

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

(VOLUME I)

PROCEEDINGS AND DEBATES OF THE FIRST SESSION OF THE
FIRST LEGISLATURE CONSTITUTED UNDER THE
BRITISH GUIANA (CONSTITUTION)
ORDER IN COUNCIL, 1961

12th Sitting

Thursday, 1st February, 1962

LEGISLATIVE ASSEMBLY

The Assembly met at 2 p.m.

Prayers

[**Mr. Speaker in the Chair**]

Present:

His Honour the Speaker, Mr. R. B. Gajraj.

*Members of the Government
People's Progressive Party
Ministers*

Dr. the Honourable C. B. Jagan	<i>—Premier and Minister of Development and Planning (Member for Corentyne—East)</i>
The Honourable B. H. Benn	<i>—Minister of Natural Resources (Member for Demerara Coast—West)</i>
The Honourable Ram Karran	<i>—Minister of Works and Hydraulics (Member for Mahaica)</i>
The Honourable B. S. Rai	<i>—Minister of Home Affairs (Member for Demerara Coast—East)</i>
The Honourable R. Chandisingh	<i>—Minister of Labour, Health and Housing (Member for Lower Demerara River)</i>

Dr. the Honourable Charles Jacob, Jr. — *Minister of Finance (Member for Vreed-en-Hoop)*

Dr. the Honourable F. H. W. Ramsahoye — *Attorney-General (Member for Canals Polder)*

The Honourable E. M. G. Wilson — *Minister of Communications (Member for Boerasirie)*

Parliamentary Secretaries

Mr. G. Bowman — *Parliamentary Secretary to the Ministry of Natural Resources (Member for Corentyne Central)*

Mr. L. E. M. Mann — *Parliamentary Secretary to the Ministry of Works and Hydraulics (Member for Mahaicony)*

Other Members

Mr. S. M. Saffee — *(Member for Berbice—West)*

Mr. G. L. Robertson — *(Member for Leonora)*

Mr. J. B. Caldeira — *(Member for Pomeroon)*

Mr. V. Downer — *(Member for Berbice—East)*

Mr. M. Hamid — *(Member for Demerara—Central)*

Mr. D. C. Jagan — *(Member for Suddie)*

Mr. H. Lall — *(Member for Corentyne—West)*

Mr. M. Shakoor — *(Member for Corentyne River)*

Members Constituting the Minority

(i) *People's National Congress*

Mr. L. F. S. Burnham, Q.C. — *(Member for Ruimveldt)*

Mr. W. O. R. Kendall, Deputy Speaker — *(Member for New Amsterdam)*

Mr. J. Carter — *(Member for Werk-en-Rust)*

Mr. E. F. Correia — *(Member for Mazaruni-Potaro)*

Mr. N. J. Bissember — *(Member for Campbellville)*

Mr. W. A. Blair — *(Member for Berbice River)*

Mr. R. S. S. Hugh — *(Member for Georgetown—South)*

Mr. J. G. Joaquim — *(Member for Kitty)*

Mr. R. J. Jordan — *(Member for Upper Demerara River)*

Mr. C. A. Merriman — *(Member for La Penitence-Lodge)*

Mr. H. M. S. Wharton — *(Member for Abary)*

(ii) *United Force*

Mr. P. d'Aguiar — *(Member for Georgetown—Central)*

Mr. S. Campbell — *(Member for North West)*

Mr. R. E. Cheeks — *(Member for Georgetown—North)*

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

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

ABSENT:

Mr. M. Bhagwan — *Member for Essequibo Islands—on leave*

Mr. E. E. Melville — *Member for Rupununi.*

**ANNOUNCEMENTS BY THE
SPEAKER.**

LEAVE TO MEMBER

Mr. Speaker: Honourable Members, I wish to announce that leave has been applied for and has been granted to the hon. Member for Essequibo Islands (Mr. Bhagwan) from the 8th January to the 15th February, 1962.

**LOYAL ADDRESS TO H.R.H. THE
DUKE OF EDINBURGH**

Mr. Speaker: Honourable Members are by now aware that His Royal Highness the Prince Philip, Duke of Edinburgh, will be visiting the Legislature on Wednesday, 7th February, when the opportunity will be taken to present him with a Loyal Address on behalf of the Legislature and the people of this country. I have prepared a Loyal Address, and, in order to have it placed as a permanent record of this House, I propose to move formally a Motion at a later stage today, for this purpose.

In the circumstances, I will arrange for the Clerk to circulate copies of the Address for the private and confidential information of Members, which they will have an opportunity of studying during the tea interval. I would ask that the copies be returned to the Clerk immediately thereafter, as Members will appreciate that the Address must be kept strictly confidential until its presentation.

QUESTIONS TO MINISTERS

**GRUPO DEL CONTE'S DOCUMENTS
AND CONTRACTS**

Mr. d'Aguiar (Georgetown-Central): Your Honour, may I ask the hon. Minister of Works and Hydraulics the Question standing in my name? Will the Honourable Minister make available to me the documents concerning the Grupo

Del Conte which he intimated to this House at its sitting on 19th October would be made available if required?

Will the Honourable Minister also make available to me the contracts entered into with Grupo Del Conte?

The Minister of Works and Hydraulics (Mr. Ram Karran): The documents will be made available to the hon. Member on a private and confidential basis only, if he will call at the Ministry of Works and Hydraulics at any convenient time.

Mr. d'Aguiar: May I ask a supplementary question? Will the hon. Minister specifically state exactly to which documents he refers? In view of the statement which appears in *Hansard*.

"The information which I have is available to hon. Members of this Assembly" . . .

I repeat, quoting from *Hansard*:

"That the information relevant to this question can be shared by hon. Members, if they feel inclined to look at it."

Why has the hon. Minister refused until now to make available the information which he said was always available? Furthermore, exactly to what documents does he refer which he will now make available to me?

Mr. Ram Karran: The documents referred to are those dealing with Questions (1) and (2) as they appear on the Order Paper. The documents, as some hon. Members will appreciate, are of a private and confidential nature and for that reason the hon. Member, as well as any other hon. Member, may look at them on a strictly confidential basis.

Mr. Burnham (Ruimveldt): As a further supplementary question, may I inquire why documents disclosing contracts should be confidential?

Mr. Ram Karran: The contract documents referred to are not confidential to Members of this House. I was referring to correspondence received, in relation to Question 1, from sources outside of this Government.

Mr. Burnham: As a further supplementary question, do I understand from the Minister that he is prepared to give copies of the contracts to Members of the Legislature? I am not concerned with the standing at the Bank of the Grupo Del Conte.

Mr. Ram Karran: The Government has no objection to showing or giving Members of the Legislature, who require copies of the contracts, if copies are available.

Mr. d'Aguiar: Mr. Speaker, the hon. Minister has not yet stated specifically. I have asked him which documents specifically named, will be made available for my inspection?

Mr. Ram Karran: As hon. Members will appreciate, the documents referred to in relation to Question 1 are several and, as I said earlier, those documents as well as the contract dealing with this road will be available to hon. Members.

Mr. Speaker: Hon. Members must appreciate that they have a right to ask questions but they cannot always get their questions answered as they wish.

STATEMENTS BY MINISTERS

PREMIER'S TRIP ABROAD

The Premier and Minister of Development and Planning (Dr. Jagan): Sir, I just want to say that I hope to inform Members, in detail, of my recent trip abroad to Tanganyika, Israel and also the United Nations.

CHEMICAL FOOD POISONING ON THE ESSEQUIBO COAST

The Minister of Labour Health and Housing (Mr. Chandisingh): With your permission, sir, I should like to report to this House on the recent epidemic of chemical food poisoning that occurred on the Essequibo Coast.

On the morning of January 21st the Ministry of Labour, Health and Housing responded to a very urgent appeal from the Resident Surgeon of the Suddie Hospital and the Medical Officer of Health of the County of Essequibo requesting assistance in the control of an epidemic which was causing suffering and death to the inhabitants on the Coast. At the time, the Minister of Health and the Chief Medical Officer were attending a ceremony to mark the occasion of the establishment of the Woodley Park Health Centre on the West Coast of Berbice. Owing to the very urgent nature of the request, it was decided that the Chief Medical Officer should leave the function immediately and proceed to Essequibo to take effective measures to control the epidemic. At 3.15 p.m. on the same day, the Chief Medical Officer accompanied by a Senior Physician, one Medical Officer of Health, the Public Health Engineer, the Supervisor of Nurses and a Health Visitor boarded an aeroplane for Adventure. Earlier in the day, an additional Medical Officer was assigned to the hospital.

