

LEGISLATIVE COUNCIL

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

Thursday, 30th August, 1956

The Council met at 2 p.m.

PRESENT:

The Deputy Speaker,

Mr. W. A. Macnic, C.M.G., O.B.E. —
in the Chair.

Ex-Officio Members:

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

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

The Hon. the Financial Secretary,
Mr. F. W. Essex.

Nominated Members of Executive Council:

The Hon. P. A. Cummings (Mem-
ber for Labour, Health and Housing).

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

The Hon. R.C. Tello

The Hon. L. A. Luckhoo, Q.C.

Nominated Unofficials:

Mr. W. A. Phang

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. R. B. Jailal

Mr. Sugrim Singh

Clerk of the Legislature —

Mr. I. Crum-Ewing.

Assistant Clerk of the Legislature

—Mr. E. V. Viapree.

Absent:

His Honour the Speaker,

Sir Eustace Gordon Woolford, O.B.E.,
Q.C.—on leave.

The Hon. Sir Frank McDavid,
C.M.G., C.B.E. (Member for Agri-
culture, Forests, Lands and Mines)—
on leave.

The Hon. W. O. R. Kendall (Mem-
ber for Communications and Works)—
on leave.

The Hon. R. B. Gajraj—on leave.

Mr. W. T. Lord, I.S.O.—on leave.

Mr. J. I. Ramphal—on leave.

Mr. T. Lee—on leave.

The Deputy Speaker read prayers.

The Minutes of the meeting of the Council held on Friday, 24th August, 1956 as printed and circulated were taken as read and confirmed.

LEAVE TO MEMBERS

Mr. Deputy Speaker: I have to announce that leave of absence has been granted to Mr. R. B. Gajraj from today's meeting and other meetings of the Council, until the 3rd of September, as he will be out of the Colony on official business; also, leave has been granted to Mr. Theo Lee from attending today's meeting.

UNOFFICIAL BUSINESS

EXPLORATION FOR MINERALS

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

"Be it resolved: That this Council recommends that Government should open for the exploration of minerals the area covering the headwaters of the Mazaruni."

INACCURATE PRESS REPORT

Mr. Cummings (Member for Labour Health and Housing): Sir, before the Order of the Day is taken I crave your leave to refer to a report in the Press concerning the resumption of consideration of the Bill on today's Order Paper, "A Bill intituled an Ordinance to make provision for the control of the profession of Pharmacy and the trade in Drugs and Poisons." The report states that the Bill was deferred because I was leaving the Colony. You will recollect, sir, that the Bill was deferred because of your request—

Mr. Deputy Speaker: My request, while I was on the floor.

Mr. Cummings: Thank you, sir; and other Members of this Council

felt more time was needed to consider it. Since it could not have been considered during my absence it is on the Order Paper today. There are so many inaccuracies in the Press that one cannot stop to correct them all, but this is one I cannot overlook.

REPAIRS TO MONTROSE BRIDGE

Mr. Sugrim Singh: Again, before the Order of the Day, I wish to draw this Council's attention to the dangerous situation created on the East Coast road owing to the delay in carrying out repairs to the bridge at Montrose. I have seen passengers being unloaded from buses about to cross the bridge, and I am almost certain that one of these days we will read of very serious damage being suffered because of the fact that repairs to this bridge have not been completed. I am sorry the Member under whose portfolio this matter comes is not here. It is regrettable that the work cannot be speeded up. The machinery has been there for over a year, and it seems that nothing has been done. When it rains it becomes even more serious. I think a stitch in time would save the situation.

Mr. Farnum (Member for Local Government, Social Welfare and Co-operative Development): As I have been asked to look after the portfolio of the Member for Communications and Works, I will refer the comments made by the hon. Member to the proper authority.

REPLIES TO QUESTIONS

ELECTRICITY AT WISMAR AND CHRISTIANBURG

Mr. Phang on behalf of **Mr. Lee**, asked, and **Mr. Farnum** laid over replies to the following questions.

- Q 1. Will the Government state whether an offer was made by the Demerara Bauxite Company to supply

the Wismar and Christianburg Local Authority with electricity?

A 1. The Commissioner of Local Government on behalf of the Christianburg and Wismar Local Authority approached the Company in April, 1954, regarding supplying current to the local authority, and the Company expressed willingness to do so under certain conditions.

