

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

[VOLUME 3]

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

15th Sitting

Monday, 15th June, 1964

SENATE

The Honourable Senate met at 9.30 a.m

Prayers

[The Vice-President in the Chair.]

Present:

Appointed under Article 47(2)(a):

Senator the Honourable H. J. M. Hubbard — *Minister of Trade and Industry*

Senator the Honourable C. V. Nunes — *Minister of Education and
Social Development*

Senator C. S. Persaud

Senator Christina Ramjattan

Senator H. Thomas

Appointed under Article 47(2)(b):

Senator Anne Jardim

Appointed under Article 47(2)(c):

Senator A. G. Tasker, O.B.E.

Senator C. V. Too-Chung, Vice-President.

Mr. E. V. Viapree Clerk of the Legislature (Ag.)

Mr. F. A. Narain Assistant Clerk of the Legislature (Ag.)

Absent:

His Honour the President, Senator Ashton Chase — on leave

Senator the Honourable Janet Jagan — on leave

Senator M. Khan — in detention.

ANNOUNCEMENTS BY THE PRESIDENT

LEAVE

The Vice-President: I have a letter dated 11th June, 1964, addressed to me personally from the President, Senator Ashton Chase, intimating that he will be leaving the Colony on 13th June to attend the Conference of the International Labour Office in Geneva from June 17th to July 9th. He is asking that his absence be excused.

I have received an excuse of absence from today's sitting from Senator Janet Jagan.

In the *Official Gazette* issued on Saturday, His Excellency the Governor has taken powers under the Emergency Orders and Senator Mooneer Khan has been restricted in his movements. He is not present at the meeting this morning.

DEATH OF MR. ARTHUR ABRAHAM

Hon. Senators, I am sure you would wish me to refer to the most grievous disaster which occurred last Friday morning, resulting in the extremely horrible death by torture - the burning alive of Mr. Arthur Abraham, senior civil servant, and seven of his children.

The mere reading of the report of this terrible calamity, made decent people cry in anguish.

9.40. a.m.

The physical and mental pain suffered by his family will not

be forgotten by them, but we trust God will grant them peace. No expression of sorrow and sympathy can erase from the records this most appalling catastrophe; it is the saddest event in the history of this country. I know that all members of this Chamber agree with me, and the most we can do is to stand in silence for two minutes as a token of our sorrow. [*Senators stood in silence for two minutes.*]

RESIGNATION OF THE VICE- PRESIDENT

The Vice-President: There is one more announcement I have to make. I have to announce that I am no longer willing to serve as Vice-President of the Senate. At the end of this sitting, I will vacate the office of Vice-President. Notice of my resignation has already been tendered to the Clerk of the Legislature.

PUBLIC BUSINESS

STATUTORY PUBLICATIONS BILL

The Vice-President: At our last sitting we were discussing

A Bill intituled "An Ordinance to regulate the publication of certain Instruments in newspapers."

We were in Committee stage and Clause 2 was being discussed.

Senate in Committee.

Clause 2.

Senator Nunes (Minister of Education and Social Development): When we met last I asked this Senate, after discussion of the Statutory Publications Bill in

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Committee, to postpone further discussion so as to permit me to answer certain questions raised by Senator Tasker. I now wish to do so. I have been advised that in the substantive laws the following Ordinances require that advertisement be placed in at least two newspapers:

- (a) Crown Lands Resumption Ordinance, Cap. 176 - Section 3.
- (b) Drainage and Irrigation Ordinance, Cap. 192 Sections 11, 17, 36(1) and 38.

Drainage and Irrigation (Amendment) Ordinance, No. 30 of 1955 - Sections 4, 9(3) and 9(6).
- (c) Representation of the People Ordinance, 1957 - Section 14(7).
- (d) Mitchell Trust Ordinance, Cap. 53 - Section 10.
- (e) Georgetown Sewerage and Water Ordinance, Cap. 153 - Section 33.

Now, the substantive laws require that advertisements be placed in at least three newspapers as follows:-

Cattle Stealing Prevention Ordinance, Cap. 81 - Section 4.

In the subsidiary legislation of the General Nursing Council (Election) Rules, 1955 - Rules 2 and 5 made under the Nurses and Midwives Registration Ordinance, Cap. 137.

I wish further to state that this Bill does not deal with advertisements. It deals with the publication of statutory instruments, notices, and certain orders. There are not many instruments, I have been advised which have to be published in the Official Gazette as well as in the newspaper. I hope that this explanation, which was required by Senator Tasker, will meet him. I, therefore, at this stage, propose to say nothing more.

Senator Tasker: Your Honour, I am grateful to the hon. Minister for giving the Senate this additional information as to those aspects of our legislation which would be affected by this Clause. With respect, however, I am not persuaded by what the hon. Minister has told us in justification for making the proposed change at this time. The hon. Minister said that advertisements - I think that was the phrase he used - were not covered. On the other hand, the wording of Clause 2 refers to "the publication of any order, notice, or any other instrument whatsoever." I should have thought that could be taken to include the official advertisements, particularly in the light of some of the Ordinances to which he has referred.

After all, we are dealing here with some fundamental matters of interest to the population as a whole. Crown Lands Resumption and Drainage and Irrigation are matters of agricultural interest to a very large proportion of our people. There is also the question of representation of the People. Surely this is a fundamental matter affecting every citizen. The Georgetown Sewerage

and Water Ordinance also affects a substantial part of our population. I am not competent to judge from the references to the General Nursing Council Rules or the Nurses and Midwives Registration Ordinance, whether it could be said that publication in three newspapers is necessary today, or whether two newspapers would be enough.