Investigations commenced immediately on the same day at about 3.45 p.m. at the Suddie Hospital to determine the exact nature of the illness. Diagnosis and treatment of the cases as well as the *post mortem* findings were reviewed with the Resident Surgeon, while the origin of the epidemic and its attack on the community were discussed with the Medical Officer of the County. It was realised that the epidemic was very explosive in character and,

quite apart from determining the specific cause of the illness, effective measures should be instituted to prevent the progression of the disease and occurrence of death when once the human being was attacked. It was also revealed that the clinical manifestations were quite distinctive in character, many of the severe cases presenting with signs and symptoms indicating a selective attack of the causative agent on the central nervous system.

At about 5.20 p.m. the Senior Physician returned, by aeroplane, to Georgetown. The Public Health Engineer also returned by the same opportunity, in order to bring up reinforcements by way of equipment and personnel, to combat the attack. In the evening, the Medical Officer of Health, Demerara, conducted *post mortem* examinations.

On the following morning (Monday 22nd) the Minister of Labour, Health and Housing accompanied by the Senior Government Pathologist and Bacteriologist, the Public Health Engineer, the County Public Health Inspector, a Health Visitor and a Laboratory Technician arrived by aeroplane; and another party comprising a Senior Public Health Inspector and 3 Health Visitors arrived by steamer. A station waggon from the Ministry of Health's pool of vehicles also arrived to give logistical support to the operations.

On arriving at the Hospital, the Senior Government Pathologist and Bacteriologist carried out further *post mortem* examinations, the findings of which confirmed the conclusions arrived at by the previous *post mortem* finding, and the results of the laboratory tests, correlated with the medical examinations, completely ruled out infection with virus or bacteria. The indications were that some form of chemical poison which had entered the human body from without was responsible for the illness. What is more this poison had a predilection for the nervous system, especially the brain.

On Monday morning while the *post mortem* and laboratory examinations were being conducted, field studies were planned with certain purposes in view *viz.* to arrive at some understanding of the cause of the illness; if a chemical poison, by what channel it entered the body (*i.e.* whether by the mouth or the lungs or through the skin), if by the mouth, was the mode of transmission by water, or food; and if a food, was it rice, milk, oil, baking powder, potatoes, curry, flour, etc. The objects of the research were also to study the nature of the illness, its development in the human body, the mode of spread, and eventually its control. A medical team left Suddie early in the morning, to carry out reconnoitring operations with these aims in view. The Chief Medical Officer also met a deputation at Anna Regina Dispensary, where he saw a few cases. The deputation requested that a doctor be stationed at Anna Regina to deal with urgent cases since the epidemic was most explosive in the neighbouring villages of Henrietta and Richmond. They also asked that the one ambulance based at the Suddie Hospital be stationed at Anna Regina. The Chief Medical Officer promised to give the matter careful consideration.

Reverting to the illness, it was observed that in a large proportion of the households involved, 2 or more cases had occurred in fairly close sequence and that the onset of the illness in each case bore the same time relationship to the preceding meal.

On his return to Suddie at about 12.30 p.m., the Chief Medical Officer met the Minister of Labour, Health and Housing who had arrived during his absence. A staff conference was immediately held at which the Chief Medical Officer informed the Minister that "the chances were 20 to 1" in favour of some chemical poison entering the bodies of the sick through flour. Right at the outset, he definitely ruled out every other

[MR. CHANDISINGH]

article of food, each one of which had already received consideration. The representations of the Anna Regina deputation were communicated to the Minister who had previously also spoken to some of the people in the Suddie areas, and it was decided that the dispenser stationed at Anna Regina should be instructed on the diagnosis and treatment of cases and be given supplies of the antidote for the suspected poison, for early treatment; that the Ministry's station wagon be placed in the Anna Regina area; and that nurses circulate in the area for immediate treatment of cases. It was also decided that the Chief Medical Officer should inform the Minister of the situation later on in the day. The Minister accompanied by the Senior Government Pathologist and Bacteriologist returned by aeroplane to Georgetown.

Seeing that the evidence was in favour of flour, an investigating team of public health inspectors (about 8 in number), headed by the Public Health Engineer, commenced a sampling survey of flour in all the shops throughout the Coast. The medical group comprised the Chief Medical Officer, the Medical Officer of Health, Essequibo, and the Medical Officer of Health, Demerara, the Supervisor of Nurses and 7 Health Visitors resumed the field surveys. By 5 p.m., it was quite evident that the one and only vehicle was contaminated flour and the Chief Medical Officer returned to Suddie and communicated his findings by telephone to the Minister. The specific recommendation was to the effect "stop the consumption of flour in the Essequibo Coast and the epidemic will stop". Immediately, the Minister made his announcement accordingly and the result was dramatic. This is shown in a review of the incidence of cases and deaths starting from the first day of the epidemic, January 16.

On January 16, 3 cases; on 18th, 6 cases; on 20th, 11 cases; on 21st, 43 cases; on 22nd, before the broadcast announcement by the Minister, 32 cases and after the broadcast to date 4 cases. All the cases occurring after the broadcast were people who had no faith in the announcement and persisted in eating flour, although in some cases they were persuaded by their relatives not to do so. With each succeeding day as the situation gradually unfolded itself as a result of the field surveys, the evidence piled up in favour of flour. The findings of the field studies revealed a set of characteristics just as distinctive as the medical characteristics, serving equally well to differentiate the illness from other diseases. This part of the work was of especial importance for the guidance and evaluation of the preventive measures to be introduced. It is thus seen that the announcement that flour was the one and only vehicle which caused the illness was not a mere speculation but was a logical inference from facts which fully justified the conclusion. The conclusions were not only tested against every general fact but were scientifically and rigidly tested by observations planned and made for the particular purpose. All the facts collected were forged into a chain of inductive reasoning which led inexorably to the conclusion, not merely that the poison was of the nature of an organo-phosphate, but that flour was the one and only vehicle for the entry of the poison into the human being or into the body of an animal. It was significant that reports continually came in from the most stricken areas that a cat, several ducks and chickens had died and many others, including a dog, became ill. Now that it was sure that a chemical poison was in the flour it became imperative that the poison must be identified by the Government Analyst.

The most startling revelation was the testing of a quarter bag of flour obtained from a discharged patient at Hoff-Von-Aurich by a member of the team on Saturday morning. A very small

amount of the flour was fed to about a six-week old chicken. Very soon the chick became sick, exhibiting the same symptoms as the human sufferers, and died 1½ hours after the taking of the poison. To every member of the team, the result seemed a reward a thousand-fold for his labour, for it was never assumed that every sample of flour collected and sent to Georgetown for testing did indeed contain the poison.

The Minister of Labour, Health and Housing, accompanied by the representative for the constituency, arrived about 1.15 p.m. on the 27th January and immediately a conference was called. The Public Health Educator who arrived at the same time attended the Conference.

Now that it was clear that flour was the vehicle for the poison, plans were discussed to deal further with the situation. The Chief Medical Officer, the Medical Officer of Health, Demerara, the Public Health Engineer and the Supervisor of Nurses accompanied the Minister and the representative of the constituency to Georgetown.

On the next day, Sunday, chick-feeding experiments were continued at the Ministry of Health and it was revealed that at least 2 samples contained the deadly poison. Some of the chicks died as early as 15 minutes after feeding.

On the following day, Monday 29th a sample of flour containing the known poison was submitted to the Government Analyst who, on the evening of the same day, confirmed that the poison was of the nature of an organo-phosphate. Now that the nature of the poison is clearly elucidated, we have no longer to wrestle with a nameless "something" but with a definite entity. Members of the Public Health Division of the Ministry of Health, under the guidance of the Principal Medical Officer, are working

frantically to track down the method of contamination of the flour, i.e., the way in which the poison entered the flour, and at what point.

The Essequibo Coast is still under strict surveillance and yesterday, the staff there was further strengthened by the return of the Medical Officer of Health, Demerara, the Public Health Engineer, the County Public Health Inspector, Demerara, a public health inspector and a health visitor.

I am sorry to say, however, that a medical emergency occurred at Wakenaam yesterday, and the Ministry of Health was notified by the Medical Officers at Wakenaam.

A message was immediately relayed to the officers who were proceeding to Essequibo to investigate the situation at Wakenaam. The officers informed the Ministry that 2 deaths had occurred and that there was one critical case and two other persons ill, and that they were certain that the illness was of a similar nature to that which was observed on the Essequibo Coast.

Immediately measures were put in hand to seize all flour at Wakenaam. However, shopkeepers in the area, realizing the gravity of the situation, gave up all stocks without hesitation, for which we are very thankful.