Q 2. If the answer is in the affirmative will Government state when the offer was made and the reasons why it was not accepted?

A. 2. Estimates of capital and recurrent costs were prepared and subsequently it was decided that the project should be included in the scheme for electrification of the rural areas of the Colony submitted to the Secretary of State for approval. By so doing the local authority would be relieved of the capital costs.

Q 3. If the answer is in the negative, will Government negotiate with the Demerara Bauxite Co. for the supply of power to the local authority?

A 3. The Report of the consultants from the Colonial Office has recently been received and is being considered by the Member for Communications and Works.

GOVERNMENT BUSINESS

DEEDS REGISTRY (AMENDMENT) BILL

The Attorney General (Mr. Wylie): I beg to move the second reading of the Bill intituled:

“An Ordinance to amend the Deeds Registry Ordinance”

I would like to say that the reason why this Bill has been brought forward is to try to deal more expeditiously with the great increase in the transport and other work of the Deeds Registry. As the law stands the Registrar can depute to his staff quite a number of duties under the Ordinance, but there are some which are quite properly left in the hands of the Registrar himself. One of those duties is passing transports.

Members of this Council are aware that at one time transports were passed only before a Judge, but with the increase of the work of the Judges the law was amended, and now only the Registrar presides in the Transport Court. When that amendment of the law was made it was provided that these particular functions devolving on the Registrar shall be exercised only by the Registrar in person, and that was quite proper, but now with the increase in the volume of work a position is being reached where delays must occur if there is only one person who can preside in the Transport Court.

Accordingly, this Bill seeks to amend this provision in the Ordinance (subsection (4) of Section 17) so that it would now provide that the Deputy Registrar or the Registrar of Deeds should have the authority to perform these duties in connection with transports and mortgages.

I have some figures here which will interest Members of this Council. They show that the transport business alone (and this does not apply to Supreme Court business, which is handled by the combined staff) is something like two and a half times what it was in 1939, and in the last two years

it has gone up by 50 per cent., and the object of this Bill is to meet that position. I move that this Bill be read a second time.

The Financial Secretary (Mr. Essex): I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into Committee to consider the Bill clause by clause and approved the Bill as printed.

Council resumed.

The Attorney General: I beg to move that the Bill be now read a third time and passed.

The Financial Secretary: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

AUCTIONEERS (AMENDMENT) BILL

The Financial Secretary: I beg to move the second reading of the Bill intituled:

“An Ordinance to amend the Auctioneers Ordinance.”

Under the provisions of Section 152 of the Local Government Ordinance (Chapter 150) local authorities may sell the best way they think fit such lands as they no longer have any use for. The Local Government Board has come to the conclusion that the best and most profitable way to sell these lands is by public auction. Under the Auctioneers Ordinance, however, auction of lands must be carried out by licensed auctioneers. In some parts it is extremely impracticable, indeed highly expensive to engage the services of a licensed auctioneer, and the Local Government Board can only ask if it may be empowered to appoint its own auctioneers. There seems to be no objection to this as their fees will be paid by and the matter will be in the hands of the local authorities.

Before I sit down I would like to make it clear that one small mistake appears in the Objects and Reasons where it is stated:

“ . . . this Bill seeks to exempt officers of local authorities who may conduct the sale of lands . . . ”

Actually, the person nominated to conduct the sale will not necessarily be an officer of the local authority.

Mr. Farnum: I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into Committee and approved the Bill as printed.

Council resumed.

The Financial Secretary: I beg to move that the Bill be now read a third time and passed.

Mr. Farnum: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

WIDOWS AND ORPHANS PENSION (AMENDMENT) BILL, 1956

The Chief Secretary: I beg to move the second reading of the Bill intituled:

“An Ordinance to amend the Widows and Orphans Pension Ordinance.”

