

LEGISLATIVE COUNCIL

FRIDAY, 4th MAY, 1951.

The Council met at 2 p.m., His Excellency the Officer Administering the Government, Mr. J. Gutch, O.B.E., President, in the Chair.

PRESENT:

The President, His Excellency the Officer Administering the Government, Mr. J. Gutch, O.B.E.

The Hon. the Colonial Secretary, Mr. D. J. Parkinson, O.B.E., (Acting).

The Hon. the Attorney-General, Mr. F. W. Holder, K.C.

The Hon. C. V. Wight, C.B.E., (Western Essequibo).

The Hon. Dr. J. B. Singh, O.B.E., (Demerara-Essequibo).

The Hon. Dr. J. A. Nicholson (Georgetown North).

The Hon. V. Roth, O.B.E., (Nominated).

The Hon. G. A. C. Farnum, O.B.E., (Nominated).

The Hon. J. Fernandes, (Georgetown Central).

The Hon. Dr. C. Jagan, (Central Demerara).

The Hon. W. O. R. Kendall, (New Amsterdam).

The Hon. A. T. Peters, (Western Berbice),

The Hon. G. H. Smellie, (Nominated).

The Hon. J. Carter, (Georgetown South).

The Hon. F. E. Morrish, (Nominated).

The Clerk read prayers.

The minutes of the meeting of the Council held on Thursday, the 3rd of May, 1951, as printed and circulated, were taken as read and confirmed.

PAPER LAID

The COLONIAL SECRETARY (Mr. Parkinson) laid on the table the following:—

The Report of the Probation Officer for the year 1950.

ORDER OF THE DAY

SUGAR INDUSTRY, LABOUR WELFARE FUND (SPECIAL PROVISIONS) (HOUSING OF LABOUR WORKERS) BILL.

On a motion by the ATTORNEY-GENERAL seconded by Mr. WIGHT the Council resolved itself into Committee to consider clause by clause a Bill intituled—

“An Ordinance to make special provisions for the housing of labour workers on sugar estates.”

The ATTORNEY-GENERAL: I may mention that copies of the draft lease have been prepared and given to hon. Members so that they can see the terms of the proposed lease.

COUNCIL IN COMMITTEE

Clause 2—*Interpretation.*

The ATTORNEY-GENERAL: I have circulated to hon. Members during last week an amended definition of “labour worker.” The definition which appears in the printed Bill was taken from the definition of “worker” in the Regulations made under the Sugar Industry (Special Fund) Ord-

inance of 1937, but it is felt, as I pointed out yesterday, it is desirable to enlarge that definition so as to give an opportunity to all workers who are engaged in the manufacture of sugar or the cultivation of sugar cane to be in a position to apply for the loan proposed under these terms. So far as the proposed amended definition is concerned, "labour worker" means—

- "(a) Any person engaged in manual labour in or about any work incidental to the production of sugar cane and the manufacture of sugar;
- (b) Any person employed as a headman, foreman, sugar boiler, pan boiler, clerk or laboratory assistant, or in any capacity in or about any work incidental to the production of sugar cane and the manufacture of sugar;
- (c) Any worker in a distillery; and
- (d) Any person engaged in the production of sugar cane for sale to any other person engaged in the manufacture of sugar for export."

I ask that "pan boiler" be deleted, although that is the term generally used. "Sugar boiler" includes that and, therefore, it is not necessary to have both. That will give a very comprehensive definition of "Labour worker", as I said, to enable all those who take part in the production of sugar to come within the ambit of the requirements of the Ordinance for the purpose of obtaining loans under this Fund.

In the marginal note the word "Interpretation" is omitted and has to be inserted. The amount is \$500 and it will be a matter for the Sugar Welfare Committee as to the persons who will apply for it, but we still provide the opportunity for those who work in the distillery to make application. The amount is limited to \$500 as far as I understand.

Mr. MORRISH: To a point of explanation! The distillery worker is a person who may be employed in that capacity for only a portion of the year

and in any case will be referred to as an ordinary sugar worker at other times when working in the factory or in some other part of the industry.

The ATTORNEY-GENERAL: What I had in mind is that (a) and (b) are more related to the production of sugar. There may be distilleries in the Colony not connected with the production of sugar.

Mr. MORRISH: There may be one or two persons working in a distillery who may be left out of the picture and thereby a hardship is created in respect of one small section.

The ATTORNEY-GENERAL: If there is the possibility of there being other distilleries not connected with the manufacture of sugar, then rum is a by-product.

Mr. ROTH: But rum?

The ATTORNEY-GENERAL: So any worker in a distillery comes under the definition.

Mr. MORRISH: I suggest that be altered to read "any distillery attached to a sugar factory".

The CHAIRMAN: I do not think that is necessary.

Clause 2 as amended put, and agreed to.

Clause 3—*Exemption of certain leases from the provisions of section 13 of the Deeds Registry Ordinance, Chap. 177.*

Dr. JAGAN: I have just looked at the copy of the proposed lease which was placed on the table, and from what I have seen it does not seem to vary very much from the copy of the lease from which I was reading yesterday. If hon. Members would look at the lease they would see there are certain objectional features in this lease. If you take clause 8 of the lease you would find it says;

"The lessee shall not, without the permission in writing of the lessor:—

- (a) assign this lease or any interest of the lessee therein;
- (b) sell or let any building or any part thereof erected on the house lot;
- (c) permit any person other than members of the lessee's family to occupy any part of the house lot or any part of any building erected thereon."

With reference to that, I can see that if the owner of a house on a house lot owes money to the Sugar Welfare Fund Committee there should be some restriction on his selling or disposing of the property. Therefore I can see reason in having the provision that no building must be sold without the permission in writing of the lessor. But in the case of letting the building I cannot understand why the lessee has to get permission from the lessor in order to let his building. That is unnecessary and I do not know why it should be included in the clause.

Mr. ROTH: To a point of information! I think that is one of the clauses in the Regulations governing Crown Lands lease. You cannot sub-let any part without the permission of the Crown.

Mr. MORRISH: It seems to me, first of all, it is forgotten for the moment that this is a scheme, a Sugar Labour Welfare scheme, on areas prepared specially for sugar workers. Is it therefore correct that it be made possible, until such time that the areas do finally become freehold, that any lessee may sell his building to someone who may not be a sugar worker at all?

Dr. JAGAN: I thought when we were discussing this matter yesterday the whole object was to allow persons who may be part-time workers on sugar estates to own their own houses or be given the opportunity to build their own houses. From Dr. Giglioli's Report it is understood the sugar-owners are only going to house the "nuclear" workers. The part-time or casual workers will have to build their own houses. If they leave the ranges they will have to go

and build their own houses. We can very well appreciate the fact that the part-time worker who builds his house on the estate may, at certain times of the year when he cannot get work on the estate, want to remove into another area; if he can get someone to rent or lease his building, I do not see why there should be any restrictions so far as letting the building is concerned.

It is his own house and he is only leasing the land from the estate. The whole object of their building the house on the land there is because the sugar estates community cannot house them as essential workers. It cannot be said that because the estates provide the land for the workers to build their houses on they must be at all times at the convenience of the estate authorities. Therefore I cannot see why this provision is to be in the lease. If we study the clause carefully we see paragraph (b) says "*sell or let any building or any part thereof . . .*" and in paragraph (c) we see another grave injustice which will be meted out to these people. It says:

"Permit any person other than members of the lessee's family to occupy any part of the house lot or any part of any building erected thereon."

A few days ago a Member was referring to discrimination in South Africa, but I think this is worse. Here is a man having his own house on land for which he pays rent, and he is not to be permitted to house anyone he pleases. I cannot understand why this clause should be inserted in a lease. That is why when speaking yesterday I said that because of the many restrictions placed on the lessee, even though the lease may be of a long term, they have a nugatory effect in the leasing of the land. I will not agree to clause 3 of the Bill or the passage of the Bill until these offensive clauses are removed from the lease. If we look at clause 5 of the lease, it says:

"The lessee shall not plant on the house lot bananas, plantains, coconuts,

or any trees detrimental to the health conditions of the housing area nor erect on the house lot any cow byre or pig sty, nor keep nor permit to stray on the house lot any cows, pigs, horses, sheep, mules, donkeys or goats."

