

BRITISH GUIANA

FIRST LEGISLATIVE ASSEMBLY

SECOND SESSION

1962 — 1963

MINUTES of the Proceedings of the 33rd Sitting of the Legislative Assembly of the Colony of British Guiana under the British Guiana (Constitution) Order in Council, 1961, held in the Chamber of the Legislature at the Public Buildings, Georgetown, Demerara,

at 2.00 p.m.

on

MONDAY, 22ND APRIL, 1963.

Present

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

(a) *Members of the Government*
People's Progressive Party

(i) *Ministers*

Dr. the Honourable C. B. Jagan,
Premier and Minister of Development and Planning.

The Honourable B. H. Benn,
Minister of Agriculture, Forest and Lands.

The Honourable Ram Karran,
Minister of Works and Hydraulics.

The Honourable R. Chandisingh,
Minister of Labour, Health and Housing.

Dr. the Honourable Charles Jacob, Jr.,
Minister of Finance.

Dr. the Honourable F. H. W. Ramsahoye,
Attorney-General.

The Honourable E. M. G. Wilson,
Minister of Communications.

(i) Parliamentary Secretaries

Mr. C. Bowman,

Parliamentary Secretary to the Ministry of Agriculture, Forests and Lands.

Mr. L. E. M. Mann,

Parliamentary Secretary to the Ministry of Finance.

Mr. S. M. Saffee,

Parliamentary Secretary to the Ministry of Works and Hydraulics.

(ii) Other Members

Mr. G. L. Robertson

Mr. M. Bhagwan

Mr. J. B. Caldeira

Mr. V. Downer

Mr. M. Hamid

Mr. D. C. Jagan

Mr. H. Lall

Mr. M. Shakoor

(b) Members Constituting the Minority

(i) People's National Congress

Mr. L. F. S. Burnham, Q.C.

Mr. W. O. R. Kendall,

Deputy Speaker

Mr. J. Carter, Q.C.

Mr. E. F. Correia

Mr. N. J. Bissember

Mr. W. A. Blair

Mr. R. S. S. Hugh

Mr. J. G. Joaquin

Mr. R. J. Jordan

Mr. C. A. Merriman

Mr. H. M. S. Wharton

(ii) United Force

Mr. P. S. d'Aguiar

Mr. S. Campbell

Mr. R. E. Cheeks

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

Absent

Mr. E. E. Melville

Mr. B. S. Rai

Prayers

The Clerk read prayers.

ANNOUNCEMENTS BY THE SPEAKER

(a) Arrangements made for the Sitting of the Assembly as a result of the General Strike.

His Honour the Speaker announced that Members were fully aware of the background against which they were meeting, namely, that there were strikes all over the city, perhaps even in parts outside of the city of Georgetown. He intimated that the Acting Clerk of the Legislature had informed him during the morning that only two Members of the Legislature Staff had gone out to work.

His Honour added that he told the Clerk that so far as he was concerned as Speaker of the House, he would like it to be known by Members of the Staff that those who wished to follow the call of their trade unions and stay away from work should not be intimidated, that no difficulties should be placed in their way in carrying out the orders of their trade unions and that if anyone wished to come out to work they should find the doors open.

His Honour also stated that he learnt from the Clerk that other arrangements were being made by the Honourable Premier for the Assembly to meet that afternoon, in so far as note-taking was concerned, and that it was his duty as Speaker to carry on the sitting of the House.

(b) Letter of Resignation from Special Select Committee.

His Honour the Speaker read a joint letter received from the Honourable Member for Ruimveldt (Mr. L. F. S. Burnham) and from the Honourable Member for Upper Demerara River (Mr. R. Jordan) intimating that, in accordance with the decision of their Party, they thereby tendered their resignation from the Special Select Committee, to which they had been appointed, to consider whether proceedings of the Legislative Assembly should be broadcast.

PERSONAL EXPLANATIONS

(a) Mr. Burnham's objection to new personnel and unusual accoutrement.