Reverting to the situation on the Essequibo Coast, operations have commenced today to take over from all shopkeepers and households whatever stocks they have with a view to replacing them at an early date with an approved type of flour.

The operations introduced today are being supported by the Ministry of Communications and Works, the Ministry of Trade and Industry and the Ministry of Home Affairs, and the G.I.S.

[MR CHANDISINGH]

Samples of flour have been sent to Communicable Diseases Centre, Atlanta, Georgia. This was made possible through representations carried out by AID, and the Government has received word today that the Venezuelan Government is despatching a team comprising four professional and technical officers to render whatever assistance is needed.

In addition, all medical practitioners and health staff have been alerted as to the symptoms and signs of the disease, as well as the treatment, so that effective measures can be instituted immediately wherever and whenever a case occurs.

So far, high tribute must be paid to all members of the staff who conducted the operations. Tribute must also be paid to the Resident Surgeon and his staff, as well as to the Medical Officer of Health, Essequibo, who bore the brunt of the attack in the early stages. Over 100 cases were admitted to the Hospital; 8 deaths occurred, of which only three took place in Suddie hospital.

The greatest sympathy must be extended to the relatives of the deceased and all those who suffered during the epidemic. The people of Essequibo must refrain from eating flour if they are to remain free from danger, until the Ministry of Health takes the next step in a few days' time.

2.30 p.m.

PUBLIC BUSINESS

GEORGETOWN TOWN COUNCIL (AMENDMENT) BILL

Mr. Speaker: The first item is the Second Reading of the Bill intituled:

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

But I would ask the hon. Minister of Home Affairs (Mr. Rai) if he would be willing to defer it for a few minutes be-

cause the hon. Member for LaPenitence-Lodge (Mr. Merriman) has informed me that he has to attend a meeting of the Central Board of Health, from which he hopes to return very shortly, and has asked that consideration of the Bill be deferred until he returns.

The Minister of Home Affairs (Mr. Rai): Agreed.

Bill deferred.

DRAINAGE AND IRRIGATION (DECLARATION OF AREA) BILL

Mr. Speaker: We will therefore proceed with the second item which is the Second Reading of a Bill intituled:

"An Ordinance to provide for the merging of the Northern Klien Pouderoyen Drainage Area and the North Klien Pouderoyen (Extension) Drainage and Irrigation Area".

The Minister of Works and Hydraulics (Mr. Ram Karran): This Bill seeks to merge the North Klien Pouderoyen (Extension) Drainage and Irrigation Area with what is known as the Northern Klien Pouderoyen Drainage and Irrigation Area, in order to provide for more efficient administration and supervision of the area. In addition to that, the Bill seeks to correct an omission which took place when the Ordinance was enacted, and Clause 3 seeks to correct that omission by inserting the name of the area. With the passage of this Bill the whole area known as North Klien Pouderoyen and Vreed-en-Hoop, on the West Bank, Demerara, with the descriptions of the various points in the schedule, will come under the new Drainage and Irrigation Area of North Klien Pouderoyen.

Clause 5 of the Bill seeks to continue the validity of assessment of rates made under the Drainage and Irrigation Ordinance, and to make recoverable amounts of rates assessed, but not paid. I move that the Bill be read a Second time.

Mr. Speaker: I should have pointed out to you before, that there was need for a Motion for suspension of the relevant Standing Order since the Bill was introduced yesterday, but there is valid reason for us to take it, as the Bill was published since the 6th of January, so that hon. Members and the general public will not suffer by its being taken today.

Mr. Ram Karran: I formally move that the relevant Standing Order be suspended to enable the Bill to be dealt with today.

Question put, and agreed to.

Mr. Speaker: The Second Reading has been moved, and the Bill is now before the House for debate. If no Member wishes to speak I shall proceed to put the Question.

Question put, and agreed to.

Bill read a Second time.

Assembly in Committee.

Clause 1—Short Title.

Mr. Ram Karran: I move the deletion of the word and figure "No. 2" in brackets in Clause 1.

Clause 1, as amended, agreed to and ordered to stand part of the Bill.

Clause 2 agreed to and stood part of the Bill.

2.45 p.m.

Clauses 3 to 5 and Schedule agreed to and stood part of the Bill.

Assembly resumed.

Bill reported with an amendment to Clause 1; as amended, considered; read the Third time and passed.

GENEVA CONVENTIONS (SUPPLEMENTARY PROVISIONS) BILL

The Attorney-General (Dr. Ram-sahoye): Your Honour, I beg to move the suspension of the relevant Standing Order to enable this Bill to be proceeded with.

Question put, and agreed to.

The Attorney-General : Your Honour, this Bill, which is now to be read a Second time, makes provisions to enable prisoners of war and certain protected persons to have extended rights of appeal from convictions in criminal courts in this country. Normally, the laws providing rights of appeal also provide a period within which such rights should be exercised. The present provisions seek to extend those rights by providing that the time for appealing should be reckoned from the date upon which a protected prisoner of war or a protected internee is notified by the proper authority of his conviction. The provision is made in order to give effect to certain Conventions which were adopted at Geneva in August, 1949, and they correspond with Section 4 of the Geneva Conventions Act, 1957, which provides a further right of appeal in England for these prisoners. It was found that that particular provision was not easily adapted to our system and, therefore, we have to propose this special provision.

Your Honour, I move that the Geneva Conventions (Supplementary Provisions) Bill, 1962, be read a Second time.

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.

LEGISLATURE (REMUNERATION OF MEMBERS) BILL

The Minister of Finance (Dr. Jacob): Your Honour, I beg to move the suspension of the relevant Standing Order so that the Second Reading of the Bill standing in my name may be proceeded with.

Mr. Speaker: Are you not going to lay the Governor's recommendation?

Dr. Jacob: Your Honour, I wish to lay the Governor's recommendation on the Table.

Mr. Burnham: I have not heard him.

Question put, and agreed to.

Dr. Jacob: Your Honour, this Bill is self-explanatory. Further, in moving the Second Reading of the Bill, I want to say that it provides for the payment of members of the Legislature, the Speaker of the House, the President of the Senate, Ministers of the Government as well as Parliamentary Secretaries, and that these payments are to be charged upon the revenue of the country.

Provision is made in the Bill for the repeal of a previous Ordinance concerning these matters. The rates of remuneration and allowances are set out in the Schedule to the Bill, and I should now like to move that the Legislature (Remuneration of Members) Bill, 1962, be read a Second time.

The Speaker: Does any Member wish to comment on the Bill?

Mr. d'Aguiar: I should like to make one comment on this particular Bill. It has occurred to me, in view of the bankruptcy of the financial affairs in this country which were so blatantly adver-

tised by the hon. Minister of Finance only yesterday, that it would have been a very appropriate gesture if the hon. Ministers had suggested a 20% cut in their salaries.

Mr. Burnham: I have a certain amount of sympathy with the Ministers for I know that they have to contribute to their Party, and, if you were to cut their salaries by a further 20%, I think it would be very unfair to them—especially those who have been accustomed to liberal emoluments when practising in a certain learned profession. But the observation I desire to make is similar to the one I made on the Motion yesterday. There was no reply, or an attempt to reply yesterday. Perhaps they view the matter lightly, and I prefer to think that the oversight was due to ignorance rather than to deliberateness.

But I understand that the Government boasts of an allegedly eminent constitutional lawyer and, as such, he ought to have been *au fait* with the provision in the Constitution and he ought to have appreciated that legal authority was necessary for the salaries which were paid to the Ministers, Parliamentary Secretaries and Legislators since October. In fact, what has been going on from October up to last month has been a distinct breach of a provision in the Constitution.

I have a certain *penchant* for tidiness, especially where the law is concerned. I have reason to believe that at least two of the Ministers of the Government share with me that *penchant* but, obviously, since they have become involved in politics, they have forgotten their past predilections and this is a most unsatisfactory affair. As I understand it, for four months either the Minister of Finance or the Governor has been signing warrants for the payment of money out of Government funds without any legal authority whatsoever.

3.00 p.m.

Where are we going, Mr. Speaker? At this rate we shall wake up one morning to find that without the Legislature being consulted, without there being any previous legal authority or statutory provision, our already depleted coffers would be exhausted through the whims and caprices of the Minister of Finance and his colleagues [*Laughter.*] It may appear to be a trivial matter, but it is a matter of grave importance. This is one other example of audacity, inexperience and/or ignorance, none of which qualities anyone of us expects to find in a Government or would like to find in a Government at this stage of our development. When this Bill comes to be considered clause by clause, perhaps, the hon. Minister of Finance, if he is able, will explain the full implications and connotations of Clause 8, because it appears to me that Clause 8 does not give the retroactivity that is necessary to cover an illegality which was being practised since October, 1961.