While I appreciate the fact that due regard must be given in any housing area to sanitary conditions and to the safety and welfare of the people so far as sanitation is concerned, nevertheless I do feel that if certain restrictions, such as these, are placed on individuals it may in the long run affect them so badly that they would find themselves not earning enough to keep themselves alive. We have in this Colony Public Health Authorities, a Central Board of Health. They are supposed to go into any area, whether village, country or rural district, and their jurisdiction applies to the whole Colony. Permission has to be given by them before any building can be put up. If pig stys are to be put up they have to be built according to public health standards, but in this lease we find that no standards are to be fixed at all. The people will simply be denied the right to put up pig stys or byres and to keep sheep or goats. These restrictions should apply generally, as set out in the Public Health Ordinance which is applicable to other areas of the Colony. In the villages people have to comply with the public health laws.

I have pointed out many times in this Council that there is not sufficient land available around sugar estates for the workers to cultivate for the maintenance of their families. I have given figures before which I will now repeat for the benefit of Members, lest the effect of this clause is not fully appreciated. I said some time ago that if rice and ground provision lands were divided equally among the families on sugar estates each family would get only $\frac{3}{4}$ of an acre for rice and $\frac{1}{4}$ of an acre for ground provision. Let us take those figures as a basis. At present there are approximately 5,000 families on the sugar estates who are essential workers, with an additional 6,000 as part-time or occasional workers. If these sugar workers are only to be provided with $\frac{3}{4}$

of an acre of land for rice cultivation and $\frac{1}{4}$ of an acre for ground provisions I cannot see how they would be able to support their families, especially if there is to be mechanization of the sugar industry in the future. What would be their position if, according to this lease, they are not to carry on such activities or to plant fruit trees which may be necessary for their economic existence? Due regard must be paid at all times to sanitation, but at the same time we must consider the effect of those sanitary laws on the economic life of the people.

That is the reason why I cannot understand why these conditions should be put into the lease, and why I advocated yesterday that Government should purchase all these areas in order to afford the people greater security, but Members assured me that the lease, as framed, provided the necessary security. As I see the lease now, I say that it is no use giving people a lease for 21 years and at the same time imposing certain restrictive conditions which nullify the effect of the long-term security. I will oppose the passage of this clause because it seeks to exempt these leases from the provisions of section 13 of the Deeds Registry Ordinance. I quite appreciate the fact that this clause seeks to overcome the difficulty of having these leases advertised at the expense of the people who will be building houses, but I feel that this form of lease would not be in the interests of the people in the long run, and I would prefer that it should go through the long process of advertisement so that the people could see what kind of lease is being offered to them.

I am not satisfied that the Labour Welfare Fund should be used for the purpose of tying the workers to lands provided by the sugar estates. Government would do well to consider this matter fully and, if possible, utilize some of that fund to set up land settlement schemes instead of merely housing schemes. According to this lease the people may have houses but nothing to eat,

Mr. CARTER: I am as sympathetic towards the sugar workers as the last speaker, or any other Member of this Council, and I am as anxious as anyone else to see that they are given some form of security in their leases, but it is wrong for my friend, the hon. Member for Central Demerara (Dr. Jagan) to suggest that paragraphs (a) and (b) of clause 8 are unusual features in a lease. That is not so. In the course of my practice I have never seen a lease without similar provisions. Those two conditions are usual in any lease—that a landlord should be able to restrict assignment of the lease, whether it refers to land or to a building. That is a usual clause in any lease, and even as a student one find it in the text-books as a usual feature of the precedents dealing with leases. Therefore it is not right for the hon. Member to give the impression that it is some unusual provision introduced for this purpose. Even in Georgetown we have it today in the Rent Restriction Ordinance, under which a tenant who sub-lets without the written permission of his landlord commits a breach of a statutory provision, which may be a good ground for dispossession.

I agree that paragraph (e) is somewhat wide, but possibly we may hear the reasons why it has been introduced. As regards clause 5 of the lease, the reason for not allowing tenants to keep pigs, pig stys and cow byres on their house lots is obvious. I think such things would be injurious to the health of the immediate neighbourhood, but I hope that some assurance will be given this Council that some land will be provided for the people to keep pigs, cows and other animals if they so desire. Most estates have extra land which can be used for such purposes.

Mr. WIGHT: I agree with the hon. Member for Georgetown South (Mr. Carter) that those conditions are not unusual to legal practitioners, or those who have dealings with leases. I would also point out that even in the case of Kitty, where freehold has been

granted, there are similar restrictions. I am not a member of the Committee, and, unfortunately, the hon. Member for Demerara-Essequibo (Dr. Singh) is not here, but in the course of conversation with him I gathered that there are 2,000 applicants for these lands. Surely these people must be satisfied with the terms of the lease. If the people were left to their own volition, without any agitation whatever, I am sure they would go tomorrow and sign those leases. Only yesterday a gentleman approached me. I believe he has something to do with one of the unions—the G.I.W.U. or some union like that—which has been causing a lot of disturbance on sugar estates. He talked about what was going to happen to those people in the future, and asked why Government did not buy the lands and convert them into a village district? I pointed out to him that he did not, I hoped, expect to live another 50 years (he is about 60 years, I think) and that I felt sure that his children or grandchildren would be well looked after. I also pointed out to him that similar leases were passed by Judges of the Supreme Court who were perfectly satisfied with their terms.

A lease of this nature is nearly as good as freehold title. I prefer freehold title in cases of this kind, but at the same time we have to remember that if we are to be equitable the other party must be given certain rights. Fortunately, we have not yet reached the stage when only one lot of people should have rights without obligations. The people have not even signed the lease, and I believe some of them do not know its terms. All they know is that they are going to get lands, and they have perfect faith in the honesty of the lessor until they are told by some pestilential political parasite who may come along and say, "Look here, boys, those fellows are using the whip on you. They are keeping you as slaves." I think the people should be given an opportunity to enter upon these leases without any interference

from outside, and let us see how many of them will do so, and whether they will not be satisfied.

Dr. JAGAN: I heard the argument yesterday and again today, that because 2,000 persons have applied for these leases it is obvious that everything is all right. A man who has had legal training is supposed to have studied logic, but it seems to me that certain Members who have had legal training have forgotten their logic. Because 2,000 persons have applied for leases it does not follow that they are quite content and happy. People have been living in ranges for nearly a century, but that does not mean that they were satisfied with those conditions. I should have expected that, as a prominent member of the Bar, the hon. Member would have been sounder in his logic.

However, we have heard of all the benefits. One Member said that the people would only have to pay 24 cents per month and would have no other responsibility; that they would be provided with drainage, etc. It does not appear that some Members have ever been on a sugar estate, or that they ever intend to go. Their only interest, apparently, is to own shares. Some of us who want to go on the estates are debarred, and no wonder there is clause 3 of the lease. We are supposed to be "pestilential political parasites", but there are some other parasites in this Colony who have been sucking the blood out of those people for so many years that the people have come to realize that ignorance is no longer bliss. The hon. Member seems to feel that because those people have been for centuries in their ignorant state they should remain in that blissful state. Clause 10 of the lease states:

"10. The lessor shall not be responsible or liable to the lessee for any damage caused during the period of this lease to any cultivation on the House Lot by cattle or other grazing stock, the burden of erecting and maintaining fences for the protection of such cultivation being on the lessee and not on the lessor."

We heard yesterday of the advantages the workers would get when they paid their 24 cents, but I would like to remind the hon. Member that when I visited Pln. Lusignan during the floods we found the section where the workers live under 2 ft. of water, while the section occupied by members of the staff was dry. I wonder whether the hon. Member has ever visited sugar estates to see the conditions. I wonder if he would like to tell this Council who the parasites are; whether they are not the people who own shares but would not provide proper drainage for the house lots? I remember when I visited Lusignan, which is in my constituency, and saw how the workers were wallowing in filth the Manager called me and asked whether I knew I was trespassing. These are days when we should not only be interested in legal technicalities about trespassing and what is normal in the form of leases. What may be applicable in one case is certainly not applicable in another. It is true that clauses like these are included in all leases, but we have different people to deal with. I know the people who are being dealt with, and that is why I suggest that this clause should be omitted from this lease.

