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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

11th COUNCIL INAUGURATED
OCTOBER, 1956

VOLUME LXXV

1958

SECOND SESSION

(Continued)

16th January, 1958, to 28th February, 1958

List of Members of the Legislative Council

President:

H.E. THE GOVERNOR, SIR EVELYN BARING, G.C.M.G., K.C.V.O.

Speaker:

THE HON. SIR FERDINAND CAVENDISH-BENTINCK, K.B.E., C.M.G., M.C.

Chairman of Committees:

*THE HON. D. W. CONROY, O.B.E., T.D., Q.C.

Ministers:

THE ACTING CHIEF SECRETARY (THE HON. E. N. GRIFFITH-JONES, C.M.G., Q.C.)

* MINISTER FOR LEGAL AFFAIRS (THE HON. D. W. CONROY, O.B.E., T.D., Q.C.)

* MINISTER FOR FINANCE AND DEVELOPMENT (THE HON. E. A. VASEY, C.M.G.)

MINISTER FOR AFRICAN AFFAIRS (THE HON. C. M. JOHNSTON, C.M.G.)

MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (THE HON. M. BLUNDELL, M.B.E.)

MINISTER FOR INTERNAL SECURITY AND DEFENCE (THE HON. J. W. CUSACK, C.M.G., O.B.E.)

MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (THE HON. W. B. HAVELOCK)

MINISTER FOR EDUCATION, LABOUR AND LANDS (THE HON. W. F. COLE, C.M.G., M.B.E.)

MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (THE HON. D. L. BLUNT, C.M.G.)

MINISTER FOR COMMERCE AND INDUSTRY (THE HON. A. HOPE-JONES, C.M.G.)

MINISTER FOR WORKS (THE HON. I. I. NATHOO)

MINISTER FOR COMMUNITY DEVELOPMENT (THE HON. C. M. JOHNSON, C.M.G.)

EUROPEAN MINISTER WITHOUT PORTFOLIO (GROUP CAPTAIN THE HON. I. R. BRIGGS)

ASIAN MINISTER WITHOUT PORTFOLIO (THE HON. C. B. MADAN, Q.C.)

Parliamentary Secretaries:

PARLIAMENTARY SECRETARY TO THE MINISTER FOR EDUCATION, LABOUR AND LANDS (THE HON. WANYUTU WAWERU, M.B.E.)

PARLIAMENTARY SECRETARY TO THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (THE HON. SHEIKH MOHAMED ALI SAID EL MANDRY)

Nominated Members--Government:

THE HON. M. H. COWIE, E.D. (Director of the Royal National Parks)

CAPT. THE HON. C. W. A. G. HAMLEY, O.B.E., R.N.

THE HON. SHEIKH MBARAK ALI HINAWY, O.B.E.

THE HON. A. P. JACK, T.D. (Acting Solicitor-General)

* THE HON. K. W. S. MACKENZIE, C.M.G. (Secretary to the Treasury)

Lt-COL. THE HON. BRUCE R. MCKENZIE, D.S.O., D.F.C.

THE HON. JONATHAN NZIOKA

THE HON. SIR EBOO PIRBHAI, O.B.E.

THE HON. J. I. RIDDOCH, O.B.E.

THE HON. M. F. L. ROBINSON

THE HON. P. J. ROGERS, C.B.E.

THE HON. KIRPAI SINGH SAGOO

THE HON. R. J. M. SWYNNERTON, O.B.E., M.C. (Director of Agriculture)

THE HON. G. A. TYSON, C.M.G.

THE HON. W. J. D. WADLEY (Director of Education)

THE HON. A. J. WALKER, M.D., M.R.C.P. (Director of Medical Services)

* THE HON. WANYUTU WAWERU, M.B.E.

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—(Contd.)

Nominated Members—Non-Government:

THE HON. THE EARL OF PORTSMOUTH.
THE HON. SIR ALFRED VINCENT.

European Elected Members:

THE HON. R. S. ALEXANDER (Nairobi West).
THE HON. M. BLUNDELL, M.B.E. (Rift Valley).
GROUP CAPTAIN THE HON. L. R. BRIGGS (Mount Kenya).
THE HON. S. V. COOKE (Coast).
THE HON. W. E. CROSSKILL (Mau).
LT.-COL. THE HON. S. G. GHERSIE, O.B.E. (Nairobi North).
THE HON. N. F. HARRIS (Nairobi South).
THE HON. W. B. HAVELOCK (Kiambu).
THE HON. MRS. E. D. HUGHES, M.B.E. (Uasin Gishu).
THE HON. SIR CHARLES MARKHAM, Bt. (Ukamba).
THE HON. J. R. MAXWELL, C.M.G. (Trans Nzoia).
THE HON. MRS. A. R. SHAW (Nyanza).
THE HON. H. SLADE (Aberdare).
THE HON. C. G. USHER, M.C. (Mombasa).

Asian Elected Members:

THE HON. S. G. HASSAN, M.B.E. (East Electoral Area).
THE HON. C. B. MADAN, M.B.E.
THE HON. N. S. MANGAT, Q.C. (Central Electoral Area).
THE HON. I. E. NATHOO (West Electoral Area).
THE HON. J. C. M. NAZARETH, Q.C. (Western Electoral Area).
THE HON. A. J. PANDYA (Eastern Electoral Area).

African Elected Members:

THE HON. B. MATE (Central Province North).
THE HON. T. J. MBOYA (Nairobi Area).
THE HON. D. T. ARAP MOI (North Rift).
THE HON. J. N. MUIIMI (Kitui).
THE HON. M. MULIRO (Nyanza North).
THE HON. R. G. NGALA (Coast Rural).
THE HON. A. OGIINGA ODINGA (Nyanza Central).
THE HON. L. G. OGUDA (Nyanza South).

Arab Elected Member:

THE HON. SHEIKH MAHFOOD S. MACKAWAL.

Arab Representative Member:

THE HON. SHEIKH MOHAMMED ALI SAID EL MANDRY.

Clerk of the Council:

A. W. PURVIS.

Clerk Assistant:
H. THOMAS.

Serjeant-at-Arms:
Major F. W. HORNE, M.S.M.

Reporters:

D. BUCK. MISS S. A. RIDDICK. MISS M. M. GARDNER.
Hansard Editor: MRS. J. FRYER.

*Deputy Speaker and Chairman of Committees.

†The Hon. K. W. S. Mackenzie, C.M.G., held the Portfolio of the Minister for Finance and Development from 12th to 26th February, 1958.

‡Also included in list of Ministers of list of Parliamentary Secretaries.

§The Hon. R. J. Hillard, C.M.G., Temporary Nominated Non-Government Member from 25th February, 1958, during absence of the Hon. Sir Alfred Vincent.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

ELEVENTH COUNCIL

SECOND SESSION—(Continued)

Thursday, 16th January, 1958

The Council met at thirty minutes past Two o'clock.

(Mr. Deputy Speaker (D. W. Conroy, Esq.) in the Chair)

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

East African Institute of Malaria and Vector-borne Diseases, Annual Report, July, 1956-June, 1957.

Report on the Kenya, Uganda and Tanganyika Savings Banks for the year 1956.

East African Statistical Department Annual Report, 1956/57.

(BY THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones))

The Price Control (Cement) (Amendment) (No. 6) Order, 1957.

The Price Control (East African Flour) (Amendment) (No. 5) Order, 1957.

(BY THE ACTING CHIEF SECRETARY (Mr. Griffiths-Jones) on behalf of the Minister for Finance and Development)

The Kenya Meat Commission (Granting) Regulations, 1957.

(BY THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell))

Report of the Commissioner for Local Government for the year 1956.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock))

Labour Department Annual Report, 1956.

The Education (Fees) Rules, 1957.
The Education (Scale of Fees in African Grant-aided Schools) (Amendment) Regulations, 1957.

The Education (Fees in Government African Schools) Rules, 1957.

(BY THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts))

NOTICES OF MOTIONS

APPOINTMENT OF COMMITTEE ON CONDITIONS OF EMPLOYMENT IN THE CIVIL SERVICE

MR. SLADE (Aberdare): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

THAT a committee consisting of persons resident in Kenya be appointed to consider and advise this Council upon possible modifications of inducement pay, overseas leave and other conditions of employment of the Civil Service in this Colony.

INQUIRY INTO KENYA FISCAL POLICY

MR. ALEXANDER (Nairobi West): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council urges Government to secure the services of an acknowledged authority on banking,

[Mr. Alexander]

financial and economic matters, who would be invited to inquire into and make recommendations on policy in regard to the raising of loans and attracting capital to Kenya, the banking system, and the sterling exchange system operating under the East African Currency Board as affecting Kenya in this regard.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 36

MR. ALEXANDER asked the Minister for Local Government, Health and Housing:—

- Has the Local Government Loans Authority yet been authorized to borrow direct in the open market?
- If the answer is in the negative, what are the reasons for refusing or delaying such authorization?
- If the answer is in the affirmative, how much has been raised and to which local authorities has the money been lent?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Have-lock): Mr. Deputy Speaker, I beg to reply.

The answer to the first part of the question is "No, Sir".

The answer to the second part of the question:

- It is necessary to consider borrowing on the "open market" under two heads—borrowings on London and borrowings locally. As is well known, apart from the Nairobi City Council, no local or subordinate authority is allowed access to the London market.

As regards the local market, the finance available is very limited, and although in principle the Government has always considered that at some time it might be appropriate for the Local Government Loans Authority to be allowed to take advantage of their statutory powers, and to borrow on this market, in the present circumstances it is the Government's

view that more favourable terms can be and have been obtained by the Central Government from the local market on normal medium and long term borrowings for re-lending to the Local Government Loans Authority than a subordinate authority could obtain. It must also be made clear that owing to the present restriction on capital available any moneys which might be raised by the Local Government Loans Authority on their own account would not materially affect at present the total availability to that Authority of capital funds.

The answer to the third part of the question, Sir, does not arise.

MR. ALEXANDER: Mr. Deputy Speaker, the Minister, having told us that the Central Government is borrowing to re-lend to the Local Loans Authority, will he tell us what it has re-lent in the last year to the Local Loans Authority?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Have-lock): Mr. Deputy Speaker, I cannot tell exactly in the last year, but since the Local Government Loans Authority has been operating, which is a matter of about four years, the amount is as follows: the first endowment was made to the Local Government Loans Authority from the Development and Rehabilitation Administration Vote, that of course was partly loan money, amounted to £1,828,000. A loan from Government was made of £1,750,000, loans from the Development Fund were £594,000 and income, that is interest income, etc., £585,000. Of that amount of money over £4,000,000 has been loaned by the Local Government Loans Authority to local authorities.

QUESTION No. 52

MR. ALEXANDER asked the Minister for Works did the Government ever attempt to follow up the offer made by a Mr. Romero on 22nd June last, through the local Press, to arrange contractors to build roads in Kenya on a 10-year repayment basis with a view to the encouragement of tourism; and if so is there any progress to report on the matter?

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Deputy Speaker, I beg to reply:—

No, Sir, The Government is always ready to consider even the most tentative offers of assistance in improving the roads of the Colony, but must reserve the right to exercise its own discretion on whether to pursue a report in the form and terms of the interview to which the hon. Member refers.

If the hon. Member has information to show that this particular report should be taken seriously, the Government would be grateful if the hon. Member would make it available.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, will the Minister tell us whether his Department at the time received a written inquiry on this, and will he tell the Council what the reply of his Department was?

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Deputy Speaker, Sir, my Department has not had any information from this gentleman or from any other source, otherwise the matter would have been taken up.

MR. ALEXANDER: Mr. Deputy Speaker, I did not say "information", I said a written inquiry was addressed to his Ministry at the time.

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Deputy Speaker, Sir, that is certainly not within my knowledge or within the knowledge of the Department.

MR. ALEXANDER: Mr. Deputy Speaker, would the Minister be surprised if I said a reply came from his Ministry?

THE MINISTER FOR WORKS (Mr. Nathoo): Of course!

MR. HARRIS (Nairobi South): Arising out of the reply, do I understand from the Minister that matters of great policy are addressed to his Department and he never sees them?

SIR CHARLES MARKHAM (Ukamba): The Aga Khan!

THE MINISTER FOR WORKS (Mr. Nathoo): I recollect, Sir, that at the time when this matter was raised in the paper, no inquiry was addressed to us. Later on, correspondence might have been addressed elsewhere.

SIR CHARLES MARKHAM: Mr. Deputy Speaker, arising out of the Minister's remarks, the Minister did say that he would take action on responsible inquiries. Can I ask him what he has done, in view of the assurance he gave, about a question I raised nine months ago? He has still not written the letter.

THE MINISTER FOR WORKS (Mr. Nathoo): Yes, Sir, I would inform the hon. Member that of the offers we have received, one or two are still confidential and we are awaiting the results when we hope that some finance will be available. Every possible avenue is explored to secure finance for roads, but we are not prepared to chase up the wild goose schemes which may appear in the Press.

MR. ALEXANDER: Mr. Deputy Speaker, does the hon. Minister recollect that on the 17th April the Minister for Finance stated that he would be delighted to negotiate and to hear from anybody who had a proposal?

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Deputy Speaker, I still maintain that if general inquiries are addressed to us and not to some newspaper, we will certainly pursue them.

QUESTION No. 51

MR. PANDYA (Eastern Electoral Area): Mr. Deputy Speaker, Sir, in the absence of the hon. Member (Cries of "Why?") for the Central Province, the reason for which I think is quite obvious, I am asking Question No. 51.

SIR CHARLES MARKHAM: Sir, on a point of order, it does say in the Standing Orders "In the unavoidable absence of a Member". I would not have thought a report in the *East African Standard*, Sir, of a boycott is an "unavoidable absence".

THE DEPUTY SPEAKER (Mr. Conroy): I feel that the questions should become questions which ask for and which will receive, written answers.

MOTION

The Legislative Council (African Representation) (Amendment and Transitional Provisions) Bill (Bill No. 20)

LEAVE TO TAKE MORE THAN ONE STAGE OF THE BILL

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Deputy Speaker, Sir, I beg to move—

[The Acting Chief Secretary]

THAT by leave of the Council Standing Order 83 (not more than one stage of a Bill to be taken at the same sitting) does not apply to or in respect of the Legislative Council (African Representation) (Amendment and Transitional Provisions) Bill.

Sir, the Bill mentioned in the Motion is the main business on to-day's Order Paper and indeed the reason why the Council has assembled to-day. It is a relatively short and simple Bill, Sir, and in order to conduce to the general convenience of Members and to avoid undue charges on the funds of the taxpayer, it will be my purpose, with your leave and with the leave of the Council, to take this Bill through all its stages to-day and thereby to avoid reassembly of the Council to-morrow.

Sir, I beg to move.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) seconded.

Question proposed.

The question was put and carried.

BILLS**FIRST READINGS***The Adoption Bill*

Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Public Order (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Notaries Public (Amendment) Bill

Order for First Reading Read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Legislative Council (African Representation) (Amendment and Transitional Provisions) Bill

Order for First Reading read—Read the First Time.

BILL**SECOND READING***The Legislative Council (African Representation) (Amendment and Transitional Provisions) Bill*

Order for Second Reading read.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Deputy Speaker, Sir, I beg to move—

THAT the Legislative Council (African Representation) (Amendment and Transitional Provisions) Bill be now read the Second Time.

Among the constitutional changes announced by the Secretary of State, Mr. Deputy Speaker, is an increase in the number of seats in this Council for African Elected Members from eight to 14. This necessitates amendment of the Legislative Council (African Representation) Ordinance, 1956, which relates to the election of African Members, in order to make provision, first, for increasing the number of constituencies for African Members to 14, and for dividing up the present eight constituencies accordingly; and secondly, to enable elections to the additional six seats to be held, and all the necessary preliminary arrangements for such elections to be made, while at the same time providing for the present eight Members to retain their seats in this Council.

Since these preliminaries necessarily occupy a number of weeks, provision has been made by a special Order in Council to enable legislation to be enacted to provide for these preliminaries, and for the holding and conduct of the elections to the six new seats, in advance of the comprehensive constitutional provisions which will be made for all the changes projected by the Secretary for State and confirmed by Her Majesty's Government. This Bill, therefore, Sir, under the authority of the special Order in Council to which I have referred, makes the necessary amendments to the main Ordinance dealing with African elections so as to enable us to proceed with the elections to the six additional seats.

Clause 4 alters the number of seats and constituencies from eight to 14, and provides in effect for the redefinition of the African constituencies by means of proclamation to be made by the Governor. Clause 9 of the Bill provides consequently for the declaration by the Governor, again by proclamation, of the resulting new constituencies which are to be represented by the present eight African Members.

[The Acting Chief Secretary]

The Government has already announced, for the information of the public, what the new constituencies will be, the districts comprising each, which are to be contested in the six new elections, and which are thenceforth to be represented by the present eight Members. These matters will be formally provided for, in accordance with the decisions already announced, on the completion of the enactment of the Bill which the Council is now considering.