The Attorney-General: In this case, Government was always aware, without the lecture delivered by the hon. Member for Ruimveldt (Mr. Burnham), that it is necessary to enact legislation before Members of the Legislature could be paid, but I would wish to say only this: that the history of this country, the constitutional gradualism which we have experienced, is what has been responsible for this delay. Our institutions are unstable, and in this particular case the hon. Member would be reminded that there was legislation on the Statute Book providing that payment could have been made under the Interim Constitution to which he was subject until only recently. It is repealed, and the enactment of a new provision in the British Guiana Constitution, 1961, has made it necessary for the Legislature to consider, again, the very steps and to represent the same figures in other legislation, which is a waste of effort arising from colonial rule. In the circumstances,

I think the hon. Member for Ruimveldt should be in sympathy with the Government, because the energy which has been devoted to this legislation could have been devoted to more fruitful matters.

Question put, and agreed to.

Bill read a Second time.

Assembly in Committee.

Clauses 1 and 2 agreed to and ordered to stand part of the Bill.

Clause 3—*Payment of remuneration to the Premier and other Ministers, Parliamentary Secretaries, the Speaker of the Legislative Assembly and the President of the Senate.*

Mr. Burnham: May I inquire from the Minister of Finance—I am not so sure of the full implications of his Budget Speech yesterday—whether the entertainment allowances of the Premier would be taxable?

Dr. Jacob: The entertainment allowances are not taxable.

Mr. Burnham: Not because I think \$200 is too much for the Premier. As a matter of fact, I think it is miserly. But I would like to ask, because I understand that there were to be no deductible allowances for entertainment allowed for business. I suppose this is a different type of business. Now, I further ask whether the allowance in the form of free house is taxable as in the case of public servants?

Dr. Jacob: Again that is not taxable.

Mr. Burnham: May I ask why, if public servants have to pay taxation on their houses when they get free houses, should not the Premier who has to lead this country during such a period of austerity, not pay taxes on what is, in fact, a valuable consideration?

Dr. Jacob : I do not see how this arises out of this Bill.

The Chairman: The House is in Committee and, certainly, I think the Member is entitled to ask that question because it certainly does arise out of the remuneration; and the hon. Member concerned knows the question of taxation on emoluments is something which, of course, flows from the payment of emoluments. If the answer is "no", then the hon. Minister can say so.

Dr. Jacob : The answer is "no".

Mr. Burnham: It was a vain repetition on his part. The question is not whether it was so, but why? Because he has already complied with the courtesy so far as the first question was concerned. Why should a public officer be taxed when he gets a free house as a valuable consideration? If we are going to lead this country at this period of necessary austerity, we must start from the top. [*Interruption.*] I heard the suggestion that we should start from the Governor. I agree. I would cut his salary completely.

Clause 3 agreed to and ordered to stand part of the Bill.

Clauses 4 and 5 agreed to and Ordered to stand part of the Bill.

Clause 6—Payment of travelling and subsistence allowances.

Mr. Burnham: Mr. Chairman, it seems to me that it is unusual to say that the travelling and subsistence allowances should be at such rates and subject to such conditions as may be prescribed by the Minister. I would have thought that this Government had scales and these allowances—subsistence and travelling—should be in keeping with one scale or another. This sort of roving commission which is given the Minister is not the type of delegation which one should sup-

port. Perhaps, the Minister will tell us why he chose to do it this way, why it cannot be done by scales as is done in the Service in respect of Public Officers or persons performing Government duties?

Dr. Jacob : There is a special scale—commuted travelling allowances—under the last Constitution; but the subsistence, now, will have to be treated in this manner because we cannot determine the scale—what it should be. In regard to travelling, we are using the same scale which was used during the life of the last Government.

Mr. Burnham: It is shocking to hear up to now Government does not know what subsistence it should pay. When we go to the United Kingdom, the subsistence there is fixed. Certainly, they could fix the subsistence allowance and make provision that it may be altered by the proper authority from time to time; but it is necessary for a body of this kind to recognize the scale. I agree that the working class budget is going up by one per cent., according to the Premier, and the budget for those who will get subsistence allowance will be more but, certainly, it should be set out in the form of a Schedule or Order which can be changed from time to time by the authority to whom such power is delegated and not left to the Administration from time to time.

The Premier: The subsistence rate will be the same as that for senior civil servants, and I think the Member need have no fear. In the case of allowances paid to persons who attend conferences abroad, those allowances were reduced by the last Government and those are the rates which are prevailing. He had no fear when the allowances were reduced; why should he feel that the Government would automatically take it as its power to hike up the rates. We do not indulge in frivolities. So far as this Government is concerned, the rates here will be the same as previously.

Mr. Burnham : Mr. Chairman, I am not for one moment suggesting that the Minister will hike up the rates. He may hike them down. We want something clear and unequivocal. It is no sense giving us the assurance today that they are going to be the same as those for senior civil servants. I am not interested in the irrelevancies of the Premier about being afraid.

3.15 p.m.

That was not the question being discussed. The point is: let us have clearly set out what these rates are, so that people can know what they are. The *ipse dixit* of the Premier, during the course of a debate, is not law. Tomorrow we may hear that it has been decided to make a change, but let us know.

The Attorney-General : The Clause provides that the rates are to be prescribed by order of the Minister of Finance. I think what is misleading the hon. Member is the innovation whereby an order will now be made by the Minister of Finance rather than by the Governor acting on the advice of someone. There will be an order, but the only difference is that the order will be by the Minister of Finance and not by the Governor. The rates must all be specified, and I think the hon. Member has been assisted sufficiently by being told beforehand that these will be reduced rates.

Mr. Burnham : I am happy to hear my youthful colleague telling me that I have not been accustomed to seeing orders except those made by the Governor. If he had taken time to read the *Hansard* reports for the last four years he would have seen that on many occasions I have been asking for Ministers of the Government to be given the power to make delegated legislation, but either business or constitution drafting has prevented him from reading the *Hansard* debates. The only point I make is that, as I understand it, "order" in the present circumstances can be an administrative order. I was

suggesting that "order" be spelt with a capital "O", which would then have to be published in the Gazette. That is all I am suggesting. I am not objecting to the Minister of Finance being the authority for making an order, but I am suggesting that the use of a small "o" is to make it an administrative order.

The Attorney-General I disagree that it is necessary to use a capital "O" in order to make it an order within the meaning of the Ordinance.

Mr. Burnham : I beg to move an Amendment to insert the words "published in the Gazette" after the word "order" in the last line of the Clause, and to substitute the word "by" for the word "of".

Mr. d'Aguiar: I confess to being somewhat confused in this matter. Am I to understand that, first of all, these travelling allowances are in regard to travelling within British Guiana and also outside of British Guiana? I would be glad if the Minister would clarify that particular point.

Dr. Jacob: It refers to internal travelling only.

Mr. d'Aguiar: Then it does become a matter of grave importance in a self-governing democracy, that correct democratic procedures be carried out at all times, and these procedures do require that all Members of the Opposition in particular know what is being spent. We have been told that the finances of the country are in dire straits. For this reason it becomes all the more necessary not to give powers to Ministers to make orders privately which are not made known publicly. I think, therefore, that the Amendment moved by the hon. Member for Ruimveldt is a most desirable one, and I support it.

The Attorney-General: The proposition which is inherently involved in the Amendment is completely untenable. If the hon. Member would look at Section

[THE ATTORNEY-GENERAL]

20 of the Interpretation Ordinance he would see that the word "order" is spelt with a common "o", and "rules" in the Sections which follow include "orders" so made, and that an order cannot be effective unless it is published in the Gazette. I therefore see no need for this Amendment.

Mr. Burnham: I hear a giggle from one uninitiated in this field—

The Chairman: Please let us deal with the matters before us and not with extraneous sounds which you may hear.

Mr. Burnham : It is a matter of opinion on which the Attorney-General and I may be in disagreement, but as I see it, an order as described in Section 20 of Chapter 5 does not necessarily have to be published in the Gazette. That is why I added the words "published in the Gazette." There are several orders which come under the definition of Section 20 of Chapter 5, but which do not automatically have to be published in the Gazette. Take, for instance, orders that may be made by a Licensing Authority or by the Commissioner of Police. There are certain orders which have to be published in the Gazette, but there are other orders which need not be published in the Gazette but which still have legal force as prescribed by Chapter 280.