The hon. Member has spoken about "pestilential political parasites" but I would like to inform him that not only parasites will be included under paragraph (c) but any person, or any trade unionist. In these days the moment one fights for the workers' rights he is regarded as a political agitator. (Mr. Wight: Communist.) Yes, a Communist. I wonder what happened before the Communists came on the scene—what were the conditions on the sugar estates before 1917 and the Russian Revolution? Do not let us throw dust in the eye of the people. The troubles were there long before the seed of Communism was ever sown anywhere in the world. Do not let this Council be fooled by red herrings drawn across

the trail from time to time. I am satisfied that the people will not be content with a lease of this kind, and if Government is determined to let this Bill be passed with a lease like this, it will mean that the interests of the people will not be protected in the future, and they will lose confidence in the Government. Members may agree to it but they will have to bear their share of responsibility in the future. Again I implore Government to consider the question of taking over these lands. We have had the experience during the floods and in rainy weather, that the people in the villages have better drainage than those who live on the sugar estates. That is why I am suggesting that in most cases it would be preferable that Government should acquire these lands and re-sell them in lots to the workers on easy payment terms.

Mr. FERNANDES: Strictly speaking, clause 3 of the Bill has nothing to do with the lease. It merely seeks to exempt from certain expense and certain procedure any lease made between the sugar producer and the sugar worker. If in passing this clause I will save a sugar worker the expenditure of any money in entering into this lease, I feel that I will have done the right thing, because his wages are not as good as I would like to see them. When the law was made, I am sure the law-makers did not foresee that people with such small means would have to bear such an expense.

I am very disappointed in the fact that no effort has been made on the part of the sugar estate proprietors to insert some provision in the lease whereby a person leasing a house lot may look forward to becoming the owner of the land at some time in the future. I want to say that ownership of the land on which a man's house is built is not a Communist theory; it is anti-Communist or a Christian theory. The Communists say that everything must be owned by the

State. Christianity says that every man is entitled to own private property.

Dr. JAGAN: To a point of correction! Communists do not say that everything must be owned by the State, but that production and distribution must be controlled by the State.

Mr. FERNANDES: I am not going to accept that interpretation because I have authority for the statement I have made, but I have not got it here with me.

The ATTORNEY-GENERAL: I think what the hon. Member for Georgetown Central (Mr. Fernandes) said is an authoritative pronouncement.

Mr. WIGHT: An intelligible pronouncement.

Mr. FERNANDES: When certain circumstances arise, those principles are changed to suit the particular occasion, but there is no doubt that there is one general principle involved in Communism, and that is that everything belongs to everybody or to the State. That is the predominating policy. When I advocate that there should be some provision in the lease whereby the people who lease house lots may have some prospect of owning the land, I was only advocating the Christian side of things. I was very disappointed, when I read the lease, to find that in spite of the fact that it extends as far as 50 years it says absolutely nothing about the lessees being ever able to own the land.

The lease does contain the normal conditions as regards transfers or the sale of houses, but while the owners of the land are at liberty to sell there is no provision in the lease giving the lessees the option of purchase or refusal. One can easily see that these people are protected for 50 years, but if in the 49th year these companies decide to sell these places it would mean

that they can do so, and one year after that, these people can be told to take their buildings up and get out, because their lease would have ended at the end of the 50th year. As I say, I am a bit disappointed in it. We are not here to debate the lease. Another opportunity may be given us to express our opinion on this question of leasehold as against freehold. I am supporting the clause for the reason I gave earlier, it is saving the worker on the sugar plantation the cost of having such a long term lease registered in the ordinary way. I support it with pleasure.

Mr. WIGHT: Anybody who has been born in this Colony would know the living conditions of the worker on the sugar estates. I have been on an estate and into the very ranges in which these people live. Be that as it may, the position remains that we all know what the amenities are, and everybody aspires to improve his or her condition. Whether it is in a range or otherwise, there should be an attempt to improve. I never like to brand anything as something unique. I always refrain from doing so. Perhaps the hon. Member for Central Demerara should know, as he seems to know everything, this doctrine emanated from England where they are endeavouring to do everything they can for the working class whom he advocates and supports. They themselves, in certain cases, do not even know and cannot fully realize what has been given to them, and how to use it. I refer to what we call locally the English bath. Even in England, these baths are used for keeping coals and other insanitary things. We do not exclude and treat our own people as unique in that respect. The hon. Member knows that well — if he does not, then he should know. Nobody says the workers should not attempt to get away from the ranges. Nobody says the sugar estates should not attempt to get rid of the ranges. We know, and the workers know fully

well, what the estates themselves are doing with regard to housing. We see it. We, who have been born in this Colony and who travel around the country, see what the sugar estates are endeavouring to do and have done. These are visual facts and the people on the estates know more than we do in this Council about faulty housing, perhaps not to the same extent about faulty dentistry. We are told it costs \$3,000 for dental equipment. Instead of putting \$3,000 in that, someone is entitled to put it in shares and get less remuneration than a dentist obtains by extracting teeth and giving a certain amount of pain on the human body.

Be that as it may, we cannot get away from the fact that whatever may be said about this Bill or this lease, it is a tremendous advance and a tremendous improvement on the conditions as they are obtaining today. It is a progressive step. It may not be a Utopian step, but it is a progressive step. I suggest we can get to the top not by leaps and bounds but step by step. We are going up; we are progressing. It is the desire of these people, who are willing to be encouraged, to assist themselves to acquire some form of permanent security with regard to leasehold which is the nearest thing to freehold that can be given. But we are told that these people should be given the opportunity to acquire their own homes by giving them a loan at a small rate of interest. Here is an opportunity being given for the very same thing. We hear illogical pronouncements that lawyers have no sense and no logic. We have heard it advocated time after time and thrown at Government's head that Government is doing nothing to encourage housing. Here is not only Government but a large body of proprietors giving that opportunity through the acceptance of these terms which, they feel, the people to whom they are offered are prepared and willing to accept. It seems to me that the Government

should be complimented for co-operating and assisting to no uncertain extent to remedy what has been a fault in the past and to encourage in the development of what will be a benefit to the people themselves.

The ATTORNEY-GENERAL: Hon. Members should appreciate that this is a simple Bill. We all know that in 1947 the Sugar Industry (Special Fund) Ordinance was passed, and under the provisions of that Ordinance it was provided that there should be a Sugar Industry Labour Welfare Fund controlled and administered by a Committee appointed by the Governor-in-Council, the members of the Committee to be three persons nominated by the British Guiana Sugar Producers' Association, three persons nominated by the Trade Unions concerned with the welfare of labour workers in the sugar industry and two public officers. The Committee was given power to make Regulations. Such regulations were made, and under those Regulations, No. 17 reads:—

- “(1) The Committee may make disbursements from the Fund for the benefit and welfare of labour workers.
- (2) Without prejudice to the generality of the foregoing sub-regulation, the Committee may make such disbursements for any of the following purposes:—
- (a) the housing of labour workers;
 - (b) the improvement of social conditions (including housing and recreational facilities) of labour workers;
 - (c) making loans or grants to labour workers approved by the Committee to enable such workers to erect and own houses on approved sites;
 - (d) making loans to labour workers for any purposes approved by the Committee;
 - (e) the establishment of creches and the promotion of child welfare;
 - (f) making grants and/or loans to associations and bodies for such

purposes and on such conditions as may be approved by the Committee;

- (g) the establishment of a pure water supply; and
- h) the improvement of sanitation.”

The Committee which is charged with that responsibility has gone into the question of assisting labour workers for the purpose of enabling them to obtain loans to build their houses, and has sought legislation of this nature. This legislation is really to enable the labour worker to get the benefit of all we have envisaged in the Fund. It is no good our going back and talking about the deplorable conditions that have existed. What we have to do surely is to think of the future and endeavour to assist the labour workers in building their homes, and that is what this legislation is designed to help and to help now. It is no good our talking about 50 years from now. Conditions are changing and are changing very rapidly, and the Sugar Welfare Committee has considered all this.

There have been some points made, and I am sure those members of the Labour Welfare Committee who are in this Council will consider the points which have been advanced. I am perfectly certain about that. What we are doing at the moment is to endeavour to enact legislation which has as its objective assisting these labour workers in getting loans, and getting them without any cost to themselves or at very little cost, and in erecting or reconstructing or adding to their own houses. Hon. Members, I am sure, do not desire the labour worker when he borrows \$500 to be put to expense in getting that \$500 and when he gets his lease to be put to great expense in having to go to the Deeds Registry and put the lease on record. Consequently, all the objections which have been raised and are being raised are only keeping back or retard-

ing the forward move in so far as these labour workers are concerned. It is quite possible—as one hon. Member has suggested—there should be included in the lease a term giving the labour worker the option in case there is a sale of the land. That is a matter for consideration by the Labour Welfare Committee. But the object of this legislation now is to make the conditions as easy as possible so that the labour worker can get his loan and erect his house and have his lease at the least possible cost. If those facts are borne in mind, I am sure hon. Members would see nothing objectionable in the form of legislation and would do everything possible to see it is enacted as soon as possible.

