

SECOND LEGISLATIVE COUNCIL

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

Thursday, 3rd November, 1960

The Council met at 2 p.m.

PRESENT :

Speaker, His Honour Sir Donald Jackson

Chief Secretary, Hon. Major I. O. Smith, O.B.E. (acting)
Attorney-General, Hon. A. M. I. Austin, Q.C.
Financial Secretary, Hon. W. P. D'Andrade. } *ex officio*

The Honourable Dr. C. B. Jagan — *Member for Eastern Berbice*
(Minister of Trade and Industry)

„ B. H. Benn — *Member for Essequibo River*
(Minister of Natural Resources)

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

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

„ B. S. Rai — *Member for Central Demerara*
(Minister of Community Development and Education).

Mr. R. B. Gairaj — *Nominated Member*

„ W. O. R. Kendall — *Member for New Amsterdam*

„ R. C. Tello — *Nominated Member*

„ F. Bowman — *Member for Demerara River*

„ L. F. S. Burnham, Q.C. — *Member for Georgetown Central*

„ S. Campbell — *Member for North Western District*

„ A. L. Jackson — *Member for Georgetown North*

„ S. M. Saffee — *Member for Western Berbice*

„ Ajodha Singh — *Member for Berbice River*

„ Jai Narine Singh — *Member for Georgetown South*

„ R. E. Davis — *Nominated Member*

„ A. M. Fredericks — *Nominated Member*

„ H. J. M. Hubbard — *Nominated Member.*

Mr. I. Crum Ewing — *Clerk of the Legislature*

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

ABSENT :

Mr. E. B. Beharry, Member for Eastern Demerara — *indisposed.*

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

The Clerk read prayers.

MINUTES

The Minutes of the meeting of the Council held on Wednesday, 2nd November, 1960, as printed and circulated, were taken as read and confirmed.

PAPERS LAID

The Chief Secretary (Major Smith, acting): I beg to lay on the Table

Report of the Trustees of the Mitchell Trust Fund for the year 1959, together with the Financial Statements and the Director of Audit's Certificate thereon.

ORDER OF THE DAY

LOCAL AUTHORITIES (CONSTITUTION, ELECTION PROCEDURE AND FINANCIAL PROVISIONS) BILL

Mr. Speaker: We will resume consideration of the Second Reading of the Bill intitled

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

When last this matter was being debated, at the adjournment the hon. Nominated Member, Mr. Gajraj, was speaking and he may resume his speech now.

Mr. Gajraj: During the course of my contribution last Friday, I did refer to the viewpoints which had been raised by the hon. Member for Georgetown Central, and expressed in general terms my agreement with them. One point in particular was the reference to the great deal of delay which has occurred in bringing before this Council legislation designed to implement the proposals of Dr. A. H. Marshall, whose proposals were accepted by the Government.

I have before me a copy of a statement which was released by the Secretary of State for the Colonies at the time when the Report of Dr. Marshall was

released, and that was in the year 1955. In that statement the Secretary of State referred to the document as "a most valuable and comprehensive one containing carefully thought-out plans for future policy based on an on-the-spot examination." He mentioned that the extra staff recommended by Dr. Marshall was being selected, and that it included three temporary Local Government Commissioners whom Dr. Marshall had recommended should be recruited from candidates with experience in modern local government practice.

That was in the year 1955, and we would have thought that the local government team comprising Dr. L. C. Hill, Mr. G. V. Corney, Mr. J. S. Douglas, and Mr. G. K. Waddell, Local Government Adviser would have finished their jobs long ago. Numbers 1, 2 and 4 came from the United Kingdom, and they are supposed to be persons with expert knowledge of local government. One would assume from the statement of the Secretary of State that they were considered to be ideal for the purpose of suggesting, or recommending to the Government what should be done in order to implement Dr. Marshall's proposals.

We have here dated 8th June, 1957, a Progress Report of the Local Government Reorganization Team. This is the team comprising the four gentlemen whose names I mentioned earlier. At that time, more than three years ago, they dealt with the question of the Greater Georgetown Plan, New Amsterdam and Country schemes, and everything one would have thought necessary to be properly delineated in order that the legislation necessary to bring Dr. Marshall's proposals into effect would be produced. But it has taken us three years since this Report for the Valuation Bill to come before the Council, and now months after that we have this Bill which is to provide for the constitution, election procedure and financial provisions of Local Authorities.

One wonders whether these gentlemen have been spending all of their time on the job for which they were recruited. The Secretary of State for the Colonies himself mentioned them as being temporary, appointments, but, considering how long they have been on the job, one wonders whether they have fallen into some of the views which are already known here where temporary appointments become permanent appointments from time to time. This country cannot afford to pay this large sum of money to the people who are supposed to be experts and who have been brought here to do a job, but are malingering. They have been here for a long time, and on examination of their work in the Legislative Council we find that certain parts of the Bill have been rushed through at the last moment and very important points which are necessary for the guidance of reasonable and intelligent Councillors have been left out of the Bill.

Reference was made on Friday last to what was considered by the hon. Member for Georgetown Central and myself as being a very important omission. In Clause 9 of this Bill there is no provision as to who should preside at the official meeting of the authorities when a new Council is elected.

After the adjournment the hon. Minister of Community Development and Education did point out to me that Clause 3 (2) (h) provides that the Governor in Council may by order make "any other provisions necessary for or incidental to the creation of the area of a borough or district, and the proper functioning of the local authority." That is rather a wide power that is sought in this Bill, and I agree that under that general power directions could be given to someone to preside for the purpose of electing a Mayor, Deputy Mayor, Chairman and Deputy Chairman as the case may be.

I am saying that although an order can be issued by the Governor in Council to someone to act or preside at the

meeting, I feel that this is an important provision and it should not have been taken care of by any omnibus power Clause as this. It shows a lack of imagination on the part of the specialists who have prepared this legislation. If they are specialists in local government and if they have had experience in other places, then surely they ought to have seen that this very necessary provision be put in the Bill separately and it should not be covered by an omnibus Clause.

Another point to which I would like to make reference is the fact that although these new authorities are to be created, if and when this measure is passed, we find that in the case of the City of Georgetown there is no delineation of wards, there is no reference to the number of councillors who will represent the City; and although in the same Clause 3, subsection (2) (d), it is stated that the Governor in Council may, by order, declare the number of wards, the boundaries thereof and the number of councillors for each ward. It is not right in respect of the municipal areas of Georgetown and New Amsterdam that this power should be delegated to the Executive Council. If it is accepted, as I believe it is accepted by the Government, that in this measure we want to raise the status of the urban areas, then we must remember that in the Ordinance which, at present, gives legal life to the Georgetown Town Council, the number of wards and the delineation of the wards can be found; so we should have, in this Bill, provision to a similar effect.

It is not that the Government or its expert advisers do not know how many wards there would be or how many boundaries there should be; because if one refers to the Progress Report of the Local Government Re-organization Team, dated 8th June, 1957, in paragraph 21 we find proposals for delimiting the City into 12 wards — that is, the Greater Georgetown into 12 wards. In paragraph 22, the suggested wards of the adult electorate are given, so that

[MR. GAJRAJ]

one finds that each ward will carry between 4,000 to 5,000 as the number of the adult electorate. So that, as I said, these experts know that there would be 24 elected members in the Council of the Greater Georgetown for these wards. When we know these things why do we not have the courage—and I am again referring to those people who come here as experts — to put into the Bill something like that and let the Legislature feel that it has the authority? More and more, the delegation of power is being conceded by the Legislature to the Executive Council. In many respects it is necessary, but in a case like this, when we are dealing with such things, I do not think it is necessary that the delineation of wards should be left out.

Already, mention has been made about the position of the Mayor in relation to his seeking permission to be absent from the country during the period of his office, and I am sure that when the Committee stage is reached that the proposal would be made for the incorporation in this Bill of the provision whereby leave can be granted to the Mayor for certain periods at a time.

Now, in Dr. Marshall's Report, at page 55 of the printed copy, one finds that in the second paragraph of that page he says:

"The authority I am suggesting, whilst it would be called the City of Georgetown is not so much an extension to the existing Georgetown as a new authority. I hope the members would come to it with new aims and a new spirit. Whether viewed financially or in terms of duties, the Greater Georgetown City Council would be an enterprise of considerable magnitude and, during the first few years, the lack of local government services in the area and the inevitably complicated transitional arrangements will make its task stupendous".

Dr. Marshall, who is the author of this Report, seemed to envisage great inspiration among those who will seek

to do public service for the Greater Georgetown; and if we are to encourage that feeling of dedication and endeavour to have them inspired to do a great deal of good for our country, especially at a time when we are on the threshold of independence and when independence would come and meet us with this Bill as an Ordinance, surely we do not wish to have them feel that they are carrying any less responsibility — any less power — than their predecessors have had.

