

LEGISLATIVE COUNCIL

(Constituted under the British Guiana
(Constitution) (Temporary Provisions)
Order in Council, 1953)

THURSDAY, 21ST JUNE, 1956

The Council met at 2 p.m.

PRESENT:

His Hon. the Speaker, Sir **Eustace Gordon Woolford, O.B.E., Q.C.**

Ex-Officio Members:—

The Hon. the Chief Secretary,
Mr. M. S. Porcher, (Acting).

The Hon. the Attorney General,
Mr. C. Wylie, Q.C., E.D.

Nominated Members of Executive Council :—

The Hon. Sir **Frank McDavid, C.M.G., C.B.E.** (Member for Agriculture, Forests, Lands and Mines).

The Hon. **P. A. Cummings** (Member for Labour, Health and Housing).

The Hon. **W. O. R. Kendall** (Member for Communications and Works).

The Hon. **G. A. C. Farnum, O.B.E.** (Member for Local Government, Social Welfare and Co-operative Development).

The Hon. **R. B. Gajraj**

The Hon. **R. C. Tello.**

Deputy Speaker :—

Mr. W. J. Raatgever, C.B.E.

Nominated Unofficials .—

Mr. T. Lee.

Mr. W. A. Phang.

Mr. W. A. Macnie, C.M.G., O.B.E.

Mr. C. A. Carter.

Mr. E. F. Correia.

Rev. D. C. J. Bobb.

Mr. H. Rahaman.

Miss Gertie H. Collins.

Mrs. Esther E. Dey.

Dr. H. A. Fraser.

Mr. Sugrim Singh.

Clerk of the Legislature—

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature—

Mr. E. V. Viapree

Absent:—

The Hon. the Financial Secretary,
Mr. F. W. Essex—on leave.

The Hon. **L. A. Luckhoo, Q.C.—**
on leave.

Mr. W. T. Lord, I.S.O.—on leave.

Mr. J. I. Ramphal—on leave.

Mr. R. B. Jailal—on leave.

The Speaker read prayers.

The Minutes of the meeting of the Council held on Friday, 25th May, 1956, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENTS

LEAVE TO MEMBERS

Mr. Speaker: The hon. the Financial Secretary (Mr. Essex) is unable to be here today. He left the Colony on public business and he expects to be away from the 19th to the 22nd of June. The Hon. Mr. Luckhoo is also absent from the Colony and will be so for the whole of this month or longer. Mr. Ramphal will be away from the 21st of June to the end of October, and Mr. Jailal from today's meeting only.

COMMONWEALTH PARLIAMENTARY
ASSOCIATION

Mr. Speaker: Hon. Members, I have received from Senator the Honourable A. M. McMullin, President of the Australian Senate, a copy of his Report on the Seventh Meeting of the Council of the Commonwealth Parliamentary Association held at Jamaica. He has written this letter :

"Dear Sir Eustace,

At a recent Meeting of the Australian Commonwealth Parliament Branch of the Commonwealth Parliamentary Association, I presented my Report of my visit to Jamaica as the Commonwealth's representative to the Seventh General Council Meeting of the Commonwealth Parliamentary Association, held there in January of this year.

I thought that perhaps my comments on the Council Meeting might be of interest to yourself, and to the Members of your Branch, so I have taken the liberty of enclosing a copy of my Report.

With all good wishes,

Yours sincerely,

A. M. McMULLIN.

AMENITIES IN PUBLIC BUILDINGS

Mr. Speaker: I have received a plan from the Public Works Department about the amenities in this building. I

cannot accept the responsibility to go into the matter and I myself feel that a Committee ought to be appointed to deal with it. I do not know what the Chief Secretary thinks about the matter. I think the Finance Committee should also do something about it. Mr. Macnie, when you were a clerk in the Secretariat conditions were just the same, were they not? About how many years ago was that?

Mr. Macnie: My periods of service at the Secretariat were six months in 1932 and four months in 1942, and I found the accommodation very inconvenient.

Mr. Speaker: Thank you. I would like that some interest be taken to improve the existing conditions.