Dr. JAGAN: Clause 3 (2) refers directly to this lease, and it seems this lease should have been a schedule to this Bill. I do not know why it was not made so, as then it could have been discussed along with the Bill. But, as the hon. the Attorney-General suggested a moment ago, I too appreciate the fact that the Government in introducing this Bill is merely trying to help the Colony and, as the hon. Member for Georgetown Central (Mr. Fernandes) suggested a while ago, we are only attempting to relieve the workers of certain financial responsibility. While we are doing that, it is no use giving the worker a few dollars and at the same time putting a rope around his neck. That is what will be the case with the lease. I am not convinced that in giving the worker a few cents it will not be to his disadvantage later on. That is what it will come to.

The ATTORNEY-GENERAL: I think the hon. Member is unduly pessimistic to suggest that this is a means of putting a rope around the neck of the labour worker.

Dr. JAGAN: If it is agreed on all sides that the worker should be protected, then I would agree that he should be relieved of this expense. In

the same way when the original draft lease was made—I do not know if my copy was the Sugar Producers'; but it was a draft lease of the Ogle Company—there was a considerable amount of agitation. The people who were to sign the lease came to us for advice and we told them not to sign. That is why we have an improved lease now.

Mr. MORRISH: To a point of correction! We are discussing this Bill and not the lease really, but I would like to point out that this lease has been drawn up by the Sugar Industry Labour Welfare Committee and not the sugar industry, and the sugar industry is very much in the minority on that Committee.

Dr. JAGAN: The sugar industry may be in the minority on that Committee, but we do know the Companies' Union are there represented. So do not let us go into the question of representation. The point I am making is, in the former instance a lease was made which was not satisfactory, and now that another one has been made, though better than the first, it is still not satisfactory. I am suggesting that the Government can give some concession. Clause 3 (2) relates to the lease, and I am suggesting that the lease be made a schedule to the clause so that when we agree to the Bill we agree to the lease as a whole. If that is not to be done, I do not see the purpose of introducing clause 3 at this time.

Mr. FERNANDES: The hon. Member is entirely incorrect that clause 3 (2) refers to this lease. It does not. It refers to any lease which may be made from time to time. In view of the remarks made in this Council, some by me, on the point of owning the land at some future day, it may be quite proper to have a debate on the lease at a later stage. That is something I am not going to argue today. The hon. Member says that in passing this clause you will be putting a rope

around the neck of the people. But, I think, if he rejects this clause he would be doing a little more than that, he would be putting a weight on the rope in additional fees which will have to be taken out of the money which the Sugar Industry Welfare Fund will be advancing. Personally I feel it is as generous a lease as one can get, but it is just that I am against leases. I do not agree that it is putting a rope around anybody's neck. Let us assume it is so. To reject this it will only mean putting a weight along with the rope around the neck.

Dr. NICHOLSON: There is much virtue in what has been said on both sides of the Council. While we would like to see, perhaps, greater generosity on the part of the lessor in regard to the allotments, and while we should like to see the insertion of some clause to secure at some future day absolute freehold, yet on the other hand we cannot deny the fact that there has been a definite step forward making for the improvement of the worker and his family on sugar estates. In this world we have by circumstances to advance by stages, and this is a definite advance. Absolute freehold may very well defeat the very object of the innovation. Absolute freehold, owning the property outright, may result in the passing of it to some undesirable customer, who may in some way interfere with the well-being of the body politic. Anyway we must agree that this is a definite step forward, occupying the land for 25 years and then moving on to 50 years. That is a very long time to live, and it may occur at the end of that time that well-behaved residents on sugar estates may be able to acquire that land as absolute freehold. I am supporting the clause.

The CHAIRMAN: I should just like to mention a point which the hon. Member, who has just taken his seat, mentioned yesterday with regard to clause 5 of the lease. There will be provision for cow byres and communal activities of that kind. That will meet

the objection of the hon. Member for Central Demerara.

Clause 3 as amended put, and the Committee divided and voted as follows:—

For — Messrs. Morrish, Carter, Smellie, Fernandes, Farnum, Roth, Wight, Dr. Nicholson, Dr. Singh, the Attorney-General and the Colonial Secretary—11.

Against—Dr. Jagan—1.

Clause 3 as amended passed.

Clause 4—*Special provisions for securing the repayment of certain loans to labour workers.*

The ATTORNEY-GENERAL: With regard to clause 4 I would ask that in sub-clause (2) instead of the word "nine" it be "eight" and the words "established by section 2 of the Sugar Industry Special Fund Ordinance, 1947" added after the word "Fund".

Question put, and agreed to.

Clause as amended passed.

The Council resumed.

The ATTORNEY-GENERAL: With the consent of Council I beg to move that this Bill be now read a third time and passed.

Mr. WIGHT seconded.

Question put, and agreed to.

Bill read a third time and passed.

SUGAR INDUSTRY SPECIAL FUNDS
(AMENDMENT) BILL.

The ATTORNEY-GENERAL: I beg to move the second reading of a Bill intituled—

"An Ordinance to amend the Sugar Industry Special Funds Ordinance, 1947."

The Sugar Industry Labour Welfare Fund is controlled by the Sugar Industry Labour Welfare Fund Committee appointed under section 8 (2) of the Principal Ordinance—the Sugar Industry Special Funds Ordinance of 1947. The Committee proposes to make loans to workers on sugar estates to enable such workers to build their own homes, and it is considered necessary that the Committee should be incorporated for the purpose of enforcing, if necessary, repayment of such loans.

It would be appreciated, sir, that when the loans are made this Labour Welfare Fund Committee should be a body that can conclude in case of non-payment and take any steps which may be required. This is only a security measure. I beg to move that the Bill be now read a second time.

Mr. WIGHT seconded.

Question put, and agreed to.

Bill read a second time.

The Council resolved itself into Committee and considered the Bill clause by clause without discussion.

The Council resumed.

The ATTORNEY-GENERAL: With the consent of the Council I beg to move that this Bill be now read a third time and passed.

Mr. WIGHT seconded.

Question put, and agreed to.

Bill read a third time and passed.

AMERINDIAN BILL.

The ATTORNEY-GENERAL: I ask leave to postpone consideration of a Bill intituled:

“An Ordinance to make provision for the good government of the Amerindian tribes of the Colony.”

There are certain amendments which I propose to circulate to hon. Members before the Bill is proceeded with.

Consideration of Bill deferred.

PUBLIC HOSPITAL FEES (AMENDMENT) REGULATIONS, 1951.

The PRESIDENT: With the approval of the Council we will proceed to item 4—Motion—

“That, this Council approves of the draft Hospital Fees (Amendment) Regulations, 1951, which have been laid on the table.”

The COLONIAL SECRETARY: I beg to move the motion standing in my name on the Order Paper. It concerns amendments to the Hospital Fees Regulations. The object is twofold.— firstly, to bring up to date the charges for X-Ray examinations and secondly, to bring up to date the charges for dental treatment. Those are the principal changes. As regards the X-Ray charges, Members are aware that Government has recently spent some \$60,000 on new equipment for the X-Ray Department, and that Department is now in a position to provide services which were not available before. That means, therefore, we have had to introduce a lot of new items into the Hospital Fees Regulations.

Opportunity has also been taken to revise one or two of the existing charges, but I think Schedule III explains to Members exactly what the changes are. Hon. Members have copies of the Regulations before them. Under item (1)—Radiographic Examinations—there has been no real change in the rates but new items have been introduced. In regard to items (a), (b) and (c) there is no change in the existing rates, but in the case of item (d)—pelvis, lumbar, spine, lungs—the rate has been increased from \$4 to \$5. Items (e), (f) and (g) are entirely new, while in the case of item (h)—Urinary tract (kidney and bladder)—

the rate has been increased from \$5 to \$6. The rate in respect of item (t) has been increased by \$3, from \$5 to \$8.

Under head (2)—Treatments — item (a)—Electrical treatment — has been increased from 25 cents to \$1.50 to 50 cents to \$1.50. Items (b), (c) and (d) are all new items. Under head (3)—Paying Patients—patients paying \$1.50 per day or over are at present charged half of the X-Ray rates. It is now proposed that patients paying \$5 per day should pay either full or three-quarters of the fees, in the discretion of the Resident Surgeon who is authorized to fix the rates, and is given limited discretion under items (a), (b) and (c) with respect to paying patients.