Mr. Burnham referred to the strike which involved members of the Civil Service and Government Employees, etc. and observed that there was "new personnel and some unusual accoutrement." He stated that as a leader of the working-class and Trade Unionist himself, he and his Party had to support that industrial strike. They were, Mr. Burnham added, opposed as a matter of principle, to strike-breaking — 'black-legs' or 'white-legs' and 'strike-breakers' and as they could take no further part in the sitting, they wished to withdraw.

(At this stage, Mr. Burnham and Members of the People's National Congress, bowed to the Chair and withdrew from the Chamber).

(b) Mr. d'Aguiar's objections to:

- (i) the debate being recorded by unofficial reporters;
- (ii) the amendments proposed to the Miscellaneous Enactments (Amendment) Bill, 1963; and
- (iii) the order of items on the order Paper.

Mr. d'Aguiar raised objection to the debate being recorded by unofficial reporters and to the use of a microphone.

He also raised objection to the amendments proposed to the Miscellaneous (Amendment) Bill, 1963 (No. 10 of 1963) relating to section 7(2) of the Police

Ordinance, (No. 39 of 1957) to the effect that the amendments proposed would be an infringement of the Constitution

Mr. d'Aguiar took exception to the change in the order of the items on the Order Paper and pointed out that as Members had been addressing their minds to the Labour Relations Bill for some time, he felt that it was improper, at that stage, for other matters to be brought before the Assembly.

His Honour the Speaker stated that as regards the Member's objection to the order of the items, it was not unusual for a matter which had been under debate to be relegated to two or more places down the Order Paper or even deferred for some time in the midst of debate. He added that it was the business of Government to state its priority as regards legislation or its other business in the House. Moreover, the Honourable Minister of Agriculture, Forests and Lands had indicated on the previous Friday that the Government would have on the Order Paper on that day the items as listed and they would proceed in the order in which they were listed.

His Honour added that he did not, therefore, consider the matter irregular nor did he accept Mr. d'Aguiar's criticism that it was "improper".

With regard to the question as to whether the proposed amendments to the Miscellaneous Enactments (Amendment) Bill, 1963, infringed the Constitution, His Honour stated that that was not the time for him to entertain such a motion or point of order and therefore, that it was not for him to rule then.

(At this stage, Mr. d'Aguiar asked leave to withdraw and, thereafter, followed by other Members of the United Force present, bowed to the Chair and withdrew from the Chamber).

STATEMENT BY THE HONOURABLE B. H. BENN (LEADER OF THE HOUSE)

The Honourable B. H. Benn, Leader of the House, stated that it was unfortunate that the Honourable Member for Ruimveldt (Mr. Burnham), had "abused persons who are attempting to assist in carrying through the legislative process".

He added that it was very important that note-takers should not be part of the Public Service in order that the legislative process should not be impeded. On that occasion, Mr. Benn stated, it was thought fit that persons who were willing should assist in helping the Legislative Assembly to carry on its sitting and the Government had deemed it very improper and unfortunate that the Honourable Member who said he believed in the democratic, electoral and legislative process, should have insulted persons who had done everything to assist in the proper functioning of the legislative process.

His Honour the Speaker stated that as regards the position of persons in the service of the House, he remembered having pointed out, after his return from the Parliamentary Course last year, that Clerks and Assistant Clerks and their Staff were not regarded, in the United Kingdom, as members of the Civil Service. They had been moved out of the Civil Service group, were officers of the House, and were responsible to the House through the Speaker. His Honour added that he had made that point recently on the occasion of the impending retirement of Mr. A. I. Crum Ewing, their former Clerk, but it was not for him to make changes — it was for the Government to decide upon it.

From the experience he had gained in London, His Honour opined that it was not the wisest thing for Clerks and their Assistants to be considered as Civil Servants in the normal way, and he expressed the hope that Government might give consideration to the matter.

PUBLIC BUSINESS

MOTION

ITEM 1 – MOTION TO CONFIRM CUSTOMS ORDER NO. 15 OF 1963.

On a motion by **Mr. Mann**, Parliamentary Secretary to the Ministry of Finance, on behalf of the Minister of Finance, the Assembly adopted the following Resolution:—

RESOLVED, that the Legislature in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order No. 15 of 1963, which was made on the 26th of March, 1963, and published in the Gazette on 30th of March, 1963.