PRESENTATION OF REPORTS AND
DOCUMENTS

The Chief Secretary: (Mr. Porcher, acting): I beg to lay on the table:

Order in Council No. 48 of 1955 made under section 8 (1) of the Consular Conventions Ordinance, 1950, on the 29th day of October, 1955, and published in the Gazette on 26th November, 1955.

The Attorney General (Mr. Wylie): I beg to lay on the table:

Report of the Select Committee appointed in terms of Resolution No. XL of the 29th of December, 1955, to submit proposals for the revision of the Standing Orders of the Legislative Council.

Sir, with reference to the remarks made by Your Honour just now, I would like to draw your attention to the fact that No. 41(4) of the proposed Standing Orders would, of course, deal with the matter.

Mr. Speaker: It is a question of the readiness or willingness of Members to serve on a Committee of this kind.

The Attorney General: There is provision in the proposed Orders for dealing with the matter.

Mr. Speaker: Have all Members got their copy of the Report? I know that certain Members have been abroad.

Mr. Tello: I have not got a copy.

Sir Frank McDavid (Member for Agriculture, Forests, Lands & Mines): I have not, either.

The Chief Secretary: With your permission, Sir, I beg, on behalf of the **Financial Secretary** to lay on the table:

Minutes of the meeting of Finance Committee held on 27th April, 1956.

Schedule of Supplementary Estimates (Development) for the period January to March, 1956.

Order in Council No. 34 of 1956 made under section 8 of the Customs Ordinance, Chapter 309, on the 17th day of May, 1956, and published in the Gazette on 9th June, 1956.

Order in Council No. 35 of 1956 made under section 8 of the Customs Ordinance, Chapter 309, and published in the Gazette on 9th June, 1956.

Sir Frank McDavid: I beg to lay on the table:

The Trading and Profit and Loss Accounts and the Balance Sheets for the years 1953 and 1954 of the Government Produce Depot, together with the Director of Audit's certificate and report thereon.

Mr. Cummings (Member for Labour, Health and Housing): I beg to lay on the table:

Reports of the Georgetown Planning Commissioners in respect of the periods 1st February to 31st July, 1955, and 1st August, 1955 to 31st January, 1956.

Mr. Kendall (Member for Communications and Works): I beg to lay on the table the

Annual Report and Statement of Accounts of the Demerara Electric Company, Limited, for the year ended 31st December, 1955.

Mr. Farnum (Member for Local Government, Social Welfare and Co-operative Development): I beg to lay on the table the

Annual Report of the Commissioner of Local Government for the year 1955.

GOVERNMENT NOTICES

AUDIT DEPARTMENT (AMDT.) BILL

The Chief Secretary: I beg to give notice of the introduction and first reading of a Bill intituled:

"An Ordinance further to amend the Audit Department Ordinance for the purpose of increasing the salaries of the Director of Audit and the Senior Auditor."

NOTICE OF MOTIONS

SUPPLEMENTARY DEVELOPMENT ESTIMATES

The Chief Secretary: On behalf of the **Financial Secretary** I beg to give notice of the following motions:

"Be it resolved: That this Council approves of the Supplementary Estimates (Development) for the period January to March, 1956, totalling \$65,000, which have been laid on the table."

CUSTOMS — ORDERS IN COUNCIL

"Be it resolved: That this Council in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council No. 34 of 1956 which was made on the 17th day of May, 1956, and published in the Gazette on 9th June, 1956'.

"Be it resolved: That this Council in terms of section 9 of the Customs Ordinance, Chapter 309 confirms Order in Council in No. 35 of 1956, which was made on the 17th day of May, 1956 and published in the Gazette on 9th June, 1956."

UNOFFICIAL NOTICES

PASSAGES FOR DOMESTICS TO CANADA

Miss Collins: I beg to give notice of the following motion:

"Whereas the present scheme for the sending of domestic workers to Canada will apply to individuals in the lowest income brackets;

And Whereas the finding of passages by the selected individuals must create a great deal of unnecessary hardship and will certainly prevent some of the most efficient and qualified workers in this field from embracing the opportunity:

Be it resolved:

That this Council recommends to Government the advisability of either advancing the cost of the passages, as was done in the case of the migratory farm workers to the United States of America, or providing assisted passages to these domestic workers."

