

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.

14th Sitting

Monday, 8th June, 1964

SENATE

The Honourable Senate met at 9.30 a.m.

Prayers

[*The President in the Chair*]

Present:

Appointed under Article 47(2)(a):

His Honour the President, Senator Ashton Chase

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

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

Senator Janet Jagan

Senator C. S. Persaud

Senator Christian Ramjattan

Senator H. Thomas

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:

Senator Mooneer Khan - on leave

Senator Anne Jardim - on leave.

ANNOUNCEMENTS BY THE PRESIDENT

BILL FROM LEGISLATIVE ASSEMBLY

The President: The following letter has been received from the Speaker of the Legislative Assembly dated the 4th of June:

"Legislature,
4th June, 1964.

Your Honour,

I have the honour to forward for the consideration of the Honourable Senate a Bill intituled 'An Ordinance to amend the Pharmacy and Poisons Ordinance, 1956.'

The Bill was passed by the Legislative Assembly at its sitting on the 3rd of June, 1964, without amendment.

I have the Honour to be,
Your Honour's obedient servant,
(Sgd.) Rahman B. Gajraj,
Speaker."

The Minister of Education and Social Development has undertaken to pilot this Bill through the Senate.

LEAVE TO SENATORS

Leave of absence from today's sitting has been granted to Senator Jardim and Senator Mooneer Khan, both of whom are unable to attend today.

PRESENTATION OF PAPERS AND
REPORTS, ETC.

The following document was laid on the Table:

Order No. 16 of 1964 made under Section 8 of the Customs Ordinance, Chapter 309, on the 8th of May, 1964 and published in the Gazette on the 16th of May, 1964
[The Minister of Trade and Industry.]

PUBLIC BUSINESS

BILLS - SECOND READING

STATUTORY PUBLICATIONS BILL

A Bill intituled:

"An Ordinance to regulate the publication of certain instruments in newspapers."

Senator Nunes (Minister of Education and Social Development): The law requires that certain Orders, notices and other instruments be published in more than one daily newspaper. This Bill seeks to provide that such Orders, notices and instruments be published in one newspaper only. It also seeks to validate the publication of certain Orders, notices and instruments in only one newspaper or daily newspaper in cases where the law requires otherwise. I formally move that the Statutory Publications Bill be read a Second time.

Senator Tasker: The hon. Minister, in moving the Second Reading of this Bill, has not told us anything more than we know already from the Objects and Reasons printed with the Bill, and more specifically, he has given us no reason why this legislation is being brought forward. If he had pleaded economy of the public purse, that might have been something. If he had pleaded that experience has shown that, in many cases, publication in more than one newspaper is unnecessary and has been shown to be unnecessary duplication, that would have been a ground. But he has given us no reasons whatever as to why this Bill is now considered necessary; and I feel very strongly that the timing - whatever the reasons and the arguments for such legislation, which may well be reasonable - is unfortunate, because it seems to me that at this stage, particularly, one wants to ensure that the largest possible proportion of the population shall have every opportunity of being aware of Government Orders, notices, etc.: I know that the Government Information Services endeavour, through their radio programmes and their releases in certain cases to the Press, to try to explain to the Public at large the purposes and intentions of legislation, Orders and so on; but I submit that simply and blandly to say that from now on publication in one newspaper will do, could mean that an even larger proportion of the population than now may not have the opportunity of access to information

which can legitimately be regarded as the right of every citizen.

I must therefore say that I am opposed to this Bill for the reasons I have given, and particularly because the hon. Minister has given us no background information, argument or reason. Since I have to anticipate that the hon. Minister will pay no attention to the fact that I propose to vote against the Bill, I would ask him when replying, to indicate - if it is Government's intention to persist with this measure - whether he can give us an assurance that in order to compensate as far as possible for a possible lack of information to the public at large which this Bill may bring about, instructions will be given to the Government Information Services to endeavour to extend their services to the newspapers and the radio in all matters that will be covered by this Bill.

9.40 a.m.

This does seem to me to be a matter of real importance, of important principle, and I think this House is entitled to a fuller explanation than it has had.

