

# SECOND LEGISLATIVE COUNCIL

(Constituted under the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956).

*Friday, 28th October, 1960*

*The Council met at 2 p.m.*

## PRESENT :

**Speaker**, His Honour Sir Donald Jackson

**Chief Secretary**, Hon. Major I. O. Smith, O.B.E. (acting)

**Attorney-General**, Hon. A. M. I. Austin, Q.C.

*ex officio*

**Financial Seeretary**, Hon. W. P. D'Andrade.

The Honourable Dr. C. B. Jagan

—Member for Eastern Berbice  
(Minister of Trade and Industry)

B. H. Benn

—Member for Essequibo River  
(Minister of Natural Resources)

Janet Jagan

—Member for Western Essequibo  
(Minister of Labour, Health and  
Housing)

Ram Karran

—Member for Demerara-Essequibo  
(Minister of Communications  
and Works)

B. S. Rai

—Member for Central Demerara  
(Minister of Community Develop-  
ment and Education).

Mr. R. B. Gajraj

—Nominated Member

„ R. C. Tello

—Nominated Member

F. Bowman

—Member for Demerara River

„ L. F. S. Burnham, Q.C.

—Member for Georgetown Central

„ S. Campbell

—Member for North Western District

„ Jai Narine Singh

—Member for Georgetown South

R E. Davis

—Nominated Member

„ H. J. M. Hubbard

—Nominated Member.

Mr. I. Crum Ewing—Clerk of the Legislature

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

## ABSENT

Mr. S. M. Saffee—Member for Western Berbice

Mr. Ajodha Singh—Member for Berbice River

Mr. W. O. R. Kendall—Member for New Amsterdam—on leave

Mr. A. L. Jackson—Member for Georgetown North—on leave

Mr. E. B. Beharry—Member for Eastern Demerara

Mr. A. M. Fredericks—Nominated Member

Mr. A. G. Tasker, O.B.E.—Nominated Member—on leave.

The Clerk read prayers.

**MINUTES**

The Minutes of the meeting of the Council held on Thursday, 27th October, 1960, as printed and circulated, were taken as read and confirmed.

**ANNOUNCEMENT****LEAVE TO MEMBER**

**Mr. Speaker:** I have to announce that the hon. Member for Georgetown North, Mr. Andrew Jackson, is ill, and consequently cannot attend today.

**ORAL ASKING AND ANSWERING OF QUESTION****WATCHMEN'S AD HOC ADVISORY COMMITTEE'S REPORT**

**Mr. Tello:** Mr. Speaker, I beg to ask the hon. Minister of Labour, Health and Housing Question No. 30 standing in my name on the Order Paper. It states: "When will the recommendations contained in the Watchmen's *Ad Hoc* Advisory Committee's Report, which was tabled in the Legislative Council since March, 1959, be implemented?"

**The Minister of Labour, Health and Housing:** The full and immediate implementation of the recommendations of the Watchmen's *Ad Hoc* Advisory Committee presented such practical difficulties that the Government had to re-examine the matter. That re-examination is nearly completed.

**Mr. Tello:** As a Supplementary Question: Would the hon. Minister be in a position to say what time she anticipates it should be ready to implement those recommendations?

**The Minister of Labour, Health and Housing:** On the completion of the re-examination, the matter then goes to the Executive Council, which should be very soon.

**Mr. Tello:** Would the hon. Minister inform this Legislature what she means by "very soon?"

**The Minister of Labour, Health and Housing:** As early as possible.

**ORDER OF THE DAY****PHARMACY AND POISONS (AMENDMENT) BILL**

**Mr. Speaker:** Council will resume consideration of the Motion for the Second Reading of the following Bill:

A Bill intituled "An Ordinance to amend the Pharmacy and Poisons Ordinance, 1956."

**The Minister of Labour, Health and Housing (Mrs. Jagan):** In the examination of the 1956 Pharmacy and Poisons Ordinance, and the practicability of implementing that Ordinance, it came to our notice that in the U.K. the Restrictive Practices Court examined a matter not on all fours with the problem that faces us of the restriction on trade but one that certainly can bear some relation to our position here. The Restrictive Practices Court declared void, the principal restriction under an agreement between members of the Chemists' Federation and the Government. Under this agreement, the sale of drugs and medicines was limited to the members of the Chemists' Federation. The Restrictive Practices Court examined this—and I repeat, it is not a parallel situation, but it gives us much food for thought and does show how closely restrictions should be examined. In their examination of the whole case which, as I said, was declared void, it was their contention that it would not be harmful to the public for the sale of the harmless proprietary medicines to be carried on in shops controlled by the Federation.

I remember reading a very interesting section of the examination during this Court procedure. One of the members asked: "If I go and ask a druggist for, say, a bottle of liver pills, is the chemist or the druggist going to ask me about my complaint?; and if he learns that my complaint was one of the liver, there is obviously one reply he would give me and

that is to see a doctor." Does a druggist, in truth, go into the request of every purchaser who enters his shop? How carefully does he control the sale of proprietary medicines which would, generally, be purchased by name?

In the Bill we have before us, as I mentioned yesterday, our chief task is that of liberalizing the Ordinance and, at the same time, seeing that the public is protected in the purchasing of drugs and proprietary medicines which can be harmful. Great care and attention has been given to this question. Perhaps, Members may think we took too much care and attention because we took so much time. A very long time has been spent in this re-draft of our Ordinance in the change-over from the 1956 Ordinance, which I interpreted as being one largely protecting the pharmacists; and the Bill we have before us today is one which liberalizes that Ordinance and, basically, is out to liberalize the sale of drugs consistent with the convenience and safety of the public.

At no time did we lose sight of the fact that the public must be protected. This Bill cannot be regarded as one which merely provides convenience for the public. That is not the intention of the Bill. It is one which will protect the public and at the same time not create any hardship. There is also no intention in this Bill to take away from the professional group any privileges or rights they enjoy, or in any way reduce their professional status, or in any way to suggest that the profession is not highly regarded in the eyes of the Government or of the public.

In my discussions with one or two pharmacists I have gathered that that is the interpretation, and one or two of them said to me "Would you allow medical quacks and dental quacks to exist?" I said "Of course I would not." They said "If you would not allow

untrained persons to practise as doctors and dentists, how can you allow untrained traders to sell these medicines?" My answer is that there is a vast difference between the sale of drugs that are not advertised—those that are sold by druggists and pharmacists and given to patients by doctors; these require great experience and quite a bit of reading to keep up with the preparation and the sale of poisons, the compounding of drugs and mixtures, and the filling of prescriptions — and the sale of patent and proprietary medicines which are fully labelled, dosages fully indicated, and which are harmless and do not necessarily have to be controlled by a person who has studied in that field.

People are accustomed to buying patent and proprietary medicines by name. My personal view is that a great number of them are worthless and totally harmless. Many of them are mixtures which contain a large percentage of alcohol or water. At a later stage I intend to mention what is Government's intention as far as the importation of a number of these products is concerned. I am quite certain that the pharmacist profession is not harmed by allowing non-pharmacists, untrained persons, to sell these patent and proprietary medicines. It requires no great skill to control the sale of those which are considered harmless and those which contain no poison, or those which contain such an infinitesimal amount of poison that they can do no harm.

I have gone into the question earlier, which is the chief argument, of the amount of harm that can be created when unqualified persons deal with this category of non-poisonous proprietary medicines. The mere fact that the 1956 Ordinance differentiates in geography indicates that that could never have been a serious contention by those who framed the Ordinance, for in areas where a pharmacist practises, no person other than pharmacist can sell these medicines. But in the rural areas where no pharmacist

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operates these medicines can be sold by unqualified traders. So where is this question of protection? Is it then that we are only interested in a section of the population that happens to live near a pharmacist?