PREFERENCE FOR GUIANESE CANDIDATES

Mr. Lee: I beg to give notice of the following motion:

"Whereas Government has declared that recruitment to the Public Service of British Guiana rests upon the general principle that first consideration will be given to candidates of local origin who possess the requisite qualifications and experience;

And Whereas it appears necessary for this principle to be laid down as a firm policy to be accepted and followed by the local Government and the Secretary of State for the Colonies;

Be it resolved: That this Council recommends to Government that steps be taken to adopt the policy that British Guianese should be given first preference on all occasions in the filling of vacancies in the Public Service of British Guiana, provided that candidates for vacant posts possess the requisite qualifications and experience.

And be it further resolved that a copy of this Resolution be forwarded to the Secretary of State for the

Colonies, for his notification and approval."

REFUND OF DUTY ON PRIVATE BILL

Mr. Sugrim Singh: I beg to give notice of the following motion:

"Be it resolved that this Council recommends to Government the refund to the British Guiana Sevashram Sangha of the sum of one hundred dollars paid in terms of the Tax Ordinance, 1939, for the Private Bill intitled "An Ordinance to incorporate certain persons as Trustees of the body known as the British Guiana Sevashram Sangha; to vest in such persons certain property; and for purposes connected with the matters aforesaid."

NOTICE OF QUESTIONS

ELECTRICITY AT WISMAR AND CHRISTIANBURG

Mr. Lee: I beg to give notice of the following questions:—

(a) To the **Member for Local Government, Social Welfare and Co-operative Development,**

1. Will the Government state whether an offer was made by the Demerara Bauxite Company to supply Wismar and Christianburg Local Authority with electricity?
2. If the answer is in the affirmative, will Government state when the offer was made and the reasons why it was not accepted?
3. If the answer is in the negative, will Government negotiate with the Demerara Bauxite Company for the supply of power to the Local Authority?

LIGHTING PLANT FOR LEGUAN

To the **Member for Communications and Works:**

1. Will the Government state when the lighting plant for Leguan will be installed,

2. Will the Government state whether an application from a resident of Leguan for the erection of a lighting plant to supply electricity to the Island was refused?
3. If the answer is in the affirmative, will the Government state the reasons for its refusal.

IMPROVEMENT OF CONDITIONS IN N. W. DISTRICT

Mr. Phang: I beg to give notice of the following questions :—

To the Chief Secretary :

How many of the eighty recommendations and of the sixteen long-term recommendations of the old Legislative Council Advisory Committee's report of January, 1953, for the amelioration of the depressed conditions in the North-West District has Government implemented and what are its intentions towards those not yet implemented?

WILD LIFE PROTECTION

To the Member for Agriculture, Forests, Lands and Mines :

When does Government propose to introduce the Wild Life Protection legislation reported on in November, 1954, by the Cleare Committee ?

PRIVATE MEMBERS' MOTIONS

Mr. Lee: Mr. Speaker, before we proceed with the Order of the Day I would be glad if you would fix a day for discussion of private Members' motions. Wednesday is the day, and I am asking that an early date be fixed.

REFERENCE TO RICE OUT OF ORDER

Mr. Rahaman *rose*

Mr. Speaker: If the hon. Member is going to complain about the conditions of the roads I would ask him not to do so; it would be entirely out of order. If it is about rice I cannot allow anything to be said about what has tak-

en place at the Conference in Barbados. So far I have not seen any report of that Conference, and we may indulge in making unfair criticisms. If it is rice, and you think you may touch on a delicate question, I would ask you to refrain from referring to the subject at all. I can anticipate your interest in the matter but I would rather you did not refer to it.

Mr. Rahaman: I just want to say that I compliment the members of our delegation to the Conference.

Mr. Speaker: I would rather you do not do that. If you do that others may take a different view. You may like to congratulate them while other Members may not. In the public interest I shall rule any such references entirely out of order.

Mr. Correia: My reference to the matter is straightforward; it is not delicate.

Mr. Speaker: I will not allow any reference to rice. I am just as anxious as you are, although I am the Speaker, to see some settlement, but reference to the matter is entirely out of order.