Senator Too-Chung: Mr. President, as the previous speaker has pointed out, there does not seem to be any good reason for this Ordinance to be brought now. Why should they require only one newspaper? I should like to point out also that the Ordinance says one news

paper and not a daily newspaper. I don't really see why it should be considered desirable. There are several types of newspapers - daily, weekly, fortnightly, overseas editions and so on - and is it intended that a publication in a fortnightly paper would meet the requirements of this law? Newspapers come from other places and they come to this country regularly, some come daily. Would the publication in a newspaper issued in, say Trinidad, meet the requirements of this law?

It is understood that the requirements of the publication of notices, etc. in more than one newspaper, was for the purpose of giving information to the public and to ensure that due care is taken to prevent wrong doing, a wrongdoer from getting any unfair advantage. As has been pointed out, no mention has been made about an intention to substitute radio broadcasts of these requirements. If the present law requires Government to make orders in more than one newspaper, surely it is in the interest of Government that the information or order should be widely published?

Senator Nunes (replying):
Mr. President, I wish to state that in British Guiana today, there is no daily newspaper in the legal sense. The *Chronicle*, for example, is called *The Daily Chronicle* from Monday to Saturday, on Sunday it becomes *The Sunday Chronicle*.

The Law Officers have questioned the validity of speaking this arrangement as a daily

newspaper. The same argument can be applied to the *Graphic*. During the week, from Monday to Saturday, it is called the *Guiana Graphic*, and on Sundays it is called the *Sunday Graphic*. We can repeat the same argument with reference to the *Daily Argosy* or *Evening Post* which, during the week is known as the *Evening Post* and on Sundays I think is referred to as the *Weekend Post And Sunday Argosy*. The *Mirror* is too is called the *Sunday Mirror* on Sundays and during the week is called the *Mirror*.

In view of this, serious legal questions have arisen and the Government has decided that in the circumstances, it is necessary to provide that there should be one newspaper only and to remove the requirements of one newspaper or daily newspaper. Using one of the alternatives, we are therefore not removing what existed in the law in part - the one newspaper remains as it is required at present to have one newspaper or daily newspaper. What we have merely done is to retain the part, the alternative of one newspaper.

The other question arises, since it is only an alternative to which I have given a reply as to why we have maintained the one newspaper. Now I think I should also mention that the Government, through the *Official Gazette*, is able to provide all the information that business of such nature requires and we think that one newspaper, which provision already exists in the existing

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law, is enough, particularly when we take into account the question of economy.

I am advised that there are not many matters of this nature that need to be published. Lastly, I should like to assure Senator Tasker that I shall inform the Ministry of Development and Planning of his request that matters of this nature should be published by that Ministry through the Government Information Services. My own understanding is that this already obtains, but in order to meet the wishes of the Senator, I shall certainly pass on this information as requested.

Question put, and agreed to.

Bill read a Second time.

Senate in Committee.

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

Clause 2

Senator Tasker: Mr. President, I am grateful to the hon. Minister for the additional clarification he gave in his reply on the Second Reading, but I am still frankly at sea with his explanation about this one newspaper or daily newspaper.

I see the point that you cannot have, technically, such a thing as a daily newspaper, which is a perfectly valid one, and I see the quandary in which the Law Officers have found themselves. What I do not understand is how

the hon. Minister can then say that the Government is not taking away anything in this Clause, because surely the operative words are not one newspaper or daily newspaper. It may be that my interpretation is at sea, but surely the whole point is that whereas previously certain orders and instruments had to be published in more than one newspaper, now the intention is that they shall be published in only one. And hon. Minister has given us no satisfactory explanation as to why it should not be necessary to have more than one.

I am not quibbling about his argument on the definition of a daily newspaper: I see this point perfectly clearly. But there is also a matter of substance which I think we must get cleared up.

9.50 a.m.