The Attorney-General: I do not see the need for all this controversy. I think the provisions in Section 21 of the Interpretation Ordinance are very clear on this question. That Section provides that all rules shall be published in the Gazette, and it defines "rules" as including orders. I do not see any reason for a distinction between an order made in pursuance of a statutory duty, and any other order which the hon. Member may have in mind. In the circumstances, I do not think there need be any argument on the question, because an order being made in pursuance of a statutory power must be published

in the Gazette. Paragraph (d) of Section 21(1) of the Interpretation Ordinance is amended by Ordinance 16 of 1960. Of course, it is also provided that all rules may be amended, varied, rescinded or revoked by the same authority which made them, rules again having the same meaning to include orders. I think the amendments of 1960 take care of the situation.

Mr. Burnham: In my opinion "rule" would not cover "order" in this case. To make assurance double sure, what is the objection to having orders published in the Gazette? My interpretation—and you cannot always expect lawyers to agree, otherwise there would be living for only one lawyer and need for only one judge—my opinion is that it does not cover "order" as envisaged in Clause 6 of the present Bill, and that is why I suggest the Amendment "by order published in the Gazette", not to give necessary legality but necessary publicity.

The Chairman: I think the question has been properly debated, and we see there are two opinions on this particular issue. There is no need for us to have further discussion on the point, and I shall put the Amendment.

Amendment put and negatived.

Clause 6, as printed, agreed to.

Clauses 7, 8 and 9 and the Schedule passed as printed.

Assembly resumed.

Bill reported without amendment read the Third time and passed.

3.30 p.m.

GEORGETOWN TOWN COUNCIL (AMENDMENT) BILL

The Minister of Home Affairs (Mr. Rai): Mr. Speaker, under section 226 of the Georgetown Town Council Ordinance,

Chapter 152, town constables are empowered to institute and carry on legal proceedings in respect of the breach of certain by-laws when they are specially authorised to do so by the City Engineer. The Georgetown Town Council has requested that the law be amended to enable town constables to institute and carry on such proceedings without being specially authorised by the City Engineer. Clause 2 of the Bill seeks to provide accordingly.

I now, therefore, move that the Bill be read a Second time.

Mr. Merriman (La Penitence-Lodge): Your Honour, I had mentioned to you my desire to speak on this Bill, not so much to criticize it, but to say that the Georgetown Town Council is very happy that this Bill has been introduced. It has been the desire of the Council to have such a Bill passed for some while now, because it had been handicapped in the carrying out of its work. However, I am very glad that the Bill has found its place on the Table and will find favour in the Assembly.

Mr. Rai: I am glad to know that my hon. Friend, Mr. Merriman, the Mayor of Georgetown, is pleased with the presentation of this Bill. He says he knows full well that the existing cordial relationship between the Georgetown Town Council and my Ministry will remain.

[**Mr. Burnham:** "Cenotaph".]

Question put, and agreed to.

Bill read a Second time.

Assembly in Committee.

Clause 1.

Mr. Rai: Mr. Chairman, in line 2, I wish to move the deletion of "No. 2" and the substitution of the figures "1962" for "1961".

Clause 1, as amended, agreed to and ordered to stand part of the Bill.

Clause 2 agreed to and stood part of the Bill.

Assembly resumed.

Bill reported with an amendment to Clause 1; as amended, considered; read the Third time and passed.

MOTION

CUSTOMS ORDER No. 1 OF 1962

Be it resolved: That the Legislature in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order No. 1 of 1962 which was made on the 3rd day of January, 1962 and published in the Gazette on the 13th of January, 1962—[Minister of Finance.]

Dr. Jacob: Your Honour, in moving the Motion that the Legislature confirms Order No. 1 of 1962 which was made under the Customs Ordinance, I should like to explain that this Order reduces the rates of duty on linseed oil and polyvinyl acetate to 10% General Tariff and Preferential Tariff free, in order to assist the establishment of a local industry to manufacture ordinary paints and plastic paints. I, therefore, commend this Motion to the House.

Question put, and agreed to.

Motion affirmed.

COMPENSATION AWARDS TO MR. HEDGES AND MR. AUSTIN

Be it resolved: That the Minister of Finance be authorised to make an advance payment of forty thousand dollars towards the compensation awards to Mr. D. M. Hedges, C.B.E., and Mr. A. M. I. Austin, Q.C., consequent on the abolition of the offices which they held in the Public Service on the enactment of the British Guiana Constitutional Instruments, 1961.—[The Minister of Finance.]

Dr. Jacob: Your Honour, as a result of the introduction of the new Constitution—

Mr. Speaker : Will you lay the Governor's recommendation?

Dr. Jacob: Your Honour, I beg to lay the Governor's recommendation for the consideration of this item.

Mr. Speaker : Thank you.

Dr. Jacob: Your Honour, as a result of the introduction of the new Constitution, the post of Chief Secretary was abolished and the post of Attorney-General became one for a Minister of this House. Consequently, Mr. D. M. Hedges and Mr. A. M. I. Austin who were the holders of the posts of Chief Secretary and Attorney-General respectively in the last Government, were retrenched, and under the Overseas Aid Scheme, because of that, they are entitled to compensation. Now part of this compensation is to be borne by the Government of the United Kingdom. Pending the determination of the precise amount of compensation payable, it is proposed that an advance of \$20,000 each should be made to these two gentlemen in terms of the Resolution which is before the House.

Question put, and agreed to.

Motion carried.

3.40 p.m.

BANK ADVANCES FOR LOCAL REQUIREMENTS

"Be it resolved that this Legislative Assembly, in terms of section 16 of the Financial Administration and Audit Ordinance, 1961 (No. 39), authorizes the Minister of Finance to borrow an amount not exceeding Five million dollars by means of advances from the Banks to meet current requirements." [Minister of Finance].

Dr. Jacob: Your Honour, I beg to lay over the Certificate of the Governor for the consideration by the House of this Motion.

In moving this Motion, I wish to say that the revenue of the Government does not come in regularly over the whole year, and it is therefore necessary for finances from the Banks to be secured in order to provide funds until taxes and other Government revenue are collected.

Previously, the authority of the Governor was sufficient for this, but under section 16 of the Financial Administration and Audit Ordinance, it is now necessary for this Assembly to authorize the Minister of Finance to borrow money from the Banks until such time as revenues are received and are adequate for the purpose of financing the operations of Government.

Mr. Burnham : I did not really get clearly in my mind what the Minister said. He said that, previously, the Governor's warrant was enough; but I did not understand that. The Governor's warrant is for the withdrawal of funds that are in the custody of the Government I cannot follow — The Governor's warrant is not for withdrawals from the Bank but what you have to your credit on the Bank.

Dr. Jacob: I am afraid the hon. Member was not paying strict attention to what I was saying. I said, previously, the authority of the Governor was sufficient for this purpose.

Question put, and agreed to.

Motion carried.

INTEREST ON ARREARS OF VILLAGE RATES

"Be it resolved that this Legislative Assembly recommends to Government that subsection 4(b) of section 117 of the

Local Government Ordinance, Chapter 150, be amended so as to provide for the removal of the five per cent. per annum levy on arrears of rates in villages.”

[Mr. Joaquim]

Mr. Joaquim (Kitty): Mr. Speaker, I was approached by several ratepayers in connection with the hardship created by the levying of this five per cent. rate of interest on overdue rates. And one of the chief reasons for the overdue payment of rates is the unemployment problem.

As hon. Members are aware, village estimates are framed and sent to the Local Government Board for approval and returned long after the instalments of rates are due and the ratepayers have to pay five per cent. on the arrear rates through no fault of their own. There is no justification for the five per cent. rate of interest on the arrears of rates levied on the villages. There are several factors which contribute to the arrears of rates. For example, unemployment in the villages, the present mechanization programme on the sugar estates, floods and drought. These make the economy of the villages very uncertain; and if the village economy is uncertain, it goes without saying that the rates will be underpaid or, at least, in arrears.

In the 1960 Report of the Commissioner of Local Government, at page 24, paragraph 31, is set out the burden which has to be borne by the villages in relation to drainage and irrigation rates. Sub-paragraph 1 states:

“(i) The total drainage and irrigation rates for 1960 payable by local authorities within drainage and irrigation areas declared under the Drainage Ordinance, amounted to \$300,561.52. Of this amount Government contributed \$133,659.01 and the local authorities \$166,766.51.”

The details will be found in Appendix VII on pages 67 and 68. Sub-paragraph 2 states:

“(ii) In 1960 Government’s contribution towards the drainage rates payable by individual local authorities in pump

areas ranged between 66% and 90% of the total rates payable. Of the total rates of \$97,341 payable by local authorities in pump areas, Government contributed \$80,507 or 83% (approximately).”