Here again, of course, I would like to refer to what the hon. Minister said after our meeting on Friday, that surely it is not the intention to reduce any of the powers of the City Council. If that is so, then let us not have those powers granted to us paternally by a Minister of this Government. Let the powers be spelt out in English in the Bill before us, and when the Bill becomes law it will remain on the Statute Book, so that those who will come after and serve the City will know that only the Legislature can vary the terms of their franchise.

For instance, reference was made again on Friday to the stipulation in this Bill that the Estimates, when prepared, have to be sent to the Minister for approval. That is not being done now, and I am sure there is provision in this Bill, I think it is Clause 160, which reads:

"160. (1) Notwithstanding the provisions of the preceding section, the Minister may, by direction, dispense with the submission to him for approval, of estimates or supplementary estimates, and may at any time revoke such dispensation if he considers it necessary".

I would agree that that would be a reasonable provision where the rural authorities are in the process of growing up; so that in the initial stage they would have to submit their estimates or supplementary estimates for approval, but as they grow up and shoulder their responsibilities the Minister would have the right to relax on that problem. But so far as Georgetown is concerned, the

Georgetown Town Council with its 100 years of experience, of tradition and of excellent service to the community should not just be thrown into the category of a rural council.

Here again, I feel if it is the intention to dispense with that very obligation by Ministerial direction, then we do not wish it as a Ministerial offer or by Government paternalism. It should be in the Bill so that it should be by law that the City of Georgetown would not submit its estimates for approval. It is matters like these which I have come across in my study of the measure that reinforces the feeling that I have got, that these experts who were sent down to us and whom we have to pay have not done a proper job for us. I hope that the rest of the work they have to do in the Marshall Plan would be done more expeditiously and more efficiently than so far done.

Mr. Speaker: Have you reached a point where you can stop? I think you will have to get a Motion passed to permit you to speak longer.

Mr. Hubbard: I beg to move that the Member be allowed to speak for another half an hour.

Mr. Fredericks: I beg to second the Motion.

Question put, and agreed to.

Mr. Gajraj: One of the very important points in Dr. Marshall's Report deals with the obligations and duties of the Georgetown Town Council. In the case of duties, on page 57 of the Report, he says:

"As in the case of the rural authorities, I visualise the creation of a local government body progressive in outlook and equipped with an administrative machine adequate in due course to take over many additional duties. Of these, the duties that I have grouped elsewhere under the heading of Social Welfare should be first.

As Chapter IV shows, I am using this term to cover a wide range of duties, cultural, educational, social and recreational. There is in my view a great need for these services in Georgetown. I hope to see Georgetown pioneering in the next few years with youth centres, adult education centres, community centres, recreational facilities and the like, in addition to taking responsibility for probation and other remedial work".

No one would deny that these are duties which are carried out by municipalities in other parts of the world. Many of these are financed by the Central Government; and it would stand to reason that if the municipalities are to relieve the Central Government of some of its work in certain respects, then funds would have to be made available by the Central Government for the municipalities. Because it is well known that the sources of revenue available to the Municipality are very restricted — rates and taxes, revenue from markets, and some rather meagre subventions from the Central Government.

So far as the transfer back to the Municipality of the Fire Service. I for one do not agree with Dr. Marshall, because the whole object of the expansion of the Fire Service has been to have in British Guiana a national Fire Service which would be looked after by the Central Government, but of course each of the local authorities which would be served by the Service would make its contribution to the cost of such Service. But as was found in Great Britain during the period of the German blitz in 1940, the necessity for a national Fire Service was proved, because when they needed to have all the fire engines going into the City of London to fight the great fires which Hitler's Luftwaffe had lit on the night of May 10, many of the fire-fighters, when they arrived, knew nothing about the streets of London and the number and size of the London water pipes, and so with all the effort they had made they were of little use. Since then, of course, the Fire Service in England has been put on a national level, and these and other difficulties no longer exist. So that

[MR. GAJRAJ]

we do not want to take a backward step; we want to continue to go forward in this country.

Dr. Marshall dealt with the financial relationship between the Government and the Town Council, and he says in his Report:

"I suggest that the main services to be provided by the new Council should be examined and a percentage grant fixed for those which the government decides to assist".

I know that the members of the Town Council were very pleased with the recommendation that there should be a fixed percentage between the amount granted and the expenditure by the Council itself, because what has been happening over the years is this: that in the case of the Fire Service and the Roads Subvention, there always is a battle between the Municipality and the Central Government as to the amount which the Town Council asks in view of the increased expenditure on roads and other services, and it takes a considerable period of time before a revision can be agreed upon with the Central Government. So that there should be proper relationship between the Government's obligation and responsibilities to the total expended by the Municipality.

When the Bill was being introduced by the Minister I expected to hear him say something about this, because so far as I can recollect there has been no mention in the Government White Paper relating to the financial arrangements, and if the new Council is to be governed by what will be a new Ordinance, then it stands to reason that the Council should have some proper assurance that it will not find its responsibilities increasing without the Central Government at the same time shouldering a proportion of those responsibilities. In other words, one cannot pick out a few passages of Dr. Marshall's recommendations and make them law, and ignore the very

important ones which would be the grease to make the wheel turn around, because without funds neither the Georgetown Town Council nor the rural local authorities will be able to take on further responsibilities which I can assure this Council the local authorities are anxious to assume, provided, of course, they can have grist to their mill. It is useless for anyone to say that local authorities have not done this and that; they have done everything within their power, having regard to the funds at their disposal.

I have seen a provision in this Bill for elections to be held every time in the middle of the year, so that the new year for the local authorities will be in June each year, but one sees that in the Progress Report of the Local Government Re-organization Team which was written in 1957, it is stated in paragraph 26:

"Our recommendations which will be embodied in the Ordinance will provide for the municipal year commencing in June instead of January. The first election for the new Georgetown would take place early in June, 1958, and the first meeting of the Council would take place towards the end of that month. Our reason for changing the municipal year is to bring the new Council together at the end of June so that by October new members will be familiar with the working of the various spheres of the Local Authority and be in a position during that month to contribute fully in the consideration of the following year's estimates. The estimates would be finally approved by the Local Authority early in November and only to the extent of any part of the estimates dealing with services and functions on which Government grants were payable would be submitted for examination by the Ministry of Local Government. This would mean that the rate would be fixed and applicable for the first day of the Financial Year".

That is what was written by the experts, and it was because of the advice of those experts that the then Minister of Community Development and Education introduced in this Council a Bill whereby the election which should have taken

place at the end of that year was postponed. I believe that in very good faith the Government thought that within a matter of months everything would be ready for elections to take place in six months, but time has dragged on and we are coming to the end of 1960. Elections have not been held.

Both councillors and electors are anxious that an opportunity should be given to the electors either to show their continued confidence in those who are sitting as councillors, or, if there has been any misplacing of that confidence, to replace them. In Georgetown we are one councillor short because one has resigned through ill-health, and his place remains unfilled. How much longer are we going to ask the people of Georgetown to carry on this "long Council" which has already doubled its life as a result of the faulty calculations on the part of the experts or their inability to cope with the job? I am not in a position to know which it is, but as a citizen I find myself in this position, that in Georgetown the Municipal elections have been held up in such a way that we are obliged to carry on a Council which has not been able to present itself to the electors for confirmation for some time.

In this Progress Report we also find that so far as Georgetown is concerned "The estimates would be finally approved by the Local Authority early in November . . ." It is definitely clear that everyone who has had to deal with this felt, and I hope still feel, that so far as the Municipality of Georgetown is concerned it must approve its own estimates, and not, like the rural authorities, send them to the Minister for his approval, in which case it is the bounden duty of the Government to have an amendment made in this Bill when it reaches the Committee stage, to have it put into the law.

On page 60 of Dr. Marshall's Report, under the heading "Legislation", he says:

"Georgetown would be governed by a separate ordinance, which, as well as laying down the basic municipal law, would incorporate the arrangements which in the case of a rural area would appear in the Scheme".

I would like to invite attention to the words "would be". Although my friend, the hon. Member for Georgetown Central, has laid great emphasis upon what he considers the necessity for a separate Ordinance, I myself have said, and I repeat, that I see no reason why one Ordinance should not serve both the Municipalities and the rural local authorities, provided care is taken that there is provided in the Ordinance such power in separate Sections as should be maintained for the Municipality of Georgetown and, wherever applicable, the Municipality of New Amsterdam. I have no doubt that another Member can speak with more knowledge and authority about the Municipality of New Amsterdam. In his Report Dr. Marshall says:

"Among the special features which Georgetown would retain would be:—

- (a) Municipal status with a Mayor at the head;

That is being provided for in the Bill.