Mr. FERNANDES: Did I hear the hon. the Colonial Secretary say "Resident Surgeon"?

The COLONIAL SECRETARY: Yes, sir. I wish to deal with the rates first and the amendments after. I am advised that these rates are relatively low, but even so there may be some paying patients who will be unable to afford them, and in such cases they will be required to pay what they can afford, at the discretion of the Government Radiologist. I was wrong when I said that it was at the discretion of the Resident Surgeon. In this case, so far as paying patients are concerned, the discretion rests with the Radiologist, and is limited, as I have indicated. The introduction of the term "Resident Surgeon" comes in under items (4) and (5) dealing with non-paying patients. It used to be the Resident Surgeon under the existing Schedule but that is, of course, out of date, and the term "Resident Surgeon" has been amplified by the addition of the phrase "or other Officer administering the Institution." That is to fit in with the administrative organization of the various hospitals likely to provide X-Ray service. The fees are on the low side,

and principally what has been done is to introduce new rates for new services which hitherto were not available but now are.

So far as dental treatment is concerned the rates for poverty and pauper patients have not been changed. The rate under (c) is new. It states:

"(c) In country districts where there is no registered dentist in private practice, for patients other than poverty patients or pauper patients—for each extraction—\$1.00."

That provision is not in the existing Schedule. As regards in-patients the fee charged under the existing Schedule is at the discretion of the Resident Surgeon. Fixed rates have now been introduced for in-patients paying \$5 and \$1.50 per day, but the rates under items (d), (e) and (f) are unchanged. There is a new provision whereby, in special cases where circumstances justify it, a reduced fee may be authorized by the Government Dental Officer to be paid by either an in-patient or an out-patient.

Then there is draft Regulation 4 which seek to amend paragraph 1 of Schedule VI of the Principal Ordinance (a) by the insertion after the word "attendance" in the second line thereof of the words "and oral surgical treatment," and (b) by the deletion of sub-paragraph (6) and the substitution therefor of the following:

"(6) MEDICAL DEPARTMENT—

The staffs of all Public Hospitals, dispensaries and Institutions and the wives and children of all officers and subordinate employees attached to such Public Hospitals, Dispensaries and Institutions. District Medical Officers."

That is to provide in the Regulations for the extension to the wives and children of Officers of facilities which, I gather, they have in fact been enjoying for over 25 years but, apparently, no one can find the authority under which they enjoy that con

cession. But they have had it, I am told, for more than 25 years, and this amendment seeks to regularize the position by putting it into the Regulations. I may mention that these draft Regulations have been referred to the Advisory Committee and have been approved by that body. I therefore commend the amendments to the Council and formally move:

"That, this Council approves of the draft Hospital Fees (Amendment) Regulations, 1951, which have been laid on the table as amended in Committee."

Mr. FERNANDES: I think I am correct in saying that there is no such post as Resident Surgeon, and I think that term should be changed. The post is now Surgeon Specialist. The last Resident Surgeon I can remember was Mr. Grierson.

The COLONIAL SECRETARY: I think the hon. Member is quite correct. The term "Resident Surgeon" is already in the Schedules, and the amendment seeks to add the phrase "or other officer administering the Institution." It applies, of course, not only to Georgetown but to any hospital where X-ray facilities may be available—in New Amsterdam and other places—so that there is not necessarily a single term which would cover all those institutions, and there may be changes. For the present I am not quite sure of the title of the Medical Officer in charge of the Public Hospital, Berbice. I am now told that it is in fact Resident Surgeon. This is not confined to Georgetown only but to all Hospitals, therefore the intention is to widen the term "Resident Surgeon," which is out of date so far as Georgetown is concerned, but not necessarily elsewhere, by adding the phrase "or other Officer administering the Institution." So that the officer responsible for the administration of an institution would have the discretion.

Dr. SINGH: A Medical Superintendent will in future be in charge of

the Georgetown Hospital, therefore the term "Resident Surgeon" applies to the surgeon in charge of the Berbice, Bartica and Suddie Hospitals, but in future it will be changed to "Medical Superintendent."

Mr. FERNANDES: As I see it, it means that if the Surgeon at the Georgetown Hospital decides to recommend someone for free examination he would have to do so through the Medical Superintendent. I would like to have that made clear, because the amendment does not widen the term but rather narrows it so far as the Georgetown Hospital is concerned.

Mr. ROTH: I do not think any of the non-medical Members of this Council can criticize the fees as such. With regard to paying patients I cannot understand why "Mr. A" who pays \$5 per day, may be charged full fees while "Mr. B", who also pays \$5 per day, may be charged three-quarters of the fee. I would suggest that a patient paying \$1.50 per day should be charged half of the fees—as, obviously, a person paying \$1.50 per day is probably not as well off as one who can afford to pay \$5 per day. I will therefore move as an amendment that paragraph (a) be amended by the deletion of the words "or three-quarters of above fees"; in paragraph (b), the deletion of the words "full or;" and in paragraph (c) the deletion of the words "two-fifths or."

Mr. FERNANDES: As this is the first time we have discussed Regulations I am not sure whether we are allowed to speak more than once. I have not yet spoken. I have merely drawn the hon. the Colonial Secretary's attention to the narrowing of the discretion of the officer in charge at the Georgetown Hospital. I would like to know where I am.

The ATTORNEY-GENERAL: I think the hon. Member was pointing out something with regard to the term

"Resident Surgeon" for the purpose of clarification, but on the general subject matter of the discussion I do not think he has addressed the Council.

Mr. FERNANDES: I just want to know whether a Member can only speak once.

The ATTORNEY-GENERAL: Yes.

Mr. WIGHT: If the hon. Member wishes to speak more than once he can move that the Council go into Committee. As the motion stands it must be treated as an ordinary motion, and Members will only be able to speak on one occasion.

The PRESIDENT: I do not think there is any doubt as to the procedure. If hon. Members desire to consider these draft Regulations in more detail, it is up to any Member to move that we go into Committee, otherwise a Member can only speak once.

Mr. FERNANDES: I quite understand the position now.

Dr. JAGAN: There is one observation I would like to make. While we appreciate the fact that the cost of X-ray equipment is going up day by day, and that the Medical Department should try to recoup some of the expenditure by increasing the fees, nevertheless there is one factor which must be given consideration. It is that at the present time the Radiologist, who is under a contract, is entitled to half of all fees collected, so that while Government is endeavouring to collect more revenue by increasing the fees it will not get very much, because half of the fees will go to the Radiologist. I may say that it is a matter of great dissatisfaction among the staff of the institution and, in fact, among medical officers generally, and I hope that Government will take early opportunity to look into the matter, either to train a Radiologist very shortly, or to see that if a new contract is entered into with the present officer, there will be no such

provision for half fees for the Radiologist.

Mr. KENDALL: Dealing with the remarks of the last speaker I would like to know whether the contract with the Radiologist will entitle him to half of the increased fees. I do not know if the hon. the Colonial Secretary is in a position to say what fees were collected by the Department in 1950, so that from the information I may decide what further observation I should make.

The COLONIAL SECRETARY: I am unable to speak a second time. I will answer the hon. Member's question when I reply to the debate, if I can.

The PRESIDENT: The Colonial Secretary will be replying to the debate, and will include an answer to the hon. Member's question at that time.

Mr. KENDALL: In view of the fact that Government would like to receive increased X-ray fees I will support the motion, but I feel that the Radiologist should continue to receive his half of the existing fees, and whatever is added as a result of the amended Regulations should go to Government.

The PRESIDENT: It depends on the terms of his contract.

Mr. KENDALL: The contract provides for half of the fees existing at the time.

The ATTORNEY-GENERAL: If his agreement is that he receive half fees paid with regard to any radiological work then, of course, he is entitled to half fees. If it says that he is entitled to half of the fees payable at the time of the contract he would be pinned down to that.

Mr. KENDALL: Unfortunately, I do not know how his contract is word-

ed. I would suggest that these amended Regulations be not put into operation until that contract is fulfilled.

The ATTORNEY-GENERAL: Until it is completed?

Mr. KENDALL: Yes.