With regard to clause 8, which appears in Part III of the Bill, that part containing transitional provisions, I should observe that while there are already in existence rules made under the principal Ordinance regulating the procedure for elections under that Ordinance in normal circumstances, the elections to the six additional seats will necessarily be held in abnormal circumstances since they will be held in constituencies which have hitherto formed part of the larger constituencies for which, in the elections of 1957, the present eight Members were returned, since the present eight Members are to retain their seats, and some of them are to represent only a part of the larger constituencies for which they were originally elected.

In order to provide for the abnormal circumstances of these particular elections to the six additional seats, a number of amendments will be required to the existing rules. These amendments, however, will be purely temporary and transitional, because they will apply only to these particular elections and not to any subsequent elections to all or any of the new total of 14 seats. In order, therefore, Sir, to avoid the confusion which might arise from piecemeal amendment of a purely transitional nature of the permanent rules, it is the intention to make a special set of rules to govern the forthcoming elections to the six additional seats. These special rules will incorporate the substance of the main permanent rules, but with the necessary modifications to provide for the abnormal features of these particular elections. But the rules, as hon. Members will appreciate, deal only with matters of procedure, and not with matters of fundamental substance.

After these elections have been concluded, these special rules will have spent themselves, and they will be revoked, leaving any future elections to be governed by the permanent rules.

The time table of events in regard to the election to the six additional seats is as follows: nomination day will be proclaimed towards the end of this month, and will be 20th February; polling will take place during the week-end commencing on Saturday, 22nd March.

Sir, it is my intention to move in the Committee stage the amendments of which notice have already been circulated. These amendments are very simple: that to clause 7 is purely formal, and is designed to make it clear beyond any possible ambiguity that the forthcoming elections will be regulated by the principal Ordinance as amended or modified by this Bill; and by any relevant rules made under either.

The second amendment relates to the provisions of the principal Ordinance regarding the special position of members of the Kikuyu, Embu and Meru tribes. Hon. Members will recollect that in the elections of last year the first step was taken towards permitting these tribes to participate in the political life of the Colony once more after the upheavals of the Emergency for which they were responsible. Members of those tribes were permitted to participate in the elections subject to certain restrictions, namely that they could only be registered as voters if they possessed loyalty certificates; that they could only register as voters in the Central Province or the Nairobi area; and that they could only stand as candidates for those two constituencies, that is to say, the Central Province constituency and the Nairobi Area constituency. It has been strongly represented to the Government, on behalf of the Kikuyu, Embu and Meru peoples, that the second step should now be taken, by allowing them to register as voters and to stand as candidates in any constituency in which they are duly qualified, provided, of course, that they have a loyalty certificate.

The Government has given careful consideration to these representations, which have been endorsed by responsible leaders of the three tribes, including the African Advisory Council of the Central

[The Acting Chief Secretary] Province, which is fully representative of African loyalist opinion throughout the Province; and which, throughout the Emergency, has displayed an anxious and statesmanlike concern for the true well-being and interests of the Kikuyu, Embu and Meru peoples, and, above all, a due concern for the overriding requirements and interests of law and order. The Government has accordingly decided to accede to these representations and to remove the present restrictions on the constituencies in which members of the Kikuyu, Embu and Meru tribes may be registered as voters and stand as candidates. This means, Sir, that members of those tribes who possess loyalty certificates, and who are already registered as voters in the Central Province or the Nairobi Area, will now be permitted the option, which was open to all other Africans last year, to register in any constituency in which they are qualified by residence to be registered as voters. They will be able, of course, to retain their registration in the Central Province or in Nairobi if they so wish; but if they prefer to transfer their registration to some other area in which they reside, they will now, if these amendments are accepted, be at liberty to do so.

Similarly, they will no longer be restricted to standing as candidates for a Central Province constituency or for the Nairobi Area constituency, but will be at liberty to stand for any other constituency for which they are duly qualified.

Now, Sir, in order to enable any members of these tribes who are already registered as voters to transfer their registration to the areas in which they reside, the necessary provision will be made by rules. No person who is not already registered as a voter, however, will be able at this stage to register as a fresh voter. The Government would have preferred, had it been possible, to arrange for a revision of all voters' rolls in time for these coming elections, but this has not proved practicable without a degree of delay extending to several months which would have been most undesirable, and is, in fact, unacceptable.

Accordingly, the elections in March to the six additional seats will be held on the existing voters' rolls, subject only to

any transfer of registered voters of the Kikuyu, Embu or Meru tribes in the exercise of the option which is now to be open to them, as I have already explained.

This, then, Sir, is the second step towards full participation by these three tribes in the political life of the Colony, the only remaining restriction being the requirement of loyalty certificates for registration as voters, and therefore indirectly for candidature. But, Sir, the Government proposes, before the 1960 elections, to review the conditions affecting the participation of the Kikuyu, Embu and Meru tribes in elections. It may well be that as a result of that review, and provided that these tribes maintain peaceful and stable conditions in their areas and remain law-abiding, it may be that it will be possible for the Government to take the third and last step, and revoke the requirement of loyalty certificates, and thus allow these three tribes to participate in political affairs on a basis of full equality with the other African people of the Colony. I emphasize, however, Sir, that this must not be construed as an undertaking or as an assurance. The decision, when it is made, will depend on the conduct and behaviour of the peoples of these three tribes themselves, and on the conditions then prevailing in their areas.

Finally, Sir, I should mention three small formal amendments incorporated in the Bill which are unrelated to its main purpose.

Clauses 3 and 5 clarify the position regarding the Northern Province and voters in constituencies elsewhere but resident in the Northern Province. As hon. Members will recollect, the principal Ordinance does not apply to the Northern Province, except to any areas of that Province to which it is specifically applied. It has only been so applied to the Samburu District which, although *de jure* in the Northern Province, is in fact administered with the Rift Valley Province. The purpose of these two clauses is to clarify the application of the Ordinance to that district, being a part of the Northern Province, and also to clarify the position of qualified voters residing in parts of the Northern Province to which the Ordinance does not apply, but entitled to vote in constituencies elsewhere.

[The Acting Chief Secretary]

Clause 4 (c) makes another incidental and purely formal amendment which arises by reason of the fact that under the principal Ordinance constituencies must comprise whole districts; districts cannot be split. And this amendment will enable constituencies to be defined merely by reference to their constituent districts and without a long rignarole of geographical boundaries. The reason for the requirement that constituencies should comprise only whole districts was, of course, that the registration of voters was conducted on a district basis.

Sir, that is all that this Bill seeks to provide. It, in summary, confers upon the African people six additional seats over and above the eight which they already hold, and it makes provision for the necessary elections and procedural arrangements for returning candidates for those extra seats.

Mr. Deputy Speaker, Sir, I beg to move.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. C. M. Johnston) seconded.

Question proposed

MR. HARRIS: Mr. Deputy Speaker, Sir, I support the Second Reading of this Bill, and in doing so feel that it does offer an opportunity of clearing away some of the fog of the last few months. This Bill, Sir, makes possible the election of 14 Africans. 11 years ago, the Africans were represented in this Council by one nominated African and the Bishop of Mombasa, who was nominated to look after African interests.

Since then, Sir, in 11 years, we have seen the progress of the African people in the political life of this country, from one nominated Member, and a European watching their interests, to 14 elected Africans—if this Bill is passed—with vacancies for two ministerial posts and three assistant ministers.

Now, Sir, I was talking the other day to a politician from Britain and he said that what he believed was that we should produce in Kenya a real world-shaking event. Sir, I maintain that to go from one nominated African and a European to 14 elected Africans, two ministers and three assistant ministers is, by any standard in this world, world-shaking. And I believe, Sir, that the sooner people

in this country realize this, the better. There have been some very ill-informed expressions of opinion, even from Members of this Council (not on this side), who seem to think that to increase African representation from eight to 14 at one jump is a mere nothing, and they seem to think that, in 11 years, to increase it from nothing to 14 is even less.

Now, Sir, it is significant that at every stage of this development over 11 years, this major development of the African people politically has been supported by the vast bulk of Europeans in this country. But to hear our detractors speak, one would think that we tried to delay these measures all along the line.

However, Sir, we have been accused in many quarters of being over-enthusiastic in accepting the constitution that we now have. We have been accused of prejudicing the decision of our absent friends because we accepted this constitution. Sir, I believe the Europeans of this Colony, on that record of advance for the African over 11 years, can hold their heads very high. And I think it ill behoves anyone to suggest that a measure which nearly doubles African representation in this Council was over-enthusiastically received; that is a slight on the Europeans and the Asians of this country. That we did welcome this addition to African representation enthusiastically is a measure of the liberality of European thought in this country.

I feel, Sir, that many of our detractors, particularly overseas, are sorry that we welcomed this advance, because now they have got rather less to criticize us for than they had before.

Sir, I beg to support.

MR. HASSAN (East-Electoral Area): Sir, I rise to support this increased African representation Bill. Sir, it was one of the measures which I, on behalf of the Asians, and my colleagues supported; we put it to the Government when the Africans put up demands for increased representation that we supported it, and I am very glad that the Government did agree, after months of unnecessary delay, and that they have accorded the increased representation to the Africans.

[Mr. Hassan]

I have not the least intention of remarking on the absence of the Africans from this Council to-day, because they are a team of eight quite intelligent Members of this Council and they are following a line which they consider is for the benefit of their community.

Whilst I support this measure, Sir, it should not be understood that I, on behalf of my Muslims, am giving the blessings to the constitution as a whole. Until such time that details of the tails attached to this constitution are given out in the White Paper and we know the implications of it, we shall withhold our blessing from this constitution as a whole.

As this Bill stands to-day, it is really great progress for the African in this country—as the previous speaker said—from one member of another race representing them, and to-day they are going to be given 14 elected Members to represent their community.

I have great pleasure in supporting.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Deputy Speaker, Sir, there is very little that I need say, but I cannot allow to pass without some challenge the reference made by the last speaker to the Government having agreed to the change represented in this Bill after months of unnecessary delay. I do not wish to waste the time of this Council in attempting to explain to the hon. Member the historical facts, but it was never, until the freedom of the Secretary of State was restored to him, it was never up to the Government to agree or not. It was up to the various groups represented in the Council to agree, and the fact that they could not agree was, in fact, due to the refusal of the African group even to discuss.

The question was put and carried.

The Bill was read the Second Time.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read.—Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

(D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair)

The Legislative Council (African Representation) (Amendment and Transitional Provisions) Bill, 1958
Clause 2 agreed to.

Clauses 3, 4 and 5 agreed to.

Clause 6 agreed to.

Clause 7

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Chairman, Sir, I beg to move that clause 7 be left out of the Bill and that the following clause be inserted in place thereof:—

7. The additional members shall be elected in accordance with the provisions of the principal Ordinance and this Ordinance, and the rules made under these Ordinances.

As I explained during the course of the Second Reading, Mr. Chairman, this is a purely formal amendment which requires no further comment.

Question proposed

The question that clause 7 be left out of the Bill was put and carried.

The question that the new clause 7 be inserted in place of the clause 7 which has been left out was put and carried.

Clause 7 as amended agreed to.

Clauses 8 to 10 agreed to.

New Clause

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Chairman, Sir, I beg to move that a new clause be inserted in the Bill as follows:—

Removal of certain restrictions on Kikuyu, Embu and Meru. Sub-sections (4) and (5) of section 19 of the principal Ordinance are hereby repealed.

Sir, this new clause will remove the disabilities at present on the Kikuyu, Embu and Meru tribes in regard to the constituencies in which they may be registered as voters and in which they may stand as candidates. The two sub-sections to be repealed are set out, Mr. Chairman, in the notice of the amend-

[The Acting Chief Secretary]

ment which has been circulated. The purpose of the repeal has, I think, been sufficiently explained in the course of the Second Reading and, unless any hon. Member has any questions to raise on the amendment, I shall add nothing further.

New clause read the First Time.

Question proposed that the new clause be read the Second Time.

Question put and agreed to.

New clause read the Second Time.

Question proposed that the new clause be added to the Bill.

Question put and agreed to.

Title agreed to.

Clause 1 agreed to.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Chairman, I beg to move that the Legislative Council (African Representation) (Amendment and Transitional Provisions) Bill, as amended, be reported to the Council.

Question proposed

The question was put and carried.

Council resumed

[Mr. Deputy Speaker (D. W. Conroy, Esq.) in the Chair]

REPORT AND THIRD READING

The Legislative Council (African Representation) (Amendment and Transitional Provisions) Bill, 1958

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Deputy Speaker, Sir, I beg to report that a Committee of the whole Council has considered the Legislative Council (African Representation) (Amendment and Transitional Provisions) Bill and has approved the same with amendments.

Report ordered to be considered to-day.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Deputy Speaker, I beg to move, Sir, that the Legislative Council (African Representation) (Amendment and Transitional Provisions) Bill be now read the Third Time.

Question proposed

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

ADJOURNMENT

THE DEPUTY SPEAKER (Mr. Conroy): That completes the business on the Order Paper and Council will therefore stand adjourned until 2.30 p.m. on Wednesday, 12th February, 1958.

Council rose at twenty minutes past Three o'clock.

Wednesday, 12th February, 1958

The Council met at thirty minutes past Two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:

The East African Meteorological Department—Annual Report for 1956/57.

The Immigration (Prescribed Organizations) (Amendment) Regulations, 1958.

(BY THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones))

Report and Accounts—Industrial Development Corporation, 1956/57.
(BY THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones) ON BEHALF OF THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones))

Printing and Stationery Annual Report, 1956/57

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie))

The Legislative Council (African Representation) (Registration of Voters) (Amendment) Rules, 1958.

The Legislative Council (African Representation) (Transfer of Registration) Rules, 1958.

The Legislative Council (Election of Additional Members) Rules, 1958.

(BY THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston))

The Native Lands Tea (Amendment) Rules, 1958.

The Kenya Meat Commission (Grading) (Amendment) Regulations, 1958.

The Guaranteed Minimum Return Advances (Interest) Rules, 1958.

The Land Development Loans (Short-term Development) (Interest) Rules, 1958.

(BY THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell))

The Police (Amendment) Regulations, 1958.

(BY THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack))

Sessional Paper No. 1 of 1957/58—Adjustments to the Boundaries of the Highlands under section 67 of the Crown Lands Ordinance, Cap. 155.

(BY THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts))

Social Development Report, 1956/57.

(BY THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Johnston))

ORAL NOTICES OF MOTIONS

ADJUSTMENT OF BOUNDARIES OF HIGHLANDS

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts). Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council approve the adjustment of the boundaries of the Highlands proposed in Sessional Paper No. 1 of 1957/58.

REVIEW OF THE NATIVE AUTHORITY ORDINANCE

MR. MATE (Central Province North): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council, being aware of the anomalies in the Native Authority Ordinance (Cap. 97) in the light of changing conditions in African progress, urges Government to have it reviewed and readjusted to bring it up to date.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 49

MR. ALEXANDER (Nairobi West) asked the Minister for Finance and Development in view of the apparent increase in the number of advertisements concerning the loss of Government Local Purchase Orders, will the Minister state:—

(a) How many Government L.P.O.s have been lost this year?

(b) Which Departments are mainly responsible for such losses and is any Department a noticeably frequent offender?

[Mr. Alexander]

(c) Has Government suffered any financial loss through the unauthorized presentation of Government L.P.O.s which have disappeared?

(d) What action is taken against those responsible through negligence or otherwise for the loss of these forms?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): (a) 66 Government L.P.O.s were lost in 1957. Of these 50 were in one book, 12 in another, two in a third and one each from two other books. L.P.O.s are printed in books of 50.

(b) The book of 50 was lost by the Veterinary Department and the 12 by the Ministry of Community Development. The others were lost by the Ministry of Forest Development, Game and Fisheries, Education, Labour and Lands and Works. No Department is a noticeably frequent offender.

(c) No.

(d) In one case the cost of advertising the loss was recovered from the officer concerned and in two of the others similar action may be taken. In the fourth case no action is necessary as the firm to which the L.P.O. was made out was advised of the loss immediately. The fifth loss was not considered to be due to negligence.

MR. ALEXANDER (Nairobi West): Mr. Speaker, Sir, do I understand that all that happened to the one officer was that he had to pay for the advertisement, and no other disciplinary action was taken at all?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Yes, Sir.

MR. HARRIS (Nairobi South): Mr. Speaker, arising out of the reply, will Government consider some form of action to indemnify innocent traders who may be caused considerable financial loss through the negligence of civil servants?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, the normal practice is that when one of these Orders is presented and accepted in good faith, the Govern-

ment honours the undertaking, and it would be normal in those circumstances for the officer concerned to be surcharged with the cost of the loss if it were shown that it was due to his negligence.

QUESTION No. 50

MR. MATE (Central Province North) asked the Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell) how many approved African coffee growers in the Central Province who had prepared their plots to plant coffee during the October-December rains in 1957, could not get the seedlings required to make full use of the plots so prepared?

How many trees does this shortage amount to for the particular season in question?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Seven hundred and fifty growers in Meru District who had prepared their plots to plant coffee during the October/December rains in 1957 could not be provided with seedlings for planting. In the other Districts of the Central Province no growers were unable to obtain seedlings for which they had prepared their plots.

The shortage of coffee seedlings in Meru District amounted to 116,000 plants. There was no shortage in the other districts of the Central Province.