Under the present law — section 22 of the Widows and Orphans Pension Ordinance — contributors to the Fund have to pay 5 per cent. of the maximum salary of their post. Under section 23 there is provision for an intermediate amount to be fixed as a maximum salary for the purpose of contributions to the Fund in posts which carry an incremental scale. That arrangement has been going on for some time. With the recent revision of salaries there are now a number of new salary scales which are considerably longer than the previous ones and there are substantial differences between the minimum and the maximum of the scales. The Direc-

tors of the Fund have represented that it is a hardship on officers who are at the minimum of their salary scale, and they have suggested that more than one intermediate point should be put into the longer scales in which junior officers would have to pay 5 per cent. as their contribution to the Fund. That requires an amendment to the Ordinance, and therefore this Bill has been introduced. The Civil Service Association has supported the measure.

Mr. Deputy Speaker: Does any Member wish to speak on the second reading of this Bill?

Question put, and agreed to.

Bill read a second time.

Council resolved itself into Committee and considered the Bill clause by clause without amendment.

Council resumed.

The Chief Secretary: I beg to move that this Bill be now read a third time and passed.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

SUPPLEMENTARY ESTIMATES—APRIL TO JUNE, 1956

The Financial Secretary: I beg to move the following resolution:—

“Resolved, that this Council approves of the Supplementary Estimates for the months of April, May and June, 1956, totalling \$399,290.71 which have been laid on the table.”

This total of nearly \$400,000 for the second quarter of the Annual Estimates is a very large supplement. It is

however, not quite so formidable as appears at first sight, for \$210,536 of it is re-votes and \$102,000 is for the pure line seed paddy scheme which has been a hardy annual in supplementary estimates for several years. We shall have to see that it goes out the 1957 Estimates and is offset by revenue to the extent of about \$92,000. These Schedules have already been approved by Finance Committee and I do not think, there-

fore, that I need take up the time of the Council by going into details of the other items. I therefore move that the motion be adopted.

The Chief Secretary: I beg to second the motion.

Question put, and agreed to.

Motion carried.

SUPPLEMENTARY ESTIMATES (DEVELOPMENT)—APRIL TO JUNE, 1956

The Financial Secretary: I beg to move the following resolution:—

“Resolved, that this Council approves of the Supplementary Estimates (Development) for the months of April, May, and June, 1956, totalling \$210,853.52 which have been laid on the table.”

A good deal of this provision—\$133,000 is reimbursable under the Colonial Development Act for schemes where progress has gone on more quickly than expected, for completely new schemes, or for revised schemes. The revenue contribution in the Schedules, apart from the large item of \$60,000 for two storage bonds required in connection with the seed paddy scheme already approved in the extra Schedule, is called for by the 10 per cent. share which we are normally asked to pay now towards the cost of new Colonial Development and Welfare Schemes.

I beg to move the adoption of this motion.

The Chief Secretary: I beg to second the motion.

Question put, and agreed to.
Motion carried.

GEORGETOWN TOWN COUNCIL (AMENDMENT No. 2) BILL, 1956

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

"An Ordinance to amend the Georgetown Town Council Ordinance with respect to the borrowing powers of the Council."

The object of this Bill is to increase from \$200,000 to \$400,000 the amount which the Georgetown Town Council could, from time to time in any one year, borrow from its bankers by way of overdraft towards the payment in that year of duly authorised current expenditure. It has been considered necessary for the Council to meet increased expenditure for the construction of new roads and bridges, and the progress of recurrent work on other roads and bridges has been considerably slowed down. In view of this, it has been considered necessary to have an overdraft of \$400,000. In other words, the Council's expenditure has risen considerably during the last five years, and the proposed increased overdraft of \$400,000 represents 20 per cent of the remaining expenditure for the year 1956.

Mr. Tello: I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into Committee and approved the Bill, as printed.

Council resumed.

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

Mr. Tello: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

Standing Orders of Legislative Council.

The Attorney General: I beg to move the motion standing in my name at item 8 in the Order Paper. It reads:—

- "(a) That the Report of the Select Committee set up in terms of Resolution No. XL of 29th December, 1955, be adopted; and
- "(b) That the Standing Orders submitted with the Report of the Select Committee shall be, and are hereby declared to be, the Standing Orders of this Legislative Council."