9.50 a.m.

The hon. Minister has now indicated to us the type of legislation in which there are references to publication in two or even three newspapers. As the hon. Minister explained last week, there may well be some grounds for practising economy and, in cases where the requirement was for publication in three newspapers, for reducing it to two. But the hon. Minister has given us no reason why references to publication in more than one newspaper should now be excluded.

In saying this, I want to emphasise that I am not arguing about the technical point that, in the legal sense, there is no such thing as a daily newspaper today. This is common ground between us, and the answer is that one merely removes the references to a "daily" newspaper.

In the light of what the hon. Minister has said, I wish to move an Amendment to Clause 2, of which I would like to give notice at this stage. The Amendment is that in the last line of Clause 2 the word "only" be deleted, and the words "more than" be substituted. This Amendment would meet the technical problem of the phrase "daily newspaper", while retaining the provision for pub-

lication in more than one newspaper where required.

The Chairman: Are you moving an Amendment?

Senator Tasker: If I may, sir.

Senator Jardim: To a point of information. I should like to ask the Minister what criteria are to be used for selection of the one newspaper referred to in Clause 2, whether it is to be such newspaper which may have the widest audited circulation, or whatever measure the Minister may have in mind for the selection of a newspaper.

Senator Nunes: My answer to Senator Jardim's question is that such criteria are to be worked out administratively. For example, on the question of any matter dealing with the Lands and Mines Department, the Commissioner would decide exactly what criteria he would use and would make the selection. That is not a matter for me to speak on at this moment. This is how it should be done and this is how it is done. It is an administrative matter.

The Chairman: Would The Commissioner of Lands and Mines have the authority to put it into whichever newspaper he wants?

Senator Nunes: I am saying that he would decide the criteria for selection and he would have to make the selection of the newspaper. I am advised it is purely an administrative matter.

Senator Jardim: Could the Minister very kindly give us broadly some information on the criteria to be used? It is an

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easy way of obscuring the question to say that this is an administrative matter. I think, in the interest of the Senate and the public at large, we should be given some indication of what the Government is thinking; for instance, whether the newspaper concerned is going to be some publication of direct interest to the people concerned in the particular field to which such notice may be applicable. I cannot see that the Minister's hiding behind the phrase "administrative procedure to be worked out" is of any help to this Senate or to the public.

The Chairman: Would the Minister like to reply?

Senator Nunes: No, sir.

The Chairman: There is an Amendment moved by Senator Tasker. Will the Clerk of the Legislature please give us the actual wording.

The Clerk: The Amendment is that the words "more than" be substituted for the word "only" in the last line of Clause 2.

The Chairman: Is that correct? I thought that some other words were used.

Senator Tasker: It is as the Clerk said: substitute the words "more than" for the word "only". As I explained, this would meet the technical point that there is no such thing any longer as a daily newspaper. At the same time it ensures that, where legislation so provides, certain orders, notices, and so on, will be published in more than one newspaper.

Amendment

That the words "more than" be substituted for the word "only" in the last line of Clause 2

Put and negatived.

Clause 2 agreed to and ordered to stand part of the Bill.

10 a.m.

Clause 3 passed as printed.

Senate resumed.

Bill reported without amendment.

Question put — that the Bill be read the Third time and passed.

*Senate divided: Ayes: 5;
Noes: 2 as follows:*

<i>Ayes</i>	<i>Noes:</i>
Senator Thomas	Senator Tasker
Senator Ramjattan	Senator Jardim - 2
Senator Persaud	
Senator Nunes	
Senator Hubbard - 5	

Bill read the Third time and passed.

PHARMACY AND POISONS (AMENDMENT) BILL

A Bill intituled "An Ordinance to amend the Pharmacy and Poisons Ordinance, 1956." [Minister of Education and Social Development.]

Senator Nunes: The Pharmacy and Poisons (Amendment) Bill, 1964 seeks to accord similar

status to a person who is not a registered pharmacist as it does to a body corporate carrying on a business which comprises the retail sale of drugs. The status which the Bill seeks to accord is that of an authorized seller of poisons within the meaning of the Ordinance, provided that certain conditions are satisfied.

The Bill also seeks to provide that any such authorized person, as in the case of a body corporate which at present enjoys that status, shall be allowed to use the description Pharmacy or Drug Store in connection with the business, and that the name of the registered pharmacist having control of the business, together with his description as a registered pharmacist, shall in the case of such an authorized seller be also displayed in a conspicuous place on the premises.

The Bill also seeks to provide for the insertion of a new subsection (7) to Section 22 of the Principal Ordinance to enable the business of a person other than a body corporate who is an authorized seller of poisons by virtue of subsection 1 of Section 21 of the Ordinance to be carried on for a limited period by his representatives where such a

person dies or becomes of unsound mind, or is adjudged insolvent or enters into any arrangement with his creditors.

The last provision in the Bill concerns indemnity. It provides that no suit, prosecution or other legal proceedings shall lie against any person who, prior to the commencement of this Ordinance, purported to act as an authorized seller of poisons in contravention of the provisions of the Principal Ordinance. I now move that the Pharmacy and Poisons (Amendment) Bill, 1964, be read a Second time.

Question put, and agreed to.

Bill read a Second time.

Senate in Committee.

Bill considered and approved.

Senate resumed.

Bill reported, read the Third time and passed as printed.

10.10 a.m.

ADJOURNMENT

Resolved, "That this Senate do now adjourn to a date to be fixed." [Senator Hubbard.]

Adjourned accordingly at 10.12 a.m.