Dr. NICHOLSON: I agree with the suggestion of the hon. the First Nominated Member (Mr. Roth) with respect to the fees charged paying patients. It may have been an oversight by Members of the Advisory Committee. I agree that all patients paying \$5 per day should pay the full fees; that patients paying \$1.50 per day should pay half fees, and that those paying 50 cents per day should pay one-tenth instead of two-fifths of the fees.

With regard to the half fees payable to the Radiologist I do not know the precise terms of his contract, but I remember that the question was fully discussed by the Public Service Salaries and Wages Commission. The members of the Commission did not agree with me, but I felt then that the fees collected by the Radiologist should be paid into Government. Shortly after that, when the Barbados Government revised the salaries of their Civil Service, the Radiologist there was given a flat salary with no fees. I cannot see why the Radiologist should collect a percentage of the fees charged for work done at the Hospital.

Mr. WIGHT: In view of the remarks of the hon. Member for New Amsterdam (Mr. Kendall) it appears that he desires to obtain certain information in order to be able to develop his point. I therefore move that the Council go into Committee to consider the draft Regulations item by item.

Dr. SINGH seconded.

Question put, and agreed to.

COUNCIL IN COMMITTEE.

Clause 2.—

Mr. FERNANDES: I would like to support the suggestion made by the hon. Nominated Member (Mr. Roth) and supported by the hon. Member for Georgetown North (Dr. Nicholson) that the fees should not be variable, because I can quite see the possibility of a patient paying \$1.50 per day being made to pay more for an X-ray examination than another patient paying \$5 per day, for the reason that it is possible for him to be charged the full rate while the other patient is charged three-quarters of the fee. The question is who is to judge what the rate should be? In the case of a paying patient in whom the Radiologist has a personal interest, in view of the fact that he gets half the fee, it is he who decides whether the patient should pay the full fee, three-quarters, half or two-fifths of the fee, but in the case of the non-paying patient he is not interested, and the Resident Surgeon decides. I think, however, that where there is any variation of the fees it should be done by the same person.

I say so, just in case the recommendation that these fees be not variable does not go through. I am just taking that precaution, though I am pretty sure if it is put to the vote this Council would agree unanimously with the recommendation. At the present time, while I feel we should try to recover as much of the expense on this Department as we could, I cannot bring myself to accept an increase in the present rates of fees, especially as only half of the money extracted from the people of British Guiana will go towards reducing the cost of this Department to Government. The hon. the Colonial Secretary in his opening remarks pointed out that Government has spent a lot of money for new equipment and as a result lots of things are being done now which could not have been done before and, therefore, new items with their fees have to be put in,

That, I feel, is as far as we should go at present.

Whilst speaking on this matter I may say that I have been once again amused by members of the Advisory Committee somersaulting completely. We were told by the hon. the Colonial Secretary in his opening remarks that these things were approved by members of the Medical Advisory Committee. This afternoon I purposely sat down and waited to hear what they had to say in defence of it. I am pleased to see that they have seen it as I see it, and that these things are not in order and several changes should be made. It only goes to show that my contention is correct that these advisory committees are not serving the purpose they should serve. Members go to the Advisory Committee meetings, where the public is not there to hear and to know what they say, and pass these things. If these things do not come to this open Council it is well and good, but if they do you see the somersaulting, as we have seen this afternoon and in the matter of the Eye-Specialist. That is all I have to say on clause 2. I will move under this clause that the rates, if it has not been already moved but I think it only came as a recommendation, that the fees be not increased and that the variable scale be taken out. If the hon. Nominated Member, Mr. Roth, would move it, as his suggestion was first, though I would have raised it, I think I should properly permit him to do so. If he is not going to do so, then I would like to move it.

Dr. NICHOLSON: To a point of order! I do not like to interrupt hon. Members when they are addressing the Council, but the hon. Member is suggesting that there is some dishonesty on the part of members of the Advisory Committees, that they would pass these things all right in the committee but not in the open. In other words, we are dishonest. I do not think the hon. Member is entitled to speak in that manner of members of Advisory Committees. I said it was an oversight, and I said it in all honesty.

Mr. ROTH: I formally move the amendment that \$5 per diem patients pay the full fees.

The CHAIRMAN: I think there is some divergence in the two motions. The hon. Member for Georgetown Central is moving that there should be no increase in the fees at all and also that the variable rates should be knocked out. I gather from the hon. Nominated Member he just wishes to move that there be no variation.

Mr. ROTH: Patients paying \$5 per diem should pay the full fees, those paying \$1.50 per diem half fees and those paying 50 cents per diem one-tenth of the fees.

Dr. SINGH: Speaking as a member of the Medical Advisory Committee, we felt at the meeting that the time had come when we should lend support to curtail expenditure. We know what is the cost of getting the equipment for the X Ray Department, and we also know that people go to the hospital for a holiday, a sort of rest cure, rather than go to a hotel. Many things came under our consideration and I suggested that the fees should be increased. When it comes to the Radiologist, he was appointed at a time when we could not get anyone from England or the West Indies to take up the position. This gentleman was retiring from the Service in Barbados because his contract was up. We snatched him up and gave in to allow him to have half of the fees, but there was no intention to perpetuate it. The contract was renewed and Members did not know anything about it. We increased the fees, knowing full well what the Department had cost Government. That was the reason why we took this action. According to the hon. Member for New Amsterdam that is a thing we lost sight of, that when this contract was made with the Radiologist it was made on the prevailing fees. Now that the fees are being increased something should be said in this matter. It is true we have in-

creased the rates in order to assist in curtailing expenditure which is so heavy in the Medical Department. That is a point we should not lose sight of.

Coming to the question of the fees, for a person paying \$5 a day the amount is left to the discretion of the man in charge, the medical officer in charge of that particular ward.

Mr. FERNANDES: To a point of correction! There is no such thing in the Regulations. The Regulations specifically say the Radiologist is to decide that.

The COLONIAL SECRETARY: Although I said it was at the discretion of the Radiologist, it is not actually so stated in the Regulations.

Dr. SINGH: It is an understanding between the Medical Officer in charge and the Medical Superintendent. I am a patient in a ward for a month paying \$5 a day. My means are at an end and I say to the Doctor "My means are at an end, can you assist me?" He can then use his discretion as to the extra fees. That will not apply to every case but such cases as are deserving. It is not that the matter came to the Committee and we just passed it and said it is all right. It was well studied. The Advisory Committee does not sit and everything that comes up is passed. The hon. Member for Georgetown North (Dr. Nicholson) said it was an oversight. It was nothing of the kind. These things come to us and we consider them. It was not an oversight when we made these charges. We went into the matter thoroughly and we felt that the officers in charge should use their discretion in cases that need help.

Dr. NICHOLSON: I did not speak for the hon. Member. I spoke for myself. It was an oversight on my part. Perhaps, I was not at the meeting.

Mr. FARNUM: I am supporting the hon. Member for Georgetown Central (Mr. Fernandes) There should be no *increase in the fees. It would be far more helpful if the existing rates were put to show what the increases are. We*

are just groping in the dark as to the extent of the increase.

The CHAIRMAN: I think the hon. the Colonial Secretary gave the increases in his opening speech. If the hon. Member likes, they can be repeated for the information of the Council so that Members can see exactly where the increases are.

The COLONIAL SECRETARY: I was at some pains to try and explain exactly what the increases were. I am sorry the hon. Member did not hear me. As I pointed out, there are in fact only five instances where the existing rates have been increased. I will go through them again for the benefit of the hon. Member and any others who did not hear me on the first occasion.

"(1) Radiographic Examinations—

(d)—Pelvis, lumbar, spine, lungs—

It used to be \$4; it is now \$5—an increase of \$1 in respect of pelvis and spine;

(h) Urinary tract (kidney and bladder)—

That used to be \$5 and it has been increased to \$6.

(n) Stomach, duodenum, etc. (Barium meal) including screening—

That used to be \$5 and is now \$6.

(t) Teeth complete set—

That has been increased by \$3 from \$5 to \$8.

(2) Treatments—

(a) Electrical treatment—

This used to be from 25 cents to \$1.50 and is now from 50 cents to \$1.50. There is no increase in the maximum, only in the minimum.

Those are the only increases under (1) and (2). As I tried to explain, there have been a large number of new treatments added which were not there before, because we could not perform them before as the facilities were not there. Now we have the facilities and so we have to prescribe the fees. They are entirely new fees. The only increases are those I have just given out.