As you see, there is this burden of drainage charges coupled with the increased charges on loans to the villages from four per cent. to six per cent. But the main point is that when the estimates are returned to the various local authorities, particularly as late in the year as October and November, all the rates on the instalments are already due, with the result that the ratepayers have to pay this five per cent through no fault of their own.

3.50 p.m.

Another point I would like to bring to the attention of this House is the rate of 6 per cent. interest charged by Government on loans advanced to local authorities. Whereas the local authorities have to qualify by being able to collect 80 per cent. of the rate, they receive no subsidy from Government in respect of the heavy traffic on the roads of the villages involving heavy expenditure by local authorities for their upkeep.

Mr. Speaker : That is not part of your Motion. I do not think you can deal with that aspect at this time. I think you should bring a substantive Motion dealing with Government’s contribution to the villages.

Mr. Joaquim: I was only making the point that village authorities do not receive any subvention from the Government for the upkeep of roads, as the Georgetown and New Amsterdam Town Councils do, while Government collects licences from vehicles using those roads. I therefore consider this imposition of 5 per cent. interest an additional burden on the ratepayers in the villages, and I am appealing to hon. Members to support the Motion.

Mr. Wharton (Abari): I rise to second the Motion, reserving my right to speak later.

The Minister of Home Affairs (Mr. Rai): In the year 1956, during the Interim Government, legislation was passed, quite properly, I feel, whereby defaulting ratepayers in the rural areas were called upon to pay interest on their arrears of rates. The rate was fixed at 5 per cent. The reasons which motivated the then Member for Local Government, the hon. Mr. Farnum, were stated in *Hansard* of the 21st December, 1956, as follows:

"This Bill seeks to make provision for the payment of interest on overdue rates. At the present time Local Authorities in the rural districts find it difficult to collect rates as provided under the law, at subsection 2—4 of section 117 of Chapter 150. In many districts ratepayers make it a practice to pay rates late in the year, with the result that Local Authorities find it difficult to undertake works, particularly seasonal works, at the right time, and have to get loans from the Local Government Board for this purpose and pay interest on them.

It is felt that if interest is chargeable on overdue rates ratepayers will pay at due dates and Local Authorities would then have the necessary funds to execute works at the proper time. This provision is similar to that in the Georgetown and New Amsterdam Town Councils Ordinances, and Dr. Marshall has advised that such a provision should be obtained by Local Authorities."

This is the argument for the introduction of the 5 per cent. interest on arrears of rates. Local Authorities have to borrow moneys from time to time to execute works, and on many occasions it is because of the default of ratepayers. They borrow money from the Government and have to pay interest to the Government which itself has to pay interest on the loans it raises, and the rate at which the Government borrows is higher than that charged the Local Authorities. The present rate of interest to Local Authorities is 5 per cent. while Government borrows at 6 per cent. It is not a revenue measure. It is not intended as a penalty but as a stimulus to

ratepayers to meet their obligations to the Local Authorities to enable them to carry out necessary works and services and to pay clerks, overseers and other persons who have to do the necessary works.

I will not deal with those matters relating to drainage rates and unemployment which the hon. Member raised, but will rely on the advice Your Honour gave to him, that if he wishes he may raise those matters by way of a substantive Motion. I referred the hon. Member's Motion to the Local Government Board, of which the hon. Member is a member, and I told the Board at its first meeting which I addressed, that I am under no obligation under the Constitution to consult them on matters of policy concerning local government, but I would consult them and take them into my confidence from time to time and ask their advice. This is one of the matters which I referred to the Board for advice, and, with the exception of one member, all the members of the Board were against the hon. Member's Motion.

The Rev. Shivrattan, President of the B.G. Association of Local Authorities, said he felt that the levy of 5 per cent. interest was fair and reasonable.

Mr. W. G. Graigen, Chairman of the Essequibo Union of Local Authorities, said:

"It is my opinion that this should not be withdrawn —

- (a) Since interest is charged on loans borrowed to carry on the works of Local Authorities, and since such loans are borrowed on account of late payment of rates, it is reasonable that ratepayers should pay interest on arrears rates.
- (b) When ratepayers are aware of interest chargeable on arrears rates, they generally speed up the payment of rates.

- (c) Such levy does not inconvenience ratepayers to any great extent, since in most cases the amount of interest is small.
- (d) Ratepayers are given ample opportunity to pay their rates by instalments, and there is no excuse if they failed to do so; hence a levy on arrears is justified in the event of their failure to honour this concession.
- (e) Complaints from ratepayers in my district to pay interest on arrears rates have not been made to me for the past two years."

So here is the Chairman of the Esse-
quibo Union of Local Authorities say-
ing that the interest charge is a fair one,
and no one has complained to him.
Another member of the Board, Mr. H.
A. Smith, said:

"I am of the opinion that the sur-
charge of 5% on arrears rates is fair and
reasonable, and should remain as a
stimulus for rate collection, and also in
view of interest charges on loans to im-
plement village works."

Mr. Jainandan Singh, another member
of the Board, said:

"The importance of prompt payment
of rates in connection with proper func-
tioning of Local Authorities can never be
over-estimated, therefore all reasonable
means of encouragement, whether statu-
tory or otherwise, should be implemented
to augment same.

I feel that the charge of five per
cent. per annum on arrears rates is just
and reasonable. The money accruing
from said charge is credited to the funds
of the Local Authorities. Ratepayers,
according to the existing Ordinance, have
the opportunity of paying rates in four
instalments."

So that, as I said, all the members of
the Board, with the exception of my
hon. Friend and one other member,
were opposed to the hon. Member's
Motion. It is also the case that de-
faulting ratepayers throw an added bur-
den on honest ratepayers who meet their
obligations, and as I said, the general
opinion in local government circles is
that this interest charge of 5 per cent.
is fair.

Mr. Speaker : Hon. Members, it
is now four o'clock and time for the sit-
ting to be suspended for tea. As I men-
tioned earlier, the draft of the Loyal
Address is being circulated to Members
at this moment for their private and
confidential information. It will be dealt
with soon after tea and the copies will be
handed back to the Clerk. The sitting is
suspended for half an hour.

*Sitting suspended from 4 to 4.30
p.m.*

4.40 p.m.

On resumption—

LOYAL ADDRESS TO H.R.H. THE DUKE OF EDINBURGH

Mr. Speaker : Honourable Mem-
bers, before resuming the consideration
of the Motion moved by the hon. Mem-
ber for Kitty, I would like now to deal
with the document which I entrusted to
you just before you went to tea. I am
sure that you had an opportunity of
reading it, and I shall now move that it
be incorporated in the records of this
house. If there is no objection, I shall
have it so recorded. I thank you.

Question put, and agreed to.

INTEREST ON ARREARS OF VILLAGE RATES

Mr. Speaker : Now we will re-
sume with Item No. 8.— the debate on
the Motion moved by the hon. Member
for Kitty (Mr. Joaquim).

Mr. Wharton (A b a r y): Mr.
Speaker, in supporting this Motion
which has been moved calling for the
removal of the 5% tax on arrears in
villages, I would like here and now to
ask all Members of this House to dis-
abuse their minds of any convictions
they may have had prior to coming to
this House, and to let us think of the
points which I shall attempt to bring for-
ward as a means of convincing this
House, that the 5% tax is highly unjust.

[MR. WHARTON]

I have been dealing with villages for many a year, and, since this tax was imposed, I am yet to be satisfied that there has been any improvement in the rates collected in the various villages. I have had several complaints from ratepayers in the whole of Western Berbice, who are very much aggrieved because of the added difficulty placed upon them by the imposition of this 5% on arrears. In these areas we have to observe this: that most of the people are farmers. They depend upon the produce of the land and, to wit, they are mostly rice farmers; and in these areas they get only one rice crop a year. The result is, as has been mentioned by the hon. Minister, all these people — these poor ratepayers — come in with the payment of their rates, usually, after the crop is reaped and sold.

4.45 p.m.

There is a point in fact. At the present moment where padi has been sold to the Government rice mills — and it is a matter of common knowledge — to this moment the Government is yet unable to meet the full payments of the padi bought through its business in the various villages. Because of the imposition of the law that they must demand a five per cent. tax, the overseers are insisting on these ratepayers, who have not yet received the money from the Government rice mills, that they should pay this five per cent. because they are late in their payments. There is an old saying: "Justice must not only be done, but it must appear to be done." And if the Local Government Board — and I call that body the mother of the villages — is attempting to do some good for the children under her direct care, I think it is the duty of that Board not to inflict undue punishment on those children but rather to seek to alleviate their difficulties under any circumstances in which they may find themselves.