Mr. Sugrim Singh: It is rather unfortunate.

Mr. Speaker: Members must give notice of matters of this kind.

Mr. Sugrim Singh: There are some very important things.

Mr. Speaker: I am entitled to know what you propose to raise.

Mr. Sugrim Singh: I am also on rice, Sir. There are some important things affecting the industry; we have to do something about it.

Mr. Speaker: I am asking you to be good enough to resume your seat.

Mr. Sugrim Singh: There are several things but we are not allowed to discuss them.

Mr. Speaker: You must know that it is out of order; I am sure you do.

Mr. Correia: I wish to ask for some information.

Mr. Speaker: We will proceed with the Order of the Day.

ORDER OF THE DAY

ACCOMMODATION FOR PILOT POTTERY PLANT

Mr. Carter asked and the Member for Local Government, Social Welfare and Co-operative Development (**Mr. Farnum**) laid over replies to the following questions:

Q 1: Is the accommodation for the pilot plant for experimental work in pottery adequate ?

A 1: No, Sir.

Q 2: If the answer is in the negative, when does Government propose improving the accommodation. ?

A 2: Government is now considering whether it can afford to purchase a building or can find other accommodation.

Q 3: Does Government intend to set up a research centre in the utilisation of local raw materials with a view to the establishment of new industries ?

A 3: Yes Sir, if and when suitable accommodation can be made available.

Q 4: Is it a fact that when Government was operating the pilot plant in Essequibo for the manufacture of guava jelly and jam, the residents of the area were encouraged to increase their cultivation of fruits?

A 4: Yes Sir. Persons who had owned guava trees took greater care of the trees when they found that they could sell the crops to the factory.

Q 5: Is it a fact that since the plant was sold by Government the purchasers have not expanded production and have now discontinued production ?

A 5: Yes Sir.

Q 6: If the answers to Questions 4 and 5 are in the affirmative, does Government intend to re-establish a fruit processing plant in the area to utilise the fruit now going to waste ?

If not; what are Government's plans for relieving the situation?

A 6: Government is now examining the annual operational cost of a factory and whether a Co-operative Society can be formed to finance and run one.

LOCAL GOVERNMENT (AMENDMENT) BILL

Mr. Farnum (Member for Local Government, Social Services and Co-operative Development): I beg to move the second reading of the Bill intituled:

"An Ordinance to amend the Local Government Ordinance."

The object of this Bill is to empower Local Authorities of village and country districts to pay pensions and gratuities to its officers and servants in accordance with by-laws made by the Local Government Board regulating such payments. Clause 2 seeks to empower the Board to make by-laws for the purpose of regulating the payment of pensions and gratuities by Local Authorities of village and country districts.

Clause 3 seeks to empower Local Authorities of village and country districts to award pensions and gratui-

ties out of their respective general revenues in accordance with by-laws made by the Board.

Clause 4 seeks to validate payments of pensions and gratuities made by Local Authorities of village and country districts to their officers and servants prior to the commencement of by-laws made by the Board regulating such payments.

I formally move that the Bill be read a second time.

Mr. Kendall (Member for Communications and Works): I beg to second the motion.

Rev. Mr. Bobb: The introduction of this measure is patently very desirable inasmuch as for some years past the granting of pensions and gratuities to officers of Local Authorities has been more on the basis of convention than of legality. Therefore this measure is to be welcomed because it would help to straighten matters out.

Not so long ago the Local Government Board, exercising some of its functions, did arrange to recommend to Local Authorities a scale of salaries for overseers, and to a great extent those scales of salaries have been accepted. But there is evidence of the reluctance of some Local Authorities to do so, the chief reason being, of course, their financial capacity to meet the demands of those scales. Now that we are going a step further to legalise action taken by Local Authorities in the past, and to provide that in the future pensions and gratuities could be properly awarded to officers of Local Authorities, I trust that Government will take the necessary action to ensure that some scheme is worked out to enable those officers to have decent pensions.