Coming to (3) — *Paying Patients*, under the existing schedule patients in hospital paying \$1.50 and over will be charged half the above rates. That is what the existing regulations read. It is now proposed that patients paying \$5 per diem shall be charged full or three-quarters of the rates. I would be reluctant to agree to the removal of that discretion, although I appreciate the reasons which have prompted the hon. the First Nominated Member (Mr. Roth) to move his amendment. I do not think the amendment takes into account entirely the present conditions in the hospital, particularly as regards accommodation. There may be quite a number of people in the \$1.50 per day ward who are there either because they cannot get into the \$5 a day ward or possibly want to save money. If they want to save money by paying less to Government than what is a fair rate for treatment, I think it is quite reasonable to retain the discretion.

The hon. Member for Georgetown Central raised the point that the Radiologist would have the discretion in the case of paying patients where he is interested in the amount of fee. I am told that the discretion would rest with him, and I appreciate the hon. Member's point. In fact it does not say so in the Regulations that the discretion rests with him. It is a matter which, I think, should be gone into further, and I would be prepared to take that up with the Director. It can be settled administratively. In the case of out-patients it is specified that it is to be approved by the Resident-Surgeon or other officer administering the institution. That I can go into further with the Director of Medical Services.

I would suggest to hon. Members that there are good reasons for retaining the discretion under (a) (b) and (c) of *Paying Patients*. There may be cases, less frequent however, where people cannot get into the \$1.50 a day ward and have to go into the \$5 a day ward. It does, to my knowledge, happen that people are prepared to go into the

\$5 a day ward and not being able to get accommodation there have to go into the \$1.50 a day ward. But their financial means are such that they can afford to pay the full rate of fees, similarly as in the case between \$1.50 and 50 cents a day wards. So I think there are good grounds for retaining the discretion.

I think, I may as well take the opportunity to reply to the other points that have been raised, because 2 of the Regulations is the one on which there has been the most discussion so far. As regards the position of the Radiologist, in reply to the hon. Member for New Amsterdam, the fees collected by the Radiologist's Department in 1950 amounted to \$9,135.56 of which the Radiologist got as his share \$4,567.78. I am aware that the Radiologist is in this matter of fees in a more favourable position than other doctors and specialists who are entitled to fees, and I am not sure what the justification is. But I am quite sure it is in the terms of his contract that he is entitled to 50 per cent. of all fees today, and as long as that contract is in force we cannot deny him that 50 per cent. though when the contract terminates it will be open to Government to reconsider that particular matter. I am aware it has been already raised in the Legislative Council Medical Advisory Committee, but as it stands we are bound by the terms of the agreement. So he will continue to collect his 50 per cent. of the fees collected by his department.

Members have talked about the increase of the fees. As I have explained it is only in certain cases there have been increases. On the other hand, one must presume that with the introduction of new types of examination and the provision of additional facilities it means more work will be done and the total amount of fees collected is likely to increase and his share will thereby increase. That is not disputed.

On the question of the discretion of the Resident Surgeon or any other officer administering the institution,

when I spoke I did not mean to suggest it would apply to more than one person in one institution. There can only be one person in any institution who has the last word, and the intention is that it should be the person administering the institution, though he would of course consult with the proper officer below him before reaching his decision. But the phrase as it now stands would mean the officer administering the institution would have the discretion in regard to non-paying patients. I do not think there is any other point on clause 2.

The CHAIRMAN: I would like to direct attention to sub-clause (5). It seems to me to vest discretion in the Resident Surgeon or other officer administering the institution in regard to the reduction of fees. I think that applies to the whole institution. It is therefore not vested in the Radiologist.

Mr. FERNANDES: But the hon. the Colonial Secretary made the specific statement that that section would be under the discretion of the Radiologist. These Regulations have to be passed by us here and, if we do not bring these matters up and we vote one way, when they are being put into operation the administration would think otherwise. If you take the institution meaning the whole hospital that is one matter, but if you take the officer looking after the section of the institution concerned, it is the Radiologist who is in charge of the X-Ray Department. It can quite rightly be brought under this head. I made my argument after the hon. the Colonial Secretary made that specific statement. I want to point out that I never questioned the Radiologist's contract. It is a contract properly made and, therefore, we will have to live up to that. I never questioned the amount of fees he was drawing. As a matter of fact I just brought that in to show that the limited increases Government has put on will not benefit Government sufficiently to warrant a change of the fees at this stage.

As regards the items named in respect of which the fees are being in-

creased, "lungs etc." is a very busy section and "urinary tract" is another very busy section, as all hon. Members know, and the other one, "Barium meal." It appears that the busy sections have been selected for these increases, and the others did not matter much because they were hardly done. I join issue with the hon. the Colonial Secretary on this question of persons who can afford to pay \$5 a day going to the \$1.50 a day ward. An X-Ray examination is not made of every person who goes into hospital. I can say that less than 20 per cent of the people going into hospital are so examined. If you want to make sure you may pay for the X-Ray examination. Let us see that the \$5 man does not go to the \$1.50 ward. Let him pay a little higher, and that would be an appreciable bit of revenue if Government is going to carry this principle through and not allow a person who can afford to pay \$5 get away with paying \$1.50.

The hon. Member for Demerara-Essequibo made a very good point, that some people use the hospital as a hotel. It is cheaper to stay in hospital for \$1.50 a day. He is quite right. But those people do not go under an X-Ray examination they only go there to use the room and get the meals. They are not going to ask for an X-Ray examination so as to pay an additional fee. His remarks only serve to establish my point. If you want to carry it to the limit, the man in the \$1.50 ward who can afford to pay \$5 should be made to pay. It serves my point, but I do not see how Government is going to achieve that. If a man who can afford to pay \$5 goes into the 50 cents ward, he still cannot be made to pay more fees as the discretionary power is only up to two-fifths of the fees. I am afraid that argument is not convincing and forceful enough to satisfy me that there should be any other change in those I recommended.

The hon. nominated Member, Mr. Roth, only moved a portion of what I intended to move, so I am going to

move along with what he has already moved that there be no increases in sections (1) and (2). I am going to agree to the increase in (a) of section (3), because I think that is justifiable. I do not see why a man in the \$1.50 ward should pay the same as the man in the \$5 ward. The man in the \$5 ward should pay the same fee as the man who come from outside. The balance the hon. Member has already moved, and I am going to leave it at that. It is not that I have any fear that the Radiologist would be hard on people in giving his decision as to whether a man should pay three-quarters or one-half. I do not think that even the Medical Superintendent can honestly say what a person can really afford to pay. In lots of cases people who walk the streets as if they are penniless have a terrific bank account, while others who go about in posh cars cannot pay anything, I want it to be perfectly clear that I did not say anything about the Radiologist and his fees. If he gets \$5,000 or \$10,000 he is welcome to it.

The COLONIAL SECRETARY: I am not quite sure why the hon. Member is so insistent that he has not raised any point about the Radiologist. I was answering the hon. Member for New Amsterdam and other Members who have spoken. If I understood the hon. Member correctly, he has made what seems to me a startling suggestion, that if a man goes into the \$1.50 a day ward he should be made to pay \$5 a day if he can afford it. That is how I understand it.

Mr. FERNANDES: To a point of correction! I say if he is to pay the \$5 ward fee for his X-Ray examination, go further and make him pay at that rate for his room as well.

The COLONIAL SECRETARY: I am afraid the hon. Member has now confused the issue. I do not know what he really want. I had maintained that if he went into the \$1.50 ward although he can afford to pay the \$5 ward, he should pay for the X-Ray examination at the \$5 ward rate. It seems rather

odd to me, because in the first place there are only, as far as I know, four or five rooms in the \$5 ward. That is one point I want to stress. It is the Lady Thomson Ward which is the \$5 a day ward, and many patients have to go into the \$1.50 ward through no fault or desire of their own. The charge for accommodation must be in relation to the nature of the accommodation and not to the means of the individual. If you are going to say that the man who goes into the \$1.50 ward must pay \$5 if he looks rich, then conversely the poor man should be allowed to go into the \$5 ward and pay 50 cents if he has not got enough money. When one man is paying for an X-Ray examination one gets the same service, however rich or however poor one may be: It costs Government the same to perform that examination.

The facilities provided in the \$5 ward cost Government more than the facilities provided in the \$1.50 ward. You cannot correlate the two things. In any case these concessions of reduced rates are only intended for people who definitely have no means. Obviously there is justification for reducing the rates for people who genuinely cannot pay, and it would be wrong for Government to deny such people any reduction of rates merely because we cannot tell whether they can afford to pay or not, even though, occasionally, some people may get away with something. For that reason I must continue in my opposition to the proposed amendment which would remove the discretion in these cases.