There has been quite a full report submitted by the members of this Select Committee; it was laid on the table of this Council over two months ago, and I have no doubt that hon. Members are familiar with it. I do not propose, therefore, to refer to the Standing Orders at length. The report itself draws attention to these matters including the principal items which the members of the Committee thought should be specially drawn to the attention of Members of the Council, and there is no point in going over that again. At the same time, if Members who were not on the Committee require any information, Members of the Select Committee will endeavour to supply that information. I have attended the meetings and there are two points which are not in the Standing Orders

but to which I do wish to refer. One is that there is no reference in the Orders with regard to Elected Members under the new Constitution that may arise if the Constitutional changes proposed come into effect. These Standing Orders have been framed, I have already explained, on the Standing Orders in force in Legislative Councils where there are elected Members. There would have to be changes and the necessary proceedings would follow, but there would not be far-reaching changes if elected Members are included in this Legislature.

The other point I wish to refer to concerns Standing Order No. 39 in the draft. That is the Standing Order which deals with order in the Council and in Finance Committee, and it deals therefore with the question of the circumstances under which, and the procedure by which, a Member may be suspended. In the Standing Orders of other Legislative Councils which this Select Committee considered, there was a provision that during any period of suspension a Member could not be paid a salary due to him as a Member of the Legislative Council, and all the members decided in Committee that that was a very proper provision. It seems fairly logical that if a person is in a public position and paid from public funds for the time he devotes to his duties, and because of some misunderstanding he leaves his post, one would consider whether he should continue to receive a salary from public funds. I myself have advised the Select Committee that the position is a little bit different in British Guiana because of our Ordinance—The Executive and Legislative Councils (Renumeration of Members) Ordinance, 1953. Section 3 of that Ordinance states that subject to certain provisions “a Nominated Unofficial Member of the Legislative Council shall be paid a salary at the rate of three thousand dollars per annum.”

The Standing Orders, of course, cannot overlap the Ordinance which, in this country, is equivalent to an Act of Parliament. Therefore, my advice was to the effect that it would not be proper to include in these Standing Orders the provision that we should take away a Member's salary under the provisions of this Ordinance. The safest provision seems to be that a Member's salary should not be paid during the period of suspension. That point has been brought to the notice of Government and in due course the necessary piece of legislation will be placed before the Council.

There are, of course, many changes in these Standing Orders which arise from two main considerations. One is that they are much more detailed than the present Standing Orders. The Committee considered that desirable, especially in the case of new Members coming to the Council, as they would be able to read into the Standing Orders what the correct procedure was, instead of having to fall back on the residual clause which provides that in cases not provided for we have to fall back on the practice and procedure in the House of Commons. That residual clause is still there but it should be necessary to fall back upon it much less than before.

Another reason for the number of changes is, of course, the change in the Constitution of the Legislature since 1952. There is now a Speaker whereas previously the Governor presided over the Legislature. That has led to a number of changes which have been made in the Standing Orders.

Since the last war the staff of the Speaker of the House of Commons have been giving more and more assistance to Legislatures overseas with regard to provisions concerning parliamentary procedure, and probably the subject of Standing Orders is one on which they

[The Attorney General] have given most assistance. With all the constitutional changes which have been taking place, it is one that calls for advice quite frequently. The members of the Select Committee were offered that assistance, and as a matter of fact reference is made in the Report to the fact that the Committee took into account the Standing Orders of the Colony of Singapore. The reason for that was that we were told by the House of Commons staff that they had been giving attention to the problem for some years, and that the latest set of Standing Orders with which they had assisted were those of Singapore, and they regarded them at that stage as probably the best advice they had given. That was one reason why the Singapore Standing Orders were taken into account. But the Committee also had before them the Standing Orders of Trinidad and Tobago, and those of British Honduras, in both of which Colonies there are Legislative Councils somewhat similar to this, except that they have elected Members. The Committee therefore decided to proceed on the latter of those two sets — the British Honduras set.

Very fortunately, during our deliberations Mr. Lidderdale, Fourth Clerk-at-the-Table of the House of Commons, came to the Colony and spent several days with the members of the Select Committee, going through their work with them, and indeed he continued the good work after he left this Colony. In the result he presented us with 200 pages of comments containing quite a lot of suggestions, practically all of which have been incorporated in this draft of the Standing Orders. The Committee feel that what they are offering to this Council is the best combination of Standing Orders for this Council, and of course they are fortified in that belief by the experience and authority of Mr. Lidderdale who has checked and modified the

form of the Standing Orders. I therefore wish to refer hon. Members to the last sentence in paragraph 5 of the Committee's Report which reads:

"We are deeply grateful for all the help that Mr. Lidderdale gave to us, and we would respectfully suggest for the consideration of the Council that a suitable expression of the appreciation of the whole Council should be forwarded to the Speaker of the House of Commons."