We come then to what I mentioned earlier was the basic philosophy of the 1956 Ordinance, and that was to protect the trade of pharmacists. I do not think that a good pharmacist needs to have his trade protected. It is my view that a good pharmacist, if he wants to make good in his business, in his drug store, can never succeed if he does not also have good business sense. The best pharmacist in the world cannot make a living unless he knows how to run his business. Druggists do not and cannot stick just to the sale of drugs, poisons and patent medicines. They are bound to go beyond the sale of those things, and we see in this country drug stores which sell almost every object, except cloth and potatoes. And that is good business sense. I am sure that no pharmacist is going to suffer as a result of the Bill before the Council today.

In dealing with another aspect of the Bill we come to Section 16 of the Principal Ordinance which provides that persons who actually qualify and have become proficient in their profession as chemists and druggists would be removed from the register of chemists and druggists if they had also become qualified in certain other professions. We have considered that provision in the 1956 Ordinance to be unjust. Therefore hon. Members will find in the Bill an adjustment of the situation, so that if a person has a dual profession that person should be allowed to practise one or both, as he may see fit. In other words, if a man has become a chemist and then becomes a doctor there is no reason why he cannot utilize both professional qualifications at the same time.

In the 1956 Ordinance a number of hardships were created in respect of sick-nurses and dispensers. I have had a number of discussions with our sicknurses and dispensers, and in examining their complaints I have been bound to agree that the 1956 Ordinance has not dealt fairly with them. As hon. Members know, under that Ordinance if a pharmacist moves into an area where a sicknurse and dispenser had established himself, the sicknurse and dispenser would within a short time be forced to close down his business. Surely this over-emphasis on the protection of a pharmacist would not be advisable in a community such as ours, where the sicknurse and dispenser has performed and is still performing a most useful function in the community. In this Bill we propose to remove these restrictions and to give the sicknurse and dispenser a fair chance of continuing to serve his community.

Also under the existing legislation the Pharmacy and Poisons Board has the final word as to whether or not a sick-nurse and dispenser should be registered to sell patent and proprietary medicines. This Bill proposes to remove this power of the Board and to vest it in the Governor in Council. However, the views of the Board will be available to the Governor in Council who will be guided by such views.

The Bill also proposes to remove from the Board the power it now has under Section 40 of the Ordinance to initiate any amendments to the Schedules to the Ordinance. I have had, to put it bluntly, sufficient experience of Boards in the three portfolios within my Ministry, to know how they can be stumbling blocks, and how sometimes their views may be channelled too much in one direction. I propose that the Governor in Council, whilst taking account of the Board's view, need not await action by the Board for amendment of the Schedules if the Board does not initiate such changes.

Members will also note that in Clause 11 of the Bill that it is provided that the British Pharmacopoeia or the British Pharmaceutical Codex will be used in the case of drugs manufactured in British Guiana or imported from the United Kingdom. They will be used as the authoritative reference. They will also be used as the authoritative reference for drugs imported from the United States of America and from other countries.

The Pharmacy and Poisons Ordinance, 1956, prohibits the retail sale of drugs by a registered pharmacist or other authorized seller of drugs on any premises where the business is not carried on under the direct supervision of a registered pharmacist. Similar prohibition is also placed on registered sicknurses and dispensers within a three-mile radius of any registered pharmacist.

The sale of drugs listed in the Fourth Schedule is prohibited to an unqualified proprietor within a radius of three miles of the business premises of any registered pharmacist. This Fourth Schedule includes a number of very harmless preparations, the sale of which, in our opinion, need not be restricted.

When we examine the 1956 Ordinance, especially Clause 33, we find great difficulty in interpretation. It is hard to sit back at this stage and blame the previous Legislative Council, or those who drafted the Bill. I have had numerous consultations with my legal advisers and other technical officers regarding the interpretation of Clause 33. In fact it became so difficult to interpret that one can safely anticipate that the application of Clause 33 could lead only to utter confusion. That, too, was one of the reasons why it became absolutely necessary to think in terms of the amendment to the 1956 Ordinance.

In the examination of a number of Sections and Schedules that needed revision, we have finally brought forward amendments to 8 Sections, 4 Schedules,

and inserted 4 new Sections which Members can see before them today. The proposed Fourth Schedule in this Bill has been confined to medicines containing a small amount of poison not considered to be harmful. I believe I mentioned before that by no means do we claim that this Schedule is complete. It is obvious that many additions will have to be made as new preparations are examined and their poison content evaluated.

It is possible that some Members may fear that this Bill has gone too far in liberalizing the previous legislation. In allowing experienced but unqualified proprietors of shops who have been in the business to sell drugs, we are not at the same time allowing drugs to be dispensed or compounded on such premises. I trust Members are aware of that. We are not allowing prescriptions to be received in premises where a registered pharmacist does not attend. Experienced but unqualified proprietors may not use the title of pharmacist, chemist, druggist, etc. In no way will they be able to advertise, or suggest that the owner of the premises is qualified to dispense, sell or compound drugs with poison in them.

While the sum effect of this Bill is to allow the sale, without restriction, of any patent and proprietary medicine that is considered harmless by those of us qualified to know, I would like to remind hon. Members that the matter does not rest there. We are not too happy, as I said a few minutes ago, about some of the food and drugs which enter this country and are sold to the public. For that reason, as you may know, a Committee was set up some time ago to examine the food and drugs situation here and suggest suitable legislation to control food and drugs. I am told that the Committee which, unfortunately, has been sitting for a long time has now reached the stage where it has thoroughly examined legislation in a number of countries; it has gone very carefully into such legislation to see what best suits this country, and shall

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submit very soon a Report which will suggest suitable legislation for this country.

We know, for example, that some countries are dumping goods here. We are getting inferior canned products—maybe products of a lower quality which are labelled for sale abroad, but are not labelled as to the grade when exported. Some countries are sending us a large amount of patent and proprietary medicines that are not allowed to be sold in those countries because the preparations are sheer humbugs. A number of products that I hear advertised on the radio can do no harm, but many of them can do no good. Many of our people, who cannot afford it, are throwing their money into the drain by purchasing these preparations which are sold even by qualified druggists to a gullible public. It is known that thousands of dollars go down the drain in this manner.

I anticipate that a Food and Drugs law, which may supersede this law, will be able to control this undesirable feature and prevent the importation of a number of these products which do not help our people, but merely empty their pockets unnecessarily. I am extremely anxious to hear Members' comments on this matter. I have only one regret, and it is that the Bill did not come before this Council earlier.

We are all aware of the fact that licences were not paid last year because this legislation was in preparation. I can anticipate that Members will be rather critical on this point. My answer to it is: that this Bill was not drawn up in haste, and no one can say that we have not thought very carefully about it. We have certainly given the fullest consideration to the claims of the various groups concerned, and we have not overlooked the petitions, discussions, etc., which have been put forward by the various persons

concerned. I know that the officers in the Law Office and in my Ministry have worked extremely hard to bring forward this Bill that is before us today.

I am sure that the members of our public will be very happy to know that this bit of legislation, which has caused so much unhappiness and dissatisfaction from one end of the country to the other, will now be remedied. I feel certain that hon. Members will support this legislation, and will see to it that never again shall we bring legislation before this Council which is not sufficiently comprehensive to take into account all sections of the community concerned. I, therefore, take pleasure in moving the Second Reading of this Bill.

**Mr. Ram Karan:** I beg to second the Motion.

**Mr. Burnham:** Mr. Speaker, I must concede that the Bill which is before us today, to amend the Pharmacy and Poisons Ordinance, No. 36 of 1956, has been carefully prepared. It must be conceded that its provisions aim at comprehensive amendments. But may I say, at the outset, that the explanations given by the Minister, though in many instances plausible, are hardly convincing. Hearing the Minister toiling through her brief, I was quite convinced that this is hardly the type of legislation that a layman can put over or that a Council like this should pass without careful consideration.