MR. MATE (Central Province): Mr. Speaker, arising out of the reply, would the Minister tell us what steps Government is taking to ensure that that does not happen again?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): The necessary action, Mr. Speaker, has already been taken.

MR. MATE: Mr. Speaker, Sir, would the Minister give us the reasons as to why this should have happened when the Department knew exactly what areas had measured out and had the nurseries to provide the trees.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, the hon. Member is not quite right in his assertions. The target set for the

[The Minister for Agriculture, Animal Husbandry and Water Resources] Meru District with regard to the planting of coffee was 1,000 acres, and the actual target which was planted was 1,400. It was due to that excessive expansion beyond the target that seedlings were not available to growers.

MR. MATE: Mr. Speaker, Sir, would that amount to the fact that the instructors do not know the number of trees they have measured, in a garden compared to the number of trees they have in the nurseries?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): No, Sir, the answer to the question is in the negative. It takes 18 months for a coffee seedling to grow from the seed to the planting-out stage, and one therefore has to calculate anything up to two years in advance for the planting programmes, when building the nurseries.

MR. COOKE (Coast): Mr. Speaker, would not the Minister express some regret on what appears to be an oversight?

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That does not arise out of the question.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, arising out of the hon. Member's question, I consider my Ministry has done very well.

MR. MBOYA (Nairobi Area): Mr. Speaker, arising out of the reply, is the Minister suggesting that in the preparation of their gardens, the farmers do not consult the agricultural instructors?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): No, Sir.

QUESTION NO. 58

LT.-COL. GHERSIE (Nairobi North) asked the Minister for Finance and Development (Mr. Mackenzie) whether Government is prepared to consider making provision whereby Kenya Stock held by local taxpayers is acceptable at its par value for the payment of Income Tax and Death Duties.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, no, Sir.

LT.-COL. GHERSIE: Mr. Speaker, arising out of that rather ineffective reply, if I may say so, would the Minister agree, Sir, that if stock was redeemable by Government at par for these two particular purposes, it would create a very necessary incentive for subscribing to local loans?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I think that is another question.

LT.-COL. GHERSIE: Mr. Speaker, Sir, in order to try and draw the Minister, is it not a fact that the Minister for Finance—I am thinking of the substantive Minister for Finance who is not here at present—had in mind some years ago the creation of a fund in order to stabilize the market price of local loans?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, the Government does operate a support fund and the Government would be prepared to purchase any reasonable amount of stock from an estate if there were no other purchaser in the market for the stock. I should like to say, Sir, as regards the first part of the question, that the stocks held by an estate are valued for estate duty purposes at their market value and no reason is really seen why the Government should guarantee the par price if it is necessary for stocks to be sold in order to pay estate duty; but, as I have said, the Government does operate the support fund and would be prepared to purchase reasonable amounts if there were no other way of disposing of them on the market.

LT.-COL. GHERSIE: Mr. Speaker, Sir, in view of that very evasive reply, when the hon. Member refers to a support fund, are we to understand that the support fund would in fact redeem these stocks at par?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): No, Sir.

LT.-COL. GHERSIE: Sir, arising out of that, would the Minister agree that there is a precedent existing elsewhere for the creation of this type of loan fund?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): So far as the Government is advised, Sir, there is no precedent in any country of the Commonwealth for an action of that type.

LT.-COL. GHERSIE: Mr. Speaker, Sir, arising out of that, has the Minister ever heard of the Twenty Million Progress Loan Fund?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): No, Sir.

SIR CHARLES MARKHAM (Ukamba): Mr. Speaker, arising out of the original reply, is the Minister aware of the considerable hardship caused to many estates by having to try to sell Government stock at a very great discount for death duties?

2.45 p.m.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): No, Sir, the Minister is not aware of such hardship having been caused and, as I have said, the Government would be prepared to use the support fund in order to purchase any reasonable amount of stock at the market price if there was no ready market for the stock easily available.

LT.-COL. GHERSIE: Arising out of that, Sir, what we are asking is that it should be bought at par. Anyone can buy at the market price.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): There is, Sir, a considerable assistance, and it would be of considerable assistance to any estate that if there is not a ready purchaser the Government should be prepared to step in and buy a reasonable quantity of stock. It may be, for example, that there is nobody willing to purchase more than a small amount of the stock involved. The fact that the Government would be prepared to come in and purchase a reasonable amount is, I think, of considerable assistance to any estate.

LT.-COL. GHERSIE: But, Sir, is not the market price the price that anyone is prepared to purchase at? That is how the price is established.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Yes, Sir.

MR. HARRIS: Is my hon. friend saying that the Government are willing to pur-

chase the stock at an unknown price, that somebody else would purchase at; if somebody else wanted that stock.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): The Government, Sir, would take steps to find out what the market price was before buying.

MR. HARRIS: How?

MR. ALEXANDER: Mr. Speaker, Sir, why is the Government not prepared to consider the proposition, particularly as it relates to the payment of income tax?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Because, Sir, the Government is not prepared to purchase goods, services, stocks or anything else at more than the value attached to them in the market. If they did so they would probably get into serious trouble with the Public Accounts Committee.

MR. ALEXANDER: Mr. Speaker, Sir, does the Minister suggest that tax certificates have the same market value as when they are first purchased? Because in that case the Government does redeem them at par.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, one way in which an estate can avoid selling Government stock is precisely by buying tax reserve certificates. These certificates carry 3 per cent interest, free of income tax, and the Government sees no reason, while they are available, why they should accept any obligation to take over any stock at par.

LT.-COL. GHERSIE: Is it not a fact that these certificates are only redeemable for the payment of income tax? The question, Sir, deals with income tax and death duties.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Yes, Sir.

STATEMENT ON BUSINESS

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): With your permission, Mr. Speaker, may I make a statement on behalf of the Sessional Committees to the effect that it has been agreed that the Council should not sit on Friday of this week and that accordingly it should

27 Bill—First Reading

[The Acting Chief Secretary] adjourn on the conclusion of business tomorrow, Thursday, 13th February, until Tuesday, 18th February.

BILL

FIRST READING

The Veterinary Surgeons (Amendment) Bill

Order for First Reading read—Read the First Time and ordered to be read the Second Time tomorrow.

BILL'S

SECOND READINGS

The Adoption Bill

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Speaker, I beg to move that the Adoption Bill be now read a Second Time.

Mr. Speaker, this is a complicated Bill to some extent but the main provision of it is to ensure that those children who are adopted are treated exactly the same in every possible way, except one small difference, as the natural children of parents. It will be noted that in certain of these sections to the Bill it is specified that not only will the children be looked upon and be given all the privileges and rights of a natural child but also they will be regarded as full blood relations or full blood brothers or sisters of the natural children of the adopters. The only exception to that, Sir, is that with regard to entailed property, passing down from the natural father or mother, and that also includes a title or hereditary honour of some sort.

The Bill also incorporates the adoption societies, which have not up to the moment in this country been recognized, and adoption societies which will, of course, be active in placing children with adopters and which will be under certain restrictions and certain control by the Minister. This, I think, is a very important and desirable section which will avoid anything of the nature of baby farming which fortunately has not happened yet in this country but which has been a very undesirable practice in other countries.

The making of adoption orders by the court is at the request of the natural

parent or parents but there are certain exemptions to that and it is shown in certain sections that if the father, for instance, is not available—and that will apply especially in the case of an illegitimate child—the court can make the adoption order without his agreement. However, in general, the adoption order will only be made on the request of the natural parents or parent.

There is, I know, Sir, a certain amount of disquiet amongst one section of the Mohammedan population that this Bill might operate against their religious beliefs and prejudices; and it will be noted that clause 36 gives the Minister power to exclude from the operation of any of the provisions of this Ordinance the members of any race, tribe or sect in the Colony, or any part of that race, tribe or sect; and I would like to say now, Sir, that on representations being made to me and the facts being given to me I would be prepared to operate an exclusion under that Ordinance for any particular sect who did not wish to be included under the provisions of this Bill because of their religious beliefs. But I do stress that it is a matter of religious beliefs and not of other beliefs.

I think I should make it clear in that regard that there is no compulsion in this Bill; there is no compulsion that the children must be adopted. The general practice with regard to a number of tribes, and indeed with other sects, of, shall we say, giving the child into the hands of foster parents will pertain, and nothing in this Bill will stop it. But the main reason and the main principle behind this Bill is that the child who is to be adopted should not in any way feel that it is different from the natural child of any parent. That, I believe, is an extraordinarily important principle to incorporate into the law and indeed to incorporate into practice. As will be seen from the point of view of entitlement to property, et cetera, from an intestate adoptive parent, the adopted child will have exactly the same rights as a natural child: and that is as it should be.

There is also provision for a trial period of a few months before an adopter can request or ask for a court order so that the court can be satisfied that the adopter is a suitable person and is happy to accept this continuing—and

[The Minister for Local Government, Health and Housing]

I stress that—obligation of adopting a child. There again the emphasis on continuing is that once the court order is made there is no getting out of it.

I have had the question asked of me, and the suggestion has been made to me, that after adopters had adopted a child they might then find themselves blessed with a natural child and they might then wish to rescind the adoption order. That cannot be done. It would be quite unfair on the child in question to allow that outlet. Once adopted the adopters must stand in exactly the same position as that of natural parents.

I do not think that there are any other matters of real principle with which I should deal at this Second Reading. There may be questions of detail which presumably you would rule, Sir, should come up at the Committee stage, and I sincerely commend this Bill to the Council since it is a great advance in the matter of adoption, clearing the air and protecting the adopted child as it should be protected.

Sir, I beg to move.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

SIR ALFRED VINCENT (Nominated Member (non-Government)): Mr. Speaker, Sir, I am certain we all welcome this Bill. I remember, about 14 years ago, I was asked to investigate the legislation which existed in other territories in this particular regard, and I brought a lot of literature back which I gave to the then Attorney-General; but I expect that that has long since either been burnt or mislaid.

However, there was one particular point which stands out in my mind; and it was a point which was made by the East Africa Women's League at the time. They found that the costs of the adoption were far too high in this country as compared with practically any other part of the Commonwealth. If my memory is correct, the costs here—by employing advocates, and I think it is true to say that under the old Ordinance they were obliged to do so—amounted to about £75 because it went to the Supreme

Court, whereas, for instance, in South Africa, where I saw and heard an application, it came before a magistrate and it cost considerably less than £5.

Now, I know that these very high costs under this Bill can be avoided and that is why I am drawing attention to this particular point, Sir. But, when you see in the definitions that the court means the Supreme Court, the average person does not realize, as I understand it, that an application could be taken by the persons themselves to a Judge in chambers—which is an entirely different matter than appearing before fearsome Judges in the Supreme Court.

The only other point I have to make, Sir, is one which has just been touched upon by the Mover, and that is that once an adoption is made it is unalterable.

3.00 p.m.

I would ask him to consider cases where even after the probationary period has passed it is proved by the adoption society that a very young child is subjected to a great deal of cruelty. What would be the position then? Are you going to allow, because we have passed this Ordinance, a poor little human being to be at the mercy of parents who, for some reason best known to themselves, suddenly turn vicious to a child? Surely there must be something that can be done, and that child should be removed? I believe that in other parts of the Commonwealth, that right of removal does exist. I appreciate the great difficulties confronting us on the other side, once parents have adopted a child and they become aware that they may have a natural child, then they cannot give it up, but there is the other side of the picture, and I am certain Members will realize that is a very important point.

Sir, I beg to support.

MR. SLADE (Aberdare): Mr. Speaker, Sir, I also welcome this Bill and I should like to compliment the legal draughtsman on the work he has put into it. I know from discussions with him before the Bill was printed that he did take a great deal of trouble over what the hon. Mover has rightly described as a complicated subject. It is a valuable piece of legislation, I think, Sir, for many reasons, both small and large.

[Mr. Slade]

It does incidentally remove a number of inconveniences in the procedure of adoption which experience has shown to be unnecessary and illogical.

For instance, up to now, it was necessary, on seeking an adoption order from the court, to produce the father's consent, even when the child was illegitimate. Well, the difficulty is that you do not know who the father is if the child is illegitimate, and even if you do know who the father is he is sometimes very hard to find; and anyhow he has no legal status or interest in regard to the child whatsoever. There is no reason why his consent should be required; and now, under this Bill as it stands, it will no longer be required.

Again, Sir, under the law as it now stands, there was considerable complication in the matter of changing the surname of the adopted child. Parents had to go to the trouble and expense of affidavits or deed polls, thereby continuing the change of identity of the child, for the purpose of all kinds of public acts. Now, under the Bill, it will be possible for the adoption order itself to effect that change of surname and to include it in the adoption certificate.

There are only two out of several examples of the way in which this Bill is going to benefit the public. Sir, the important basic effect of this Bill has been described by the hon. Member, in that it requires a longer period of test and examination before an adoption order can be made, which is most certainly in the interests of both the child and the adopter. They must have a good look at each other before this order is made, and there must be opportunities for others to see that the adopter is really suitable. There must be opportunities for the adopter to find out if the child has some physical or mental defect which might not appear immediately. So that period of trial is important.

On the other hand, once it has been passed and it is still considered a proper case for an adoption order to be made, then it is right that, as this Bill provides, the order should have a farther reaching effect than under the present law. It is right, as the hon. Member says, that once an adoption order is made, the child should, for all practical purposes, be

put in the same position with regard to the adopting parent as the natural child.

The last important feature of this Bill is, of course, the provision for establishment of adoption societies, which will have obvious advantages in organizing and rationalizing adoptions, and will have, I think, a particular advantage of saving costs of adoption, to which my hon. friend has just referred. It is a fact, Sir, that in the past adoptions in this country have been expensive, though I do not think it has ever yet been as expensive here to adopt a child as to have a child. Certainly, as my hon. friend has said, it is not so painful. But the reason for that cost was largely the absence of adoption societies.

Where you have no other organizations, everything has to be done through lawyers. You have to employ a lawyer to make the application to court, you have to employ another lawyer to advise the guardian *ad litem*, who watches the interests of the child, because there is no one else to do it. Now if there are adoption societies who will busy themselves with these applications, and adoption societies or others who will make it their business to provide guardians *ad litem* in the court, then a large part of this cost will be saved. I think that is the real answer, Sir, rather than asking for the jurisdiction to be moved from the Supreme Court to the magistrate's court. I know it is a common belief that proceedings before magistrates are necessarily cheaper than proceedings before a Supreme Court, but I think that is largely fallacious. The cost rests, I am afraid, largely with the employment of my own profession, and my own profession is equally expensive. In each court, where they have to spend the same amount of time.

Sir, in the Memorandum of Objects and Reasons of this Bill, reference is made to a committee of which I had the honour to be chairman, and from whose report this Bill partly originates. I would ask the patience of the Council for a moment or two to refer to one or two recommendations that we made, in that report which are not actually reflected in the Bill, not so much for the purpose of querying the Bill, because I must express myself satisfied with the draft as it stands, but because there are further points still to be covered, I think

[Mr. Slade]

outside the Bill, either by rules or by other legislation.

In the first place, I would like to refer to recommendation number XXV of this report, which was, Sir, entitled "The Report of the Committee on Young Persons and Children, 1953". In paragraph 75, we pointed out, Sir, that "the number of persons in this Colony who desire to adopt juveniles greatly exceeds the number of juveniles for adoption, and so it seems to us reasonable and desirable that adoption orders should only be made in favour of those categories of persons whose circumstances are likely to provide the best qualifications. The primary consideration is that the child should, if possible, be provided with two parents and the atmosphere of a normal home".

In particular, we were advised by evidence that we heard in that committee that unmarried women, unless closely related, or specially chosen by the mother, are not suitable, either as regards provision of a home background or as regards the future status of the juvenile concerned; and that widows, widowers, divorcees or other people living alone are less suitable than married couples. With that in view, Sir, we recommended that "in addition to existing restrictions as regards age and other qualifications, adoption orders should, except in special cases, only be made in favour of either husband and wife jointly, or a relative within the prohibited degrees of consanguinity, or a person chosen by the natural mother.

Now, Sir, those recommendations are not reflected in the Bill, where the qualifications required are not nearly so strict. On further consideration I think it is probably right, that you do not want to be too rigid in these matters. At the same time I hope that adoption societies and Judges will not forget the recommendations that have been made in this report, as a general guide. If they will bear in mind what was the result of a considerable volume of evidence, I think we can safely leave it to their responsibility.

Then, Sir, I want to refer to recommendation number XXVII of the same report, only sub-paragraph (ii) of that recommendation. That was that "the

guardian *ad litem* appointed for the juvenile", that is the person appointed while an adoption order is pending "to advise the court on the suitability of the adopting parents, shall be responsible for his or her supervision, with power to visit him or her on reasonable notice to the petitioners throughout the period of the court proceedings, and shall make a full written report to the court, with or without supplementary oral evidence, before the order is confirmed".