- (b) Freedom from obligation to have the budget approved (but expenditure which is to rank for a percentage grant would have to be approved);
- (c) Direct access to the money market; subject to the Central Government agreeing to the terms for each borrowing. (Approval of capital expenditure to be met from loan would be given as in the coastlands. There would then in the case of Georgetown be a second application for the permission to take up the money);

That is as it is now, and is likely to continue.

- (d) The present Georgetown rating system;

which his successors, the experts, have made quite a mess of.

[MR. GAJRAJ]

- (e) Somewhat less control in health matters than in the rural areas because the city would have a Medical Officer of Health".

That is understandable. If the Government were to agree to provide 25 per cent. of the cost of road-making in the City it is but natural that it should approve of that, because it has an interest in that, but apart from that, provision should be made in the Bill in unambiguous terms for freedom from that obligation.

That, again, is incidental because of the high quality of the staff which the municipality employs: a Medical Officer of Health, a Deputy Officer of Health, who is just as highly qualified, Sanitary Inspectors, Public Health Inspectors, Meat and Food Inspectors—a whole range of people who are qualified in sanitation and public health matters. In such respects it would certainly be duplicating expenditure and work if the Government were to attempt to supervise these things, or to put people to do this work when the municipality already has qualified people who can do the job properly and efficiently.

Having touched on several aspects of this measure which I feel should have been given better consideration by those who advised Government and who, perhaps, thought — I shall not reiterate what I said on Friday last at the beginning of my speech. I am very pleased that at long last this Measure has reached the Council. It has been considered, talked about and kicked about here and there for a good number of years.

Since the Secretary of State for the Colonies indicated that a re-organization of Local Government was a prerequisite to the principle of representative government for the people of this country, and we have found that representative government has returned before this Local Government re-organization, we see clearly that those

who are responsible for putting this into effect have been dilatory in the way in which they have gone about matters. Had we waited for the timetable as laid down by the Secretary of State, then we would still be dragging our feet constitutionally in this country. We have moved ahead in that respect. So far as the central government is concerned, we should not delay any longer the question of putting the Local Government on a proper footing.

I shall not be voting against the Second Reading of the Bill. We must get down to the Committee stage in order to iron out our differences, and to incorporate into the Measure those things which we think are necessary and desirable, and endeavour as quickly as possible to put the Ordinance for Local Government in British Guiana on a more progressive basis.

Mr. Hubbard: This must surely be some of the most expensive legislation that has ever come before this Council, and my examination of this legislation leads me to suspect also that it is some of the most slovenly. I can only think of one piece of legislation matching it in that respect, and it is the Valuation and Rating Bill which we dealt with in this Council some time ago. You will remember that at that time the Government came with a number of amendments to correct the bad drafting which had been done originally. This Bill, like its predecessor, bears all the marks of haste when prodding was necessary to get people to do work that they have been paid for expensively over a long period.

I think it will be necessary to incorporate into this Bill a number of provisions. People have attempted to cover up their slackness by providing for many necessary things under a general proviso. I think that in the matter of local government reform, this country has been taken for what the Americans call "a ride". I also think it is dis-

graceful that we should have had to wait five years for this legislation and have it presented to us in this condition.

I sympathize with the hon. Minister of Community Development and Education because, after all, he has to work with the instruments provided for him. But I do feel that it is taxing the patience of this Council and this Country very greatly to ask us to accept this kind of work from people who have been brought here as experts and paid expensively.

I am very glad that at last this legislation has come, and I know that there is other legislation which is supposed to follow. I feel that it may be well for the Government to take into consideration the possibility of dispensing with the further services of these experts, and getting down to doing the job ourselves so that it can be done better. I have nothing further to add to the exhaustive examination of the Bill by the hon. Nominated Member, Mr. Gajraj, but I wish to state as forthrightly as I can just how I feel and how the majority of the Members of this Council must feel about the way we have been taken for "a ride" in this matter.

Mr. Kendall: I am sorry I was not here when the hon. Minister of Community Development and Education piloted this Bill that is before the Council, so I cannot say what he said in bringing this matter before us. This Bill reminds me of an old Creolese saying: "Do so no like so." Here is a bit of legislation presented by a Government which is controlled by a Party which has for the last seven or eight years advocated that the ordinary people of this country should have a greater say in the government of the country, and that everything should be done to give them an opportunity to do things for themselves. I think that is what Sir Alfred Savage had in mind when he asked Dr. Marshall to come here.

The intention was to give the people outside of the legislature—the people in the borough councils and local authorities—an opportunity to have a greater say in the affairs of their particular district. As you know, Sir, the system of Local Government has been in existence in this country for over one hundred years, and we have seen the progress on the coastlands. We have seen economic and social progress, and many areas have been greatly developed. We have also seen a marked improvement in the urban areas. I am surprised, therefore, to find this Government introducing legislation which, instead of improving the lot of the village councils and borough councils, will take away the powers they have enjoyed for so many years.

I am not blaming the expert. After all, he came here to work for his money and he had to take advice from the people who have to pilot this Bill through this Council. I am not going to take away any blame from the hon. Minister of Community Development and Education. He is in a very fortunate position that he has lived the better part of his life in an area where local government expresses itself in a very progressive manner. I do not think it is right to introduce legislation to take away certain powers, and I do not think we should import into this legislation things from other countries where conditions are not peculiar to ours. I feel that it is an insult to us.

So far as New Amsterdam is concerned, for over fifty years we have been presenting our estimates to the Government for information. Provision has now been made that the estimates should be presented to the Minister for approval. The Minister may approve or vary the estimates under this Bill. I find that powers which the borough councils have enjoyed for several years will now be taken away and placed in the hands of the Minister. Whether the Minister will be a P.P.P. Minister, a Third Force Minister, or a P.N.C. Minister, I feel

[MR. KENDALL]

that if you want to give people an opportunity to look after their own affairs you must express some confidence in them, and the Minister should only come in when there is a division of opinion in any local authority, or when a ratepayer in that authority is not satisfied with the working of the authority. In that case the ratepayer should be able to appeal to the Minister.

I do not think that this is a progressive piece of legislation, and it is not the type of legislation we want. The Central Government would like to avoid having to ask the United Kingdom Government for favours, but it still wants local authorities to be subjected to it. It does not want the local authorities to do anything without the permission of the Minister who has the right to vary or approve estimates. The Government wants the right to borrow money from any source, but the authority cannot borrow money other than through the Minister. I cannot understand this sort of thing.

I, unlike my hon. Friend who is also a member of a municipality, do not think that whatever we do by way of amendments to this Bill will bring out the real purpose of this legislation, because too many Sections of this proposed Ordinance has to be amended. I am surprised and disappointed to find that the Government has tabled such a Bill in this Council, because it defeats our own aims and aspirations. It is funny that for some reason or other the two last speakers have placed the blame for this legislation on those whom they regard as importees. Why put the blame on officers who come here to assist the Attorney-General's Office and the Minister? The Attorney-General and the Minister of Community Development and Education are lawyers, and they should have seen to it that the Bill conformed with the aims and aspirations of the people of British Guiana. And inasmuch as he has allowed it, and the Government has allowed it to be brought

before the Council, I think it is a slap on the Government and not on this expert who has suddenly become the tool of somebody.

Dr. Marshall recommended that the Government should pay taxes on all its properties. That recommendation has been put aside. Instead, it is suggested that certain Government properties should not carry taxation. I do not see any section of this Ordinance whereby the municipalities would be reimbursed by way of increased subvention, for the money which they will lose. I do not know where the Government got this legislation from. That may be all right in England, but in England motor car taxes are collected by the borough councils. We do not collect such taxes and still you want to rob us with tax collection; so that we will have to depend on whatever drippings the Government may be inclined to give us.

In our New Amsterdam Town Council Ordinance we have exempted certain organizations from taxes because we, as a body, feel that these organizations should be exempted. Government has allowed certain places to be exempted and other places, it is conditional. I do not know where the experts of the Government got this idea from — that you should deprive local authorities the right to do certain things. They are the people who pay taxes; they are the people who know what they want; and they are the people who know what they have to give out: I do not know why this Government wants to have a greater say in the affairs of the local authorities and municipalities which have over the years been doing their job well. I do not think it is right that they should depend solely on the Central Government and the Minister in charge to say what they should do and what they should not do. As had been said by the hon. Nominated Member, Mr. Gajraj, there are certain sections that will either have to be deleted or amended, and I shall await to do that, in Committee stage, as they apply to municipalities — New Amsterdam in particular.