It has been alleged, on behalf of the Bill, that it is intended, by these amendments, to meet the greater convenience of the public, and then later we are told it is not entirely or at all a question of convenience. But may I deal with the question of convenience? There is no doubt that it would be more convenient to the public if such members of the public as wanted to buy patent and proprietary medicines were able to get them very easily. But it does not seem to me when one is dealing with medicines; when one

is dealing with compounds which contain poisons, that convenience should play such an important part or be such an important consideration. It is most convenient to the would-be suicide to have Lysol or some dangerous poison easily available. So it does not appear to me that in considering a matter like this that considerations of convenience, as put forward by the speakers, are more important than the safety of the public.

Before I proceed further, let me, also concede that in certain remote areas it may be necessary to relax certain restrictions which would work undue hardship in such areas, but that, of course, is no reason for relaxing such restrictions in those parts of the country where there are registered and competent pharmacists. It is all right to talk about liberalizing. These chameleon terms like liberalizing, democratizing, emancipating and all that, can be most attractive but can work havoc when they are merely used to defend the otherwise indefensible.

We have heard the Minister say, for instance, that there are some proprietary medicines which are a humbug—granted. For what reasons are they a humbug? She says because they can do no good and in some cases it can be stated they can do no harm. Is she sure that all those proprietary medicines which are contained in the Schedule and which every Tom, Dick or Harry who has a shop, as I understand it, will be able to sell, do not contain poisons? As I understand it—and I do not set up myself as an expert; I am prepared to take advice from those who are experts in the field—in the United Kingdom, there is no question of whether a compound or a medicine contains a great deal of poison or a small amount of poison. There is no distinction between a compound which contains a well-known and dangerous poison and a compound which does not contain such a well-known and so dangerous a poison. As I understand it, a poison is a poison and, as I further understand it, what may not be a fatal dose in

one case may well be a fatal dose in another case; and furthermore, if people willy-nilly were allowed to purchase medicines containing small doses, from time to time the accumulative effect may be dangerous.

I am also going to admit that there are many registered and trained pharmacists who do not exercise the supervision which it was hoped they would exercise under the terms of the Pharmacy and Poisons Ordinance of 1956. But that is no reason for putting forward what I contend is a fallacious argument, that since pharmacists under the 1956 Ordinance do not exercise that control which they ought to exercise, there is no harm done if the right to sell these medicines and drugs was to be given to unqualified persons. The fact that there has been a dereliction of duty on the part of certain members of the profession cannot be used as a test for throwing open the right to sell these things by all and sundry.

I am not prepared to put up a plea for monopoly; but it does not appear to me that the objections raised to this Amendment by the trained pharmacists in British Guiana are based upon the desire to have and maintain a monopoly. It may be true that some individuals look upon it from that point of view, but I would not believe—I refuse to believe—that the body of pharmacists is really seeking to perpetuate a monopoly. For that reason, the reference to the case which was heard by the Restrictive Practices Court, is not applicable—which the Minister had, at one stage, to admit. In that case, it was a restriction whereby the sale was restricted to a particular group. In this case, as I understand, the grouse of the pharmacists who are opposing this Amendment is that after they have taken the trouble to qualify in a technical field—in a technical profession—an attempt is being made to offer the same facilities, of selling certain medicines, to persons who are not qualified and to the detriment or possible detriment of the public.

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If I can be convinced, number one — and I am not saying that I am beyond conviction — that there is not likely to be any detriment to the public at all; and that, number two, this would not be an encouragement for persons to enjoy the facilities of pharmacists without qualifying as such, I would be in full agreement with the purposes of this Bill and with the Amendment.

For instance, during the course of her remarks on the Bill, the hon. Minister said this: That it must not be imagined that there is any intention on the part of the Government, by this legislation, to permit the sale of any but harmless patents and medicines." "Harmless" — that is a matter of opinion. It has not been said "patents and medicines not containing poisons". "Patents and medicines that are harmless in the opinion," she continued to say, "of those who know." Well, first of all, I would like to know who are those persons who know? Can one individual or two individuals have their opinion accepted in preference to the opinion of a larger body? I have seen in Court, the Government Analyst coming forward with a great deal of self-confidence and stating categorically that the particular exhibit which was sent to him for examination contained "XYZ", and under cross-examination the Government Analyst suddenly losing his self-confidence — and that is putting it mildly and out of consideration for the profession.

I have seen, on other occasions, that Government Analyst in a violent dispute with an equally well-trained individual. Therefore, who are these people on whose opinion Government is prepared to rely? If it is the Analyst, I do not think, in such an important matter, that that would be enough. I see a member of the Analyst Department or Government Pharmacist advising the Minister, but let me observe that at the same time as Government is proposing, by this legislation, to allow the

sale by unqualified persons of certain drugs and medicines, it is taking away certain powers from the Board — a Board which consists of professional men.

Why, for instance, in the universities is there an Examination Board instead of just one man to decide whether or not a student has passed? When Government is at the same time taking away certain powers I am becoming worried. If Government wants to release certain proprietary medicines which it says are absolutely harmless, it should be left to the recommendation of a Board of qualified persons to decide whether or not particular patent and proprietary medicines are in fact harmless.

May I say at this stage a word about the remarks of the Minister on these statutory Boards, and also a word on her proposal to take away from the Board the power to initiate changes. Firstly, it is not sense for a Minister to come here and castigate a Board within his or her Ministry. Clearly one does not expect a Board to consist of a number of automatons. If the particular Minister or the Government feels that a particular Board is not necessary, it could have that Board abolished by law. Do not come here and complain about the opposition you find from Boards.

The members of Boards are individuals, and it may be well for the Minister to tell the public that the particular Board, the Central Housing and Planning Authority, is a Board chosen largely by herself with her party members. It is true that there has been a defector from the Majority Party who still continues to be on the Board, in the person of the hon. Member for Demerara River (Mr. Bowman). That is true. Your humble servant is one of the few persons on the Board not a creature of the Minister, but by virtue of being appointed by the Georgetown Town Council. So that it is unfortunate that the particular Minister should have that re-

reference at all. Of course, on the particular instance which she mentioned I am not prepared to dilate, because she and the Board knew that I took no part in the decision because I was always interested in the matter in my professional capacity. I understand that the Minister was nearly called as a witness. In fact I think I saw my solicitor sign a subpoena for her. For once the Minister and I were on the same side. I think she should congratulate herself as she is doing now.

The point is this: that the Minister must not expect a Board to rubber stamp his or her point of view. You have a Board of professional men; why do you expect them to rubber stamp your views? If you are not satisfied you can abolish the Board or make it an advisory Board. Of course the Minister would like to force her opinions down the throats of the members of the Board, and by certain packing of the Tender Board she could have her way. I suppose that is her right as a Minister, but she certainly should not use the forum of the Legislative Council to castigate these Boards. She has the power to change the Boards, but the only point about it is that when she puts in some people others may defect, and then some of her cronies do not agree with her. Of course they are quickly removed and replaced by other members.

It seems to me unfair to criticize the Board in this case because it did agree with the Minister's point of view. In this matter I have a perfectly open mind. The Minister, or her adviser, may well be right, but one thing we have to be sure of is, first of all, has there really been this public demand for this drastic change in the Ordinance? The second thing we have to make sure about is whether or not it is in the interest of the public, even if there has been a public demand. The third thing — and it is not unim-

portant — is whether or not there has been made an unjustified inroad on the rights and privileges of a group.

It is all right to say that if a pharmacist suffers he is not a good businessman, but that suggests that a pharmacist is primarily a businessman, whereas, as I understand it, he is primarily a professional man and a technician, and if as a result of his qualification he is able to judge of the efficacy of a particular medicine, or he is able to judge the contents of a particular medicine it is to his advantage. While others were selling salt fish and potatoes he was studying. Of course there is nothing wrong about selling salt fish and potatoes. As a matter of fact unless we had sellers of salt fish and potatoes many of us would not be able to get our meals, but the fact that we appreciate the service which the sellers of salt fish or potatoes render the community does not make us move swiftly over to say that the seller of salt fish or potatoes is entitled to sell patent medicines.