Sir, in clause 12 (3) of the Bill, I see that there is a power for the Rules Committee, established under the Civil Procedure Ordinance, to make rules regulating procedure on adoption; and particularly, under sub-clause (3), the Court is to appoint "some person or body to act as guardian *ad litem* of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the Court and having for that purpose such powers and duties as may be prescribed by such rules". The point I want to make, Sir, is that those rules, prescribing the powers and duties of the guardian *ad litem*, must require not only a report on the petitioners themselves but definite inspection of the home and contact with the child in that home during the interim period, so that the guardian *ad litem* can at the end of it say to the Court, "This is a happy home, the child belongs there, the thing will work". All I am asking for, Sir, is that when it comes to making rules under this clause, that very important aspect of the duties of a guardian *ad litem* should not be overlooked.

Then, Sir, I come to recommendation number XXIX, which is directly related to what my hon. friend has just discussed, that is the question of revocability of an adoption order, and in view of what he said, I think I should ask hon. Members to be patient while I read what we said in paragraph 80 of that report:—

"Though we have emphasized the importance of experiment and deliberations before any final adoption order is made, we think it no less important that an adoption order, once confirmed, should not be revocable on any grounds whatsoever. In the interests of the juvenile concerned,

[Mr. Slade.]

It does incidentally remove a number of inconveniences in the procedure of adoption which experience has shown to be unnecessary and illogical.

For instance, up to now, it was necessary, on seeking an adoption order from the court, to produce the father's consent, even when the child was illegitimate. Well, the difficulty is that you do not know who the father is if the child is illegitimate, and even if you do know who the father is he is sometimes very hard to find; and anyhow he has no legal status or interest in regard to the child whatsoever. There is no reason why his consent should be required; and now, under this Bill as it stands, it will no longer be required.

Again, Sir, under the law as it now stands, there was considerable complication in the matter of changing the surname of the adopted child. Parents had to go to the trouble and expense of affidavits or deed polls, thereby continuing the change of identity of the child, for the purpose of all kinds of public acts. Now, under the Bill, it will be possible for the adoption order itself to effect that change of surname and to include it in the adoption certificate.

There are only two out of several examples of the way in which this Bill is going to benefit the public. Sir, the important basic effect of this Bill has been described by the hon. Member, in that it requires a longer period of test and examination before an adoption order can be made, which is most certainly in the interests of both the child and the adopter. They must have a good look at each other before this order is made, and there must be opportunities for others to see that the adopter is really suitable. There must be opportunities for the adopter to find out if the child has some physical or mental defect which might not appear immediately. So that period of trial is important.

On the other hand, once it has been passed and it is still considered a proper case for an adoption order to be made, then it is right that, as this Bill provides, the order should have a farther reaching effect than under the present law. It is right, as the hon. Member says, that once an adoption order is made, the child should, for all practical purposes, be

put in the same position with regard to the adopting parent as the natural child.

The last important feature of this Bill is, of course, the provision for establishment of adoption societies, which will have obvious advantages in organizing and rationalizing adoptions, and will have, I think, a particular advantage of saving costs of adoption, to which my hon. friend has just referred. It is a fact, Sir, that in the past adoptions in this country have been expensive, though I do not think it has ever yet been as expensive here to adopt a child as to have a child. Certainly, as my hon. friend has said, it is not so painful. But the reason for that cost was largely the absence of adoption societies.

Where you have no other organizations, everything has to be done through lawyers. You have to employ a lawyer to make the application to court, you have to employ another lawyer to advise the guardian *ad litem*, who watches the interests of the child, because there is no one else to do it. Now if there are adoption societies who will busy themselves with these applications, and adoption societies or others who will make it their business to provide guardians *ad litem* in the court, then a large part of this cost will be saved. I think that is the real answer, Sir, rather than asking for the jurisdiction to be moved from the Supreme Court to the magistrate's court. I know it is a common belief that proceedings before magistrates are necessarily cheaper than proceedings before a Supreme Court, but I think that is largely fallacious. The cost rests, I am afraid, largely with the employment of my own profession, and my own profession is equally expensive in each court, where they have to spend the same amount of time.

Sir, in the Memorandum of Objects and Reasons of this Bill, reference is made to a committee of which I had the honour to be chairman, and from whose report this Bill partly originates. I would ask the patience of the Council for a moment or two to refer to one or two recommendations that we made in that report which are not actually reflected in the Bill, not so much for the purpose of querying the Bill, because I must express myself satisfied with the draft as it stands, but because there are further points still to be covered, I think

[Mr. Slade.]

outside the Bill, either by rules or by other legislation.

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[Mr. Slade]

we think that allegations of fraud, mistake, mental or physical disease found in the juvenile, or other possible grounds for withdrawal by either party, must either be entertained by the Court before the order is confirmed, or not at all; and that if the parties cannot discover such factors and bring them to the notice of the Court within that period, any apparent hardship thereafter suffered by them should not be permitted to affect the finality of the order."

3.15 p.m.

Then I think what we said next is the answer to the question raised by my hon. friend:—

"In the case of adopting parents who subsequently mistreat or neglect the juvenile, he or she will have no less protection against them than juveniles are given by law against their natural parents."

And so we recommended that the Ordinance should be amended if, and so far as, necessary, to make clear that no adoption order, once confirmed, can ever be rescinded. I still think, Sir, that is very important. There is no express provision in the Bill to that effect, but I understand from the hon. Solicitor-General that such is the position without any express provision. I should be glad if he could confirm that point.

Now there is only one other recommendation to which I would like to refer, one to which we attached quite a lot of importance in this committee. That is recommendation number XXX. I will not go into it in detail, because I do not think it really arises directly in relation to the law of adoption. The substance of what we had to say was this: adopted children suffer a certain amount of hardship through having to declare to the whole world, on proof of their date of birth, the fact that they are adopted; because, whether or not the implication is justified, there does not tend to be an implication in the minds of others that the child, through having been adopted, is illegitimate in origin. Of course, that is by no means always justified, but the implication is there.

We thought very hard how one could remove that stigma from the adopted

child. We examined the position in England, where they have what is called a short form of birth certificate, which was designed particularly for the benefit of illegitimate children. But just because it was so designed, and is consequently only used by illegitimate children, I understand it has no value at all. In fact, to produce a short form birth certificate points to the obvious. So that does not seem to be the answer.

Therefore what we have suggested for serious consideration is that there should be a complete review of our law of registration of births, under which the birth certificate would not distinguish between natural and adopting parents, but would simply show on the face of its "parents by law" or however you would have it, those recognized by the law as being parents. Then you can, if you like, go back and look into the records which have given rise to that certificate, and find out and prove to all the world, if you want to, your descent and all the rest of it.

That, Sir, as I say is not really a matter for this Bill. Still, I should ask Government to consider the suggestion with a view to the amendment of the Registration of Births Ordinance.

Sir, I would still like to say a few words on the subject of adoption societies, which have appeared for the first time in this Bill. In the first place, I would like to refer to clause 22, which, quite rightly in my opinion, is seeking to regularize adoption for the future by prohibiting organized adoption by any body other than a recognized adoption society. That, Sir, I think is very desirable.

On the other hand, much valuable work has been done in the past by individuals, not organized bodies, but individual doctors and others, who have arranged adoptions. Even now, with the arrival of adoption societies, I would not like to see that power of kindly help debarred. As I understand the clause, the individual who is prepared out of the kindness of his heart to arrange an adoption and has a particular opportunity for doing so through his profession, will not be debarred, but should like an assurance that I am correct in that interpretation of clause 22.

[Mr. Slade]

Turning then, Sir, to clause 25, we find the functions of an adoption society described. I would like to point out that if these very heavy responsibilities described by clause 25 are to be discharged adequately, there will inevitably be some demand on government or local authorities, to help the society in its finances. There is a limit to what voluntary bodies can do without paid assistance of any kind, and there is a limit to the money they can raise from voluntary sources to provide the payment of the help they need.

I see a cautious statement in the Memorandum of Objects and Reasons: "It is understood that no additional expenditure of public moneys will be incurred if this Bill is enacted." Well, Sir, I think that is a vain hope, if these adoption societies are to be of any value.

There is just one further point I would like to make on clause 25; that is the provision that an adoption society shall have the function, not only of organizing adoptions and taking care temporarily of children pending adoption, but also of nominating the guardian *ad litem* to advise the court. I do think it is very important, Sir, that the guardian *ad litem* appointed to investigate and advise the court on the adoption should not be the same party as the party who has organized the adoption. Otherwise, he is really judge in his own cause. I do not think it needs to be written into the law, but in practice I hope the courts will not entertain nomination of guardians *ad litem* from the same society as that which has actually arranged the adoption.

Sir, there is one more thing I would like to say about adoption societies. That is, how are they going to be organized? There are none in existence yet; they are going to be very important for the future, I think. On what basis should they be organized? The suggestion I want to make is that they should be organized as far as possible on lines of religion, or race, or other lines which represent some section of the community. It is very important in adoptions that the child should be adopted by someone similar to his or her original parentage, and preferably with the same religion and same standards. That would

be much best arranged by people of the community of the child and the adopters. If, for instance, Hindus would organize their own adoption society, then every Hindu child available for adoption would naturally come into the hands of that society, and that same society would have on its books all Hindus who were looking for children to adopt. And with the least possible fuss you would get the best possible answer. Whereas, if you try to establish adoption societies on a Colony-wide basis, or multi-racial basis, or any other basis, I do not think you are going to get such good sense.

Sir, I have been rather long speaking I am afraid, but I would like to end as I began by welcoming this Bill, and congratulating the Minister and those who have helped him on producing such a good Bill.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Sir, the hon. Corporate Member for Commerce and Industry expressed anxiety about the high cost of adoption under the existing law, and I think he suggested that it was probably due to the fact that under the existing law people who wished to adopt a child were obliged to employ an advocate. He further went on to suggest that we might follow the example of, say, South Africa, where adoption orders were made by subordinate courts and, therefore, I think he implied, the cost of adoption orders would be even less than it would be if they were made by the Supreme Court in Kenya.

Sir, an adoption order must be a permanent thing. It affects the happiness throughout life of a human being; it affects the status in law of an individual; and it is, I suggest, no less important, say, than a divorce decree, which every-one accepts should not be made by a subordinate court but should be made by the highest Court in the land. For that reason, Sir, in the Bill it was accepted that adoption orders should only be made by the Supreme Court.

Far be it from me to ruin the market for lawyers, but I do not think that the cost of an adoption order made by the Supreme Court should be any more than that of an adoption order made by a subordinate court. The intention in the Bill is to give the Rules Committee of

[The Minister for Legal Affairs] the Supreme Court power to make rules, which would provide that adoption proceedings should be heard in chambers. They would not be heard in open court; they would be heard informally in private in the Judge's room, sitting round a table. In practice, Sir, as the hon. and learned Member for Aberdare stated, it will in nearly all cases be the fact that adoption orders involve an adoption society. In other words, if an individual wants to adopt a child he will go to an adoption society or an adoption society will be a party to the adoption proceedings. Now the adoption society will be experienced in these matters and I do not think it will really be necessary for anyone, unless he wants to have the luxury of employing a lawyer, to employ an advocate to pilot his adoption order through the proceedings in front of the Judge in Chambers. Sir, I do not want to spoil the market, but I think that must be said!

I was tempted to say that supposing it costs you £75 or £100 for a lawyer, it is a good deal cheaper to adopt a child than to have one. But unfortunately my thunder was rather stolen by the hon. and learned Member who last spoke when he made precisely the same remark.

Sir, I think it will be true to this extent, that there will be some comparatively nominal fees to be paid, but I do not think they need worry anyone. After all, if a person is going to adopt a child a pound here or there should not really worry him.

Now, Sir, the next point on which I wish to speak is the point raised by the hon. and learned Member for Aberdare, who asked me to confirm that adoption orders will be permanent. Sir, that is the intention of the legislation. It is, however, subject to three exceptions. The first exception, Sir, is that clause 8 permits the making of an interim order, which clearly is temporary in its nature and may be made for the purpose of experiment. The second exception is that it is possible to have a second adoption order in respect of the same child. Supposing a child were adopted by parents A and B, and they were to die or fall on straitened circumstances, then it would be possible for C and D to go to

the court and have an adoption order made in respect of the same child.

But I envisage the circumstances under which that would arise as so rare as not really to strike at the principle that an adoption order is a permanent order.

3.30 p.m.

The third exception, if it is an exception, is contained in clause 15, subsection (3) of the Bill which provides that an adoption order may be quashed on appeal; but that, of course, really means that an adoption order has never been made if an adoption order is made by a judge and subsequently quashed on appeal.

Sir, there was one other point that the hon. and learned Member for Aberdare raised, and that was the question of registration of births. Sir, we are happy to look at the problem but it is by no means an easy one. There are all kinds of considerations involved; you think you have found a solution, and then you find you have run into an even greater difficulty than the one you are trying to evade.

Sir, I beg to support this Bill.

MR. HARRIS: Mr. Speaker, Sir, I support this Bill but would ask, or rather underline the request made by the hon. Member for Aberdare in connexion with the definition of an adoption society. The Minister, Sir, in moving this Motion made the point that one of the objects behind the Bill was to make sure that adopted children should feel no different from natural children. I am speaking, Sir, entirely of European cases, because I know very little about adoption habits of the other races; but among Europeans in this country the greatest reason for adoption is because the children are illegitimate.

Therefore, Sir, the greatest need to make sure that they feel no different from natural children is that there should be the completest confidence, and I do not know, Sir, that it is always necessary to have a body sitting round a table in order to see that justice is done.

The hon. Member for Aberdare, Sir, mentioned work which had already been done by private individuals; and I believe it is true to say that of the European children adopted in Kenya in the last 15 years certainly, they have nearly

[Mr. Harris] all been arranged by two individual doctors.

Now, Sir, I think it would be a great pity if the experience of those doctors was lost and let me tell the Council, Sir, that I am quite sure they are not looking for a job! But the hon. Attorney-General did make the point, Sir, that societies would be experienced. You do not get experience in a day, and those two particular individuals, Sir, have got a great many years' experience behind them, but I know, at any rate in the case of one of them, that because of the necessity for confidence, they would not feel happy at going to a society in these particular cases. We all of us know, Sir, who these societies would consist of: very noble ladies and gentlemen who are always doing excellent work on these things. We all meet them, at 20 different societies dealing with 20 different subjects, but they are all the same people, and I do not feel, Sir, that the confidence necessary to guard a history of illegitimacy would not necessarily be engendered if all these cases went to a society.

Now, I am wondering, Sir, whether in replying to the hon. Member for Aberdare the Minister would tell us whether either the "body of persons" in clause 22 as defined in section (2) could cover an individual or whether he would agree to an amendment in section 22 (1), of "or person" being inserted after "any body of persons", remembering, Sir, that they have to be approved by the Minister himself. I would think it natural that he would probably be more careful in approving the cases of individuals than of societies but it would at least make it possible for this experience to be of use to the country.

Sir, I beg to support.

MR. KIRPAL SINGH SAGOO (Nominated Member (Government)): Mr. Speaker, Sir, I feel certain that this Bill will be welcomed by the Asian community for two reasons: firstly, it is my own personal experience of parents who have adopted children of their next of kin to legalize the status of those adopted children; and secondly, Sir, that having adopted them, given them a home and bestowed all their love and affection, they live under a constant threat that the

child at some age in later years may be taken away from them. I feel, Sir, that this Bill has covered both those aspects; and I have great pleasure in supporting it.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): If no other hon. Member wishes to speak, I will ask the hon. Member to reply.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Speaker, may I thank hon. Members who have spoken for the support they have given to the Bill and, indeed, for raising a number of very interesting points which I will now endeavour to answer. I just want to add one word to what the hon. Attorney-General has said with regard to the points made by the hon. Corporate Member for Commerce and Industry.

The parents, or the adopted parents of a child will, of course, be under exactly the same control and under the same provisions as any other parents with regard to cruelty and neglect of their children, and it is under that particular Ordinance, Cruelty and Neglect to Children Ordinance, that I think we would have to deal with any matter such as he has raised, that is, of adopted parents neglecting their adopted child. I think that is a much better way of doing it and maintaining the principle of permanency in adoption as has been put forward by the hon. Member for Aberdare, and I can assure the hon. Member that more and more interest is being taken through voluntary societies in this particular subject, and more and more will parents be scrutinized to see that they do look after their children as they should.

Sir, turning to the hon. Member for Aberdare's remarks, a number of them still need answer. The hon. Attorney-General has dealt with the legal points, but he said—I cannot even read my own writing at the moment—but I think he said that because the availability of the children for adoption is less than those who wish to adopt, the court should recommend, or rather recognize that the adoption order should be made only to those best qualified to be adopted. I do not know if this particular situation which he says pertains at the moment will continue; I hope on the whole that

[The Minister for Local Government, Health and Housing]

it will continue, and that there will not be a great increase of children requiring adoption; but I am sure that the court will recognize what the hon. Member has put forward and, of course, the adoption societies will also bring these matters before the court. It would surely be part of their duties to recommend to the court and give details to the court of the persons who wish to adopt children, and recommend which should be selected.

He then, Sir, brought up—I am not following the exact sequence of his remarks—he then brought up the difficult question of what adoption societies will be, how they will be formed, who they will consist of; and, of course, as usual, and rightly, he warned that a certain expenditure might be necessary.