At the present time the pensions that are awarded depend to a large extent on the goodwill of the individual Local Authority and its financial ability at the time. It seems to me that inasmuch as salaries are regularized and put on a more or less even scale, pensions ought to be similarly treated, and I trust that the hon. Member for Local Government will make a note of this point so that an attempt may be made as soon as possible to have pensions regulated on as decent a basis as salaries are at the present time.

Mr. Lee: I would like to get some information with respect to clause 2 which seeks to empower the Local Government Board to make by-laws for the purpose of regulating the payment of pensions and gratuities by Local Authorities. Would the Board make by-laws to provide that a Local Authority with a revenue of \$10,000 or \$20,000 a year shall pay its officers a certain percentage of their salaries as pensions? In my opinion responsible people on Local Authorities should be empowered to decide the amount of pension they could award to their officers and to put aside funds for that purpose. I would like some information from the hon. Member as to the principle on which the proposed by-laws will be made.

Mr. Farnum: The Board is seeking power to make by-laws, but any by-laws made will have to be submitted to the Governor in Council for approval. The length of service and enrolments of an officer will always be taken into consideration when fixing his pension. On the question of gratuities the draft by-laws provide:

"10. Subject to the provisions of by-law 8, an employee holding an approved appointment who has served satisfactorily for seven continuous years or more, but not exceeding twenty years, shall be granted a gratuity calculated at the rate of one-eighteenth of a month's pay for

[Mr. Farnum]

each complete month of service, with a maximum of one year's pay."

That means that every gratuity would be determined on the salary the officer was receiving.

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.—*Short title.*

Agreed to.

Clause 2.—*Amendment of section 21 of the Principal Ordinance.*

Mr. Macnie: Under this clause I would be grateful if the hon. Member for Local Government would give us more information about the extract which he was good enough to read from the draft by-laws which have already been prepared in anticipation of approval of this Bill by the Council. I am not suggesting that the preparation of draft by-laws was improper; I think it is very proper that we should know what would be done under the by-laws. What I would like to know is whether the by-laws which the Local Government Board will have the power to make, if this Bill is passed, will make it compulsory for Local Authorities to award pensions and/or gratuities? As the hon. Member, Mr. Bobb, has said, some Local Authorities have accepted the ruling of the Board as regards salary scales for officers of Local Authorities, but other Local Authorities have not, and I have no doubt that those Local Authorities had good reason for not doing so. What I want to know

is whether the by-laws will compel Local Authorities to pay pensions and or gratuities, or whether it would be optional.

Mr. Speaker: Would the hon. Member like to say something?

Rev. Mr. Bobb: May I just point out, Mr. Speaker, that I do not expect the hon. Member to be in a position to give a reply to the hon. Member's question in view of the nature of it.

Mr. Macnie: I would like to assure the hon. Member (Rev. Mr. Bobb) that I am not trying to take the advantage, because the hon. Member (Mr. Farnum) has been kind enough to read a portion of the draft by-laws. I am not saying that the by-laws are unnecessary.

Rev. Mr. Bobb: It seems to me that many things have to be considered before that stage is reached, and if the hon. Member has some idea of the form in which the by-laws will be put, then I may say that it has not yet reached the local Government Board for consideration therefore this is a matter on which I need not speak any more.

Mr. Speaker: On this question, whether the by-laws can make payment compulsory, it seems to me that it is compulsory in a limited way, irrespective of the amount of revenue received by the local authority.

Mr. Macnie: Will the by-laws prescribe or lay down that pensions or gratuities, according to the scales set out in the by-laws, shall be paid or may be paid? There is a difference between "paid" and "made":

Mr. Speaker: Whether they shall be retrospective is another question that will arise.

Rev. Mr. Bobb: That is why I am a bit surprised that we are discussing

this stage of the measure. It seems to me that many stages will have to be passed before considering the form the by-laws will take—and not necessarily in this Council: I foresee difficulty there because at the present time new salaries for overseers have been suggested, and there is no compulsion. The method is more one of persuasion than compulsion. I do not see what powers the by-laws will have in relation to the present form of salary scale.

Mr. Gajraj: Hon. Members are trying to get ahead of what this legislation is intended to do. It seems to me that we should only be dealing with the legislation before the Council, which seeks to empower the Local Government Board to make certain by-laws. It would seem inadvisable to incorporate into this Bill the ways in which pensions and gratuities should be worked out, because in course of time methods and people might change and there would then be the necessity to pass amending legislation through this Council every time.