What encouragement will there be in the circumstances if an ordinary salesman could sell any of these things which a pharmacist should sell? I agree that they cannot dispense, but if you give all these rights to the ordinary salesman and tell the pharmacist that if as a result of this amendment his business flops, it means that he is not a good businessman, therefore he should concentrate on becoming a good businessman, where is the encouragement to people to qualify as pharmacists? Why does Government spend so much money on training people and in holding examinations for pharmacists?

There is no political issue involved in this Bill. At least that is the way I see it. I do not know what other people think, and in the circumstances I would commend a more careful study of the matter. We have been assured by the hon. Minister that she and her advisers

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have studied it carefully, and we have also been assured that the Law Officers have been working overtime on it. Congratulations to them. The more they work overtime the later their drafts come out. We have been assured that the Minister discussed the Bill with trained persons, and that she received a memorandum from the Board which we know represented the majority opinion, but that it was the minority opinion which she has chosen to accept. It is within her right to accept the minority opinion because it is not always that the majority is right, and in any case the final responsibility devolves upon the Minister. If there is any criticism we are not going to criticize the Government Pharmacist or the Analyst; we are going to criticize the Minister of the Government.

But since this is a Bill in which there is no major political issue involved, as I see it, are we sure that the Minister has had the advantage of hearing all the relevant points of view, and of being able to assess the merit of every point of view? Are we sure that this Council, to which the Minister is commanding this Bill, should merely take the *ipse dixit* of the Minister that she is satisfied that this is the correct course? She may well be right, but I think in circumstances where the rest of the Council has not had an opportunity to consider the points of view and the arguments, an opportunity should be given to the Council to hear those views, and when it is remembered that a Select Committee of this Council can hear the views of persons from outside, it does appear to me that the Minister would be well advised to let the Council have the advantage of hearing the views which she has heard expressed, so that the Council may come to her conclusion or may come to a different conclusion.

As I understand it, legislation of this sort in the United Kingdom is normally

sent to a Select Committee, which is as it should be, because a number of laymen here, some lawyers, some farmers, some businessmen, some commercial agents do not and cannot understand fully the implications of this Bill in spite of the lucidity of the Minister's remarks on the Second Reading. And even those who have by careful study tried to master the intricacies of Ordinance No. 36 of 1956 and the proposed Amendment as embodied in Bill No. 16 of 1960, would still like an opportunity, before making up their minds finally, to hear what is the expert opinion on it, and be able to weigh the *pros* and *cons* more carefully than can be done in this Council at the moment. We have had the Minister's point of view, but there is not in this Council someone who can speak authoritatively for those who are opposing the Amendment. May I, before I complete my remarks, say this: I have been critical of some of the remarks, statements and propositions of the Minister, which does not mean, so far as I am concerned, that I am opposed to the Amendment *in toto*.

As at present advised there are several parts that I am opposed to, but it may well be that my advice, as based at the moment, is not sufficiently profound. That is why I say, and people like me say, give the Members of this Council an opportunity to be fully advised by both sides.

We can hear the Government Pharmacist and the Government Analyst; we can hear the Association, Board or what have you, the Chairman or the President who, I understand, is not without his loyalties politically and otherwise, but let us hear all of them. Let us hear Mr. Rayman, President of the Pharmacist's Society; let us hear Mr. Eyre, Government Pharmacist; and Mr. Ho-Yen, Government Analyst; let us hear people like the Director of Medical Services, so that we can come to our own conclusion and not be forced to accept the con-

clusion of the Minister which may have merit. But we cannot be persuaded by this merit, unless we have at our disposal the same materials on which she came to her conclusion.

**Mrs. Jagan (replying):** I note that only one Member has spoken on this Bill, so I can presume that only one Member seems to have strong objections to it. I know that the hon. Member could not have spoken without having interjected his usual personal remarks, and he had to make a rather indecent remark about my crawling through my brief. If the hon. Member wants to look through my brief he is entitled to do so, but —

**Mr. Burnham.** The hon. Minister must understand that going through a brief does not necessarily mean that someone has prepared it for you.

**Mrs. Jagan:** I am aware of that possibility, but from our frequent sallies across the Table I know the hon. Member well enough to understand what he means. We know that the hon. Member was well briefed himself. Perhaps he may have had, like me, the advice of Government Officers. I am certain about that, and we know that he has had much advice on the matter. That is his privilege. He spoke about the fact that I mentioned the convenience of the public while speaking on this Bill.

I went out of my way never to speak only of the convenience of the public, because it has never been the intention of this Bill to do that; it has always been coupled with the safety of the public, and I have never made the error of mentioning one without the other. The two things are intertwined and cannot be separated. This Government wants to protect the public and at the same time not cause any inconvenience to the public.

It is true that this Bill will permit the sale of harmless, patent and proprietary medicine. Harmless can also include preparations which contain an infinitesimal portion of poison. Examine this Schedule and you will see things like "Vicks Wild Cherry Cough Drops". Can anyone of us take enough Vicks Wild Cherry Cough Drops to kill himself or herself? With regard to Ferrol Compound I, personally, would never take it, but I doubt whether anyone would suffer ill effects from drinking it.

Officers trained in the field of pharmacy, chemistry and so on have examined these products I have referred to — persons with no motive, with no business to do; persons who are neutral in their outlook and can give an unbiased opinion in the matter. That is what we want. I, certainly, would be the last person to allow any preparation to be placed on this Schedule which could be harmful. It is all well and good to say that these products should be solely under the control of the pharmacist in order to protect persons from committing suicide by taking an overdose of certain medicines. That is a laudable excuse, but for practical purposes it cannot prevent certain things from taking place as I have already mentioned.

Despite the fact that pharmacists endeavour to control dangerous drugs, certain things still take place as a result of carelessness on the part of some people who purchase drugs. A woman may go to a registered pharmacist and purchase a pint of lysol for the purpose of keeping her latrine, kitchen, etc., clean. It is her control over the bottle of lysol that counts. Most persons keep disinfectant in their homes, but it can be used for committing suicide.

I may mention that if one considers the preparations which, under this existing Bill, only a pharmacist can handle, one can still see great danger. A woman may ask a registered pharmacist to make

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up a prescription for her and take the medicine home. If someone at her home wishes to commit suicide, he or she can take an overdose of the medicine. On the other hand, there are several things one can do in order to commit suicide. One can use broken glass and so on.

The hon. Member spoke about the accumulative effect of these drugs. These drugs have been chosen because there can be no accumulative effect which will harm people. If any error has been made in this matter, his advisers have a perfect right to put their opposition through the correct channel and no one will ignore their proposals. We do not want on this list any preparation which can be harmful.

"Has the Minister had the opportunity of hearing all points of view and of assessing all the aspects of this Bill?" asked the hon. Member. Yes, I have. My Ministry, my advisers and myself have gone through this Bill backward and forward. As my Permanent Secretary has said "we have sweated it out". We have not ignored any point of view; we have not run into this legislation hastily, and it has been well thought out. For a long time we did our best to avoid having to make the radical Amendments we now have before us. We have tried to make the changes as easy as possible for all concerned and this is the result.

I have already mentioned that the co-operation which we had hoped to find was not there. It is true, and I believe the hon. Member for Georgetown Central is aware, that we are going through a transitional period as far as ministerial offices are concerned. The Law Officers, as you know, are examining the suitability of boards and other statutory committees within the ministerial system. A number of them, I believe, will have to go and some will merely be advisory. It is no use a Government having something

like the Central Housing and Planning Authority working at cross purposes with it. We say that we want more industries, and a Statutory Board say they will not allow the industry to be set up at a certain place. What is the sense of a Central Government talking about industries when a Board set up as a Statutory Authority can say no? Government cannot work properly like that; we cannot have development and progress under such conditions.