I hope, Sir, that the hon. Member may well feel that the first adoption society—anyway, as regards European children—might well grow out of the Child Welfare Society, of which he is such a distinguished officer and president. On the matter of money, of course, the Child Welfare Society, or adoption societies as they might be, will no doubt make recommendations, seek interviews with the Minister for Local Government, and discuss the matter in pounds, shillings and pence after he—the Minister—has discussed it with the Treasury. That will come in due course. But one remark he did make, Sir: is that an adoption society should be based on religious, racial and sectional interests, I think. I entirely agree with him with regard to a religious basis; there is no doubt at all that the different religious sects should have different adoption societies, to my mind. But I would rather say that apart from the religious aspect, the adoption society should be based on a way of living and possibly a standard of living. If you wish, rather than on anything else.

I think that would meet the principle that he was putting forward. I fully recognize that there are (of course, we all fully recognize in this country), that there are numbers of standards and ways of living, and in order to see that a really happy home is obtained for a child to be adopted, the people who give the advice for selection and so on must have a real knowledge of the type and the

way of living of the parents of that adopted child.

He went on, Sir, to talk about the inspections; that is, the guardian *ad litem* appointed whilst the court proceedings are taking place should have powers of inspection, and that should be covered by rule-making powers in this Bill; not only should he be expected to make a report on the parents but also actually see the way they live and how the child has been looked after during that period; and that, I give him an assurance, I will undertake to incorporate into the rules.

He dealt, Sir, very rightly with the revocability, and I will not pursue that any further.

The hon. Attorney-General also dealt with the other point he raised regarding the making of no distinction on a birth certificate between those who are adopted, and those who are—not natural children, I think the term is wrong—those who are children born in wedlock.

Now we come, Sir, to a point raised by the hon. Member for Nairobi South. I would like to say straightaway that this has been a considerable matter of importance to my mind when discussing the draft of this Bill, and it is one we have all kept in mind: that the very great work done by individuals with regard to the placing of children (anyway, European children), for adoption should not be wasted, their experience should not be wasted, and indeed, their activities should not be stopped. I am just wondering whether the hon. Member should not have declared an interest in this regard, but may be not! Anyway, I can assure him that first of all the individuals will not be stopped from their practices, but they will be controlled, and under clause 35, "The Minister may make regulations for the better carrying out of the provisions and purposes of this Ordinance and, without prejudice to the generality of the foregoing", etc., then "(a) for regulating and maintaining supervision over the activities of adoption societies and persons or bodies"; that, I think, covers the point the hon. Member wished to make, and I will have great pleasure in maintaining supervision over the persons that he has mentioned.

I also hope, Sir, that those individuals who have, indeed, given a great deal of time in this completely selfless work will

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also help in the establishment of the adoption societies, because they are the people with the knowledge and experience, and that experience and knowledge would be quite invaluable to the adoption societies when they are being established.

3.45 p.m.

I think, Sir—from my rather illegible notes—that I have covered all the points that have been raised and I again thank the hon. Members for their support; and in conclusion would say that I regret an omission when I moved this particular Bill in thanking the hon. Member for Aberdare for initiating indeed through his committee, of which he was chairman, what are the bones of this Bill and in all these matters of child welfare, adoption and so on. I cannot speak sufficiently highly of the great efforts that the hon. Member has put into it and the great help he is in advising me in implementing his recommendations.

Sir, I beg to move.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

The Public Order (Amendment) Bill
Order for Second Reading read.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Speaker, Sir, I beg to move that the Public Order (Amendment) Bill be now read a Second Time.

Mr. Speaker, Sir, this Bill seeks to amend the Public Order Ordinance of 1950. Part of the title of that Ordinance reads "An Ordinance to provide for the preservation and good order at public meetings", and the intention of the present Bill is to re-enforce that requirement by prohibiting the public display of political flags at such meetings. Sir, the Government conducts an exhaustive review of Emergency Regulations and lists of those which are revoked are published from time to time. At the same time it concludes that some of those Regulations which experience has shown relate to particular continuing needs require to be embodied in

substantive legislation. The Government furthermore, in the course of this exercise, studies the existing permanent legislation; studies the permanent legislation of other Colonies, and all with the intention of having at the end of the Emergency, or indeed, as necessary, earlier, a permanent corpus of legislation which will suffice for all public security requirements when the existing Emergency has come to an end.

It was in the course of these exercise that attention was inescapably drawn to a gap in present legislation, and that gap is the lack in the existing Public Order Ordinance of authority to prohibit the use of political flags. That Ordinance provides for the prohibition of the wearing of political uniforms and it concerns itself in other ways with conduct at public meetings; but, as I say, there is this gap in it. Now, I think it may be taken as a matter of general experience—indeed, it is certainly in my case a matter of personal experience—that political flags can be used to excite mob emotions, and can become dangerous rallying points for violence and sedition. They can, in the memory of all of us here, go indeed much further than that. The Nazi swastika was the flag of a political party and so was the Fascist emblem—the Fascist flag of the axe and the bundle of sticks. The disasters which the political parties who adopted these flags and emblems brought on the world do not require any stressing here by me.

Whilst no event of conceivable magnitude could result from the use of political flags in this country, they are nevertheless open to the objections I have described because they do in fact excite trouble. The whole purpose of the legislation which is now proposed is to assist in the preservation of good order at public meetings and to assist in preventing any form of violence there whether against the authorities, the police, the people responsible for the preservation of law and order, or indeed between conflicting political factions.

The Government, I should certainly say, is resolute in its determination to preserve public order, and resolute in its resolve to prevent such incitements and temptations to disorder as political party flags can provide. I should add to that, Sir, that equally the Government

(The Minister for Internal Security and Defence)

has no desire to ban anything which is capable of genuinely representing political opinion; and with the banning of the public flying of political flags we may hope there will be an insurance of behaviour at public meetings which there might not be were such flags allowed, and that that assurance of good behaviour may allow public opinion to be capable of freer expression.

I would like to turn now, Sir, to some specific points of the Bill: in the Committee stage, I will move an amendment deleting the proposed new sub-section 6A (2). This, Sir, will have the effect of leaving it to the courts to pronounce by reference to the registered aims and objects of any society whether the organization is a political one, and will remove the power of determination from the executive, which is what is proposed in the Bill as originally printed.

Sir, in consequence of moving the amendment I have just mentioned, I will also necessarily move another amendment defining what a political organization is for the purpose of this law.

Section 6A (5) of the amending Bill refers to the provisions of the main Ordinance in section 2 of that Ordinance, which require the specific consent of the Attorney-General to particular proceedings under the main Ordinance, and lays down details of bail and matters of that kind concerned with proceedings which may be taken. The balance of the Bill before us, Sir, is concerned with a description of what constitutes public display of flags, emblems, banners and standards, and with a power of exemption.

Sir, I beg to move.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones) seconded.

Question proposed.

MR. MBOYA: Mr. Speaker, Sir, I rise to oppose the Bill. In his submission, the Minister has failed to prove to the Council that there is any need so far to introduce legislation such as the Government now seeks. The Minister has tried, I think, to build his case on the need to ensure public order and good behaviour at public meetings. How far it has been experienced that the presence of flags or

standards has influenced public behaviour, the Government has failed to show. Going by experience (because the Minister refers to the Emergency Regulations and some experience of the Emergency) I have not heard the Minister state that in the course of the Emergency they found that one of the influencing factors was the use of flags, badges, uniforms or standards.

I think it is absurd that the Minister should refer to the Nazi swastika or any such flags. After all, that was Nazi Germany's flag, and if Nazism was and still is considered a bad thing I do not think anyone will suggest—nor do I think the Minister wants to suggest—that the flag, the swastika, was the direct foundation on which Nazism was based. Nazism as such, in my view, has nothing to do with the type of flag Germany used. I wonder whether the Minister for Commerce and Industry thinks it would help him to found a flag, probably to ensure that we had more industrial development in this country, if they believe that these flags help in every instance, and on any occasion.

In the last few years I have not myself seen many meetings at which flags have been displayed, and either we are being told that the absence of this order at these meetings was as a result of there being no flags, or we are being told that where every disorder has taken place the rallying point has been the use of a flag.

The curious thing about this Bill is that political organisations which will have been registered according to the law of the country, and therefore deemed desirable or acceptable in the country, will be restricted from fulfilling their proper function, not only of being able effectively to put forward the opinions and views of their particular sections, but also of being effectively in a position to organize. If, as the Minister suggests, a flag may be the rallying point, is it not a fact then that such a device may be used merely to secure the organization or the more effective organization of that particular association or political organization?

Is it therefore being suggested that the thing the Government is really afraid of is a strong and effective political organization or a political movement in

[Mr. Mboya] If that is the case, the Government should say so, and seek legislation in the proper manner. The use of flags, say, in processions and at public meetings in terms of the possibility of disorder and so on surely can be dealt with in accordance with the law that already exists. There is a law in existence regarding processions and there is legislation in existence regarding the regulation of public order at meetings.

4 p.m.

I feel that this legislation is in itself sufficient to ensure that there is public order, and also to ensure that such processions as may take place will be in accordance with the law. I do not therefore myself believe that there is need at this stage, and that the Government has proved to us of the need for this particular legislation. It seems that of late it has become very convenient for Ministers in this Government to use the Emergency, or experiences of the Emergency, and this phrase of "security and order", as a very good excuse to do almost anything and to expect that we are all going to take it, because in their opinion there is some security risk. But the Government has to show us that there is some security risk, because, as the Minister states, this is not a piece of legislation to be applied during the Emergency but it is intended to become part of the substantive legislation. If indeed this piece of legislation was necessary in the course of the Emergency, then I suggest the Minister took a very long time to wake up to the situation. It is already some five or six years, and if there were any flags surely their effects should have come to the notice of the Government much earlier in the Emergency?

The Minister stated that he intends to move an amendment to section 2: and that the determination or definition of a political organization shall now depend on the Courts. I think he has stated that he will also move an amendment as a result of this to give the definition of a political organization. This is unfortunate because I should have thought that at this particular stage we should have been given the opportunity to examine what this particular definition is going to be, because I think it is going to be

important for all organizations to be able to understand beforehand that if they had a flag they were not going to run into danger of being prosecuted, because in the opinion of a Court later, after they have submitted their constitution and got their registration, they are deemed to be a political organization. I think it would be necessary in the interests of the various organizations that when they register they know clearly whether they fall within the definition of a political organization or not, so that they are aware that when they have a flag they may, under this legislation, be prosecuted.

One other point that arises out of the provisions of this Bill is the point that it does not state clearly how people should go about seeking this exemption by the Governor in Council if they should want to have a flag for their organization. I think paragraph 4 states that:—

"The Governor in Council of Ministers may, by notice in the *Gazette*, or by permit in writing, exempt from the provisions of sub-section (1) of this section any person or class of persons, or the display of any flag, ensign, banner or standard specified in such notice or permit", and so on.

Nowhere in the Bill is there any real provision or direction as to how organizations which wish to have flags, banners or uniforms may go about securing this exemption or this permit of the Governor in Council. I feel that this should be made very clear in the legislation so that there is no misunderstanding by organizations that may be affected.

The last point I wish to make is that when passing legislation of this sort I think consideration should be given to the fact that there would be certain problems regarding the enforcement of the law. It would seem here that the enforcement of the law would require that either the police or someone authorized be present at public meetings or go around the various premises that have access to the public to see if there is any display of flags, ensigns or standards.

Now, our experience in the last few months of the presence of police at public meetings is that, apart from or rather than ensuring that there is order

(Mr. Mboya) and good behaviour, very often their presence has been very much resented and the result has been disorder and bad behaviour. Our own view is that unless there is particular need for the police at public meetings they should not be there at all unless they want to attend and listen to the speakers, which they are quite free to do, and we would encourage them to come. But if they are merely coming to ensure that there is good behaviour and public order, I do not think they have done much in this direction, and in my view if there is any good behaviour at any public meeting and public order at various meetings, it has not been because the police have been present; it has been because the people themselves have maintained this good behaviour and public order.

LT-COL. GHERSIE: Question!

MR. MBOYA: Question—yes, I can say this very definitely, because in the course of various disturbances in Mombasa we have had specifically to ask that the police should not be allowed to come to public meetings lest there should be disorder, and this has been acceded to by the Government.

LT-COL. GHERSIE: What about Nairobi?

MR. MBOYA: In Nairobi the Member asks "What about Nairobi?" If he listens to my speech carefully he will see that I have said that very often the presence of the police has precipitated the situation. Mr. Speaker, I beg to oppose the Bill.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): I cannot allow the remarks of the last hon. Member to pass unchallenged. The police, particularly in Nairobi, attend these public meetings for one purpose and for one purpose only, and that is to ensure that the Queen's peace is maintained and that public order is not breached. They have performed over a series of months now and over many meetings, both in Nairobi and in other parts of the country, a most excellent job under circumstances of considerable difficulty and, on occasions, provocation. I cannot accept the hon. Member's statement—in fact, I flatly refute it—that the police have provoked disorder at public meetings. They have attempted on occasion with, I regret to

say, less than whole-hearted co-operation from my hon. friends opposite—they have attempted to prevent disorder and to stop it when it has arisen. They have shown remarkable restraint and steadiness in these conditions of difficulty and provocation, and they will continue, Mr. Speaker, to attend public meetings and to maintain order at public meetings so long as it is necessary for them to do so.

The hon. Member suggested that a need for this legislation had not been demonstrated. Now, Sir, it is not necessary, neither is it wise or desirable in a Government, to wait until the horse has bolted before it shuts the stable door. It is quite clear from the record of public meetings that have been held in this country over the last few months that a considerable degree of emotionalism has arisen and has, in fact, been actually promoted and fostered by the speakers at these meetings. It is just in conditions of emotionalism that political flags can serve as a symbol of violence and disorder, and indeed, as almost an encouragement to disorder. In the present conditions of emotionalism when virtually no issue is canvassed at any of these meetings objectively and dispassionately, but where virtually every issue is made the subject of an appeal to emotion, it is necessary that we should not allow any additional potential provocation to disorder, and it is for that reason that we cannot permit it. It would be unwise to permit the display of political flags and banners and standards on the occasion of political meetings.

Now Sir, may I make an conclusion an appeal to my hon. friends opposite, and that is that while pursuing their legitimate political aspirations they should do so dispassionately and objectively, with such arguments of logic as they can muster, but that they should abjure appeals to emotionalism and that, far from seeking to inflame emotionalism, they should do their utmost to curb it and keep it in check, because, should they continue with appeals to emotionalism, they may find that whatever their own intentions may be, and whatever their own intentions may be professed to be, they will be playing with a fire which will get out of their own control.

MR. HARRIS: Mr. Speaker, my emotions on this particular Bill have

(Mr. Harris) changed every five minutes during the debate. My first impression was to oppose it because I do not think it goes nearly far enough. Then Sir, the Minister who moved it promptly told us that a Bill of two clauses, at the Second Reading, was going to be considerably amended at the Committee Stage—a thing about which I have protested before. That confirmed me in my determination to oppose the Bill. Then I listened to the hon. Member for Nairobi Area; he made up my mind for me, I hope for the last time. Perhaps, Sir, I might just go through those reasons, and I hope that the amendment that I do not know which is going to be moved at the Committee stages is not covered by the remarks I am going to make.

4.15 p.m.

It seems to me very naive in the modern world to talk of flags, ensigns, banners or standards signifying association with any political party. The Minister who moved this Motion mentioned the swastika. It was not a swastika that raised emotionalism in Germany, it was the brown shirt, which was copied from the black shirt in Italy, which shows that shirts are even older. We have had in England the green shirts and blue shirts and black shirts; we have got through all the colours. Some people have worn funny hats to denote political things—and I am not talking about my hon. friend from the Coast—to denote their association with a political party. My hon. and gallant Nominated friend from the Coast told me the other day about people who decorate themselves with daffodils for a similar purpose.

Sir, I would have thought that this amendment should have covered the whole gamut of banners, flags, devices—anything which can be proved to have political significance. Whether that is included in the amendment or not I do not know.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): On a point of order, all this is contained in the main Bill which it is sought to amend.

MR. HARRIS: Things like daffodils are covered by uniforms, are they? Then Sir, the point is—why I said this was so naive—surely, if three of us want to get

together to say that we belong to a secret society, we have not got to put on a uniform; we have not got to wave a flag. There are lots of ways we can do it. We can wear spectacles upside down. I would have thought that providing it could be proved in court that wearing spectacles upside down was a device used by people with a particular political theory, then that should be an offence under this Ordinance. I would suggest to the Minister that he might consider with his legal advisers whether the point I have just made could not be covered. He is going to amend the Bill so much at the Committee stage that a little more will not hurt.

I have said that I am supporting the Bill. However, it was published on 19th December. It must have been before now that the Minister found it was necessary to amend the draft, and I do think, Sir, that Members of this Council might have been informed before to-day of the intended amendments, because it is very difficult to debate a thing which, after all, does strike at liberty or licence—it is very difficult to debate it when one does not have in front of one the exact terms of the Motion. However, Sir, in spite of that I do support the Motion.