I think what the hon. Member for Local Government did attempt to do when he spoke was to give to the Council an idea of the type of by-laws which would be considered in this case, bearing upon salaries and pensions and things of that kind. Surely, Members would have an opportunity of approving the by-laws. From the Local Government Board they would go to the Governor in Council and after that, they would be laid in this Council. After a number of days any Member of this Council can move a motion objecting to them. Not until they have been laid in this Council for a certain time can they be made law. All that Clause 2 deals with, is to give to the Local Government Board the power to make regulations.

Mr. Macnie: The hon. Member who has just taken his seat has com-

pletely missed the point. Again, I do not question in any way at all what the scales of pensions and gratuities are to be. All I sought to ascertain was: are the regulations or by-laws going to be compulsory?

Now, I can only be guided by the Objects and Reasons, in which it is stated:

“Clause 3 seeks to empower local authorities of village and country districts to award pensions and gratuities out of their respective general revenues in accordance with by-laws made by the Board.”

I think the point is, to empower the Local Authorities to do that “in accordance with” the by-laws of the Board. Now,

“Clause 2 seeks to empower the Board to make by-laws for the purpose of regulating the payment of pensions and gratuities by local authorities of village and country districts.”

The question I have asked, is, to my mind, quite a simple one. What does the word “regulating” mean? Does it mean laying down that gratuities shall be paid in accordance with the scale, or does it mean that the payment of pensions and gratuities may be made at the discretion of the Local Authority in accordance with the scale laid down? I think that the Council is entitled to know the nature of the by-laws—whether they are compulsory or discretionary on the part of the Local Authority?

Mr. Cummings: I do not think there should be any doubt about it at all. First of all, one of the important words is “empower” and when we look at the proposed new subsection (8), we see—

“The local authority of a village or country district may, in accordance with by-laws made by the Board for such purpose

“May”, not “shall”. Perhaps the Attorney General may speak on this, but

[Mr. Cummings]

as I understand it, there will be regulations which will state that pensions are to be paid on a certain scale to certain persons, and then the Local Authority may (and not shall) make payments in accordance with that.

Mr. Macnie: If the hon. Member for Local Government will give that assurance, then I will be happy.

The Attorney General: As I read this legislation, it is purely of an enabling nature, and one of the things that it enables is that the Board may make by-laws with regard to the pensions and gratuities. The answer to Mr. Macnie's question depends on what is to be in the by-laws. Clause 3 only enables the Local Authorities to pay pensions and gratuities in accordance with the by-laws. The Ordinance does not purport to say how much to pay, or whether pensions are to be paid. These matters will depend on the by-laws the Board makes. I do not know whether or not a policy on these matters has yet been settled.

Mr. Macnie: It is quite clear from the remarks made by the hon. the Attorney General, that the hon. Member for Labour, Health and Housing is in some doubt.

Mr. Cummings: No, sir. I distinctly said that this is a matter on which the Attorney General may advise. If that is the Attorney General's view, then I will not press my own personal opinion at all.

Mr. Farnum: I quoted an extract from the draft by-laws to give an indication of what form the pensions

would take, but that was not saying that that portion of the by-laws would be accepted. As regards the inquiry whether pensions would be compulsory or not, that is a decision that will have to be made by the Local Government Board. All I am now asking is that power be granted to make these by-laws.

The Chairman: I think we had better proceed.

Question put, and agreed to.

Clause 2 passed as printed.

Clauses 3, 4 and the title and enacting Clause passed as printed.

Council resumed.

Mr. Farnum: I beg to move that the Bill be read a third time and passed.

Mr. Kendall: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

ADJOURNMENT

The Chief Secretary: I would suggest that the Council adjourns until tomorrow at 2 o'clock.

Mr. Macnie: For what business?

Mr. Cummings: The Opticians Bill. Item 7 on the Order of the Day.

Agreed to.

Council adjourned at 3.55 p.m. to next day, Friday 22nd June, 1956 at 2 p.m.