Senator Nunes: I should like to state that certain provisions make it mandatory that certain notices should be published in one newspaper at the moment and others in more than one. I feel I should make it clear that with reference to certain of the business here only one newspaper is really required to have the publications in it. On the other question of having publications in more than one newspaper, I should like to state that I overlooked that aspect of the question in dealing with the reply in the quick reading of that particular part. But I should like to make it clear that my reason which was advanced for the use of one newspaper is that the Government desires, for the sake of

economy and in view of the fact that the Official Gazette and the Government Information Services ensure that these notices, orders and instruments are published generally, from the point of view of economy to have certain things published in one newspaper only.

Senator Tasker: I want to make it clear that I have no desire to be unnecessarily difficult, or to embarrass the Government in this matter, but I think we should be clear about what we are discussing. It now transpires, according to the hon. Minister, that under the law certain notices have to be published in only one newspaper and others have to be published in more than one. My point is: Which are the ones that have to be published in more than one newspaper? Why was the law passed making such action mandatory? Unless we know the instruments, orders and notices which it was considered necessary to publish in the past in more than one newspaper, how can we understand the true position of things.

My contention is that, presumably, the then Legislature had good reason for specifying the publication of some documents in one newspaper and of others in more than one. What has happened to change the necessity for publication in more than one newspaper? Unless I am satisfied that the situation has changed, then with the best will in the world, I must contrive to vote against this Bill.

Senator Hubbard: The fact of the matter is that Senator Tasker has set up a windmill for the particular purpose of tilting at it. He must be aware that the

Government Information Services, which now publicises certain things to the general public, did not exist in the past when the people who could own newspapers had the exclusive right to sit in the Legislature. All of these things are publicised by the Government Information Services, in the Gazette, and in the Newspapers.

The fact that this Bill seeks to give the Government a discretion to decide whether it shall publicise a notice in only one newspaper, or in all newspapers does not have a sinister connotation. Surely, it has allowed the Government to decide what is significant and what is not significant. The Government has nothing to hide; it publicises widely, and it publicises through the radio which did not exist at the time when this archaic procedure was laid down in the past Legislature.

Senator Tasker is asking this side of the House to do his home work for him. If he wished to find out what types of publications are required to be published in more than one newspaper, it was a simple matter for him to have perused the books and to have discovered what he wanted to know. We have done our home work, and we are satisfied that the provision we now seek is reasonable. The Government has plenty of means of bringing to the attention of the public the facts which are to be published in notices. That is the reason why the Government has sought to limit the requirement to one newspaper. The obligation is to publish a notice in at least one newspaper, but this does not cir-

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conscribe the Government to the use of one newspaper or newspapers abroad, if necessary. At the present time when the Government wants a man to do a particular job, it does not advertise in one newspaper only. It may advertise in all of the local newspapers including Sunday newspapers, and it may advertise abroad. All the Government wishes is a requirement that it must publish in at least one newspaper.

The fact that you say to the Government that it must publish in at least two newspapers does not necessarily mean that you are going to get it widely distributed. There are lots of people who do not read newspapers at all, but they listen to the radio to get the information they want. The Government has been ahead of Senator Tasker in that it has been using the radio to publicise these things, even though it was only required to make the publications in the newspaper.

Senator Tasker: We are now beginning to get somewhere. I made it clear, when I rose, that I had no intention of being unnecessarily difficult, or of embarrassing the Government. It is a great pity that the hon. Minister thinks I am tilting at windmills, for it is only by making these points that I have been able to elicit certain information. As for doing home work, it is surely the responsibility of the Minister concerned with the introduction of legislation to master his subject and to be able to answer questions on it. The question of home work is hardly one that can be thrown at this side of the House.

The hon. Minister of Trade and Industry says that lots of people do not read newspapers. That is true. He also made some play earlier about publication in the Official Gazette. I would ask him; How many people, in terms of our total population, ever get to see the Official Gazette? We know that the number of people who read the Official Gazette must be infinitesimal compared with the number of people who read the daily newspapers. However, the final point is that we still do not know - though I will make it my business to find out, since the hon. Minister cannot inform me on the subject - why certain types of orders have to be printed in more than one newspaper and others in only one. We do not know there are particular reasons for making the change proposed in this Bill and we do not know whether these particular subjects and categories have been considered by the Government. Presumably, if they had been considered by the Government, one of the Ministers would have been able to say so and clear up the matter.