CAPT. HAMELY (Nominator Member (Government)): Mr. Speaker, Sir, as happens in so many debates in this Council, we are getting off the track. The issue is a brief one. I do want to support the Chief Secretary, and I want to disagree entirely with the Member for the Nairobi Area. The point of this measure is one of common sense. It is the duty of the Government to preserve law and order. Flags all through the ages have had two purposes: (a) to provide recognition, and (b) as an incitement to emotionalism. That is a thing which should be kept out of the politics of this country. I should have thought that the Member for Nairobi Area would be one of the first to recognize that. I personally, looking at the trend of politics in Nairobi, would have thought he would have been among the first to have welcomed this measure—

MR. MBOYA: Is not the Member now appealing to our emotions?

CAPT. HAMELY: Yes, but in a common-sense manner. The flag is a rallying

[Capt. Hamley] point, and that postulates contention. The flag is an emotional rallying point. We do not want that; we want common sense, and law and order, and reason, and due observance of the proper conduct of affairs, in this Colony, and we shall not have it if political parties go around waving flags in each other's faces, and that is why I thoroughly support this Bill.

MR. CROSSKILL (Mau): When the Minister replies, I should like to know what action he proposes to take with regard to one flag which is displayed publicly and which signifies association with a political organization. That organization is the Council of Ministers.

MR. MAITL: Mr. Speaker, the idea of the Bill before the Council is not to suppress political activity but is rather to bar one way of signifying political association.

I would have liked to have heard from the Minister, Sir, what objects are classified as flags, banners and other objects, because just now we are having elections coming quite soon and candidates and their supporters would have wanted to adopt such things. I would like the Minister to tell us about this. At the same time I would have liked to hear the Minister clarify what he called "common sense in politics". That is, if speeches from platforms are equally emotional things then, Sir, I do beg to differ. I believe that I could be very emotional through my voice, letters and other activities, and I would say that many politicians are equally guilty. But in this particular case I would like it to be made quite clear what objects will be regarded as flags and banners. If, for instance, the supporters of a candidate were to wear a replica of him or a particular symbol and were to be accused of having used banners and things, then I think we are heading towards the wrong direction in that it will be very confusing.

I would have also liked to know what positive ways the Minister suggests should be used in order to make sure people could express their political inclinations legally.

Mr. Speaker, Sir, I beg not to support.

SIR CHARLES MARKHAM: I listened with interest to the speech of my honourable and gallant friend on the other side

of Council. I thought, as has been said in this Council before, it was like a breath of fresh air, probably nautical air, giving perhaps the impression that people should act sensibly and should not try to play on words.

Now, Sir, I believe that despite the possible playing on words by the Member for Nairobi South, there was a lot of merit in what he implied. Now, Sir, in the past we have had in Kenya many ordinances attempting to produce law and order. We have had, as we all know, during the Emergency and before the Emergency, attempts to control meetings by ordinances, by rules and by advice from the Government, and we have had as well many cases where the second oldest profession in the world has thrived on attempting in court to prove loopholes in the various laws. Now, Sir, perhaps the Solicitor-General would tell us that he is satisfied that this particular new clause, when amended by the Minister for Defence, will meet the objections if prosecutions are made under this particular new clause. I remember, Sir, the remark made, when I was sitting in the gallery of the old Memorial Hall, by the previous Minister for Legal Affairs who, luckily, is not with us to day. He said, when asked by the Member for Aberdare, "when is a rebellion not a rebellion?"—"How many stones make a heap?" "A very suitable reply, I say again, luckily he is not here.

I do wonder whether, when we do finally get the amended clause, it will be strong enough for the police to take action and make a prosecution, if necessary.

Many years ago when I was a young boy I had the privilege of motoring across Germany in 1938. It was very noticeable that a lot of the Nazi Party rallies took place in a lot of small villages in Bavaria, which was not a stronghold of Nazism at the time. The rallying point of those meetings was the usual kind of village hall, with a flag: I will not say that people present wore brown shirts—some had very multi-coloured shirts on. But that flag with the Nazi symbol of the swastika was the symbol at that meeting for some of the most extreme remarks I have ever heard in my life. Perhaps hon. African Members on my left may think it is a joke and

[Sir Charles Markham]

as a laughing matter, but if they ever see a crowd emotionally aroused and out of hand, it will not be a laughing matter: it will be a crying matter. I have seen in Germany a crowd of 100,000 all aroused by one man with a little moustache who needed both a shave and a bath.

I notice again sneers and giggles on my left: perhaps when they have seen more of the world they may realize that this minor effort to-day is of vital importance to the country.

I have spoken enough about this: I do not want to be accused of being emotional. I wonder whether we should not call this "the kindergarten" and not Legislative Council. I believe that we are to-day trying to work on the right lines, not to control people's freedom but to protect them from the miseries which might be caused by the indiscretions of a few rather unpleasant citizens.

Mr. Speaker, I beg to support the Bill.

MR. MWOYA: On a point of order, Mr. Speaker, it seems that the amendment that the Minister intends to bring on this Bill later is of very great importance at this stage of the debate. Would it not be proper to ask that the Minister should disclose the amendment now so that during the course of this debate on the Second Reading, Members should have an opportunity to know what they are being asked to support?

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): As Speaker, I obviously cannot direct a Minister to disclose his amendment: I can only suggest that as we are debating the Second Reading of this Bill and as the Minister has disclosed that he has one amendment in view, which as he stated will entail a consequential amendment of some importance he might see fit to disclose to the Council at this stage what that consequential amendment is.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I will most readily do so. However, I think that when the hon. Member has heard what it is he will attach a little less importance to it. It is this: that section 2 of the Public Order Ordinance, 1950, is hereby amended by adding in the appropriate

alphabetical position a new definition as follows:—

"Political organization means any organization which either has among its objects any political purpose or pursues any political purpose."

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): Thank you.

MR. MULIRO (Nyanza North): Mr. Speaker, Sir, much has been spoken on this Bill, and it seems as if the whole Council is very concerned about the flags and banners, standards, ensigns and all that. It seems again as if all hon. Members in this Council think this is the only way of inciting the public. But, Mr. Speaker, I submit that is not so, because many Government Ministers are globe-trotting the country giving very highly emotional speeches without having any political flags. I suppose, Mr. Speaker, the Government have learnt from the flags which they have got on their own cars, that they arouse emotions. Probably the Cabinet Ministers at present would have liked their arousing the multi-racial emotions. But I think Mr. Speaker, those speeches can be highly emotional, as has been displayed to-day by the Acting Chief Secretary in this Council. The Acting Chief Secretary himself has been highly emotional in his own speech to-day on this Bill. In his appealing to the hon. African Members he has been emotional but—I have to say this—the present Government is highly emotional and alarmist itself. You find Ordinances after Ordinance, Bill after Bill, coming into this Council, aiming at security, good government and all that. There has been an Adoption Bill—

4.31 p.m.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): The Adoption Bill!

MR. MULIRO: The hon. Minister for Local Government might think that the Adoption Bill was not for good government; producing good citizens is also good government.

Police at public meetings, as the hon. Member for Nairobi submitted already, are actually a source of disorder. I have held many meetings in my own constituency without any policemen about.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): On a point of order, Mr. Speaker, what has the presence of the police at public meetings got to do with the Bill that we are considering?

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): It has nothing whatever to do with the amending Bill, but I accorded some latitude as it might conceivably have something to do with the principal Ordinance which we are amending. But as too much has been said about this irrelevant matter I was about to rule that the hon. Member was out of order.

MR. MULIRO: Thank you very much, Mr. Speaker, for having come to my aid.

(ries of order, order.)

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think that the hon. Member must have misunderstood me. I said there was a vague possibility that your references to the police be brought into some reference to the principal Ordinance, but I added that I was just going to rule out of order your last remarks as referring to the Bill which is now before the Council, which contains no reference to the police at public meetings.

MR. MULIRO: Thank you very much, Mr. Speaker, but I feel that the enforcement of the rule or the order, as such, requires the presence of the police. The police, I think, could take the attitude that they are taking in my own area, for instance, or in the Coast Province—the Member for Coast Province has told me this—and in other areas where they have not gone to meetings at all—only the Criminal Investigation Department or Special Branch officials have been at these meetings. They have sat very quiet amongst the crowd and they have listened very attentively to our speeches, they go to report to the Government what they wish to report and what they think they should report, but you have never, Mr. Speaker, experienced a case of disorder in Nyanza North. But these disorders have been very, very characteristic of Nairobi meetings and I think the hon. Minister for Internal Security and Defence has brought us this particular amendment because of Nairobi area, and making a

generalization from a particular case is a very serious attack on the liberties of the individual citizens, because this has not been displayed anywhere at all in this Colony except in Nairobi. Laws for Kenya, Mr. Speaker, cannot be derived merely from one incident or two in Nairobi area. To those people in Nairobi, if they are not behaving, Government should say, "All right, now the people should not do such and such". Make the restrictions for Nairobi for the time being and do not make a general law. A law should be for the general good and should be, if it were applied universally, very good. But this is not for a universal but for a particular case. This has been, Mr. Speaker, a very serious shortcoming from the Government. I think the general public in Kenya are going to feel very hurt, simply because the swastika which was displayed by the Nairobi District Congress was for Nairobi. The police in Nairobi have forced the people to remain out of the meeting halls.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Mr. Muliro, I have ruled that you are not to refer to the police in this debate. You have done so deliberately four times. I must ask you now to cease your speech.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, we have listened to speeches this afternoon dealing with the police at public meetings at Mombasa and the interest displayed by officers in the speeches made by the hon. Member for Nyanza North, and I thought it might be convenient if, at this stage, I were to bring the debate back to the subject which we are debating, which is the Public Order (Amendment) Bill. The purpose of the Public Order (Amendment) Bill is only one simple purpose, and that is, to ban political flags.

Now, Mr. Speaker, I have been asked what is a flag. The real seriousness of a flag is that it is something that can be elevated on a pole. It is a standard—a banner—that can be elevated above an audience and can act as a focal point for violence. That is what a flag is. We know that in the army your colours have, through history, been the rallying point for violence. That is why they are a flag on a pole.

(The Minister for Legal Affairs)

Mr. Speaker, we have been accused this afternoon—the Government—of being afraid of strong political organizations in the country, the suggestion being, I assume, that by banning political flags the Government will prevent strong political organizations. Mr. Speaker, I do not quite follow the logic of that argument. Perhaps it is just because I am a simple lawyer and I do not understand these things, but I do not see that if you have a capable political organization, why it should not be a strong political organization without a flag. If it is going to become a strong political organization merely by the addition of a flag, then that is the strongest argument in favour of this Bill.

Flags are a focal point of violence and that is particularly so in a rudimentary and unsophisticated society where rabbles are easily roused. Mr. Speaker, it is suggested that any democratic thought or any democratic freedom of speech is going to be restricted or taken away by the banning of a political flag? Of course it is not. No one is going to be stopped from expressing his views because you do not allow him to wave a flag. Mr. Speaker, a flag is a substitute for thought. I should have thought—at least I hoped—that some of the hon. Members who have spoken against this Bill would have appreciated that the banning of political flags—which applies to all political organizations of any race—which applies to all political organizations, whether they are ones which support hon. Members opposite or oppose hon. Members opposite—would really be in the interests of capable and intelligent politicians. Of course, it would tend to cut out the emotional politician from public meetings and would give a free field to capable and intelligent and moderate politicians.

Now, Mr. Speaker, I have been asked whether emblems would be banned under this Bill. Well, they would be if they were flag, ensign, banner or standard; if, however, someone carried in their buttonhole something called: "I like Mike" or "I'm foya Mr. Mboya"—that would not be banned by this Bill. The Government deliberately did not go so far as to ban things like that. The reason is very simple. A flag is a focal point for violence. It stands out above

the crowd. Some lapel button saying that you support one candidate or another does not stand out in the crowd. It is not a focal point of violence and therefore there is no need to ban it.

Now, Mr. Speaker, there were one or two other points. I covered the hon. Member for Nairobi South's spectacles which were upside down in the "I like Mike" argument. Mr. Speaker, the same answer goes for the hon. Member for Central Province North. The hon. Member for Ukamba asked whether we were satisfied that the Bill was strong enough to enable the Crown to prosecute. Mr. Speaker, we are, subject to this reservation—that something often crops up which, in spite of the most long and careful thought, is invented by someone to defeat the purpose of the Ordinance. We have done our best and we hope that is all right. If the hon. Member has any better ideas we should be delighted to receive them. We have tried to draw the line between banning things which are dangerous and allowing things which are a legitimate expression of political opinion without being dangerous. When you draw a line there are always cases just on one side or the other, but in respect of the really dangerous thing, which is the focal point of violence, we have banned—we think absolutely—the flag, the standard, the banner.

Mr. Speaker, I propose to say one more thing, and that is to echo with acclamation something in the speech from the hon. Member for Nyanza North. He said "Laws should be for the general good". Mr. Speaker, this Bill, I think any hon. Member who sits down and thinks about it quietly and unemotionally will agree, is for the general public good, and for that reason, Mr. Speaker, I beg to support.

4.45 p.m.

THE HON. MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Speaker, Sir, after the admirably lucid exposition of my hon. friend, the Minister for Legal Affairs, I think there is really little left of this debate for me to reply to.

The sentiments of the hon. Member for Nairobi Area were very adequately extinguished by the speech of my hon. friend the Acting Chief Secretary, but

[The Minister for Internal Security and Defence]

the same hon. Member for Nairobi Area did in fact raise a couple of specific points which I would like now to answer.

One specific point which he raised was why did we not deal with the matter of flags under the existing law. The answer to that is that if there were an existing law, we would not be bringing in a law to deal with the matter of flags.

A second point which he made was that the Bill contained no procedure. He did not know to whom people should apply for exemptions. There is a known and perfectly clear procedure. Some Ministry is responsible for each piece of legislation. My Ministry is clearly responsible for this piece, as I introduced it. If anyone who wants to exercise for the exemption clause, writes, applies, to my Ministry I will see that the appropriate action is taken, and that is normal in all matters of this kind.

I do not think there are any other points from hon. Members' speeches which have been left unanswered. They have all been answered in speeches since made from this side of the Council. I would, however, like to comment on the speech of the hon. Member for Nairobi South. It demonstrated only one thing—that he had not realised that this was an amending Bill and he had not realised that every sensible point he had tried to make was already covered in the main Ordinance which this Bill seeks to amend.

I beg to move.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole Council to-morrow.

The Notaries Public (Amendment) Bill

Order for Second Reading read.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, this is scarcely one of those measures about which the Government has been accused of being "alarmist" and constantly introducing "Bill after Bill" dealing with security measures. This Bill deals with a somewhat quiet, detached, scholarly

matter, and that is to say, Notaries Public.

Sir, the Bill which it seeks to repeal and replace was enacted in 1906 and is both out of date and difficult to administer. In particular, it is remarkably difficult for a practising advocate to become a Notary Public under the existing Bill. If he wants to do so, he writes to the Registrar and if the Registrar of the Supreme Court is satisfied, the Registrar then passes it to the Chief Justice and the Chief Justice then passes it to the Minister for Legal Affairs. The Minister for Legal Affairs then passes it to the Chief Secretary who exercises, on behalf of His Excellency the Governor, the powers notifying the Registrar that he may register the person. So we have come, by way of Birmingham to Beachy Head, right round in a complete circle.

It has taken us, Sir, 52 years to appreciate that the simple way of doing it would be to give the Chief Justice power to appoint of his own volition and that is what this Bill seeks to do. It also simplifies, without reducing, the qualifications required for appointment as Notary Public. The Bill was, of course, agreed with the Chief Justice first and also agreed with the Law Society which suggested two minor amendments which have been included.

Mr. Speaker, I do not feel that Notaries Public are a subject of sufficient importance to hold the attention of the Council for an unduly long time, therefore I shall, before sitting down, only say that I shall be delighted to attempt to answer questions which I am asked about this Bill. I beg to move that it be now read a Second Time.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan) seconded.

Question proposed.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole Council to-morrow.

Income Tax Exemption United States of America Employees

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I beg to move that this Council approves the exemption under

[The Minister for Finance and Development]

section 11 (2) (a) of the East African Income Tax (Management) Act, 1952 of income received by persons who are citizens of the United States of America, in virtue of their employment by the United States of America Department of Agriculture on research work in collaboration with the East African Governments.

The position is, Sir, that there are at present in Kenya certain American agricultural specialists who are engaged in research work in collaboration with the East African Research Organization at Muguga. These specialists, Sir, are members of the United States of America Department of Agriculture. Their salaries and expenses are met by the United States Government, and in addition, that Government makes an annual contribution of some 20,000 dollars to the East African Veterinary Research Organization towards the cost of certain common research services. There is at present no double taxation agreement between this Colony and the United States of America. As a result of this, Sir, the staff concerned who are working in this Colony are liable both to United States income tax and to our own income tax on their salaries.

In the view of the circumstances of their employment and the very generous way in which the United States Government are contributing towards the cost of these common research services, it is considered that it would be unjust if the people concerned had to pay Kenya income tax. In the circumstances, Sir, it is proposed—and that is the purpose of this resolution—that the members of the United States Department of Agriculture should be exempt from the payment of Kenya income tax. The people concerned, or one of them, have been working in the Colony since 1951 and it is proposed, therefore, that the exemption should be effective as from 1st January, 1951.