The members of the Committee feel sure that other Members of this Council will join us in asking you, Sir, to convey our appreciation to the Speaker of the House of Commons.

Members of this Legislative Council cannot fail to be impressed with the manner in which all Members accept the rulings from the Chair. I have been associated with at least one other Legislature where that was not always the position, and as a result the proceedings were sometimes quite topsyturvy. But that is not so in this Council, and I feel that with these set of Standing Orders being liberally applied by Your Honour, and being followed by Members of the Council, we shall have full scope for frank discussion on every matter that comes before us, and be able to carry out public business in an expeditious manner. I formally move the adoption of the Select Committee's Report and the new Standing Orders.

The Financial Secretary: I beg to second the motion.

Mr. Deputy Speaker: The hon. mover did not refer to the new provision for the appointment of Sessional Select Committees, notably a Public Accounts Committee, referred to in paragraph (g) on page 3 of the Select Committee's Report. I do not know if any Member wishes to speak on that point, or whether the hon. the Attorney General would care to elaborate on that aspect of the Select Committee's Re-

port. The late Mr. Raatgever was particularly keen, and some keenness too about a Public Accounts Committee. I just thought I would draw the attention of Members of the Council, other than those who were members of the Select Committee, two of whom are not present, to that aspect of the Committee's Report.

The Financial Secretary: Perhaps, as Financial Secretary, I should explain that Government welcomes the proposal to set up a Public Accounts Committee which can be a most useful part of the machinery for controlling public expenditure. I hope it will develop into an expert Committee of the Council which should not be influenced by a personal or other motives. It will be an expert Committee which will go into the way and manner in which the Government has spent the money which this Council voted on the Estimates, and in doing its work it will be largely guided by the Annual Reports of the Director of Audit. I have seen two of these Public Accounts Committees' work — one in the United Kingdom and one in a Colony,—and though I must confess to a slight prejudice against it because of the thought that it would interfere with financial affairs, I found it was most helpful, and that it did let Members of the Council feel that they were really part of the machinery of Government. I personally welcome the proposal.

Mr. Luckhoo: I would like to pay public tribute and to compliment the Chairman of the Select Committee who did an enormous amount of work and, as Your Honour is fully aware, brought to bear during the deliberations of the Committee the full wealth of knowledge undoubtedly gleaned from his vast experience and his keen study of parliamentary procedure. For purposes of record I would like this brief and inadequate public tri-

bute to be recorded as reflecting what I feel is the view held by the individual members of that Committee.

Mr. Deputy Speaker: Hon. Members, I am sure, would wish to join not only in the tribute paid by the hon. Mr. Luckhoo to the Chairman of the Select Committee, our friend the Attorney General, but also in the expression of gratitude and appreciation of the Council which is respectfully suggested to the Council in the last sentence of the first paragraph on page 2 of the Committee's Report, to which the hon. mover of the motion drew attention, in connection with the great help received from Mr. Lidderdale. I am sure the Council would wish that appropriate expression of that appreciation be conveyed to the Speaker of the House of Commons.

Hon. Members will appreciate that from the moment this motion is approved these will become the Standing Orders of the Council.

The Attorney General: They will require the approval of His Excellency the Governor before they come into effect. I do not anticipate any delay in that respect.

Mr. Deputy Speaker: Hon. Members will appreciate that the chances are that by the next session of the Council these will be the Standing Orders, and for the benefit of those hon. Members who have not yet had an opportunity to familiarize themselves with them (they are considerably longer than the existing ones) it may not be inappropriate for me to invite attention to the paragraph which is noted in the Index, about the length of speeches. I will not say more. With those few remarks I propose to put the motion.

Motion put, and agreed to.

SAFETY EQUIPMENT FOR WORKERS

ORDER IN COUNCIL NO. 50 OF 1956

The Financial Secretary: I beg to move the motion standing in my name which reads:

“Resolved, That this Council in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council No. 50 of 1956 which was made on the 25th day of July, 1956, and published in the Gazette on 18th August, 1956.”