As regards the increase in the rates, I can only point out that they have been in force since 1932, and I do not think the increases can be regarded in any way as unreasonable. It must be remembered that the rates are subject to reduction in the case of persons who cannot afford to pay.

The ATTORNEY-GENERAL: I presume we are dealing with Regulation 2, but having regard to the discussion, may we not take item (1) of the Schedule and dispose of it?

Mr. FERNANDES: I agree with the hon. the Attorney-General and I would just move my simple amendment that the fees under item (1) should not be increased. I am sorry to have confused the hon. the Colonial Secretary, but I would like to tell him that there is a lot of discrimination with respect to the fees as they are now. If a patient is outside the institution he is made to pay full rates as long as he is not a pauper, but if he is inside he pays a smaller rate.

The COLONIAL SECRETARY: I would invite the hon. Member's attention to item (5) which states:

"(5) In special instances when circumstances justify it, a reduced fee may be authorised by the Resident Surgeon or other Officer administering the Institution to be paid by either an in-patient or an out-patient.

Dr. JAGAN: I heard the hon. Member say he was moving the deletion of that item. I do not think that would be necessary because, if he is against the increase, he can vote against it.

The ATTORNEY-GENERAL: I think the hon. Member said he was against certain items. He is against those items which have been increased.

Mr. FERNANDES: I move that the increases be removed.

Dr. JAGAN: I would like to point out that the cost of drugs and materials used in the Hospital is increasing, and that the increase of these fees is one way of raising revenue. I know it is being said here that members of the Advisory Committee decide in a certain way and come to this Council and vote the other way. There are lots of things which the Advisory Committee recommend but which are not brought into the light of day. Some time ago the Committee unanimously agreed to increase the fees in certain of the Wards of the Hospital, because it was felt that persons accommodated in those Wards

could afford to pay more, but I do not know in whose interest Government did not accept that recommendation. Only last week we were asked to vote a sum of \$20,000 to meet the increased cost of drugs, dressings and so forth, and in those circumstances we agreed to the increase of these fees. I will stand by my decision because I feel that even if there will be increases, so far as the poor people are concerned those increases will be negligible. When I took into consideration that the Advisory Committee had recommended that the fees for the Lady Thomson and the Seamen's Wards be increased, and that they had not been increased I felt that the increase of these rates would be a justifiable means of getting some money out of those persons who were accommodated in those Wards.

I am appealing to the hon. Member to appreciate the circumstances which impelled the Advisory Committee to agree to the increase of these charges which will not hit poor persons. They will really be got out of those persons who can afford to pay and are getting certain advantages by seeking accommodation in the Seamen's and Lady Thomson Wards, and paying lower rates than they would have to pay in similar institutions like the Catholic Hospital.

The Committee divided on Mr. Fernandes's motion and voted:

For—Messrs. Carter, Peters, Fernandes and Farnum—4.

Against—Messrs. Smellie, Kendall, Wight, Dr. Jagan, Dr. Nicholson, Dr. Singh, the Attorney-General and the Colonial Secretary—8.

Motion lost.

Regulation 2 (1) was then put and passed.

Regulation 2 (3)—*Paying Patients.*

The COLONIAL SECRETARY: We have already discussed this item very fully. Perhaps the hon. Member for Georgetown Central (Mr. Fernandes) would like to move his amendment.

Mr. FERNANDES: I move that item (a) be amended by the deletion of the words "or three-quarters of above". It would then read:

"(a) Patients paying \$5 per diem shall be charged full fees."

The Committee divided on the amendment and voted:

For—Messrs. Carter, Peters, Kendall, Fernandes, Farnum, Wight, Dr. Jagan and Dr. Nicholson—8.

Against—Mr. Smellie, Dr. Singh, the Attorney-General and the Colonial Secretary—4.

Amendment carried.

Item (b)—*Patients paying \$1.50 per diem shall be charged full or half of above fees.*

Mr. FERNANDES: I move the deletion of the words "full or."

The Committee divided and voted:

For—Messrs. Carter, Peters, Kendall, Fernandes, Farnum and Dr. Nicholson—6.

Against—Messrs. Smellie, Wight, Dr. Jagan, Dr. Singh, the Attorney-General and the Colonial Secretary—6.

The CHAIRMAN: The voting is six for and six against. I give my casting vote against the motion, thus leaving the discretion as to the reduction of the fee in the hands of the Resident Surgeon.

Item (b) passed as printed.

Item (c)—*Patients paying 50 cents per diem shall be charged two-fifths or one-tenth of above fees.*

Mr. FERNANDES: I move the deletion of the words "two-fifths or". The Committee divided and voted:

For—Messrs. Carter, Peters, Kendall, Fernandes, Farnum, Wight and Dr. Nicholson—7.

Against—Mr. Smellie, Dr. Jagan, Dr. Singh, the Attorney-General and the Colonial Secretary—5.

Amendment carried.

The CHAIRMAN: It is rather inconsistent.

The COLONIAL SECRETARY: It is so inconsistent that I do not think we can possibly leave it as it is.

The ATTORNEY-GENERAL: As a result of the voting a very inconsistent position has arisen with regard to the relevant positions of items (b) and (c), and I would suggest to hon. Members that we straighten out the position with regard to item (b). I therefore move that item (b) be recommitted.

The COLONIAL SECRETARY seconded.

Dr. JAGAN: I can see that item (d) is causing trouble. I think the idea behind the proposed recommittal of item (b) is to have a reversal of the decision which was taken, so as to make the hon. Member's amendment successful. In that case I would ask for the recommittal of item (c) and I would vote for all the amendments proposed.

The ATTORNEY-GENERAL: The hon. Member will appreciate that the decisions with respect to items (b) and (c) are inconsistent, and I am sure that Members would wish to have the position straightened out.

Dr. JAGAN: I would agree to the recommittal of item (b) if it would relieve the situation, but I would ask that item (c) be recommitted. It seems to me that the idea is to have consistency, but if there is confusion because there is consistency in the voting—

The CHAIRMAN: I do not follow the hon. Member's argument, but I have no objection.

Mr. FERNANDES: I can see the hon. Member's point. He voted against item (b) and it was thrown out. He voted against (c) but it was not thrown out. He wants to have an opportunity to somersault and vote for (c).

Dr. JAGAN: I do not see what purpose a recommittal will serve if Members are going to hold the same views.

The CHAIRMAN: I will take the views of the Council as to whether item (b) should be recommitted.

Mr. SMELLIE: I voted against all the amendments, but, in looking at items (a), (b) and (c) now I do not see anything really inconsistent in the decisions arrived at—that patients paying \$5 per day shall be charged full fees; that patients paying \$1.50 per day shall be charged full or half fees, and that patients paying 50 cents per day shall be charged one-tenth of the fees. Those decisions seem to be perfectly consistent.

The ATTORNEY-GENERAL: If the position is satisfactory to hon. Members I would not press my motion for a recommittal of item (b).

Mr. FERNANDES: My amendment was lost but I am quite happy about it. I agree with the hon. Nominated Member, Mr. Smellie that it is really not inconsistent.

*Regulation 3 Schedule IV.—
Dental Treatment*

Mr. WIGHT: What will be the position in country districts where there is a registered dentist in private practice?

The COLONIAL SECRETARY: There is only one fee mentioned in the Regulation, which is \$1. It seems to me that the implication is that if there is a dentist in private practice those who can afford to pay would go to him. The fee under this Regulation does not vary.

Dr. JAGAN: I do not think there is any idea of competition. In certain areas where there is a dental practitioner the fee for private practice is \$1.

The Council resumed.

The COLONIAL SECRETARY: It now appears necessary for me to amend my original motion to read as follows:

"That, this Council approves of the draft Hospital Fees (Amendment) Regulations, 1951, which have been laid on the table, as amended in Committee."

Motion, as amended, agreed to.

The PRESIDENT: I propose that Council should sit on Wednesday and Thursday next week and take a holiday on Friday.

The ATTORNEY-GENERAL: I would be grateful if I could be given an opportunity to put through some of the Bills in my name on the Order Paper, particularly the General Loan and Stock (Amendment) Bill, which is urgent. It is a formal Bill and I would like to take it on Wednesday next.

The Council was then adjourned until Wednesday, May 9, at 2 p.m.