This legislation is the worse I have seen presented to this Council for a long time. It does not carry the wishes of the people and defeats all the things that the Government in power had been trying to put over for the last three years.

Mr. Jackson : It was not my intention to speak on the Second Reading of the Bill. I had been of the opinion, and still am of the opinion that those persons who are closely connected with local government affairs were capable enough to deal with the shortcomings of the Bill. But from what I have heard this afternoon, it has encouraged me to stand and say that something is very much wrong with the Bill as presented to us. I have come to that conclusion not because the Member for New Amsterdam has called it a most expensive bit of legislation, but because it has come from my good friend, Mr. Hubbard. Mr. Hubbard has described the Bill as a most expensive bit of legislation; it is the most sloven bit of legislation brought before this Council; but only one section of it was the hon. Minister's. That is a very bad statement and an accusation. It is not one against the experts; it is one against the Government, for the Government has within its membership the Attorney-General and his department full of legal experts and expert knowledge and the Minister himself is also a man of wisdom in the field of law.

It is true he might say, at the very beginning, that this was not his portfolio and that it was, at one time, under the guidance of the now Minister of Natural Resources, and so, perhaps, he may be willing to throw the burden off his shoulders upon that of another person. But however this might be attempted, the fact remains that, from what has been said by Mr. Hubbard and Mr. Gajraj, it will be a waste of time to have this Bill reach the stage of Committee, for we shall, perhaps, be spending several weeks and months in order to remedy what should not have been

brought here in its present condition. It does seem to me that if what has been said is true—that the Bill seeks to take away powers now in the hands of certain bodies—then it is something retrograde, and that nothing which has been said should be allowed to go unheeded. And it may be more appropriate to ask the Minister who has introduced this Bill to seek to have it deferred to a later date to be further examined by him and his Colleague, the Attorney-General, and his advisers.

The Attorney-General (Mr. Austin): I did not intend to speak on the Second Reading of this Bill, but I feel it incumbent on me to do so, merely not for the purpose of defending myself against the accusations that had been made inside the Council, but in attempting to put the record right; because my hon. Friend, Mr. Hubbard, made one of his engaging speeches which, at first blush, beside being entertaining and appealing, on examination goes nowhere to deal with the subject as a whole.

He said in effect that this is a bad Bill; it shows signs of clumsiness and poor drafting entirely originating from the so-called experts, and he did not have a good word to say for it. But did he give us any reason? Did he give us any example of this clumsy and bad drafting? Not one thing—sheer generalization. He said it was a most expensive Bill, inferring that it was the result of the work of a team of highly paid experts who have been recruited to come out to British Guiana to advise the Government in the preparation of a great scheme of extending local Government throughout the whole country in an up-to-date form which will meet the modern requirements.

Only one half of this country is under local government and that under very rickety old-fashioned authorities. Only recently have we, in this Council, swept away the nominated membership of a large proportion of the local authorities in this country, and rightly

[THE ATTORNEY-GENERAL]

so. But it is quite wrong, I suggest, for hon. Members to be given the impression that this is a bad Bill and that it does not meet, as the hon. Member for New Amsterdam says, with the aspirations and wishes of the people of British Guiana.

This Bill is put before this Council by the Government as a whole, and a very great deal of work and pains had been put into it by many members of the Government; and it is quite unfair to charge the present Minister for any of the inadequacies that may be in the Bill. I do not think any member of the Government would deny that the plan to bring out a team of experts failed in its concept. The idea was to recruit experts in the various branches of local government to be headed by an acknowledged expert in the name of Dr. Hill. He came out and stayed possibly for a year. There was another acknowledged expert on local government finance and he stayed for three months. I think one must admit that the idea of a team has failed, but if there have been one or two persons who had been able to give valuable advice, then it is wrong to make a general sweeping statement that the whole team is bad and that the remains of the team should go.

This Bill, as my hon. Colleague, the Minister of Community Development and Education has said, is part of a pattern of local government for the future. It has been planned carefully, starting with Dr. Marshall—processing Dr. Marshall's ideas and not, unnaturally, accepting every word he has said. The Bill contains what is the considered view of the Government of the time in relation to local government and in the light of Dr. Marshall's recommendations.

Store has been laid by referring to corresponding legislation elsewhere in the West Indies and in the United Kingdom, and I would say to the Council that whatever this Bill is or

is not, it does represent a great deal of thought on the part of all the Members, not only of this Government, as at present constituted, but many officials. I for one am prepared to stand by this Bill, for I have personally spent a great deal of time on it. There may be mistakes. It is a very intricate piece of legislation and I hope the Council will not adopt the attitude that it is a rotten Bill; that it should be thrown out so as not to waste our time examining it in Committee.

That is merely an excuse to defer the Marshall Plan. The matter has been brought forward and the Minister rightly demands that it be considered. I hope hon. Members will consider it against the background of what I have said, and that it is a very difficult piece of legislation. The Government has presented it, not as a complete answer to the aspirations of the people of British Guiana but the form which the representatives of the people think this piece of legislation should take. It therefore remains for the Council to consider it carefully in Committee where there may be amendments to be made, and not take the attitude that it is a piece of shoddy drafting which it is an insult to put before the Council.

The Minister of Natural Resources (Mr. Benn): I have listened to the comments of several Members on this Bill and I cannot but say how disappointing it is that, except for one Member, there does not seem to have been any real examination of the principles of the Bill or the many Clauses of the Bill which deserve the special attention of Members of this Council. It is also disappointing that this Bill, which proposes a most historic step in local government in this country, will go down without the deep thought and consideration that it deserves.

British Guiana, as one hon. Member said, is noted for the attempt by ordinary men and women to establish a very high standard of local government. We cannot discuss local government

without trying to do justice to those who went before—people like Macfarlane Corry, the first Chairman of the Village Chairmen's Conference, J. W. Jackson, and others who have worked in the field of local government and have laboured for many years—and without recognizing the great amount of energy, devotion and selfless service they have put into this. The fact that this Bill was tabled during Guianese History and Culture Week makes it all the more significant. Dr. Marshall, in Chapter II of his Report, states:

"There is rich material here for an imaginative and competent historian with a vivid pen, for this important aspect of British Guiana's history has never been fully chronicled."

Actually, after Dr. Marshall wrote that statement we had a young Guianese, Allan Young, spending considerable time and producing a valuable document on "Local Self-Government in British Guiana."

One or two Members have referred to the delay in bringing forward this Bill, and indeed there has been a lot of delay. Perhaps Dr. Marshall himself envisaged that delay, because in the concluding paragraph of the Preface to his Report — I believe I quoted that paragraph when I introduced the Local Government (Valuation of Property) Bill—he remarks that "in British Guiana so much conspires to ensure that so little is achieved." But Dr. Marshall knew of the difficulties of bringing into operation a system such as he proposed, at the shortest possible time. One hon. Member said that the Secretary of State for the Colonies had said that it was desirable to establish representative local government as quickly as possible, in order to prepare British Guiana for representative government. Indeed Dr. Marshall himself said so, and I wish to quote from Sessional Paper No. 5 of 1958:

"2. The Marshall Report was released on the 2nd August, 1955, with the following communique:—

"Her Majesty's Government, as part of their declared policy to do everything possible to fit British Guiana for a return to representative Government, decided to carry out a thorough reform and extension of the Local Government system in the territory".

Later in his despatch the Secretary of State wrote:

"Her Majesty's Government, as studied the Report in consultation with the Officer Administering the Government and have decided that reform and extension of local government in British Guiana should proceed according to the principles and on the broad lines recommended in the Report".

Local Government is not something that is imposed upon people. Local Government in British Guiana, if we go back into history, grew up as a direct result of former slaves purchasing villages.

Local government is not something that is imposed upon people, so let us realize that in 1953, when the British Government took away our Constitution and imposed not only legislation but loans and other things on the Guianese people who were helpless, the Marshall Plan suffered the fate of any local government legislation which has not got the full backing of the people. One hon. Member remarked that the Marshall Report was not debated in this Council, but who prevented that hon. Member from moving a motion to have it debated? If the Government did not lay the Marshall Report on the Table in this Council and make a Motion on it, is there anything in the Standing Orders to prevent a Member on the other side from making a Motion to have the Report debated? Nothing at all. Nothing was done about it, but now that an opportunity has come to say something they say that the Marshall Report was not debated, and they blame somebody for it.

Some criticism was made by one or two Members concerning the fact that the Municipalities of Georgetown and

[MR. BENN]

New Amsterdam were being brought under one Bill. The Minister of Community Development and Education is certainly more competent to say why that has been done, but in going on to discuss that aspect of the Bill some hon. Members have spoken at length of the decision to put into the law an obligation on all local authorities to submit their annual estimates for approval. I was happy when one hon. Member, having re-examined the Bill after he began to speak, discovered that it was possible for the Minister to exempt any local authority from the obligation to submit its estimates for approval.