It has been represented to this Government that the present duty on safety helmets and other clothing worn by industrial workers, which is at present 20% Preferential and 36% General, is unfairly high. It is clearly desirable that the distribution of equipment of this kind should be as widespread as possible, and should be used in all the industries where it is necessary, and that every encouragement should be given for industrial concerns to use such safety devices. Representations were actually made in connection with aluminium helmets which are used in mining. The Order reduces the rates of duty of 20% and 36% to 3% and 10% respectively. These are the normal rates of duty imposed here on agricultural machinery, and it seems very appropriate that protective clothing should be classified with and charged at the same low rates of duty as agricultural machinery. I strongly recommend that this Order be approved by the Council.

The Attorney General: I beg to second the motion.

Mr. Correia: I am glad to see that Government has decided on this move to reduce the duty on protective clothing for industrial and other workers, as trade unions are rightly insisting on workers being given protective

clothing in their trades. I congratulate Government on reducing the duty on such apparel.

Mr. Jailal: I wish to add my commendation but I would like to take this opportunity to say that I feel that this is only the beginning of further steps to be taken by Government for the protection of workers in industry. I desire to place on record that it is my feeling, and indeed the feeling of several people concerned with industry, that in the very near future Government will see to it that laws are enacted to make companies and people engaged in industrial undertakings carry out fully those safety precautions and safety measures observed by industrial concerns in other parts of the world.

I see no reason why British Guiana, although not fully industrialised, cannot begin to make such an arrangement. It would be a pitiful thing to see the breadwinner of a family suddenly snuffed out, probably not through any fault of his own but through his working under great difficulty, and because of the lack of certain essential equipment. To see a worker pay that price is not a very good thing to think about or to see happen in one's presence. I speak most feelingly about this, because I have been connected with an industry in which workers have lost their lives, and many a family has been left without a father or breadwinner and without the means to prosecute a livelihood and assist children to grow up. I think it would be a most desirable thing for Government to follow these provisions right through.

We have a Labour Department which has undertaken to look after such things. We have an Inspector who is supposed to inspect factories, their working conditions and so forth, but if we do not give him the power

to act his hands would be tied. I think this is the first step to giving him the power.

Mr. Tello: I was very pleased to hear words of commendation coming from the hon. Member, Mr. Correia, who can safely be said to be able to speak for the employer and the industrialist, and from the hon. Member, Mr. Jailal, who is himself engaged in an industry which is widespread in this country. I want to say that it is not 100 per cent. that Government is not alive to the necessity for safety devices. Already there is provision in law for it, but the immediate object is to train both the industrial employee and the industrial employer to see the great need for collaboration in the process—as my friend says, for building a safety ring around industry. Again, it is a pleasure to hear hon. Members associating themselves with this measure taken by Government.

Mr. Deputy Speaker: Does the hon. Member propose to reply?

The Financial Secretary: No, sir.

Question put, and agreed to.

Order confirmed.

TAX CONCESSIONS TO TRADE COMMISSIONERS

ORDER IN COUNCIL No. 52 OF 1956

The Financial Secretary: I beg to move,

“That this Council in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council No. 52 of 1956 which was made on the 8th day of August, 1956, and published in the Gazette on 18th August, 1956.”

In the course of Customs challenging, a specific problem in regard to tax on the Trade Commissioner came to light, in that it was uncer-

tain whether the concessions granted to the Trade Commissioners were general or not.

Item 48 (3) of Part III of the First Schedule to the Customs Ordinance exempts from duty goods imported by any Trade Commissioner approved by the Governor. Members will see at once that this item is far too wide. It looks even wider, and, if I may say so, invidious when it is compared with the concessions granted specifically to the Trade Commissioners in the United Kingdom and Canada. Duty-free concessions in those places are specifically concerned with imports required for their duties, and in the case of the Trade Commissioner for Canada, for the personal use of himself and his family, so long as the same privilege is granted to the Trade Commissioner for the West Indian territories from Canada. This reciprocity is, of course, a normal feature for concessions. If country A gives concessions to country B, then country B would do the same thing for country A.