The hon. Member has asked, as he asks so often in this Council, that we either postpone consideration of this Bill, or send it to a Select Committee. I say no. This Bill was published on the 16th July. Every Member of this Council, who was interested in the matter, had ample time to consult the people concerned and obtain their points of view. It is no use appointing a Select Committee at this stage to spend a few months on this Bill. I am sure that Members had a long time to examine the Bill, and to carry out any research or investigations they found necessary.

When certain Members observe that their cronies are not sitting in their seats and are gallivanting somewhere leaving the voting strength low, they want a postponement. I do not know whether a Party of two or three members can have Whips. I beg to move that the Bill be read a Second time.

Question put, and agreed to.

Bill read a Second time.

#### COUNCIL IN COMMITTEE

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

Clause 1 was passed as printed.

Clause 2—*Amendment of Section 2 of the Principal Ordinance.*

**Mr. Burnham:** I beg to move that Council report progress and ask for leave to sit again. The purpose for my asking now is to allow a Motion, which I shall move, for the appointment of a Select Committee to consider this Bill. The reason for it is not to allow Members on this side of the Table or on any side an opportunity of studying it. It is to allow Members an opportunity of hearing the points of view of interested persons. It is not a question of voting. This has no political import for me. I just want to be sure that this Council will have an opportunity, through a Select Committee, of hearing the *pros* and *cons*. This is the type of Bill which, in the United Kingdom, would never be carried through a Committee of the whole House, but would be referred to a Select Committee. My Motion is that we report progress and ask for leave to sit again; and I gave the purpose of that Motion which is to allow an opportunity for a Select Committee to come before the Council.

**The Chairman:** Can you move a Motion now?

**Mr. Burnham:** I can give notice of a Motion for the appointment of a Select Committee to consider this Bill.

**The Chairman:** Have you looked at Standing Order No. 50?

**Mr. Burnham:** The person in charge of the Bill can move that it be committed—Standing Order No. 50(1); so what I am doing is moving that we report progress and ask for leave to sit again, and then the Motion of which I am giving notice to the Clerk will come up at the time when the notice has expired.

**The Chairman:** I shall have to put the Question. The Question is: That this Committee shall report progress. As many as are of that opinion please say "Aye"; as many as of the contrary opin-

ion please say "No". The "Noes" have it. The Motion is lost.

Clauses 2 to 16 were passed as printed.

**Mrs. Jagan:** I beg to move that Council do now resume.

Question put, and agreed to.  
Council resumed.

**Mrs. Jagan:** I beg to report that the Pharmacy and Poisons (Amendment) Bill, 1960, was considered in Committee and passed without amendment, and I move that the Bill be now read the Third time.

Question put, and agreed to.

Bill read the Third time and passed.

#### **LOCAL AUTHORITIES (CONSTITUTION, PROCEDURE, AND FINANCIAL PROVISIONS) BILL**

**The Minister of Community Development and Education (Mr. Rai):** I beg to move the Second Reading of the Bill intituled

"An Ordinance to provide for the constitution, election procedure and financial provisions of Local Authorities and for purposes connected therewith."

During 1955 Dr. A. H. Marshall visited British Guiana to enquire and report on all aspects of local government in both rural and urban areas of the colony, and to make such recommendations for reform as may be practicable and desirable.

In 1957 Local Government Commissioners appointed to work out the implications of the Marshall proposals submitted their report to Government, and in the next year, 1958, my predecessor in office laid before this Council Sessional Paper No. 5/58 embodying Government's proposals on Dr. Marshall's Report and the recommendations of these Local Government Commissioners.

[MR. RAI]

The Bill before the House today has been drafted in pursuance of the decisions contained in the White Paper, and together with complementary enactments will constitute an entirely new code of local government law for the country, replacing in course of time existing local government legislation.

I do not propose to deal in any detail with the provisions of the Bill, but will just give a general outline of the main provisions on the several parts.

Part 1 of the Bill provides for the establishment of two types of local authorities, namely, boroughs and districts, and for the constitutions of these local authorities, their administration, the procedure for the election of councillors on the basis of adult suffrage, and for their financial affairs.

Part II of the Bill provides for the constitutions of the local authorities—it contains provisions relating to the mayor and deputy mayor of a borough, the chairman and vice chairman of a district.

Part III is concerned with the qualifications and disqualification of persons for the office of councillor, the election of councillors, the situations in which a person ceases to be a councillor, and the filling of vacancies in that office.

Part IV allows for the payment of financial loss, subsistence and travelling allowances incurred by all elected members of local authorities.

Part V, read in conjunction with the Third Schedule of the Bill, governs the holding of council meetings and committee meetings of local authorities, and the conduct of those meetings. By virtue of Clause 68 a councillor who has any pecuniary interest, direct or indirect, in any contract or any matter before a meeting of his local authority, is no longer

disqualified from continuing as a councillor but cannot take any part in the consideration given to that contract or other matters in which he is interested, and a substantial penalty is provided for any councillor who, having an interest in such a matter, failed to disclose his interest and took part in the consideration of that matter. The new councils will consist of fully elected members and there will be no nominated members, but under the provisions of Clause 71 a council itself has power to co-opt to committees persons who, because of their special skill or knowledge, can give valuable assistance to a committee.

Part VI provides for the registration of electors for local government elections—the franchise will no longer be based on a property qualification, but the same franchise which applies in elections of members of the Government. The remainder of Part VI, taken together with the Fourth and Fifth Schedules, provides all the detailed structure for the holding of elections, including sections dealing with election expenses, election offences and election petitions.

Part VII is concerned with the financial matters of local authority administration and deals with the preparation, submission and approval of estimates. There are powers for investment, powers to effect comprehensive insurance, and provisions for the setting up of funds for the replacement of vehicles, equipment and machinery. This part also contains all the rating provisions which, generally speaking, are in line with the present provisions. There is a new provision which requires that all accounts of every local authority constituted under this Bill shall be subject to full audit to be carried out by the Director of Audit in each year, in addition to a system of internal audit which will be carried out all the time. The Auditor's powers are not merely to report on anything he finds wrong, but he has power to disallow items of expenditure incurred without proper authority.

and to surcharge those sums on the persons responsible. Provisions in this part also govern long-term and temporary borrowing of local authorities, and for Government grants to local authorities.

**Part VIII**—Among the general provisions there is a Clause which enables the Governor in Council in certain cases, where a local authority having exceeded or abused their powers or defaulted in some way or another, to take the necessary steps to rectify the position.

I can conceive of no objection in principle on the part of hon. Members of Council to the Second Reading of this Bill. There may, however, be differences of opinion on the several Clauses of the Bill, and I would be prepared to examine these during the Committee stage of the Bill.

**Mr. Burnham:** This Bill has been long in coming. As I understand its background, with certain changes it is based on Dr. Marshall's Report on Local Government which was published in 1955. There are certain aspects of the Bill, certain points about the philosophy behind the Bill, which find my ready and unequivocal support—the fact, for instance, that the franchise should be universal adult suffrage. Unfortunately, there are still some in our community who feel that the right to vote should be the preserve of those who own property, or who are in receipt of emoluments over a certain figure. That point of view, to my mind, is entirely untenable in the second half of the 20th century, and in fact in the context of British Guiana at the moment. For if we have adult suffrage for elections to the central Legislature it must call for a great deal of intellectual acrobatics to justify property or salary qualification for other elections. At present it is not even salary but entirely property qualification. In fact, no matter how much salary a person earns he cannot vote in local government elections save and except in Georgetown

and New Amsterdam where he can have a tenancy qualification. With that aspect of the Bill which seeks to correct that anomaly I am in entire agreement. In fact there is support from Dr. Marshall in his Report, for in the days of the Interim Government he very cautiously said that if adult suffrage is retained at the centre it should also be introduced at the local government level.