Sir, I beg to move.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

MR. ALEXANDER: Mr. Speaker, Sir, I understand that the virtues in this exemption, or the virtue of those who

would benefit from it, is solely that they are employees of the United States Government. I am wondering whether the Minister, when he replies, could tell us whether the Government are prepared to accept a precedent here for other types of employees from other countries who are not benefiting, or who suffer, because there is no double tax agreement with those countries. I have in mind, particularly, mining exploration, aviation and other international activities of that kind.

If our Government—and I readily accept this Motion—are prepared to encourage the members of foreign countries in this way, I do suggest that a declaration here today that this will go further than just Government employees may in fact encourage many others to come to our country that we need to come to look at our economic potential and to do research work.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I think that the point which my hon. friend, the Member for Nairobi West, has raised is a very broad question and I am sure he would not expect me to attempt to answer him, to give him a fully reasoned answer at this stage. I can see very many difficulties if we were to undertake to exempt from income tax all persons who happen to be working in East Africa and who receive their emoluments from outside the Colony.

In so far as Government employees are concerned, particularly when the Government in question is also making a considerable contribution towards recurrent expenditure, I do not see any serious danger to the revenue arising. However, one could imagine circumstances in which, if this concession were made general, the revenue could suffer quite severely.

In the circumstances, Sir, I would not like at this stage to give any assurance that general relief on these lines would be possible. I am very glad, however, that my hon. friend and, I hope, the Council, is prepared to accept this particular Motion which is, I think, a very fair one and which shows a measure of our gratitude towards the very generous help which the United States Government is giving towards the improvement of our agricultural and veterinary services.

5 p.m.

The question was put and carried.

MOTION

EXEMPTION TO THE EAST AFRICA INCOME TAX (MANAGEMENT) ACT, 1952, IN RESPECT OF THE DISCOVERY OF URANIUM ORE

THE MINISTER FOR FINANCE AND DEVELOPMENT (MR. MACKENZIE) Mr. Speaker, with the permission of the Council, I should be glad if I could withdraw the Motion standing in my name under Order Number 10 under Standing Order Number 31. The position is, Sir, that there are certain matters connected with these rewards which are still the subject of correspondence, and so I would like to withdraw the Motion for the time being, and I hope that it may be possible to reintroduce it at a shortly later date.

Motion by leave withdrawn

MOTION

EXEMPTION TO THE EAST AFRICA INCOME TAX MANAGEMENT ACT

THE MINISTER FOR FINANCE AND DEVELOPMENT (MR. MACKENZIE) Mr. Speaker, Sir, I beg to move that this Council approves the exemption under section 11 (2) (a) of the East Africa Income Tax Management Act 1952, of income received by persons employed under any contract providing for exemption from income tax arranged with financial assistance from the International Co-operation Administration.

This Motion, Sir, is very similar to the one that I have just moved and which has been adopted by the Council. There is a slight difference in this case, Sir, in that the Government is employing certain American specialists whose salaries are paid by the International Co-operation Administration of the United States of America, and it was a condition in this case of the employment of these particular specialists that they would not be liable to pay East African income tax or any social security tax or poll tax on their salaries and allowances. In so far as the exemption from income tax is concerned, the Government could allow the law to take its course and the people concerned could pay income tax, and a vote could be taken in the Council to provide money to refund it, but I

think it will be agreed that that would impose a considerable amount of quite unnecessary work on the officers of the Income Tax Department, and it is for this reason, Sir, that it is proposed that the alternative method whereby the people should be exempted as a class from the payment of income tax is being proposed.

I should say, Sir, that the Governments of Tanganyika and Uganda are proposing to take parallel action. In this case, Sir, the exemption would be effective for the year of income commencing on 1st January, 1956.

Sir, I beg to move.

Question proposed

MR. TYSON (Nominated Member Government) Is it in order that it should be stated in the Motion that it should be retrospective from a certain date?

THE MINISTER FOR FINANCE AND DEVELOPMENT (MR. MACKENZIE) I am afraid, Sir, that I have not got the answer to the point put by my honourable friend the Nominated Member who has just spoken but I am aware that this matter has been gone into carefully by our legal advisers and I think that the Motion is almost certainly in order, but I will certainly have the matter looked into to make quite sure that that is so. I do not think, Sir, there is any difficulty in so far as the absence of a date is concerned.

The question was put and carried

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the end of the business on the Order Paper. I therefore adjourn Council until 2.30 p.m. to-morrow, Thursday, 13th February.

Council rose at seven minutes past five o'clock

Thursday, 13th February, 1958

The Council met at thirty minutes past two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

Statistical Abstract, 1956/57.

[BY THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones)]

Supplementary Estimate of Expenditure No. 1 of 1957/58.

Development Supplementary Estimate of Expenditure No. 1 of 1957/58.

[BY THE MINISTER FOR FINANCE AND DEVELOPMENT (MR. MACKENZIE)]

The Forest (General) (Amendment) Rules, 1957.

[BY THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (MR. BLUNT)]

ORAL NOTICES OF MOTION

SUPPLEMENTARY ESTIMATE OF EXPENDITURE No. 1 of 1957/58

THE MINISTER FOR FINANCE AND DEVELOPMENT (MR. MACKENZIE): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

That a sum not exceeding £389,322 be granted to the Governor, on account, for or towards defraying the charges, of Supplementary Estimate of Expenditure No. 1 of 1957/58.

DEVELOPMENT SUPPLEMENTARY ESTIMATE OF EXPENDITURE No. 1 of 1957/58.

THE MINISTER FOR FINANCE AND DEVELOPMENT (MR. MACKENZIE): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

That a sum not exceeding £466,722 be granted to the Governor, on account, for or towards defraying the charges, of Development Supplementary Estimate No. 1 of 1957/58.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 62

MR. MBOYA asked the Minister for Legal Affairs how many bankrupts or debtors who had filed bankruptcy petitions have left Kenya before being discharged?

THE MINISTER FOR LEGAL AFFAIRS (MR. CONROY): No figures of departure from Kenya to other East African territories only are available because there is reciprocal enforcement of bankruptcy jurisdiction between these territories. The figures of departure from Kenya to destinations beyond East Africa in the four-year period ending 31st December, 1957, are

Bankrupts	6
Debtors who had filed bankruptcy petitions	Nil

MR. MBOYA: Mr. Speaker, Sir, arising out of the reply, will the Minister state what the Government would do, or contemplates doing, to ensure that no bankrupts or debtors leave the country after filing bankruptcy petitions?

THE MINISTER FOR LEGAL AFFAIRS (MR. CONROY): Mr. Speaker, that is really another question. However, there is ample machinery, for preventing debtors leaving the country, under section 26 of the Bankruptcy Ordinance; there is also rule XXXVIII of the Civil Procedure (Revised) Rules, 1948. Of course, the question did not include the fact that some of these bankrupts left the country with the permission of the Official Receiver.

MOTION

COMMITTEE ON THE CIVIL SERVICE

2.37 p.m.

MR. SLADE (Aberdare): Mr. Speaker, Sir, I beg to move that a committee, consisting of persons resident in Kenya, be appointed to consider and advise this Council upon possible modifications of inducement pay, overseas leave, and other conditions of employment of the Civil Service in this Colony.

Sir, this is not the first time by any means that we have raised this issue in this Council, though it may perhaps

[Mr. Slade]

in the first time we have done so by Motion. I would refer, for instance, to the very long discussion of this problem which took place in 1954, when we considered the Report of the Lidbury Commission. That is to be found in Volume LXIII of HANSARD, pages 882 to 1,042—nearly two hundred pages of debate. Again it was brought up in debate on the Communication from the Chair only at the last sitting of this Council.

Sir, in these discussions one has learned by experience, and I have noticed that on every occasion there has been a tendency to misunderstand the meaning and purpose which we have when we raise these issues a tendency to put up a vigorous defence against imaginary attack in the very descriptive expression of the Greek dialecticians to fight shadows.

Thus Sir, on one occasion when we queried the wisdom of the system of inducement pay, the Minister for Finance chose to treat it as an attack on the Civil Service and put up a most magnificent defence of the Civil Service in answer to a charge which was not there. Again more recently, the Chief Secretary chose to treat it as an attack on the Government in their failure to recruit local people to the Civil Service and put up a very fine defence of Government against an attack which was not there.

Now Sir, I know that is a common trick of debate, termed "the red herring", but I do hope we are going to be free from it in this debate. To make sure that there is no misunderstanding today, I should like to start by saying what I am not attempting to do.

We, Sir, in this Motion are not attacking the efforts of Government to recruit people in this country to the Civil Service. On the contrary, we are well aware of the vigorous efforts that have been made in this debate. Sir, we are not casting reflections on our Civil Service. On the contrary, we are very proud of the standard of the civil servant we have had in this country; but unless some change is made, those standards may fall tomorrow below what they have been to-day and yesterday. We are not attacking those civil servants who are recruited

from abroad. On the contrary, we fully understand that in present circumstances a considerable proportion of our Civil Service has to be recruited from abroad. We are not aiming to reduce the emoluments of the civil servant in such a manner as to render the Civil Service unattractive to men of the standards that we have known in the past. On the contrary, Sir, in this Motion we claim to speak for the civil servants themselves—the men who by the nature of their employment are not very free to say what they think for themselves. To-day we are speaking for them as much as for others and we are speaking for all races.

Now Sir, it is stating the obvious but sometimes the obvious has to be stated—that it is the common aim of all of us to have a contented Civil Service of high quality and minimum quantity and minimum wastage of expense. The particular considerations that have prompted this Motion can be summarized under five heads.

First, the need to attract men and women of adequate quality; secondly, the need to attract men and women of this country; thirdly, the need to encourage newcomers recruited from abroad to become people of this country, to identify themselves with the Colony and with its permanent inhabitants; fourthly, the need to ensure a contented Civil Service; and lastly, a need of economy in expenditure upon our Civil Service.

Before I go on, I would point out that in this Motion we are asking for an inquiry. We are not saying that we know all the answers to the problems that I am going to raise; but I do believe that at the end of this debate, if not earlier, it will be apparent to all that there are many important matters that are not right as they stand and that must be investigated, even if the solutions we suggest to-day are not necessarily the right solutions. We do not expect Government to-day to say that our suggested solutions are the right solutions. All we ask is an agreement that there should be an inquiry, and an inquiry by the right people.

Mr. Speaker, I should like to deal with those five headings that I have already mentioned. First was the need to attract men and women of adequate quality.

[Mr. Slade]

There again, I know that is obvious. One cannot over-state the importance of the responsibilities of our Civil Service in this country. What sometimes is forgotten, I think, is the terrible wastage that occurs if you do not have the best quality—in money and other things—all that is lost by civil servants of mediocre quality.

2.45 p.m.

That point, Sir, was brought home by the Report of the Lidbury Commission at the very outset, and was supported by Government in 1954 in their Sessional Paper on the Report of the Lidbury Commission. That Sessional Paper stated: "The Government wishes to take this opportunity to affirm that in moving towards the ultimate objective, which is a public service staffed by the people of the country, there should be no lowering of standards in the services."

That was reiterated by His Excellency, the Governor, in his Communication from the Chair last year: "The policy of the Government is to build up a public service drawn from the people of the country and at the same time to maintain those standards which have served it so well in the past." And that is vitally important. What we are asking for, Sir, is an inquiry as to whether there has not, in fact, been a progressive lowering of standards in subordinate ranks since 1954.

Now, Sir, I am informed on reliable authority that there has, in fact, been a lowering of some standards; and I believe, Sir, that it must indeed be so for obvious reasons, because what happened as a result of the Report of the Lidbury Commission and the Government's Sessional Paper in 1954 was that the rates of pay for the subordinate grades of the Civil Service were reduced, and inducement pay, then introduced for the first time, was put out of their reach, and the result was bound to be that from then on, we began to attract only inferior quality. That might perhaps have been avoided if the Civil Service Commission had been insistent on a certain minimum standard of those who applied for employment in the Civil Service, because I believe that it was within their terms of reference to inform Government if the rates for any particular grade were so

low as to be attracting no one of adequate standard. But, my information is that in fact, although applications for these grades have been limited by reason of the low rate of pay to people of inadequate standard, we have been making on simply the best out of those that are on offer. The fact is, Mr. Speaker, that here, as everywhere else, we must always be prepared to pay for quality; and the question—a question which can only be answered, I think, by an inquiry—is, are we doing so?

That, Sir, brings me on to the second heading, which is the need to attract to this service the men and women of this country. That again, Sir, was accepted as a principle by the Lidbury Commission, and by the Government in 1954. I quote again the words I have just quoted: "The ultimate objective is a public service staffed by the people of the country." That again was confirmed by that passage from the Governor's Communication from the Chair which I quoted. I make no apology for repeating that phrase; when Government has repeated it so often, but in my submission, so little has been done, apart from recruiting campaigns, to make the service in fact sufficiently attractive to the people of this country. I contend, Sir, that we—Government and all of us here—owe it to the people of this Colony to employ them as far as possible in our Civil Service. I contend also that we shall benefit, and benefit very much from doing so, particularly in a country of different races. I say particularly in a country such as this because there is a certain understanding between races which is not easily developed by people who come into contact first as grown-up men and women. Those who have known one another as children have an understanding which cannot be acquired afterwards. In evidence of that, I think I need only point to our experience of the recent rebellion, and the relationships which existed in certain troubled areas between those young Europeans of this country who served alongside loyalist Africans, and the understanding, that was manifested between them.

I think, Sir, that an inquiry will show that we are not now attracting suitable people of this country to our service, in spite of all efforts by Government, because of the invidious distinction of

[Mr. Slade] inducement pay. Hon. Members will recall that that was introduced by the Libbury Commission in 1954 and it was nominally to induce the necessary element of recruits from abroad to come and serve in this country.

Now, in a debate last year, I suggested that there was not really any need to pay people to come and serve in this country a special inducement pay, but because conditions are now such here and elsewhere that there are many people of high quality who are prepared to come to serve and live in this country if only paid their ordinary market value. In answer to that, the Chief Secretary said, and I must quote now from HANSARD, Volume LXXIV, page 651: "As for the overseas officer, while we need his services as badly as we do at present . . . we shall have no alternative but to pay the market rate". And he said that in justification of inducement pay.

Now, Mr. Speaker, that, I suggest, is the most glaring example of begging the question. Of course we have to pay the market rate, but is that all that inducement pay represents? If so, two questions obviously arise: why do we call it inducement pay? and why do we not pay people of this country the same market value for the same job? Otherwise, inevitably, if that is the market value, and they are not getting it, they will go elsewhere, where they can earn their market value, and we shall lose them from this country.

Now let me make it clear, Sir; I understand that inducement pay in the true meaning of the word may truly be justified for those specialists that we need here from time to time for special jobs on short-term contract, but that is something quite different from the pay of someone we are asking to join this service as a career. For them, I suggest, Sir, for consideration by a suitable committee, that the right answer is to abolish inducement pay altogether and to give everyone, wherever he comes from, his market value, namely, the same pay for the same job.

We are asking, Sir, for an inquiry as to whether that is not the solution; and if it is not the solution, why it is not, and what is the solution for the present

failure to attract sufficiently, people of this country of the best quality.

Now, Sir, my third heading is that of assimilating into the life of this country as permanent residents those whom we recruit from abroad. Here again, I am not talking of the expert who comes here on short-term contract. I am talking of the permanent civil servant.

The importance of this must be obvious. There is, I know, and I am very glad to place it on record, an increasing tendency on the part of our civil servants to adopt this country as their home. It has become very marked in recent years, and it is most welcome to all of us. There was a time when I first came to this Colony when it was very difficult for a civil servant even to get permission to buy a bit of land on which to live. Since all those restrictions have been lifted, the picture has changed. It is only a matter now of encouraging that natural tendency. But to do so, Sir, I think some measures are still needed. I think we have got to stop talking, for instance, about expatriate allowances. That phrase naturally suggests to the man who receives the allowance that his home is elsewhere, and we do not want our civil servants to feel that they are expatriates: we want them, as I have said before, and I say it again, even though I have been laughed at for saying it, we want them as patriots of Kenya. I think also, Sir, we have got to move more rapidly away from this conception of inevitable recurrent overseas leave. I recognize that there are times when a civil servant must go away back to his place of origin or elsewhere for personal reasons, or for reasons of health, particularly if he is working in an unhealthy area; I recognize that on first employment, someone coming from abroad will want to feel that he will be able to go back to see his home again quite soon. I go further than that, and say that it is an experience of many of us that those recruited from abroad find it difficult to settle in this country until they have gone away again on one holiday in their old home and looked back at Kenya.

Indeed, I know many employers who encourage such employees to take overseas leave at the earliest opportunity, just for the purpose of settling them down.

[Mr. Slade] 3 p.m.

Recognizing those exceptions, Sir, I would say that, speaking generally, overseas leave is no longer a necessary feature of employment in our Civil Service, for the following reasons. First of all, civil servants themselves have found that they do not need it. I think statistics will show that, Sir. We have statistics which show how often, in fact, civil servants take their leave, how long they take it for, how much they accumulate their overseas leave, and these statistics are convincing evidence, Sir, if consulted, that civil servants do not always rush away on leave as soon as it is available.

