say that at least somebody should check on his records and say, well, okay, he was once a teacher, he was serving in some high office, he wants to get back into the teaching profession. If it is not the Minister, then it has to be the Chief Education Officer or the Permanent Secretary. The highest person in the Ministry is the Minister and the Minister is most often used in legislation where discretion is allowed and that is why this proviso is put there. So you must have somebody to check the record to see that it is a good one. He could have done so many wrong things.

I hardly think there is anything else, but I wish to categorically state that if there is nothing adverse against the teacher while not serving as a teacher and while serving in Parliament – and I am using adverse in terms of the teaching profession, I am not talking about politics – then I want to give the greatest assurance to Mr. Singh that he will be –

The Speaker: Cde. Teekah, you do not address Mr. Singh, you address me.

5.45 p.m.

Cde. Teekah: Through you, Cde. Speaker, I should like to give Mr. Feilden Singh the best possible assurance that such a person will be given back his job.

I hope I have satisfied the members of the Opposition in their queries about certain clauses in the Bill. I hope I have clarified certain questions or problems. I hope I have made the Bill very clear to them.

Question put, and agreed to.

Bill read a Second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

Bill reported without Amendment, read the Third time and passed.

ADJOURNMENT

Resolved, “That this Assembly do now adjourn until a date to be fixed.” [The
Minister of Parliamentary Affairs and Leader of the House]

Adjourned accordingly at 5.51 p.m.