I also support the intention of this Bill to introduce a system of local government throughout British Guiana encompassing every square inch of British Guiana. It is not right, it is not sensible, and it is not equitable that large areas in British Guiana should not come under the Local Government Administration. I know that there is a great deal of uneasiness felt in certain parts of the rural areas where persons in the past have not been obliged to pay any rates or taxes, because the parts of the country in which they lived were not parts of any local government area. But in this time and age we have to face the fact that if we are to get certain services we must pay for them, and I want to remark that the hon. Minister has shown a great deal of courage as a politician, so shortly before the general elections, to introduce a Bill as the result of which many people will be liable for rates and taxes who were not liable before.

But I want to ask, why has this Bill taken such a long time? I ask that question and I hope the hon. Minister will give us a reasonable answer. Dr. Marshall's Report was published in 1955. The Minister's predecessor in office issued a White Paper in 1958, and this is 1960. The mills of the gods obviously have nothing over this Government so far as this Bill is concerned, and it cannot be that the staff and the personnel were not there. We have had advisers; I see two of them here present to support their Minister. What have they been doing—holidaying, idling, twiddling their thumbs,

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wasting the taxpayers' money? It is not for them to answer; it is for their chivalrous Minister to reply. I understand that both of them are solicitors; both of them have claimed some experience in draftsmanship. Why, therefore, three years? When we come to examine this Bill more carefully we shall see that there is a lot wanting. In point of fact at some points I shall be inclined to observe that the mountain, having travailed has brought forth a tiny mouse!

What is the other excuse? The Law Officers' Department, it has been alleged, is overworked. That is no proper excuse; it was within the competence of the Government to provide sufficient staff for the preparation of this Bill. This Bill carries signs of hasty preparation at the last moment. It was proposed by Dr. Marshall and agreed to by the Government that the Municipalities were to be the subject matter of separate legislation and Ordinances, but they have now put everything together in a hotch-potch Bill and have done certain things which are most undesirable.

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I must concede that all the blame should not be laid at the feet of the present Minister, but he must remember that his is not a personal responsibility but a joint one, and my references to the Minister's lethargy are not applicable to him as an individual. He must understand that and share the criticism of his colleague, now Minister of Natural Resources.

One of the weaknesses of this Bill is its attempt to deal with Municipalities in the same breath and in the same bit of legislation as that for villages, country districts or local authorities. It has lumped Georgetown with these local authorities outside of Georgetown in spite of the fact that the purpose of this Bill is to give greater responsibility—

give responsibility where none existed before, and greater responsibility where some existed before. What this Bill now intends to do is to tie these Municipalities together and make them pawns in the not always generous hands of the Minister.

For instance, the Georgetown Town Council at the moment is completely autonomous so far as financial matters are concerned. It passes its own budgets; it levies its own rates and taxes. It is true that the budget has to be sent to the Governor in Council, but it is not sent to the Governor in Council for approval but for information. You will find all of that in Chapter 152. So far as the raising of loans is concerned, it makes its own decision but it has to get formal approval. That is one limitation of the competence or autonomy of the Georgetown Town Council in financial matters.

Dr. Marshall in his Report recommended not only that there should be a special Ordinance for Georgetown — in this case it would be the Greater Georgetown—but he also recommended continued and increased financial autonomy. This Bill states that even Supplementary Estimates have to be passed by May, and they cannot be passed without the approval of the Minister.

Under this Bill it is left to the omnipotent Minister from time to time to decide what wards and boroughs there should be. His predecessors in the early part of the 20th Century were able to draw wards, but the Minister today cannot draw wards—it is going to be in the discretion of the Minister. He cannot bring before the Council a description of the wards, but he will from time to time decide what wards and constituencies there should be. My present remarks are applicable specifically to Georgetown. Whatever may be argued so far as divisions are concerned with re-

spect to the new area and districts that are created under this new Ordinance will not be applicable to Georgetown.

Georgetown was to be extended to Greater Georgetown years ago. Georgetown, as it stands at the moment, already has an administration and so on. The areas which are to be incorporated into Georgetown to make it Greater Georgetown are already areas under Local Government administration. Where is the difficulty? Why does the Minister want to arrogate to himself the right to tell us what are the wards, what should be the wards and how many wards there should be?

We find, as I said before, there is a limitation on the financial autonomy of the Georgetown Town Council. We find that the Minister is going to be able to dither too much in the borough. What is this new democracy? We agree that we shall have adult suffrage, but at the same time as you are having adult suffrage you are imposing democratic centralism. This is the destruction of the democratic idea. The country itself is moving away from the paternalistic and dictatorial control by the United Kingdom Government. But the Municipalities are losing their autonomy to a Central Government which has prided itself in wanting to remove the country from the domination of the United Kingdom Government.

The new District Councils that are set up in places under the domination of the Local Government Board will now be dominated by the Minister. In other words, six of one and half-dozen of the other. I concede that a certain amount of co-operation is necessary, a certain amount of correlation is necessary, a certain amount of collation is necessary, but it is not necessary to have the Minister replacing the Local Government Board so far as the rural areas are concerned.

I cannot understand — I do not understand how these two officers who are from the United Kingdom could have advised this, because in the United Kingdom a borough is not subject to the Minister in the same way as the borough here in this Bill is subject to the Minister. But I shall give them their due and assume that their advice on this subject was not accepted, until I hear to the contrary from their Ministers.

This is a revolutionary bit of legislation. We are taking a new step forward. Are we going to start off by treating these District Councils and administrative entities in the same way as the Village Councils were treated under the Local Government Ordinance, Chapter 150? Even if we recognize the necessity for some tutelage so far as the new District Councils are concerned, are we going to apply the same measures and yardsticks to Municipalities which have been in existence for years?

The Georgetown Municipality has been in existence for a century and it has a charter. It has earned a reputation which is Commonwealth-wide, but this Government thinks that it must control the Georgetown Town Council. Perhaps what you cannot control by votes by the winning of seats, you will attempt to control by ministerial and administrative actions! But fortunately for us this Bill has been so long in coming to this Council that its provisions are not likely to be implemented until after August next year, so these undemocratic parts which have found their way into this Bill, I can assure you, will be removed.

There are certain comments I would like to make about the structure of some of these Sections and Parts. These things sprung from what must have been an oversight on the part of those who drafted the Bill. For instance, look at the provision with respect to the vacancy in the office of the Mayor

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Clause 12 states that the mayor is to be removed from office if he is continuously absent except in the performance of any duty on behalf of the Council for a period exceeding two months. That does not, to my mind, make sense, and imposes a greater limitation than existed before. The Mayor may be away for two months, not on the duties of the Council, but he may be away on important duties.

With the old Ordinance, Chapter 152, the only thing that was necessary was to get leave; and it would appear that what would have been better here, rather than dismissing the Mayor because he is absent for two months, is to allow him the right to get two months at a time and let him re-apply. Why and how this came into the Ordinance, I do not see and do not understand. And then, typical of the control that they want to exercise, they fixed the honorarium of the Mayor at a sum equal to one-tenth of one per cent. of the gross revenue of the Council for the preceding financial year—Clause 11. What is the purpose of that? Can this Legislature decide what shall be the honorarium for the Mayor? Is it not for the Council concerned to decide what should be the honorarium? Is it to be assumed that because one City is larger than another that the Mayor is entitled to a greater honorarium?

Is it accepted that the duties and expenses of one Mayor are automatically greater than the expenses and duties of another Mayor? I know this particular idea is that of one of the advisers — and I see him now advising his Minister — but wherever he got this idea from — to give the Mayor one-tenth of one per cent. of the gross revenue — he had better get rid of it. In Georgetown it is all right because it budgets for a revenue of over \$2 million and to give the Mayor one-tenth of one per cent. of that is not, in any way, something to frown upon.