BILL – Committee and Third Readings.

ITEM 2 – MISCELLANEOUS ENACTMENTS (AMENDMENT) BILL, 1963 – BILL NO. 10/1963 (L.A.)

The Assembly resolved itself into Committee to consider the BILL intituled AN ORDINANCE TO AMEND CERTAIN ENACTMENTS, clause by clause.

In Committee

Clauses 1 and 2 – were passed as printed.

Schedule – The Honourable Attorney-General moved the following amendments which were put and carried:—

Paragraph 6 of Schedule

- (i) **Deleted:** the figures “3(2)”, “33(1)”, “33(2)” and “36” in sub-paragraph (c).
- (ii) (a) **Inserted:** the words and commas, “subject to the orders and directions of the Minister,” immediately after the word “shall” in the first line of subsection (1) of the new section 7 in sub-paragraph (d).
- (b) **Deleted:** subsection (2) of the new section 7 in sub-paragraph (d) and
- (c) **Renumbered:** subsection (3) thereof as subsection (2).
- (iii) (a) **Re-lettered:** sub-paragraph (f) as sub-paragraph (g) and
- (b) **Inserted:** the following as sub-paragraph (f): “(f) sections 5, 35, 58, 59, 78, 84 (2). Immediately after the word ‘Governor’ appearing in these sections there shall be inserted the words “acting on the recommendation of the Police Service Commission.”

The Schedule as amended was then put and **carried**.

Assembly resumed.

Thereafter, the Bill was read the third time and **passed** as amended in Committee.

BILL – Second and Third Readings.

ITEM 3 – FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) (AMENDMENT) BILL, 1963 – BILL, No. 18/1963 (L.A.)

On a motion by the Honourable Attorney-General the BILL intituled AN ORDINANCE TO AMEND THE FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) ORDINANCE was read a second time and was, thereafter, taken through its remaining stages and passed as printed.

BILL – Second and Third Readings.

ITEM 4 – LABOUR RELATIONS BILL, 1963 – BILL NO. 13/1963 (L.A.)

The Assembly resumed the debate on the motion for the second reading of the BILL intituled AN ORDINANCE TO SECURE THE RECOGNITION BY EMPLOYERS OF CERTAIN TRADE UNIONS AND FOR MATTERS CONNECTED THEREWITH.

The Honourable B. H. Benspoken to the motion.

Suspension of Sitting

At 3.55 p.m. the Sitting was suspended for tea.

Resumption of Sitting

At 4.40 p.m., the sitting was resumed.

The Honourable G. Wilson, the Honourable Ram Karran and Mr. G. Bowman spoke to the motion.

After **the Honourable Premier** had spoken, the question that the Bill be read a second time was put and carried.

The Assembly then resolved itself into Committee to consider the Bill clause by clause.

Committee.

Arrangement of Sections – was amended as under and passed:-

- (i) **Substituted:** the words “short title and commencement” for the words “Short title.”
- (ii) **Substituted:** the words “Constitution of Labour Relations Board and directions for inquiry” for the words “Power of Minister to order inquiry” in the reference to section 4.
- (iii) **Substituted:** the word “Board” for the word “committee” in the reference to section 5.

Clause 1 – was amended as under and passed:-

Substituted: the following Clause for Clause 1:-

“Short title and commencement,

1. (1) This Ordinance may be cited as the Labour Relations Ordinance, 1963,
- (2) This Ordinance shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.”

Clauses 2 and 3 – were passed as printed.

Clause 4 – was amended as under and passed:–

Substituted: the following Clause for Clause 4:–

“Constitution of Labour Relations Board and directions for inquiry.

4. (1) There shall be established a Labour Relations Board (hereinafter referred to as “the Board”) which shall include representatives of employers, and of workers, and such other members as the Minister may deem fit.

(2) If in the opinion of the Minister a member of the Board is directly or indirectly interested in any application made under section 3 of this Ordinance, the member shall be disqualified for taking part in the proceedings of the Board at which the application is being considered and the Minister may, subject to the provisions of subsection (1) of this section, appoint another person to be a member of the Board in his place for the purpose of that application.