Hon. Members have suggested that the present Bill gives less power to the local authorities. Indeed, no Member has attempted to discuss the Bill as it affects local government in rural areas. All that we have heard is what is going to happen to Georgetown, and the heavens will fall in New Amsterdam. Nobody mentioned anything about the rural areas. In spite of what the hon. Members on the other side of the Table are saying, the Bill gives very much more power to local government in rural areas in this country.

One hon. Member said that we are getting rid of the Local Government Board and putting the Minister in its place. Somebody must be responsible for Local Government in British Guiana; if we are to have representative government, and if the Minister and not the Board has to be responsible for Local Government, then the Minister must have the right to decide what should be done to Local Government and Local Authorities. No one should suggest that the hon. Minister would put impediments in the way of progress of the Local Authorities. If that were so, all the Minister had to do was to leave the Local Authorities as they are at the moment. They have enough impediments in their way already.

We have heard a lot about Georgetown and New Amsterdam. It is true that for years they have been able to carry on their work on a fairly high standard, but I am sometimes amused at the attempts of certain hon. Members of this Council, who are members of municipalities, to hide or whitewash some of the weaknesses of these local authorities. Everybody knows that Dr. Marshall said that there should be special legislation for Georgetown and New Amsterdam. Nobody said anything about Hopetown, Leguan and La Bagatelle. It was said that the Minister has to decide on the number of wards, but several months ago the Minister of Community Development and Education asked the Georgetown Municipality to state what proposals it had for the delineation of the boundaries of the wards in Georgetown. Up to this moment no answer has been received from the Georgetown Town Council.

Mr. Burnham: That is incorrect; Mr. Rai was away when he got the answer.

Mr. Benn: I am sorry the hon. Member is uncomfortable. Nobody heard about the long delay on the part of the Georgetown Municipality in replying to the request of the Minister of Community Development and Education. The Municipality did not tell us how it proposed to have elections and so on. As a result of this delay—if what the Town Clerk mentioned in the newspapers is true—the Georgetown Municipal Elections for this year will be postponed.

An hon. Member suggests that the Majority Party wants to control by legislation what it cannot control by votes. It occurs to me that while one deserves every credit for being a member of a municipality or even a village council, it certainly must be of more advantage and more deserving of prestige when one is elected as a Member of the Legislative Council.

Let us look at what Dr. Marshall has said, and I am not saying this in any derogatory terms so far as the Georgetown Municipality is concerned. I want hon. Members to see both sides of the picture. Some people who are members of the Municipality and also Members of this Council are giving us the impression that things are rosy and bright on the other side.

Mr. Kendall : Dr. Marshall wrote that five years ago, but several changes have been made since then.

Mr. Benn : I wish to read from page 51 of Dr. Marshall's Report dated May, 1955. In referring to Local Government in Georgetown he said, and I quote:

"The work of the local authority is limited. Many of the services often provided by the municipality in other countries are provided by the central government; others, such as recreation grounds, public swimming pools. . ."

I understand that a swimming pool is in, the offing. [**An Hon. Member:** "In 1999."] Someone says in 1999. I will continue:

"...adult education, facilities for youth, do not exist at all or are inadequate . . ."

I believe a Volley Ball court has been recently put down in Georgetown.

"Members take their responsibilities seriously and chief officers are keen and zealous.

You must read this part, but you must not forget the other part.

"The way in which the Council conducts its business is however unsatisfactory. The Council makes little effective use of the committee system and concerns itself unnecessarily with details. I have the impression that no sound tradition of large city government has been established and that the members are out of touch with the way in which local authorities in other important cities set about their business."

[**Mr. Burnham :** "That is a matter of opinion."]

The debates that we have heard on this Bill is evidence of Dr. Marshall's last statement.

"The relations with the chief officers are also unsatisfactory. Complaints were made to me on the following heads:

- (a) the lack of appreciation of the Councillors of the proper relationship of the members and officers. Councillors thus will occasionally issue orders directly to employees; will question junior officers in respect of their seniors; will attack officers in open council; and will fail to support officers when unpopular action has been taken.
- (b) Councillors insist on influencing appointments even to the most junior posts and do not exercise their influence in an impartial way."

An hon. Member referred to the mayor as the chief executive officer, and it is because of this misunderstanding that causes Councillors to try to carry out executive duties in municipalities. I am not agreeing or disagreeing with Dr. Marshall. If you criticize the Government for not doing something and quote from Dr. Marshall's Report, you must also read the other parts of the Report.

Another hon. Member referred to self-government, but if he knew anything about the principles of self-government he would not suggest that the independence of the country is the same as local self-government. I said a moment ago that the hon. Minister will certainly be competent to deal with the points raised, but I should like to make a few points because of the lack of appreciation of the work that has gone into this Bill.

Before I conclude, let me just mention an instance of delay of Local Government reorganization in Barbados. The Government set out to reorganize local government there in 1951 with a commission similar to ours. Having got the Report and set up the commission to put it into force, they scrapped it in 1954 and started all over again in 1958. I

[MR. BENN]

understand that they are now trying to implement it in 1960. This question of Local Government goes beyond trying to rule people. Perhaps some hon. Members do not realize how local authorities are established in British Guiana. I should like to inform them that a certain number of people living in a specific area must make a request to the Local Government Board before steps are made to create a local authority. It is not imposed on them.

I trust, therefore, that hon. Members will give the Bill the consideration it deserves. Let us correct the draft weaknesses in the Bill and get on with the job.

Mr Bowman: Three hon. Members of this Council, who are also members of Local Authorities, have spoken on certain aspects of this Bill, which they consider to be retrogressive. Those of us who are less qualified with regard to the workings of Local Government, must be thankful to them for explaining the weakness in the Bill. Since some of us are unqualified to speak on this Bill, I think it would be a waste of time to recapitulate the various points that have been made during the course of the debate.

However, there is one point I would like to deal with, and it concerns Part III, Clause 39, of the Bill which deals with the term of office of councillors. Clause 39 states:

"The term of office of the Councillors shall be three years and they shall retire together in every third year on the day preceding the annual meeting of the council and their places shall be filled by the newly elected councillors who shall come into office on the following day."

I have taken up this point because I notice that Clause 9, which deals with the election of the mayor, stipulates that the mayor is only to hold office for two years. Each Council is elected for

three years, but according to this Bill the mayor would not be allowed to hold office for more than two terms. I feel that if the general term of office is three years, the Mayor after having been elected by his fellow-councillors and having given satisfactory service in his job—his fellow-councillors should be the people to judge him — he should be elected for a third term.

It is no use allowing a councillor to stay in office for three years and then you stipulate that the Mayor should not serve more than two terms. If the Mayor starts a certain job, he should be allowed to complete it. Let me refer you to the question of the widening of Regent Street for example. The widening of Regent Street was started a few years ago. One Mayor tried to widen the street up to a certain point, and because he could not have stayed on in office, the new councillor who took over discontinued the job. I have only referred to Regent Street as an example to show you that the same thing could happen in other instances—one Mayor starting something and another Mayor discontinuing that thing. I feel that if the Mayor is allowed to continue in office for the same term as a councillor—three years—he would be able to push forward any project he has started; and I feel it is wrong for this Government to try to impose upon the councillors what they should do regarding the election of a Mayor.

That is the only point I wish to raise. When this Bill reaches Committee stage, I am prepared to move an amendment to this part, whereby the Mayor should be allowed, or the councillors should be allowed to elect a Mayor for three terms instead of two. It is wrong for this Government to try to impose on them such restrictions.

The Minister of Community Development and Education (Mr. Rai): Several criticisms have been levelled against this measure, some on matters of principle and some on matters of detail,

On the other hand, there were several which did not relate to principle nor detail, but merely consisted of broad generalizations and allegations against the Government. Whatever delay that has occurred in the promulgation of this measure was caused largely, I would say, by the previous Government or during the period Dr. Marshall came here and investigated the local government system of this country and made his report.

This Government only took office in 1957, and the very next year, my predecessor tabled, in this Council, a Sessional Paper in which was set forth Government's proposals based not only on the Report of Dr. Marshall, but based also on the report of three local government Commissioners. This Bill is the result of the Report and investigation of Dr. Marshall on the one hand and that of the three local government Commissioners who investigated the practicability of putting Dr. Marshall's recommendations forth, on the other. This is a very big measure, consisting of nearly 228 Sections and several Schedules, and much unspectacular work had been done in bringing it forward.