I can tell you this: that all over this Colony the ratepayers are not enamoured of the existence of the Local Government Board. They look upon that body as a group of oppressors — a group of people who seem not to know the common working class and the difficulties which they experience in their homes, but rather seek only to collect rates, impose additional taxes and create greater difficulties upon those people and their children.

I want to make this point quite clear: that the Government — and in this case I am referring to the Local Government Board — must see to it that the individuals at the top of Government must be knowledgeable individuals. I make reference to this because the hon. Minister made use of the statement that all of the members of the Local Government Board, who were given the opportunity of having their say on this matter of the five per cent. tax, all except two stated that the tax was fair and just; but — the Mover and Seconder — have done their utmost to show that these people should be relieved of that five per cent. tax. I have gone to the worry of endeavouring to find out what are the points brought forward by those who objected to the removal of the tax and I find such excuses as: Although the interest on overdue rates was put on chiefly to stimulate the payment of such rates, yet there was still a large amount of outstanding rates in certain villages. I do not know if that point was put there as a means of supporting the tax or as a means of relieving those people of the tax; because I am satisfied that although the tax is there, the people are still unable to meet their rates on time, which means that whenever they can pay their rates they have to pay an additional tax.

But in order to support this Motion, I want to say this: If it were a means of stimulating payment that caused this five per cent. to be imposed, now that the Local Government Board has seen that there is no great improve-

ment in the payment, I want to appeal to them to remove that tax so that these people, who are always very willing to meet their demands, would have a chance of meeting those demands with greater facility.

I want to close on this point and say if there had been other sources of employment in the village areas, I am sure that the complaint which is continually made year after year, that there are arrears in rates, would die out and these people would be able to meet their just demands. I am, therefore, appealing to all and sundry seated in this House to support this Motion [**Mr. Speaker:** "That is a very funny description of the hon. Members."] I am asking the hon. Members of this House to support this Motion that this five per cent. tax on the arrears of rates in the villages be removed.

Mr. Jordan (Upper Demerara River): I want to say just a few words on this Motion in support of it. What I feel should happen is this: More often than not, it is that the Local Government Board does not approve village estimates until several months after they have been submitted. When this happens, the local authorities do not get permission to collect rates sometimes until the last quarter of the year. I know of a particular village that did not receive permission until November, last year. When that happens, the village overseers have to get citations out to 300 or 400 ratepayers in the particular village, always mindful of the fact that the date the interest becomes due is 30 days after the Local Government Board passes it. It sometimes happens that a day or two after the citation is received, the tax is due.

If Government is not willing to remove this tax, Government should be willing to move some amendment to say that the tax should not be collected unless the villagers receive citations earlier

in the year. This, no doubt, might not be practical, and it therefore follows that the practical step would be for the Government to withdraw this punitive tax. It is nothing short of that, because it is not going to encourage the people to pay. These people do not pay late because they are unwilling to pay, but it happens that they cannot, until the last part of the year. Part of it is due to circumstances over which they have no control and part is due to the fact that when the estimates are submitted to the Board in the earlier part of the year they are not returned until the latter part. In the circumstances, the villagers cannot pay until then. I appeal to Government, if it is alive to its duties, to remove this punitive tax.

Mr. Hamid (Demerara - Central): In relation to this Motion as introduced by the hon. Member for Kitty, I am indeed in sympathy with it. This will impose a hardship on the other villagers who are indeed paying their rates steadily. If the rates are not collected and a five per cent. increase on the rates due is not imposed, then it will show that the local authorities concerned will not be able to meet their demands as was indicated by the hon. Member for Kitty; so an increased tax will have to be meted out by the local authorities to those concerned and, in the long run it will show that those who are paying their rates steadily will have another increase so as to meet the demands of the local authorities.

The hon. Member for Kitty has made those statements because of the election in the not-too-distant future. This is how they intend to control most local authorities. The hon. Member for New Amsterdam (Mr. Kendall) has not said a word about this five per cent. increase, and I am a bit surprised because the hon. Member for New Amsterdam was one of those responsible for the five per cent imposed.

Mr. Kendall (New Amsterdam): I had no desire to speak on the Motion, but it is very unfortunate that my good friend, who has just taken his seat, has mentioned my name. I have to fight local elections sometime this year and whether I say anything on this Motion or not, I am certain that I will retain my seat. But it is unfortunate that the Government still continues to label previous Governments as being responsible for all of the ills. If that were so in 1956, should that be so in 1962 when the very Government took over on the same assumption that the previous Government was no good, that Government of which I formed a part and I am still proud that I was part of it?

5.00 p.m.

It is also true that this legislation in the Statute Book of the country for a 5 per cent. interest charge on Local Authorities for arrears of rates was enacted in 1956 during the term of the Interim Government. I was not the Minister responsible but I approved of it as a Member of the Executive Council, and I am happy to observe that the present Government, in spite of the wrong things done by the Interim Government, agrees that the 5 per cent. interest charge passed by that Government should remain. If the Interim Government made a mistake — and it is human to err — and a member of a Local Authority is now asking that the 5 per cent. interest charge should be withdrawn, I think it would have been easy for this Government, which always says that it is interested in the common man and will do everything in its power to see that poor people are not charged with things which it feels they should have free, to withdraw this imposition. But now that a Member of the Opposition is asking that something wrong done by the Interim Government should be taken off the Statute Book, this Government which says it always look after the interest of the poor, says that the Interim Government was right.

The Minister of Communications (Mr. Wilson): I regard the fact that this Motion has been brought forward by the hon. Member for Kitty (Mr. Joaquim) and supported by the hon. Member for Abary (Mr. Wharton) as a most insincere display today. I know as a fact that they both contributed to the imposition of this 5 per cent. interest charge on arrears of rates because they considered it just. When the measure was brought forward the Local Government Board consulted all Local Authorities, and I would not be exaggerating if I say that 99.9 per cent. of the Local Authorities agreed to it. Of the Unions of Local Authorities who were consulted I would say that 100 per cent. were in favour. The hon. Member for Abary was then Chairman of the West Berbice Union of Local Authorities, and the Association of Local Authorities, which was then called the B.G. Village Chairmen's Conference, both of which supported the measure.

I heard some remark about change. Have they gone back to consult all those Local Authorities? I am sure they will not change their views, and that the Unions of Local Authorities will not change their position. They are here today under false pretence; they are not speaking for the people. They are only making a political display here because village elections are coming very soon. It is a poor attempt at representing the villages.

What is the justification for this imposition of 5 per cent? Equity from two points of view. [*Interruption*] I am not using the word "equity" as a lawyer would use it, but as a layman, and not because I would not pretend to deal with equity in the way my hon. Friend for Ruinveldt (Mr. Burnham) would be able to explain it. I am speaking as a teacher who has a general understanding of the meaning of words. I say equity from two points of view. If rate-payers do not pay their rates in time

the Local Authorities will have to obtain loans and pay interest on those loans. Therefore it is but right that those who, for some reason, do not pay their rates in time should contribute towards the interest charge, otherwise there would be an added burden on the villages.

Equity from another point of view. The hon. Member for Demerara Central (Mr. Hamid) brought that point out very clearly. Some ratepayers are paying their rates while others are not. If some people do not pay their rates until the end of the year others would say "What is the use of paying early", and then everybody would not pay, and the work of the village would be kept back, and there would be inefficiency and mal-administration. This display by those hon. Members is only because of what they have to face some time later this year. They are trying to play to the gallery, but this Assembly is not the place for cheap demonstrations in an endeavour to win cheap popularity. When we come here we must put away such things and speak like statesmen.

My friend, the hon. Member for Upper Demerara River (Mr. Jordan) spoke about the late passing of village estimates. He has only demonstrated his ignorance [*Interruption*] When I say ignorance I am referring to the fact that he does not know. I do not mean that he is illiterate. He does not know, from lack of knowledge, that when the estimates are passed late the rates are not due until three months after the passing of the estimates. If he knew that he would not have raised that point at all.

I think I have said enough to show that there is no real sincerity in bringing forward this Motion. It is all a political stunt, and it is because we feel that it is in the interest of the ratepayers that there should be this charge of 5 per cent. interest on arrears of rates that we support its retention.

Mr. Cheeks (Georgetown North): I would like to make one observation. It does seem that in ordinary circumstances it is right for this interest to be charged on arrears of rates in the villages, but if it is true that in some cases villagers do not know how much they have to pay until late in the year, I do not see how it can be right for them to be charged interest on arrears of rates which fell due earlier in the year. If that is the position then those circumstances are not ordinary, and I would have to agree with the Mover of the Motion if he means that interest on arrears should not be charged until some particular time after villagers know how much they have to pay. I understand that there have been cases where villagers have gone to pay their rates and found that the village overseers did not know how much they had to pay.