But what about little New Amsterdam which has not got a budget of \$1 million? It is the same sort of thing that got into the Minister's mind when the Mayor asked that the honorarium be raised to \$1,000, and he said "why?" It is the sort of thing that the Government wants to control by administrative action what one cannot control by votes. I cannot understand, either, why the responsibilities and duties of a particular Mayor are going to be much greater than they had been in the past when there is going to be provision made for the Mayor to be elected for only two years, at the most.

First of all, in dealing with the question of the election of the Mayor, I would have expected this particular Government to be consistent with its statements. They used to say that the Mayor should be elected by the people; now they have changed their minds and say that the Mayor is to be elected by the Council. Perhaps, their advisers have advised them on that. But I still adhere to the view that the Mayor should be elected by the electors of the City, and I am surprised at this Government that it has suddenly swung without explaining the reason for its swing. Is it that they have been influenced by these two advisers into changing their former democratic stand that the premier officers or personages of the City should be directly responsible to the electorate? That is the essence of democracy; and it is no use telling me that in the United Kingdom this is not done. I am not prepared to be bound by the traditions of, and what happens in, the United Kingdom.

We will pass over the fact that the Government has switched from its former democratic stand of having the Mayor elected by the people. When the members of the Government were agitators, they thought differently from when they are in office. You have, there, first of all, one year at a time. Suppose you pass that; then you say: no more

than two years. This is just a slavish copy of the U.K. law. Under the present system where the Mayor is elected for a two-year term of office, the Mayor cannot serve more than two years in succession. Under this system where you are going to have a one-year term of office they are still adhering to the two-year period.

It seems to me that any person who is elected Mayor should be given the opportunity to see his or her policy through, which you can hardly do in a large place like the Greater Georgetown in a period of two years — and remember that the Greater Georgetown is not going to be a little house-keeping estate where you just check files and argue about small points. There are lots of things to be done. There are lots of reforms to be carried out. For instance, there will have to be the introduction of a proper system of drainage and irrigation. A lot of engineering work will have to be carried out; and other things like training schemes. Is it fair that the Chief Executive should be limited to having just a two-year term?

I know that the original provision, that the Mayor should not be competent to serve more than two years, came up after there were certain marathon mayoralties, one for eight years one for seven years and, I think, one was approaching nine years; but one must not move from that and make the period too short. It seems to me that the term of office of the Mayor should be co-terminous with the Council's life.

As we are dwelling on the section or part of the Ordinance which deals with the Mayor, I just would like to direct the hon. Minister's attention to this fact: that provision is made for the election of the Mayor, but no provision is made for the person to preside. That is true. The adviser shakes his head. He says it is true. I do not know what sort of Bill these people are bringing here. How are you going to do it? Is it

going to be in the manner of the ancient Greek states, of shouting: "We want "X" and we want "Y"?" We want a little more formalism. All they say is this: "Where the person presiding at the meeting is nominated as a candidate for election as mayor, he shall vacate the chair . . ." Now the Mayor of the previous year cannot preside at the meeting for the election of the Mayor for the ensuing year; therefore, who is to preside if the person is nominated for the election as Mayor? He cannot preside. More careful thought was necessary.

I see the hon. Minister thumbing through his Chef d'oeuvre. [Interruption]. I understand it is there. If it is there I am prepared to retract my observation. Clause 10 states:

"After making and delivering a declaration of acceptance of office as provided for in section 17, the mayor shall assume office and unless he dies or resigns or ceases to be qualified to be or becomes disqualified for being a councillor, shall continue in office until his successor assumes office".

In the first place, his successor has to assume office at the first meeting of the next year; secondly, who is to preside when the first Mayor is to be elected? You can ask your advisers to advise you. The observation with respect to the Mayor, so far as leave, etc., are concerned, would also apply so far as the Deputy Mayor is concerned; and the difficulties which seem to arise so far as the election of the Mayor is concerned also apply to the Chairman and Vice Chairman of the rural or country district councils.

As one goes through the Bill one finds questions arising like the acceptance of office and the validity of acts. I do not want to make any particular comments on those except, in Committee, to offer certain amendments.

What I want to observe, finally, is this: the Minister is given a great deal of power, and then as one goes towards

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the end of the Ordinance one finds the Governor in Council. There certainly seems to have been a confusion. I see you are going to have the Minister as the person responsible and you are going to have the Governor in Council as the final arbiter or authority. You have a mixture. You have a hybrid or what I may call, a drafting bastard.

Clause 227 gives power to the Governor in Council to remove difficulties. I would suggest that Government should reconsider the matter and decide once and for all whether it is going to be the Minister or the Governor in Council. The term "Governor in Council" will certainly be out of tune and out of step as from August next year, because from then there are going to be no Governor in Council and, we hope, no mis-advisers. What were these people thinking of? In 1960, a few months before elections after which there is going to be no Governor in Council, the whole Bill is littered with the term. What was the Minister thinking of? He has appended his signature to the Bill, so that his is the final responsibility. Is he going to put us to the trouble to amend Ordinances like this after August, 1961, and provide that wherever "Governor in Council" is mentioned in our Statute the word "Minister" is to be substituted?

That is the final point I want to make about the Bill—that this Government, the elected Members of whom are never tired of talking about constitutional advance and independence, is still dwelling in the intellectual and emotional environment of a colony, and that in the passing of legislation like this the Members of the Government are so taken up with the Governor in Council that they cannot emancipate themselves. It shows that they are nothing but a band of intellectual colonials. By the time this Bill passes through the

Committee stage I hope we shall think of removing such terms as "Governor in Council", and that we should have a Minister solely responsible for the dealings with the various local authorities. I hope finally that this tight control as envisaged in the draft Bill will be relaxed and removed.

**Mr. Gajraj:** I must confess that I had not expected that the debate on the Second Reading of this Bill would have taken place this afternoon. I say that not as an excuse but merely to put the record straight, because I am sure that the hon. Minister and his colleagues in the Government must expect that a Bill of this nature would evoke a considerable amount of discussion in this Council. I agree with some of the strictures which have been made by the hon. Member for Georgetown Central. The question of the length of time it has taken Government to bring this measure before the Council is undoubtedly one which cannot be answered satisfactorily, for it is well known that after the Report of Dr. Marshall had been tabled in this Council and made public property, it was intended upon the arrival of the experts from the United Kingdom, that work would proceed as rapidly as possible. So that one considered it very desirable that any amendment to give a new status to Local Government in British Guiana would have been brought to a head and put into operation as quickly as possible.

It is quite possible indeed that it may be argued that the job itself was a very heavy one, and that those who were charged with producing the legislation could not have done it any quicker. We, of course, are laymen, and not knowing about the means by which they would get about the job, would not understand it. But, speaking for myself, I was under the impression that those advisers who came to look after this were going to concentrate on this particular aspect

of producing a Bill for local government which would be the basis for a new deal for the Local Authorities in British Guiana.

Many of the features of the Bill are very commendable, and I must join with the hon. Member for Georgetown Central in using words of commendation to the Government for agreeing that universal adult suffrage should be the basis for an electoral qualification in all local government areas. It is also very desirable that the legislation for local government should be uniform — that each of the districts should have the same type of council and procedure, and that their proceedings should be more or less the same.