As for my hon. Friend, the Member for Demerara River, he does not know much about local government but made general statements against the Bill and against the Government. The views of all those bodies intimately connected to this measure, including those of the Georgetown Town Council and the New Amsterdam Town Council, had been sought. The views of the Georgetown Town Council on Dr. Marshall's Report were asked for in 1956. Five years have elapsed and no views of the Georgetown Town Council have been forthcoming. The Bill before the Council was published on the 5th August, 1960, and I am not in receipt of any comments whatsoever from the New Amsterdam Town Council.

Arising from the Bill was a letter sent to the Georgetown Town Council. They opposed the letter

stating that details will be supplied later. Almost four years have elapsed and no details have been forthcoming. After that, through my Permanent Secretary while I was away, I invited comments from all interested persons, so that in case there were any comments in substance they would help in making any necessary changes.

I was glad to hear from my hon. and learned Friend, the Member for Georgetown Central, that he supported certain aspects of the Bill, for example, the proposal for universal adult suffrage for local government. I do not think any Member of this Council can reasonably charge this Government with not being progressive in local government matters because, as had already been remarked, it was only last year that this Council abolished the nominated element in village councils, and Government had been elevating country districts to the status of villages and widening the borrowing powers of local authorities.

It has been said that this is all well and good for village districts and country districts, but why reduce the delegation of powers of the municipalities? Why put them all in one measure? This Bill is only but a part of the new local government reform which proposes and envisages a uniform and unified system of local government for the whole country in which the Greater Georgetown would be but one unit and New Amsterdam another. The powers of these local authorities have not yet been set forth, but will be set forth in another measure; and it is no use making one Ordinance for Georgetown, another for New Amsterdam and another for No. 52 to Crabwood Creek, for we will be having no less than 18 Ordinances dealing with the same system of local government. This is merely the constitution, election procedure and financial provisions under the Marshall Plan.

We have heard generalizations of this Government wanting to diminish or take away some of the powers of the

[MR. RAI]

Georgetown Town Council and the New Amsterdam Town Council. It has been said that the Georgetown Town Council is an autonomous body. This is not the correct position. The Georgetown Town Council is far from being an autonomous body. Local authorities are not usually fully autonomous bodies.

For example, there are limitations on the borrowing powers of the Council in excess of its overdraft. There is a statutory limit. The Georgetown Town Council cannot borrow moneys by way of bonds; the allowance to the Mayor is fixed by the Ordinance. The Town Council cannot mortgage lands without the consent of the Governor in Council. The Town Clerk, the City Engineer, the Resident Engineer of the Water Works all have to be appointed with the consultation and approval of the Governor in Council; also the Medical Officer of Health. The rates of the Town Council are all subject to examination by the Director of Audit. All those limitations go to show that the Central Government has a very real interest in the well-being and proper management of the affairs of these municipalities.

Ultimately, if the municipalities so misconduct their affairs, the Governor has the power to dissolve these councils. So it is not true to say that these are autonomous bodies or very nearly autonomous bodies. They are subject to restrictions and these are written in the Ordinance. The Central Government has a real interest in local government units.

It has been said that in the preparation of its estimates, the Georgetown Town Council does not have to send them for approval by the Central Government, and that this Bill is seeking now to compel the Councils of New Amsterdam and Georgetown to do so. The Bill merely says that the estimates should be submitted, but that it was in the Minister's discretion to dispense with the submission by direction. Here

again, we see the interest of the Central Government in over-seeing the affairs of these municipalities and, indeed, of all other local units in the management of their affairs. Neither this Government nor any other Government would wish to interfere, unduly, with the affairs of the local government bodies, but this is merely a discretionary power that I am sure would not be exercised against any local authority if that local authority is managing its affairs in a proper manner.

The Georgetown Town Council cannot be said, within recent years, to be managing its affairs in an efficient manner. There had been adverse comments from the Director of Audit, and no explanation had been forthcoming from the Council in spite of those adverse comments from the Director of Audit. This is only a safeguard. Once a local government body is managing its affairs efficiently, there is no intention, in the scheme of the Ordinance itself, that its estimates should be submitted.

Certain minor points had been made. For example: that the Mayor had been allowed too much leave of absence; that I should not allow the leave to be extended to two months when the Mayor's term of office is for one year; and that if he anticipates he will be away for more than two months out of the 12 months, he would not show an active interest in the affairs of the municipality. If he knows he would be away for more than two months, I think he should resign.

It has been asked why is it that the Central Government wishes to impose a limit on the Mayor's allowance?" First of all the Central Government will be giving grants on a more liberal scale to local authorities. Government will be having a financial interest in the affairs of the Council, and secondly, one does not want any system to be open to abuse. We know that Village Chairmen fix amongst themselves what they should get from year to year as an honorarium,

and I think there is very good sense in limiting it. It has been asked: "why does the Mayor of New Amsterdam not get as much as the Mayor of Georgetown?" The answer is readily forthcoming, in that there are many demands on the Mayor of Georgetown, and the Mayor's allowance in Georgetown is based on the same principle as that of the Mayor of New Amsterdam.

It has been asked: "why should the Mayor not be elected by the ratepayers? The Mayor is not the chief executive officer of the Council; he has no more power than any other Councillor, and is just the presiding officer. What virtue, then, is there in his being elected by the electorate as a whole? The question has also been asked: "why should the Mayor not be allowed to serve for three years—for the whole life of the Council? The office of Mayor is an office of honour. It may be that the members of the Council may be drawn from different political parties, and it is only fair that the office of Mayor should rotate among the various Councillors. After all policy which is embarked upon by the Municipality is not the policy of the Mayor but that of the whole Council. Not because there is a change of Mayor there ought to be a change in the programme of the Municipality. If a programme is not continued it means that the Council has changed its support of the policy or programme.

My friend made what I think is a valid criticism when he said that in certain Clauses of the Bill the word "Minister" has been inserted, and in other Clauses the words "Governor in Council." That only goes to prove what Members on this side of the Table have always been saying—that this Legislature does not realize that we are still a colonial territory subject to the limitation of powers of a Colonial Government. It merely shows that the present Ministers of the Government are working a very limited Constitution and are subject to the ruling powers. I would therefore

ask hon. Members to support the Majority Party in trying to remove these limitations.

Objection has also been raised on the ground that no provision is made in the Bill as to who shall preside at the annual meeting when the Mayor's term of office has come to an end. It is very clearly set forth in Clause 10 of the Bill that the outgoing Mayor shall continue in office until his successor assumes office.

Objection has also been raised to the fact that the Local Government Board has been abolished, and that the Minister will take its place. The opinion in the rural districts is that the Local Government Board should be abolished, and this has been so for many years. The Local Government Board is not a responsible body; it has not been responsible to anyone, and I think the days have gone when we should have persons in authority not responsible to the electorate.

I do not think, as I said in moving the Second Reading of the Bill, that there is any objection in principle to the Second Reading, but that I was prepared to consider any suggestions for improvements in the Committee stage.

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. — *Interpretation.*

Mr. Gajraj: I was wondering whether the hon. Minister would be prepared to consider asking the leave of the

[MR. GAJRAJ]

Council that the rest of the Bill be referred to a Select Committee for consideration. I am sure he will agree that the Bill is a very weighty one, and that there are many points in it which need very careful consideration. He has promised to give consideration to any points which are raised, but in Committee of the whole Council I think it would be very difficult for us to deal with it adequately.

Mr. Rai: To that suggestion I would say that I am not in a position to say what is the general feeling of Members. If it is the general feeling that the Bill should be referred to a Select Committee I would have no objection. I can hardly say that I would support the proposal without knowing what is the general feeling of the Council.

Mr. Speaker: I would like to point out that I cannot at this stage accept a Motion from this side of the Table, that the Bill be referred to a Select Committee. It is for the Member in charge of the Bill, if he is satisfied with the representations, to move that the Bill be referred to a Select Committee. Perhaps, for the benefit of hon. Member, I may read the appropriate Standing Order, for I frequently find that Members do not seem to be aware of the Standing Orders. Standing Order 50(1) reads:

"50(1) When a bill has been read a second time, it shall stand committed to a Committee, unless the Member in charge of the bill moves to commit it to a Select Committee. The question on such motion shall be put forthwith, and decided without amendment or debate."

That is the Rule. So that I am precluded at this stage from accepting any Motion or suggestion from this side of the Table. It is really a question for the Minister.

Mr. Rai: It seems to me that the general feeling is that the Bill should be referred to a Select Committee, and I do

formally move that the Bill be referred to a Select Committee of this Council. [Applause].

Question put, and agreed to.

Bill referred to a Select Committee.

Council resumed.

MR. BEHARRY ILL

Mr. Speaker: A message has recently been received from the Member for Eastern Demerara (Mr. Beharry) stating that he is ill, and that he regrets not being able to attend today's sitting.