I must say that I think this is a very unsatisfactory situation; and I deplore the fact that an attempt to elicit perfectly, reasonable information should be so misinterpreted and misunderstood by the hon. Minister of Trade and Industry.

10 a m.

Senator Nunes: I beg to ask for a postponement of consideration of this Bill so that I may provide the information sought by Senator Tasker.

The Chairman: I think all Senators will agree with that proposal. It has been suggested that consideration of the Bill be postponed so that the Minister could be in a position to fully satisfy Senator Tasker who requires further information on Clause 2 of the Bill.

Question put, and agreed to.

Senator Tasker: May I record my thanks to the hon. Minister for his courtesy.

Senate resumed.

Senator Nunes: I beg to report that the Committee, while deliberating the Statutory Publications Bill, received from myself the decision to provide certain information which should be available in the Chambers of the Attorney-General. I therefore ask for the postponement of this Bill.

Question put, and agreed to.

Bill, by leave, deferred.

**PUBLIC CORPORATIONS
(AMENDMENT) BILL**

A Bill intituled:

An Ordinance to amend the Public Corporations Ordinance". - [Minister of Education and Social Development.]

Senator Nunes: There is some doubt among law officers as to the meaning of the term "official member" and as this phrase has been used with respect to the Public Corporations Bill, 1962, it has been recommended to the

Government, and the Government has accepted the recommendation, to limit the determination of the definition of the term "official member", that it should be stated that the Government will consider a person as an official member if such official is so designated by the Minister with respect to the Public Corporations Bill, 1962. I therefore move that this Bill be read a Second time.

Question put, and agreed to.

Bill read a Second time.

Senate in Committee.

Bill considered and approved.

Bill reported without amendment, read the Third time and passed as printed.

**CUSTOMS ORDINANCE
(AMENDMENT) BILL**

A Bill intituled:

"An Ordinance to amend the Customs Ordinance". - [Minister of Trade and Industry.]

Senator Hubbard: The Customs Ordinance places some restrictions on the exportation of goods if these goods are exported in vessels of less than 35 tons burden. The Bill seeks to add a proviso to the relevant section so as to permit the Comptroller of Customs to set conditions on which goods may be exported in vessels of less than 35 tons burden.

I believe that the original reason for restricting the size of vessels was directed at

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illicit trading, but it is now felt that legitimate trading vessels of this size can be controlled and that no harm to revenue can develop on any substantial scale, while small vessels may be assisted in earning freight which they might otherwise lose.

10.10 a.m.

Question put and agreed to.

Bill read a Second time.

Senate in Committee.

Bill considered Clause by Clause and passed as printed.

Senate resumed.

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

CASE PENSION BILL

A Bill intituled "An Ordinance to make special provision with respect to pensionable service of Frederick Walter Eleazar Case." [Minister of Trade and Industry.]

Senator Hubbard: Frederick Walter Eleazar Case served this Country as a public officer and has been granted permission to retire at the age of 50 years. Mr. Case's service with this Government was interrupted for a short period between 1948 and 1951 when he gave service with the Extra-Mural Department of the former University College of the West Indies. Ordinarily, Mr. Case's service with the U.C.W.I.

would not count for pension, but taking into account the generally satisfactory service rendered by this officer, the Government considers that special provision should be made so that the service rendered to the U.C.W.I. by Mr. Case should count as public service in the British Guiana Government, and therefore should be taken into account in the computation of his pension. I formally move that the Case Pension Bill be read a Second time.

Question put, and agreed to.

Bill read a Second time.

Senate in Committee.

Bill considered and approved.

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

WIDOWS AND ORPHANS PENSION (AMENDMENT) BILL

A Bill intituled "An Ordinance to amend the Widows and Orphans Pension Ordinance by making provision for the increase of pensions registered on the 31st December, 1958, of pensions registered subsequent to the 31st December 1958, in respect of married officers who on that date were awaiting medical examination, and of pensions in payment on that date." [Minister of Trade and Industry.]