Mr. Speaker: Since the hon. Member for Upper Demerara River spoke, the hon. Minister of Communication, who himself has had considerable experience in village administration, has assured the House that village rates are not due and payable until three months after the estimates have been approved. In such a case there is no need for the assumption.

Mr. Jordan: I will quote Section 117 (3) of Chapter 150, which states:

"117(3) The amount of the rate under subsection (2) of this section may be paid either in full or in four equal instalments payable respectively on publication as aforesaid and on the 1st April, 1st July and 1st October:

Provided that where the notice is published on or after the 1st April the instalments which but for the proviso would have been payable prior to the date of such publication shall be deemed to have become due and payable on the date of such publication.

(4) On failure to pay any instalment of rate under this section within thirty days of the date on which it becomes due and payable under subsection (1) or (3) of this section —

[MR. JORDAN]

(a) the person liable for payment of the rate shall be deemed to be in arrears for the purposes of this Ordinance; and
(b) the rate for the whole year shall thereupon become due and payable, and the rate or any portion of it may be recovered as hereinafter provided."

Mr. Wilson: The point is still supported.

Mr. Speaker : The point at issue was the question of time. On the one hand, it was stated very clearly that the amount of interest is charged 30 days after the rate has become due. The hon. Minister of Communications said it was three months. If the quotation from the Ordinance is correct — because I observed that it was read from a letter — clearly it must be 30 days. One of course cannot say anything but that it was a mistake, and that it is human to err.

Mr. Jordan: The letter was sent by the District Commissioner, East Demerara.

Mr. Cheeks: If it is true that the villagers do not know at the beginning of the year how much they have to pay I would urge that it would be unfair to charge them interest on arrears. Therefore I support the Motion.

Mr. Joaquim (replying): With regard to the remark by the hon. Member for Demerara Central (Mr. Hamid) that the removal of the 5 per cent. interest charge for arrears of rates would be unfair to those ratepayers who paid their rates promptly, I totally disagree with that view because the other ratepayers would not be burdened with any extra rates or tax, for the obvious reason that in the case of those in default their properties would be put up at execution sale for arrears of rates, and no other ratepayers would be penalized.

With regard to the non-payment of rates I would like to emphasize very strongly that the chief difficulty in the villages is unemployment. Secondly, there is the late approval of village es-

timates by the Local Government Board. The first instalment of rates is payable on the 1st of April, and if the estimates are approved on the 1st April ratepayers have until the 1st June to pay two instalments through no fault of their own. I am asking hon. Members to support the Motion. I have been around the country and I know that ratepayers are crying out for relief from this interest charge. I am asking the Government not to use its majority to throw the Motion out.

Question put.

5.15 p.m.

Assembly divided: Ayes 12, Noes 17, as follows:

<i>Ayes</i>	<i>Noes</i>
Mr. Cheeks	Mr. Shakoor
Mr. Campbell	Mr. Lall
Mr. Wharton	Mr. Jagan
Mr. Merriman	Mr. Hamid
Mr. Jordan	Mr. Downer
Mr. Joaquim	Mr. Caldeira
Mr. Blair	Mr. Robertson
Mr. Bissember	Mr. Saffee
Mr. Correia	Mr. Mann
Mr. Carter	Mr. Bowman
Mr. Kendall	Mr. Wilson
Mr. Burnham —12.	The Attorney-General
	Dr. Jacob
	Mr. Chandisingh
	Mr. Rai
	Mr. Ram Karran
	Mr. Benn — 17.

Motion negatived.

FLAG, ETC., FOR AN INDEPENDENT BRITISH GUIANA

Be it resolved: That this Legislative Assembly authorises the appointment of a special Select Committee of this Assembly charged with the responsibility for —

- Designing a national flag and a coat of arms;
- composing a national anthem; and
- recommending an appropriate name for a politically free and independent British Guiana. — [Mr. Saffee]

Mr. Burnham : Mr. Speaker, I got notice of this Motion on the Notice Paper for the 26th January, and when I look at Standing Order 23(3), I see

that "there must be fourteen clear days from the day on which notice was published in the Notice Paper." It is a private Member's Motion. Standing Order 76(5) is the wrong one, and it is Standing Order 77(5) that they have in mind.

Mr. Speaker The point raised by the hon. Member for Ruimveldt is undoubtedly correct. I can only say this: it is quite conceivable that the reason why the office of the Legislature agreed to place this on the Order Paper for today is because of the fact that it is not a new idea, for a similar Motion was, of course, presented to the Legislative Assembly. It was properly debated and agreed upon. Hon. Members, who were Members of that Legislative Council, will recall that a Select Committee of the House had been appointed and the task was given it to consider the matter.

I believe that a considerable amount of work was done, because invitations were extended to the population in general to send suggestions to the Clerk of the Legislature. Indeed, in one respect, I think, there was a competition with a monetary prize offered. I, myself, since I assumed the Chair here, have been endeavouring to see in what way we could resuscitate or forward the work of the Committee which, of course, lapsed with the life of the Legislative Council. A number of thoughts passed through our minds, and it was finally decided that the best thing would be for another Motion of a similar nature to be formally brought before this Legislative Assembly. I have no doubt whatever that all of us who are looking forward, some tremulously, some hopefully, some confidently, to the day of Independence will realize that this is the procedure which we must follow.

In the circumstances, although, under the Standing Order which has been quoted by the hon. Member for Ruim-

veldt it would appear that we should let this stand on the Order Paper for fourteen days, there is also a provision whereby the Standing Orders may be suspended to enable the Motion to be taken. I feel sure hon. Members will not mind considering a Motion for the suspension of Standing Orders so that the Motion, as tabled, may be proceeded with. If the hon. Member for Berbice West would care to move such a Motion, I would accept it.

Mr. Saffee (Berbice West): Mr. Speaker, with your permission, I should like to move the suspension of Standing Order No. 84 in order to take this Motion.

Mr. Burnham : You will have to get the leave of the Speaker.

Mr. Speaker: Yes, Standing Order No. 84 refers to the leave of the Speaker. I have already indicated my intention to grant the hon. Member permission to move the Motion.

Question put, and agreed to.

Relevant Standing Order suspended.

Mr. Saffee : Mr. Speaker, I think this Motion is self-explanatory. Some time ago a similar Motion was tabled in this House and agreed to unanimously. As hon. Members of this House are aware, I have been looking forward to the day when this country will be politically free. We have to do something now to prepare for future events. Therefore what this Motion calls for is something which we should prepare in advance — designing a national flag and a coat of arms, composing a national anthem; and recommending an appropriate name for a politically free and independent British Guiana.

I think every Member of this House is looking forward very eagerly to the day when British Guiana will be free. I presume everyone will give his full sup-

(MR. SAFFEE)

port to this Motion. Therefore I beg to move, "That this Legislative Assembly authorises the appointment of a special Select Committee of this Assembly charged with the responsibility for —

- (a) Designing a national flag and a coat of arms;
- (b) composing a national anthem; and
- (c) recommending an appropriate name for a politically free and independent British Guiana."

Mr. Hamid seconded.

Question put, and agreed to.

Motion affirmed.

Mr. Speaker : Honourable Members, there is no other business before the Assembly. I wonder whether the Leader of the House would care to indicate when—

**SPECIAL SELECT COMMITTEE TO
CONSIDER WRITING A
CONSTITUTION**

The Minister of Natural Resources (Mr. Benn): According to our schedule, we have concluded the business quite early. It is the intention of the Government to introduce a Motion for

the consideration of the House for a Select Committee of this House to consider the writing of a Constitution for submission to the British Government, in view of the forthcoming Independence Talks in May.

The Premier has submitted this Motion quite late. The Motion will be calling on this Honourable House to agree to a Committee of 8 Members from the Government Benches; 8 Members from the Opposition (6 from the P.N.C. and 2 from the U.F.) with the Speaker as Chairman to prepare this document for submission to the Secretary of State when the delegation goes up to London. We, therefore, wish to say to Honourable Members that this Motion will be circulated to the House tomorrow, and to recommend that the House should meet next Friday at 2 p.m. for consideration of this Motion.

Mr. Burnham : You mean Friday week.

Mr. Benn: On Friday week, 9th February, 1962, at 2 p.m.

ADJOURNMENT

Resolved, "That this Assembly do now adjourn until Friday, 9th February, 1962, at 2 p.m."—[Mr. Benn]

Adjourned accordingly at 5.28 p.m.