NEW AMSTERDAM TOWN COUNCIL (AMENDMENT) BILL

Mr. Rai: I beg to move the Second Reading of the Bill intituled:

"An Ordinance to amend the New Amsterdam Town Council Ordinance."

Under Section 88 of the New Amsterdam Town Council Ordinance, Chapter 161, it is provided that the Council shall in each year appropriate out of its funds a sum not exceeding \$500 to be placed at the personal disposal of the Mayor. It is now sought to have that amount increased to \$700. It has been represented that with the increasing calls on the Mayor and the decreased value of money over the years, it is only reasonable and equitable that this amount should be increased. The allowance is based on the same principle as that attached to the Mayor of Georgetown. I am sure all hon. Members will support this Measure.

Mr. Ram Karran: I beg to second the Motion.

Mr. Burnham: The hon. Minister of Community Development and Education is to be congratulated upon seeing the wisdom in increasing the mayoral allowance in the case of New Amsterdam, but I submit that he is unworthy of congratulations because he has com-

mitted, in another respect, two grave errors. In the first place he is parsimonious; in the second place he is flouting the wishes of the duly elected members of the Town Council of New Amsterdam. I have good reason to believe—from a source beyond contradiction—that the Minister was asked to increase the mayoral allowance to \$1,000 instead of \$700. It used to be \$500, and the request was to increase it to \$1,000. [Mr. Benn: "Too much money."]

Reference has been made by the Minister in his brief introductory remarks to the allowance paid to the Mayor of Georgetown. Let me remind him that it was \$1,000 for a long time, and it was increased in 1957 to \$2,400—nearly one and a half times the former amount. I see in this sum of \$700 an attempt on the part of the Minister to use the yardstick which appears in the draft Bill: one-tenth of one per cent., because I understand that the New Amsterdam Town Council's annual budget is in the vicinity of \$¾ million. That was one of the things I alluded to when the Local Authorities Bill was being discussed. The responsibilities of the mayor; the calls that are made upon his charitable nature, and the duties which he has to carry out are not necessarily dependent on the budget of the municipality of which he is mayor.

If in the case of Georgetown it was recognized that the mayoral allowance should be more than doubled, I cannot see why this Government should refuse to double the allowance of the mayor of New Amsterdam. A lot of people believe that to be a mayor is something wonderful. [An Hon. Member: "It is".] It may be something wonderful, but it is also something extremely expensive.

If there is going to be this parsimony on the part of the Government so far as allowances are concerned, it will

mean that only persons with well-lined pockets can serve in the office of mayor. Let us face facts, and do not let us do things in an undemocratic way. Do you want only people with substantial private means to serve as a mayor? I remember once the Minister observed that the actual allowance given to the Mayor of Georgetown is approximately one-tenth of one percent, but I can assure him that this is a mere coincidence. I was the person who, in 1956 in the Georgetown Town Council, moved the increase from \$1,000 to \$2,400. I had no such percentage or relationship to the budget in mind. I merely had in mind what I thought at the time would be a reasonable amount to place at the disposal of the mayor. I shall ask Government to take the word of the New Amsterdam Town Council who ought to know.

It is true that New Amsterdam is a smaller city than Georgetown, but the Mayor has important duties. As a matter of fact in a small place like New Amsterdam the calls on the Mayor by way of charity are likely to be more frequent. The smaller the city the better known the person who holds the position of Mayor, and I cannot understand why this Government—unless it is out to be cussed—should stop at \$700. In the first place, the ratepayers elect the councillors of New Amsterdam; the councillors of New Amsterdam are responsible to the ratepayers who are responsible for paying this money to the Mayor. In the second place, what is the difference, so far as the budget of the New Amsterdam Town Council is concerned, between \$700 and \$1,000?

It seems to me that the Minister in this case is merely attempting to show the municipality of New Amsterdam that he has the final word. Are we going to make an issue of \$300 in a budget of \$¾ million? \$300 may mean a lot in the budget of the Mayor. I think the Minister should reconsider his decision to limit the mayor's allowance to \$700.

Mr. Kendall: It is unfortunate that I have to speak on a Bill which concerns me at the moment, and maybe that is what is operating in the minds of the Government when they arrived at this decision. Here is a municipality that for over 70 years has been running its affairs and sinking fund charges without asking Government at any time to help balance its budget. [**Mr. Benn:** "What about sewerage?"] Sewerage and other things in Georgetown are dealt with as a Colonial question, and everybody in Georgetown has to pay for them. You should have known that.

In November the New Amsterdam Estimates were submitted to the Government for information. On the Estimates there was a sum placed at the disposal of the mayor, and it was not done in 1959 when I was the Mayor for the first time; it was done in the year when I am going out, so that it will be to the benefit of future mayors. A draft Bill accompanied the letter to the Minister in February. In April the Minister wrote stating that "in order to enable him to make a recommendation to Government it would be appreciated if the Town Clerk could state why the present allowance of \$500 is considered inadequate."

The Town Clerk replied in May telling him the reasons. The Minister was not satisfied, and asked for further information. In June he was sent further information in detailed form. There were four heads under which the information was set out, but in spite of that we received a letter stating "that the Executive Council has gone into the matter thoroughly". I may say that at one time I was called in for an interview to see whether I could give further reasons, and I did so. The Town Clerk then received a letter dated 6th September which stated:

"Sir.

I am directed to refer to your letter of the 8th of June last in which the New Amsterdam Town Council requested an increase in the yearly allowance placed at the disposal of the Mayor, from \$500.00 to \$1,000.00.

2. I am to say that the Governor in Council has agreed to the introduction into the Legislative Council of a bill to amend the New Amsterdam Town Council Ordinance which will authorize your Council to appropriate out of its funds, a sum not exceeding \$700.00 to be placed at the personal disposal of the Mayor; it was also agreed that this amending Ordinance should have effect from the 1st of January.

(Sgd.) D. Thompson.

Ministry of Community Development."

I then had a talk with the Minister and indicated to him that I thought it was a wrong attitude for any Government to adopt, when a Statutory Board or Corporation like the New Amsterdam Town Council went through its estimates and unanimously decided on something. Six elected members and three Government nominees made the decision, and there was no complaint from any ratepayer that the Council was using its powers to give something extra to an individual. The Government, without indicating to the Council that the amount was too much and the intention was to reduce it, merely sent a letter stating that the amount would be reduced.

When the Minister realized that his Government may have done something wrong due to the discussion we had when I gave him my views, he sent another letter dated 4th October. The letter stated:

"I am directed to refer to your letter No 24/62/2/60 of the 4th October, and to inform you that the question of providing for an increase in the Mayor's allowance was given the most careful consideration.

2. Under the Local Government Reform Proposals, it is proposed that the Mayor of a Borough Council shall receive such annual honorarium as the Council may determine, not exceeding a sum equal to

one-tenth of one percent. of the gross revenue of the Council for the Preceding year. This is actually provided for in the draft Local Authorities (Constitution, Election Procedure and Financial Provisions) Bill, which is shortly to be introduced in the Legislative Council.

3. The allowance to the Mayor of Georgetown is based on the same principle and the proposed annual allowance \$700 for the Mayor of New Amsterdam approximates one-tenth of one percent of the estimated revenue for 1960, of the New Amsterdam Town Council.

4. I am to add that these points were drawn to the attention of Executive Council before they came to the decision previously conveyed to you.

(Sgd) L. B. Thompson."

Well, the decision arrived at is based on the proposed amount which is in the Bill which has just gone to a Select Committee, but before that Bill is assented to, the Government is using it as a yardstick to pass the mayoral allowance which does not conform to the wishes of the Town Council. I feel it is very dishonest on the part of Government to anticipate the passage of a bit of legislation and determine another Bill on it. I can come to no other conclusion that, maybe, if this request was made prior to 1957, it would have been granted, because in 1957 the Georgetown Town Council made a similar request and there was no talk about it; and now that the request has come from the New Amsterdam Town Council, a body of people who at no time ever had the sympathy of the Government in power, there is this attitude. And that reminds me of the statement made by Sir Charles Woolley in this Chamber, that justice should not only be done, but it must appear to be done.

I can come to no other conclusion than that here is a wilful act on the part of Government to prove its power. It is violating a democratic right of a people. They are asking you, because of the fact that you have the power, to amend the legislation, but instead of amending the legislation to meet the wishes of the

people, you take it upon yourself to change the amount and to find a formula for doing it—a formula that has not become law yet, but which is only proposed.