But, of course, the main point which I think will create a great deal of controversy over this measure stems from the fact that Dr. Marshall's Report, although tabled, was never debated in this Council. So that the Government has not had an opportunity of hearing the views of Members of the Legislature. I realize that the tabling of the Report did not take place during the life of this Legislature, nevertheless it is a fact that it was never debated in this Chamber. I recall that in his Report Dr. Marshall paid a great deal of regard to the position of the Municipality of Georgetown and expressed the view that many of its obligations were properly discharged, but he gave the impression that new legislation would be prepared so as to bring within the Municipal boundaries of Georgetown some of the outlying areas which had been demarcated for Greater Georgetown; that the responsibilities of the Municipality would increase, and that the Central Government should grant such financial aid to the new areas embraced in Greater Georgetown, so that the new Municipality would be able to take on additional services to those which the present Municipality of Georgetown provides.

But looking through the Bill one cannot find any such provision. In point of fact there is no doubt whatever that the result of the passage of this measure will mean that the Municipality of Georgetown, which only a few days ago was referred to by the Minister of Community Development and Education as a semi-autonomous body, would be brought to the same level as the other local government bodies envisaged by this Bill. But the Bill does seek and must earn credit for elevating the status of local government bodies in the rural areas. That I concede, and I think it is the right thing, but at the same time, in order to bring about a certain measure of uniformity, the position of the Municipality of Georgetown has been down-graded at the same time, and it is with that that I have the greatest amount of complaint to make.

The hon. Member for Georgetown Central has made it quite clear that as we now operate on the Georgetown Town Council we have full financial control of the operations in the City. It is impossible for the Municipality of Georgetown, as at present constituted, or in the enlarged Municipality envisaged, to prepare estimates which would have to be rigidly adhered to throughout the year. The central Government itself finds it impossible to carry out its functions during the year without coming back to the Council every now and again for supplementary provision, and so it is with the Municipality of Georgetown and with any other local government body. Things will occur in the course of a year which are not foreseen at the beginning of that year, and which demand quick action and expenditure of funds. It would not be possible for such prompt action to be taken if the Municipality of Georgetown is going to be hemmed in by the provisions in the Bill before the Council. It will involve a considerable amount of delay. I will not question the fact that any Minister who

[MR. GAJRAJ]

has to give approval would give such approval if he is faced with a crisis, but we have to take into account the time factor involved; the time within which the Municipality itself would have to decide what is to be done. In many cases where matters of drainage and other things are concerned, one cannot even suggest right away how much money would be involved in setting it right. You just have to take the bull by the horns and give your officers the go ahead signal, and subsequently, when you know the cost, you prepare a supplementary provision for it. If the Municipality has to prepare in advance a supplementary estimate in such cases and forward it to the central Government for approval, it will probably be found that eventually the work will cost a lot more than if prompt action were permitted.

A date line has also been prescribed in the Bill for the submission of any supplementary estimate. That, of course, would tie the hands of a local authority. I do not think it is the desire of the Government that the rights which have been enjoyed by citizens for so long a time should be denied them in the future. It is quite possible that in endeavouring to legislate for both the urban and the rural areas in one Bill it has been found difficult to make separate provisions.

Although I am not a lawyer, I do not think there is any difficulty in doing so as long as one recognizes where these differences should be provided for. I do not, of course, join in any undue criticism of Government in having tried to legislate for both the urban areas as well as the rural areas in one Bill. I think it could be done so long as one recognizes the differences that should be provided for in the case of the municipalities and the boroughs.

The hon. Member for Georgetown Central has pointed to certain things in

connection with the Municipality of Georgetown, and I have no doubt that when we reach Committee stage we will be able to make adjustments to Clause 9 as to who should preside at the annual meeting for the election of the mayor and deputy mayor. As the Georgetown Town Council Ordinance stands today, it is laid down very clearly that the Town Clerk shall preside at the election of the Mayor. I would throw that out as a suggestion to the hon. Minister and his advisers that this is a provision that should very well be used not only for the Greater Georgetown area, but for all Local Government areas whereby the chief official should preside when the mayor or chairman has to be elected. After the election of the Mayor the official will vacate his seat and the new Mayor will take over.

Apart from that and apart from the point of leave of absence which the hon. Member for Georgetown Central raised, one comes to Clause 17 of the Bill which deals with the declaration of acceptance of office. Here it states that "A person who has been elected mayor or deputy mayor shall, within seven days after the day of election and before he acts in such office make before and deliver to the clerk a declaration of acceptance of office in the form set out in the second schedule." Does it mean that the drafters of this Bill had in mind that the only business to be transacted at the annual meeting is that of the election of the mayor and deputy mayor? Before the Mayor can act in his office he must make this declaration.

I have looked at the wording of the Second Schedule, and I see that that declaration is to be made before the Clerk. Admittedly it can be done within a matter of a few minutes after the election of the mayor, but I question the wisdom of this provision as it stands, because one would have thought that the annual meeting of the Authority in some cases must coincide with the election of the newly elected members for the first time on the Council. It would be obligatory

for the newly elected persons: The Mayor/Deputy Mayor, or the Chairman/Vice-Chairman to begin to function immediately as such.

If you say in this Clause of the Bill that the Mayor should make this declaration within seven days before he should act, and if the Councillor so elected decides to utilize the seven days before he makes this declaration and before he acts in his office, what would happen to the direction of that Local Authority for the first time within that period of seven days? There would be nobody to act as the presiding officer; nobody to give directions in case of an emergency, and the work of the Authority could very easily be brought to a standstill for a period of one week.

In my opinion it would be better to borrow from the Georgetown Town Council Ordinance the provision which stipulates that the Mayor and Deputy Mayor of the succeeding year shall be elected within a period of ten or twelve days before the end of the current year. If that were done it would enable the newly elected Councillors to begin acting as such from the beginning of the new period. If the election of the Chairman, Vice-Chairman, Mayor and Deputy Mayor only can take place at the annual meeting of the Board, then we can see a hiatus ensuing and preventing the legitimate work of the Authority from being done during that period of time.

I was very pleased to read the provision in Clause 15 which deals with the payment of an honorarium and travelling expenses to the Deputy Mayor in respect of any period for which he acts for the Mayor. On several occasions when the Mayor, for some reason or other, had to be away from the Colony for a long period the Deputy Mayor had to carry on, despite the fact that he was unable

to take advantage of the Mayor's allowance. This is something which is commendable, and I say so in no uncertain terms.

Coming back to the question of the election of Mayor and Deputy Mayor at the annual meeting, what is rather puzzling to me is the provision in Clause 22. I must say that I do not fully understand what it means although the words seem very simple. It states "Whether either the mayor or deputy mayor takes part in the annual meeting by virtue only of his right to remain in office until his successors assume office, he shall not be entitled to vote thereat." Is this the Clause which, apparently, has been put in to permit the presiding member to take the chair at the meeting for the election of the Mayor and Deputy Mayor?

In Clause 9 no provision is made for a Councillor to preside. If that is so, then it would seem to me in my layman's capacity that one—

**Mr. Speaker:** I was just wondering whether we had a quorum.

[At this stage several Members returned to the Chamber and took their seats.]

**Mr. Gajraj:** I was saying that if that is so, then it would only have significance for the future after the new Authorities are brought into being, but when the first set of Councillors of the Municipality should be elected there is no provision for the presiding officer, because the outgoing Mayor in the current legislation would have no right to sit at the meeting for the election of the Mayor. It would have to be a meeting of newly elected Councillors and, therefore, a Mayor and Deputy Mayor in a previous term of office elected under a different bit of legislation could not sit or preside.

[MR. GAJRAJ]

It is for us, as we go through this Bill, to point out, as I have tried to point out, what may be unintelligible to the layman; what may be inconsistent with the proposals of Dr. Marshall; and what would be, as I put it earlier, a denial of some of the rights which the Municipalities at present enjoy.

I expect to speak a bit longer, Sir, and I am wondering whether this would not be a good place to stop.

ADJOURNMENT.

**The Chief Secretary:** I beg to move that the Council adjourn until Wednesday, 2nd November, 1960, at 2 p.m.

Agreed to.

*Council adjourned accordingly, at 5 p.m.*