(3) the Minister shall appoint a public officer to be the Secretary to the Board.

(4) Where an application has been made to the Minister under the provisions of section 3 of this Ordinance, the Minister shall refer such application to the Board to inquire into the claim of the trade union and to determine whether the application is in respect of a unit of workers appropriate for effective bargaining purposes.”

Clause 5 – was amended as under and passed:–

(i) **Substituted:** the words “any person” for the words “all persons” in the second line of subsection (1).

(ii) **Substituted:** the word “Board” for the word “committee” wherever the latter appeared in the clause and in the marginal note.

Clause 6 – was amended as under and passed:–

(i)- **Substituted:** the word “Board” for the word “committee” in subsection (1).

(ii) **Deleted:** subsection (2).

(iii) **Renumbered:** subsections (3), (4) and (5) as (2), (3) and (4) respectively.

(iv) **Substituted:** the words “twenty-four” for the word “twelve” in the second line of the re-numbered subsection 2.

Clause 7 – was amended as under and passed:–

(i) **Deleted:** the words “the Minister is satisfied that” in the third line of subsection (1).

(ii) **Inserted:** the comma and word, “vote” after the word “voting” in the third line of subsection (1).

(iii) **Deleted:** the word “desire” in the third line of subsection (1).

(iv) **Substituted:** a colon for the fullstop at the end of subsection (1), and

(v) **Inserted:** the following proviso:–

‘Provided that an employer may, with respect to an agreement covering wages and conditions of employment previously entered into with a trade union other than the union which has been given a certificate under this subsection, continue to observe the terms of such agreement as if it were an agreement entered into with the union which has been given the certificate (hereinafter referred to as “the new union”) unless the new union serves notice in writing on the employer that on the expiration of sixty days after service of the notice the new union shall not be

bound by such agreement and upon the expiration of such period the agreement shall cease to have effect."

- (vi) **Inserted:** the words "of the receipt of such copy" between the words "date" and "of" in the seventh line of subsection (1).
- (vii) **Inserted:** the comma and words ", for the purpose of collective bargaining, commencing" after the word "shall" in the seventh line.
- (viii) **Inserted:** a comma "," after the word "certificate" in the eighth line.

Clauses 8 and 9 – were passed as printed.

Clause 10 – was amended as under and passed:—

Deleted: the word "free" in the second line of subsection (2).

Clauses 11 and 12 – were passed as printed.

Clause 13 – was amended as under and passed:—

Substituted: the following Clause for Clause 13:—

"Regulations.

13. (1) The Minister may make regulations generally for the provision of this Ordinance to be given effect.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Minister may make regulations for all or any of the following matters –

- (a) eligibility to vote at the holding of a ballot under this Ordinance;
- (b) the conduct of any ballot;
- (c) the avoidance of the result of any ballot on the ground of irregularities affecting or likely to affect the result of the ballot; and
- (d) the guiding principles to be applied by the Board in determining whether a unit is appropriate for effective bargaining purposes.

(3) Any regulations made under this section shall be laid before the Legislative Assembly within fourteen days after they are made, and if the Legislative Assembly, within the period of thirty days beginning with the day on which any such regulations are laid before it, resolves that the regulations or any of them be annulled, they or it shall thereby be annulled and the regulations or regulation so annulled shall thenceforth become void and of no effect but without prejudice to the validity of anything previously done under the regulations or regulation or to the making of new regulations.

(4) In calculating a period of days for the purposes of the last foregoing subsection, no account shall be taken of any time during which the Legislature is dissolved or prorogued or during which the Legislative Assembly is adjourned for more than seven days.

(5) Any regulations, or any part thereof, which have not, within the period of thirty days after they are laid before the Legislative Assembly, been annulled by resolution of the Legislative Assembly, shall have effect as if enacted in this Ordinance."

Third Reading.

Thereafter on a motion by the Minister of Labour, Health and Housing, the Bill was read the third time and passed as amended in Committee.

ADJOURNMENT

At 6.30 p.m. on a motion by the Honourable B. H. Benn, the Assembly was adjourned to a date to be fixed.

R. B. Gajraj,
Speaker.

Public Buildings,
Georgetown.
8th May, 1963.