What I say here is what the whole of the New Amsterdam Town Council would like me to express its regret and objection, and disappointment in a Government which tells the people that they would like them to have a greater say in their affairs; and when the Minister could put certain provisions in this new Constitutional Instrument in order to safeguard certain things, he would not do so. Here is a case where he is using that power before the Bill is assented to. That is why I said, in my earlier remarks on the other Bill, that I do not like it because it robs the municipality of powers it previously had. At the same time, Government is saying that it wants to give the people a greater say in their affairs.

I object to the amount placed here, and that objection comes not only from the Town Council, but from the whole of New Amsterdam, because we feel that there is a great demand on the purse of the Mayor. It may not be Kendall, but it may be Harrilall one of these days. I think it is bad on the part of the Government because it is niggardly; and I am surprised at the Minister who moved the Amendment because he knows you should not use vendetta on a community because that community has not supported the Government in power.

Mr. Rai: I thought I had made it clear that the Mayor of Georgetown's allowance is roughly one-tenth of one per cent. of the annual revenue of Georgetown. The problem was, how much could properly be accorded the Mayor of New Amsterdam and on what basis. No proper reason was forthcoming and it was sought to give some principle on which to base that allowance. As the Mayor of Georgetown is to receive one-tenth of one per cent. of the gross annual revenue, the same formula was applied to the Mayor of New Amsterdam. In

[MR. RAI]

trying to determine that allowance, we thought of making it a little more than one-tenth of one per cent. of the annual revenue of New Amsterdam. There is no politics in it. It would bear the same relationship to the revenue as the Mayor of Georgetown's bears to the revenue of Georgetown.

Question put, and agreed to.

Bill read a Second time.

COUNCIL IN COMMITTEE

Clause 1 passed as printed.

Clause 2—*Amendment to Section 88 of Chapter 161.*

Mr. Burnham: Mr. Speaker, I beg to move an Amendment to Clause 2, that the words "seven hundred dollars" in the third line be deleted and there be substituted therefor, the words "one thousand dollars."

In moving this Amendment, I am not unmindful of some of the cursory remarks made by the hon. Minister; but the Minister seemed to have forgotten this: that it was I who moved a change of the Georgetown Town Council's allowance to its Mayor. I did not have in mind one-tenth of one per cent. and it was only subsequently that it came to one-tenth. When I moved it, it was much more than one-tenth of one per cent. And further, the hon. Minister is a lawyer and ought to know that though, normally, in a case of permanent maintenance one-third of the joint income is fixed by the Court, sometimes one-third of the joint income is too small to keep a wife in the state in which she is accustomed and the Court exercises its discretion and gives more than one-third. I am surprised at a lawyer merely using the rule of one-tenth of one per cent. in such a case; and he must accept advice. He has never been

a Mayor, and he should be willing to accept or understand what people who know tell him.

Mr. Kendall: Speaking on the Amendment, I would like to know from the good Minister whether, when he and his Colleagues had in mind this new basis of percentage, the Town Council who made this request was notified that there was a decision to arrive at a percentage and what that percentage was—how much it had worked out to and whether the Council was apprised of it. Nothing was done. The Town Council made a request, and instead of advising that the request would cost too much, all they said was that they were cutting down the amount requested and had arrived at a percentage.

Mr. Rai: I think my hon. Friend has a short memory. I, personally spoke to him and explained the whole procedure, and told him what is contemplated to be done.

Mr. Kendall: As Mayor, I was informed through this conversation, but the Council did not receive a reply to its correspondence until after a decision was arrived at and the Bill was published.

Mr. Bowman: I wish to support the Amendment. With the exception of the Minister who is piloting this Bill, it is not surprising that the attitude of this Government is miserly. I know that there are certain members of this Government who are misers in their outlook.

Mr. Speaker, if you will permit me to divert a little: When we first came into this Council and the question of revising Members' salaries was to be debated, I was one who stood up at a meeting of the Party's Council and said: "Certainly, I am not one to agree to reduce mine". Certain other members—I can name them—

Mr. Speaker: No!

Mr. Bowman: Some of them refused and stood up firmly and objected, but when a certain individual realized that his was going to be cut, that was the only time that he had the courage to get up and voice his objection. And from reference you should know about whom I am speaking — the “ventriloquist” of the Party. I hope that the Government is going to see the wisdom of allowing this Amendment, because it is trespassing, or should I say treading on the feet of other people. I would like to ask the Ministers of this Government whether they would have liked if, after they had agreed that their salaries should be \$800, the British Government had said “no” that it should be confined to \$500?

The New Amsterdam Town Council is a fully autonomous body and if they had made a decision I feel this Government has no right to say what they should have and what they should not have. I am quite sure this Government is not going to agree to anybody telling them what they should do; and anyone can see their dictatorial attitude in this Bill.

Mr. Jackson: I am supporting the Amendment, in my humble position, not as a member of any of the local government bodies, but I find that, in my public life the demands which are made upon me in other respects, if I were to pay attention to all of them it would cost much more than \$58 per month. This is what the Mayor of New Amsterdam would receive from this present Amendment.

It is true that before now, it used to be a little more than \$40 per month, but I think now that I have brought the figure out, the Minister would see how inadequate this provision is if the Mayor has to meet all the demands which are made upon him as such. It is a very small amount of money; and while it is true that the Minister has based his figures on the percentage factor, it seems to me that even though it has

been revised, when we come to the Bill we ought to see that steps are taken to improve upon that figure which is referred to in that part of the Bill. In anticipation of our action, therefore, I would ask the Minister to accept the Amendment moved by the Member for Georgetown Central.

Mr. Rai: I would ask hon. Members not to press the Amendment, because the increase proposed represents an increase of 70 per cent of the present allowance.

Mr. Burnham: That is almost amusing, because the allowance to the Mayor of Georgetown was increased by 120 per cent. Who are these custodians of the ratepayers’ purse? The ratepayers, through their representatives, say that our Mayors should have certain allowances. The hon. Member for Georgetown South points out that the increase of the allowance to the Mayor of Georgetown amounted to 140 per cent. If the representatives of the taxpayers say that this is something that they want, why should Government be objecting?

The Chairman: I shall put the Amendment, that “one thousand” be substituted for “seven hundred.”

The Committee divided and voted as follows:

For	Against
Mr. Bowman	Mr. Hubbard
Mr. Fredericks	Mr. Ajodha Singh
Mr. Davis	Mr. Saffee
Mr. Tello	Mr. Rai
Mr. Gajraj	Mr. Ram Karran
Mr. Jai Narine	Mr. Benn
Singh	Dr. Jagan
Mr. Jackson	The Financial
Mr. Campbell	Secretary
Mr. Burnham	The Attorney-
Mr. Kendall. — 10.	General
	The Chief Secretary. — 10.

The Chairman: The Amendment is lost. I shall now put Clause 2 as printed.

The Committee divided and voted as follows:

For	Against
Mr. Hubbard	Mr. Bowman.—1.
Mr. Fredericks	
Mr. Tello	
Mr. Gajraj	
Mr. Jai Narine Singh	
Mr. Jackson	Did Not Vote:
Mr. Burnham	
Mr. Ajodha Singh	Mr. Davis
Mr. Saffee	Mr. Campbell
Mr. Rai	Mr. Kendall. — 3.
Mr. Ram Karran	
Mr. Benn	
Dr. Jagan	
The Financial Secretary	
The Attorney-General	
The Chief Secretary. — 16.	

The Chairman: The Question is affirmed. Clause 2, as printed, stands part of the Bill.

Council resumed.

Mr. Rai: I wish to report that the New Amsterdam Town Council (Amendment) Bill was considered in Committee of the Council and passed without amendment. I now wish to move that the Bill be read the Third time and passed.

Question put, and agreed to.

Bill read the Third time and passed.

LOCAL AUTHORITIES (CONSTITUTION, ELECTION PROCEDURE AND FINANCIAL PROVISIONS) BILL

SELECT COMMITTEE APPOINTED

Mr. Speaker: I think it is appropriate for me to announce at this stage the names of the Members I have selected to be members of the Select Committee in accordance with the recent decision of the Council to refer to a Select Committee of the Council the Local Authorities (Constitution, Election Procedure and Financial Provisions) Bill. I have selected the following to be Members of the Select Committee:

The Minister of Community Development and Education—The Hon. B. S. Rai—Chairman.

The Nominated Member—Mr. R. B. Gajraj.

The Member for New Amsterdam—Mr. W. O. R. Kendall

The Member for Georgetown Central—Mr. L. F. S. Burnham.

The Member for Georgetown South—Mr. Jai Narine Singh.

I fix the quorum at three.

ADJOURNMENT

The Chief Secretary: I move that Council adjourn to two o'clock tomorrow afternoon.

Council was adjourned to Friday, 4th November, 1960, at 2 p.m.