Now the Order will make the position of Commissioners quite clear. First of all, they must be career Trade Commissioners, in other words they must be full-time Commissioners — not appointed for any emergency. They must be all time, career and fully paid Commissioners.

That covers at least the first half of “(a)” of the substituted paragraph (3) of item 48. The other half of “(a)” is to make it quite clear that a Trade Commissioner who is not resident in British Guiana but has British Guiana as part of his parish, is eligible and he should have the concessions.

The second part, “(b),” makes it clear that a concession will only be granted for personal imports for his use and that of his family, if the same concessions are given by the country of which he is the representative.

[The Financial Secretary]

As I see it, this Order is to make the position understood; to make administration in the matter easier, and to extend the arrangement which exists specifically for the Trade Commissioners of Canada and the United Kingdom to make it apply to Trade Commissioners of other territories.

I beg to move that the Order be confirmed.

Mr. Deputy Speaker: Would any Member like to speak to the motion? I would like to ask some questions. We know of Trade Commissioners who live in Trinidad but represent other territories. I have had the privilege of personal friendship with one of them who visits here and other parts of the British Caribbean with which he is concerned, sometimes for only a fortnight or so. Would those privileges apply to Trade Commissioners when they are coming and going — while they are here on official duties, so to speak?

The Financial Secretary: My experience is that when he is on a short visit to a territory he is allowed concessions while he is there. Naturally, if the concessions are being abused, then the matter will be taken up with the country of his origin. But this Commissioner in question is a sensible man, and the concession has, I think, so far been well handled.

Question put, and agreed to.
Order confirmed.

REFUND OF TAX ON PRIVATE BILL

Mr. Sugrim Singh: I beg to move:

"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

intituled '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."

I would only add that there is precedent for this. The organization referred to is of a charitable nature, with headquarters at Cove and John. It is also doing religious work.

Rev. Mr. Bobb: I beg to second the motion.

Mr. Deputy Speaker: Does any Member wish to speak to this motion? Question put, and agreed to.
Motion carried.

AMENDMENT OF GAMBLING PREVENTION ORDINANCE

Mr. Lee to move the following motion:

"Whereas the proviso to paragraph (a) of section 20 of the Gambling Prevention Ordinance, as inserted by section 2 of Ordinance No. 19 of 1955, is operating adversely to certain reputable religious, charitable and philanthropic organizations:

Be it resolved: That this Council recommends to Government that the Gambling Prevention Ordinance, Cap. 21, be amended to empower the Governor in Council to exempt reputable religious, charitable and philanthropic organizations from the conditions of the proviso to paragraph (a) of section 20 of the Gambling Prevention Ordinance. Cap. 21."

Mr. Phang: On behalf of **Mr. Lee** I beg to ask that this motion be deferred until the return of that hon. Member.

Mr. Farnum: I have no objection, sir.

Mr. Deputy Speaker: In the absence of any objection, I take it that the Council grants leave for the deferment of this motion.

Motion deferred.

PLYWOOD COMMITTEE'S REPORT**PHARMACY AND POISONS BILL**

Mr. Correia to move the following motion:

"Be it resolved: That this Council accept in principle the recommendations contained in the Report of the Select Committee appointed in terms of Resolution No. XXXVI of 1955, which was tabled on the 19th July, 1956, and requests the Administration to give favourable consideration to those recommendations."

Mr. Correia: With the permission of the Council, sir, I ask that this motion be deferred until the next sitting of the Council.

Mr. Deputy Speaker: Does the hon. Member have as many supporters here as he would have at the next meeting?

Mr. Correia: Your Honour, actually I was ill over the last week end and so did not get a full chance to prepare to go ahead with the motion.

The Financial Secretary: I would liked to say that so far as Government is concerned, we would have no objection to the deferment of this motion, and we would rather welcome it. We have initiated action to consider the Report and we are awaiting the advice of the technical people before deciding whether it should be accepted even in principle. We cannot accept a motion in principle for something over which we have no control. So, as I say, we are not pressing that it be taken today.

Mr. Deputy Speaker: Unless any other Member is against the deferment of this motion, I will grant it.

Motion deferred.

Motion for the second reading of the Bill intituled:

"An Ordinance to make provision for the control of the Profession of Pharmacy and the Trade in Drugs and Poisons."