Senator Hubbard: The Widows and Orphans' Fund is subject to periodic actuarial report, and the last report on the Fund relating to the period ended 31st

December, 1958, discloses a surplus of \$366,000 in the Fund. It is usual where surpluses appear that adjustments are made in the pensions payable, so that contributors to the Fund may derive direct benefit from the efficient management of the Fund. It is therefore proposed that there should be an amendment to the Widows and Orphans Pensions Ordinance so as to provide that certain categories of officers set out in the Bill before the Houses should receive an addition to the pensions they would ordinarily get.

10.20 a.m.

The increase in this instance is 5 per cent; quite substantial.

I should like to take this opportunity to congratulate the Directors of the Fund on the excellent showing of this actuarial report and also to extend my heartfelt congratulations to the beneficiaries.

Question put, and agreed to

Bill read a Second time.

Senate in Committee.

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

Clause 2.

Senator Hubbard: Sir, it appears that the printers are of the opinion that in addition to an extra 5 per cent, the beneficiaries of this Fund should have some t(ea). At the end of the sixth line of Clause 2, there is a superfluous "t".

The President: We will treat this as a typographical error.

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

Senate resumed.

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

LIQUOR LICENSING (AMENDMENT) BILL

A Bill intituled: "An Ordinance to amend the Liquor Licensing Ordinance." [Minister of Trade and Industry.]

Senator Hubbard: Your Honour, when the Liquor Licensing Ordinance was amended to increase the licence duties payable by rum-shops, there crept into the amending legislation an inadvertent extension of the area to which the new licences should apply. The result of this was that many people who had fallen outside of the Georgetown area in the original instance, were required to pay the high Georgetown duty which was never intended by the Government. That has been rectified but it is now discovered that there is no provision for the Ordinance to allow a refund to be made to persons who paid more than they should and this Bill seeks to give that power. I beg to move that this Bill be read a Second time.

Senator Tasker: Mr. President, on a point of information. I accept the hon. Minister's statement about the boundaries, which I recollect clearly. But surely, the main substance of the

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Bill before us is whether the premises themselves have been physically altered or destroyed.

I gather that the hon. Minister was linking this Bill with the specific problems of the boundaries of greater Georgetown. It is my impression that it goes much further. It provides that wherever the premises may be - anywhere in the country - if the owner has had those premises altered, damaged or destroyed, whether intentionally or not then he may apply for a refund or for cancellation of the licence and a refund. The real point is that the Comptroller of Customs and Excise should have the discretion to do so, if he wishes. Is this not so?

Senator Hubbard (replying): I was including the greater in the less. I was going beyond what is specifically stated in the Bill and what is apparent to all, in order to reveal what did not appear, which, I think, was the bone of contention of the opposite side this morning in another matter.

10.30 a.m.

Question put, and agreed to.

Bill read a Second time.

Senate in Committee.

Bill considered and approved.

Bill reported without amendment read the Third time and passed.

MOTIONS

CUSTOMS ORDER No. 16 OF 1964

"Be it resolved that the Legislature in terms of section 9 of the Customs Ordinance, Chapter 309, con-

firms Order No. 16 of 1964 which was made on the 8th of May, 1964 and published in the Gazette of the 16th of May, 1964." [The Minister of Trade and Industry.]

Senator Hubbard: We have in British Guiana a fairly considerable industry for the manufacture of foundation garments commonly called brassieres, and it has been represented to the Government that this industry requires protection from cheap imports from outside. The purpose of this Motion is to confirm an Order which has been made in terms of the Customs Ordinance and to provide the necessary protection for this industry. I now beg to move the Motion standing in my name on the Order Paper.

Question put, and agreed to.

Motion carried.

ADJOURNMENT AND PENDING BUSINESS

The President: We have for further consideration the Pharmacy and Poisons (Amendment) Bill, 1964, and the Statutory Publications Bill, 1964.

Senator Hubbard: I understand that my colleague the Minister of Education and Social Development will be ready to proceed with the further stages of the Statutory Publications Bill very soon, and I beg to move that this Senate do now adjourn to Monday, 15th June, 1964, at 9.30 a.m.

Adjourned accordingly at 10.37 a.m.