Mr. Cummings: On the last occasion I moved the second reading of this Bill and, as I remarked when I addressed this Council before the Order of the Day, the debate was deferred at the request of Members who wished more time to consider the proposed amendments, some of which were more or less sprung on me by hon. Members. You were at that time "on the floor", sir, and I think you were one of those Members who agreed that more time should be allowed for the study of the Bill. I hope that it will be the pleasure of Members that the Bill should now be proceeded with, as it has been rather overdue.

Mr. Sugrim Singh: I am asking the hon. mover of this Bill to consider the desirability of deferring further consideration of this Bill on the ground that it is a very important Bill, with many controversial clauses which will call for a division, and the Council is at present very much depleted. I am not singular in this request, and another week is neither here nor there.

Rev. Mr. Bobb: I appreciate the interest of the hon. mover and I think the delay has been due to circumstances over which he had no control. Inasmuch as the Bill is obviously a very important one, it should be examined by as many Members as possible, and I most heartily agree that this Bill be deferred for another week or two.

Mr. Phang: I desire to support what the two previous speakers have said. I think there should be a postponement of the Bill.

Mrs. Dey: I am also of the same opinion, sir.

Mr. Cummings: May I make a remark, sir? I believe that we are, in spite of our difficulties, endeavouring to be democratic, and if it is the strong wish of this Council that this Bill should be deferred, let it be so, but let hon. Members take the responsibility. This Bill first came up for consideration more than two months ago, and there are many amendments that are to be completed. If it is the wish of this Council that it should be further deferred, then let it be done. Let this Council take the responsibility and leave it to the Secretary of State to say whether Members of this Council who are receiving public money are justified in drawing their pay if they are absent without leave when there is public business to be considered.

Mr. Deputy Speaker (after three Members had risen to speak): If hon. Members wish to speak they should rise one at a time.

Mr. Sugrim Singh: I am very surprised to hear —

Mr. Deputy Speaker: What is the hon. Member speaking to? I must ask him to take his seat as I have risen to address the Council.

The Attorney General: Sir, is there a motion before the Council?

Mr. Deputy Speaker: The hon. Member (Mr. Sugrim Singh) has already spoken to the question of deferment of this debate. Before the hon. Member for Labour, Health and Housing rose to reply I was about to rise. What I wished to ask hon. Members—those who asked for a deferment of the Bill—to realize was that even if a

motion is moved and carried, no hon. Member has attempted to analyse the position with regard to the presence today of Members of the Council. The position is really that the only “floor” Member who is absent is the hon. Mr. Lee. There is no other “floor” Member absent today who could be here next week. There are three Government seats vacant today, and two of them, I understand, will be occupied next week, by Members who are at present out of the Colony on Government business. The other is the hon. Member for Communications and Works (Mr. Kendall) who, I understand, is going to be away for at least a month.

I am going to ask those hon. Members who have requested a deferment of the Bill to analyse the position and try to be realistic. No one can really say that the Council is depleted today, except with respect to the Government are concerned, the position today is far better than it has been for some months, except with respect to the hon. Mr. Lee. I am sorry if I have to speak strongly in the matter, but these are the facts as they stare me in the face.

The attendance here today is far better than it was last week. If hon. Members who are present wish to have a deferment of the Bill, then, as the hon. mover (Mr. Cummings) has said, we do not wish to be undemocratic and force the issue. I am prepared to grant the request for a deferment on the firm understanding that the second reading of the Bill will be proceeded with next Thursday and without any further request for a deferment being raised. My own view is that the Council should only meet when it has a full day's business except there is an emergency, and I have so informed the Chief Secretary. We should not meet just for an hour, or for

an hour and a half. We should see that we have a full day's business and get on with the job. That is my intention, while I occupy the position at present entrusted to me, and I would like to have it recorded. Otherwise, there would be a waste of public time and public funds. In view of the fact that the hon. mover of the Bill is prepared to accept a deferment, it will be granted on the clear understanding that the only thing

that would prevent it from being taken next Thursday would be lack of a quorum.

I take that view because I think that the request for deferment today is completely unjustified.

Since there is no other business before the Council, I adjourn the Council, with regret, until 2 p.m. on Thursday next, September 6th.