I would go further than that and say that there are a great many civil servants who do not want overseas leave, because they find it a financial embarrassment. It is not a cheap affair to take yourself and your family away to England or elsewhere abroad for three months or more, and to have a so-called holiday; and the effect of it is, particularly on the younger, married civil servant, that instead of saving money during the time of his employment he has to spend all his savings and more on these periods of leave. He starts again a new tour, as it is called, with a debt on his shoulders.

Another reason, Sir, which comes under this head of encouraging our civil servants to make Kenya their home is that this insistence on overseas leave must encourage backward glances, and we do not want backward glances; we want our civil servants looking forward to the future of this country, not backwards to the past of another country they knew. Indeed, we want them healthy, and they must have holidays to be healthy. But holidays of a reasonable duration and frequency are not the same thing as leave back to their country of origin, where the passage is paid almost as a matter of compulsion.

If anyone questions whether people will find service attractive in the event of something being substituted for overseas leave, some concrete cash emolument in its place, let them look at examples of those who have already tried it. The most outstanding example without question is the Nairobi City Council, who made this bold experiment and

claims to have made it with complete success. They have introduced consolidated terms of service. Others who have been councillors can speak more fully and authoritatively than I can on this subject.

There has also been experiment—and more frequent experiment as time goes on—in private enterprise. Again I think with great success. But private enterprise is greatly handicapped in such experiments as long as Government maintains a system of overseas leave for civil servants, because the comparison is always there.

Now, Sir, before I leave this subject of encouraging civil servants to take root in this country, I would like to touch on the possibility of developing our own East African or even Kenyan Civil Service, a service to which a man is recruited and knows he can adhere right through his career, with reasonable prospects of reaching the top. One of our troubles, I know, has been the liability of a civil servant to have to accept transfer to another country if he wanted promotion. Naturally, as long as that state of affairs exists, it is very difficult for a man to take root, very difficult for him to decide to educate his children here rather than back in his home of origin. We have got to get away from that; I think we have started to get away from it, but we can go further still.

If we had our own local service, the opportunities would be just as great, because although the field for promotion would be smaller, the number of competitors would also be smaller; there would not be the fear of competition by people who have served in another country and want to come here to top-up their careers.

We ask, Sir, for an inquiry which may at least point the way to some such solutions as I have suggested, or else some alternatives.

Now, Sir, I come to my fourth heading, which is the need for a contented service. Again you will say, this is obvious. The question which I ask, and which must be answered by an inquiry, is whether there is contentment in the Civil Service at the present time. My information is regrettably to the contrary. Only an inquiry will show whether it is true. An inquiry will show whether there can be contentment when two men

[Mr. Slade] in the same job have different rates of pay, as is the case at present. Inquiry will show whether the present system of housing allowance and subsidized housing works fairly for all, particularly when forfeited during periods of leave; or whether a consolidated salary would not be preferable. Only an inquiry will show whether the Whitley Council is functioning as it should for the ventilation of general grievances within the Service. My information is to the contrary. Let us find out.

Inquiry might show that, as I have suggested on other occasions, there is no scope whatsoever of any value for the ventilation of individual grievances in the Civil Service, other than through Members of Legislative Council. On other occasions, Mr. Speaker, I have pointed out how undesirable it is that individual civil servants should have to resort for ventilation of their worries to Members of this Council. That is not really our job in this Council, we are concerned much more with principles than with individual cases. Yet, we have to take it up if there is no other avenue available to the civil servant.

All these matters, Sir, are in urgent need of inquiry.

I come, Sir, now to my last head, that is the question of economy, and there is a basic principle—I would emphasize again the obvious. We must have quality rather than quantity; we must plan all posts according to the market value of the best type of man we want to see in that post. We must at the same time cut out the dead wood that is there. We can save in other ways. If it be a fact that inducement pay is really inducement pay, that is to say something more than the market value of the man concerned—which I do not believe, it is simply an alternative to my previous argument—then we can save on this imaginary need for inducement. On overseas leave we can certainly save part of the vast sums spent at present, and at the same time give the civil servant something better, worth more to him. I am sure there are other places where savings can be effected, and which only an inquiry will show.

I repeat, Sir, that what we want first of all is fulfilment of the declared policy, the declared policy of our ultimate

objective, that is building up a Civil Service of people of this country and at the same time maintaining the standards of the service. We want a contented Civil Service. We want real, not false, economy. I suggest, Sir, that the record of the past four years shows that these things are not likely to be achieved without an inquiry.

Sir, there are other conditions of the Civil Service that could well be the subject of a review; I have only touched upon some.

If, Sir, it is agreed that there must be an inquiry, then the question is: by whom? In this Motion, I urged that it shall consist of persons resident in Kenya. We have had experience, Sir, of inquiries by people from outside, people of great experience, great reputations, great careers, yet unfamiliar with the problems of this country. Too often the result has been some very ingenious suggestions, not related to the true circumstances and needs of this country. Sometimes we have had even worse, we have had suggestions so ingenious that they masked the real purpose. They are even devised at times, I fear, to achieve a purpose other than that which they are declared to intend. We do not want that. We want an inquiry in this case by those who belong to this country, who understand this country and care for this country.

That must be a committee of people of this country, both in the Civil Service and outside. I believe, Sir, if we could have such an inquiry we should all benefit greatly and not least the members of this service, of which we have been so proud.

Sir, I beg to move.

3.12 p.m.

MR. MANGAT (Central Electoral Area): Mr. Speaker, Sir, it gives me immense pleasure to associate myself with the hon. and learned Mover. Before meeting, once more, in this Chamber, for over 20 years, he and I were together in another sphere of activity, a sphere in which there are no racial groups.

A Motion moved by one hon. Member on my side of the Council is expected to be, and invariably is, seconded by another of his own clan. The hon. Mover, in departing from that

[Mr. Mangat] orthodox and odious procedure, has become the precursor of the first principle of our new constitution whereby at least 12 Members of this Council will not need to confine themselves to communal compartments. Indeed, Sir, by the welding of their efforts, they might be able to demonstrate for the good of the country that, after all, it was not impossible for the much-maligned twin of Mr. Kipling's ballads of East and West to meet, even on this side of God's great Judgment Seat.

Now, Sir, this Motion is not a matter of speculative or academic controversy. It is an attempt to bring home to the Government what the common man outside the Civil Service believes to be an intrinsic, harrowing reality. The hon. Mover has laid before the Council fundamental facts which are entitled to fundamental reverence.

We heard the Chief Secretary say in this Council the other day that a major exercise in this field had been undertaken only in 1954. This, I am sure, will be said again in this debate. Unfortunately, in this country anything which is suffered to survive for a year or two begins to lay claim to perpetuity, a precedent embalmes itself into a principle, at least for the purposes of the Government. Now, however, happily we are getting away from that trend, as was shown only recently when, for the sake of keeping our ship afloat, we did not hesitate to jettison the Lyttelton Plan, even though it had been in operation for a considerable time.

Similarly, if it should appear to us that public interest so warrants, we should proceed to investigate and, if necessary, to revise the terms of our Civil Service, even though they were overhauled less than four years ago.

Like the hon. Mover, I am the first to admit that our Civil Service constitutes the intelligentsia of the country. But neurosis is inherent in all intelligentsia, and ours is not immune from it. The members of the Civil Service have always been treated as the chosen and precious ones of the Government and their faintest cry has made it run to them with a feeding bottle, little caring how emaciated the other children of the family became in consequence. The Civil

Service has been our favourite kitten, but the trouble with every kitten is that eventually it becomes a cat.

Like a benevolent Mephistopheles, the Libbury Commission dropped into the lap of the Civil Service a packet containing the drug which, given in small doses, has a stimulating, but in larger a paralyzing, effect on the creative faculties. The pressure for increased allowances and increments has become a habit with the Civil Service; it has indeed become so irresistible and difficult to refuse that it is more or less like a steady soil erosion, of which we have heard so much in this country. The Civil Service is not hungry, it is outright greedy. It goes on yearning for bigger and bigger flesh-pots. The country we all know, Sir, is as poor as Job, but I am afraid that it is no longer as patient.

Inducement pay is only one of the many undesirable features of the Civil Service with which we have to contend. Persons recruited on inducement pay are something like an artificial growth, a hot-house plant, unaffected by and unresponsive to the real temperature outside the glasshouse. And the worst is that it inflicts on those who accept it the stigma of otherliness; somehow they do not seem to belong to this country.

I do not wish to regale the Council with instances; a host of them come to mind. My hon. colleague has given quite a few. I have heard that certain officers who were in the Civil Service, even before this contrivance of inducement pay was invented, were nevertheless granted inducement allowances. If I am challenged on that, and asked to substantiate my statement, which would evidently mean that this is not so, I assure you, Sir, that I shall enjoy the indignity of withdrawing it and apologizing. After all, the easiest way of winning the warmest applause in this Council is first to make a rash and wrong statement and then to withdraw it.

Besides this, there are other allowances worth looking into; allowances with romantic and ecstatic names like "separation" allowance, "night" allowance, "disturbance" allowance and probably "keeping-awake" allowance.

There are again, Sir, people who have retired from the Civil Service and are gazing in glittering pensions but are

[Mr. Manga] then re-employed on a high proportion of their ultimate maximum salary and are doggedly but uselessly hanging on to their tiny strips of remunerative assignments, engaged in the mechanical exercise of passing time like the Tibetans' turning of a prayer wheel. Many of them would be vastly improved by their instant release from these improvised engagements. Hundreds of thousands of man-hours, every year, are thrown away through casuistic religious holidays and casual sick leave, not counting the 48 days or so which every civil servant insists on spending away from his office every year. There must be tremendous overlapping in the Civil Service, and only an inquiry can disclose that. Recently we have witnessed that even a Ministry can run itself for many months without the Minister being anywhere near it. I mention these facts, Sir, because they are characteristically ludicrous.

The Government, I am sure, will probably express its sympathy with the Motion. Unless the Motion is accepted it would be the same sort of sympathy, which comes from one sitting on another's back and choking him yet assuring him that one is extremely sorry for the unfortunate victim and would like to ease his burden in every possible way except by getting off his back.

All that the hon. Mover is required to do at this moment is to make a prima facie case in support of this Motion. The state of affairs disclosed by him to the Council is not only diagnostic of the present but prophetic of the future. It is bound to take quite a few years before the results of that inquiry come to hand. I respectfully submit that the hon. Mover has shown sufficient cause as to why the Motion be accepted by the Council.

The Government need not be afraid that an investigation of the nature contemplated in this Motion would frighten away prospective candidates. I am sure that as soon as Clara Peggotty whispers aloud that she is stuck for sweethearts, many a willing Barkis would come forward to woo her and without much inducement.

Sir, I beg to second the Motion.

Question proposed.

Mr. MULIRO: Mr. Speaker, Sir, I rise to support this Motion. This is the first time I have agreed with the hon. Mover in this Council. I think that this Motion, as expressed by the hon. Mover and according to the arguments he has advanced for it, only merits that the Government should accept it: just accept it and no more than that.

Inducement pay is a headache to this country, especially when the financial position of the country is as precarious as it is. Just now, Mr. Speaker, our Minister for Finance is not with us here. He is running up and down on the London market, trying to get some money from Britain. And the fault of that is due, to a very great extent, to inducement pay.

Mr. Speaker, I have always looked on this inducement pay with a very mischievous eye. When I analyse the position of conditions in Kenya, I find that the cost of living in Kenya is definitely lower than in those countries from which Kenya draws her civil servants—from Britain. These civil servants from overseas and from Britain particularly, come here, they get very easy terms to buy vehicles in order to move freely about the country; they get subsidized houses which in most cases they would never get in Britain; they get very cheap servants, for whom they pay 30 shillings or so.

Therefore, Mr. Speaker, I consider those conditions as an inducement in themselves. I therefore look upon inducement as most unthinkable because to induce someone who is already induced is absurd. Kenya citizens, irrespective of their race, find it very difficult to get induced. Also, these Kenya people go to Britain for their education and attain the same qualifications as those who are being induced, and in some cases, Mr. Speaker, higher qualifications than those who are being induced and yet they find it very difficult to be induced.

Secondly it is absurd for a Kenya national to be induced in order to render the best possible services to his own country. We are placing our people in a most awkward position, to demand inducement, because they should not be induced to serve their own country; it is their right and it is their duty to serve their own country, to give their best

[Mr. Muliro] services to Kenya and not to say they want to be induced. With the abolition of inducement, that would disappear.

As the hon. Mover said, the hon. Chief Secretary some time last year in a debate in this Council said that they give the market value. If it is a question of the market value, let everybody get it. If they are giving the same labour with the same skill and qualifications, why is the labour not worth the same?

3.30 p.m.

Another point I would like to raise on this Motion, Mr. Speaker, is that of the Secretary of State's Appointment Board. This Board does operate very greatly and only in Kenya. On that Board, probably a colonial servant who has come here already might get induced, very, very few Europeans get induced, and hardly any Africans. I say "hardly" Mr. Speaker, because there are some, but they are very few.

Another point I would like to raise on the Civil Service in this country and this question of inducement is about a number of Makerere graduates.

These Africans are very highly qualified with professional degrees from Makerere, say, B.A. or B.Sc., and are qualified for the medical or teaching professions; and when they come out they apply to the Government of Kenya. The Government of this country sends them forms which they fill in stating the various departments in which they want to work: but in most cases they are regarded or looked upon as rejects or as unsuitable. However, they are men of quality. Sir, which the hon. Member who moved this Motion is looking for. He made a very strong plea for quality. Those highly qualified Africans could be suitably trained within the various departments for responsibility.

Now, those who have been rejects of the Kenya Government have proved very, very competent in commercial companies. So far there are about seven Africans only from Makerere with degrees who are working with the Government. But there are over 20 or so in commercial companies and they are doing very, very well. Some of them have been placed in very high responsible

positions which the Kenya Government is not benefiting from.

Another issue which was put forward by both the hon. Mover and the hon. Second, and which I do not want to dwell on very much, was the question of hardships which are placed over the people who are induced, because they have to go to Britain after every three years for their leave. Now, a local person would find it very difficult because all his family would be here. A young man who is not yet married has got his father and mother here; or, if he is married he may have some property of his own, and if the wife is also working and has children he will find it very difficult to go to Britain; it drains them financially. Therefore they find it very difficult to go to Britain.

Not only this, but people who have been recruited by the Colonial Office tell me that they would prefer to spend their leave in East Africa or the Rhodesias for three or six months and then come back. They find that going to Britain is too expensive for them.

Although I am supporting this Motion I am fully disagreeing with certain aspects or certain arguments advanced by the hon. Mover; but this is only a difference of opinion and is not a rejection of the principle underlying the Motion.

The hon. Mover argues that the civil servants should be in affinity in this country. That is never acceptable to the African communities in this country because we regard them as potential settlers. Now, if the civil servants are going to be absorbed into this country, problems will arise. We already have serious problems to do with the shortage of land. If civil servants, after their service is completed, express the wish to settle here then there might be disputes over land. So, Mr. Speaker, I oppose that aspect of my hon. colleague's argument.

With these remarks, Mr. Speaker, I beg to support the Motion.

Mr. ROGERS (Nominated Member, Government): Mr. Speaker, I think this Motion can perhaps be reduced in basis to two questions: Is it necessary to import staff from overseas? And if so is it necessary to reward those to a greater extent than it would be for local intakes.

[Mr. Rogers]
I am afraid the only way to consider this matter is in the cold hard way of supply and demand. The hon. Member mentioned private enterprise, and I can assure him that private enterprise is still finding it essential to bring expatriate staff to this country. I also would inform him that although I think, in general, the terms of employment offered by private enterprise are more generous than those to Government officials, we are still finding it by no means easy to obtain all the staff, particularly the technical staff, we require, and I was not very encouraged to hear a story very recently where a young man came down from university and replied to an advertisement in the newspaper by telling the employer concerned that if he submitted in a sealed tender his terms, the application for this young man's employment would be considered alongside all other applications. I must also say that some business employers are to-day considering the introduction of the same principles adopted following the Lidbury Commission: this is being done to ensure that the principle of local employment—employment of local people—is developed as quickly as possible. I therefore feel that it is necessary to import expatriate staff, and that being so, their value is the world market value. It is necessary to give them terms of employment which cannot, and I suggest must not, apply to local people.

First of all, the question of overseas leave. This is given for health reasons. Now, I immediately concede that there are many people in this country who have not been to the United Kingdom or to other parts overseas for many years. I do suggest, however, that in the main they live in the more healthy areas and, furthermore, they are more used to this climate, particularly the height, which expatriates are not necessarily used to. I feel an equally important argument for the retention of overseas leave for expatriates is that it is only natural that these people who come from other countries should wish to return to those countries at periodical intervals.

The other most important thing is the question of inducement pay. This is, I am sure, quite essential to attract the sort of man we need in Kenya to de-

velop Kenya as we wish it, and if we cannot get them without inducement or expatriate pay, whatever you like to call it—and I suggest we cannot—that is the world market price of the man, and we must pay it. But as regards these sides of our terms of employment to our Civil Service applying only to expatriates, I feel we want to give this matter most careful thought. We want to be very careful not to base our public service on the idea that because Harry gets something, Frank must get it too. We must base it on common-sense methods, on the best benefit we can get for Kenya. That is, I feel, why it is wrong to consolidate conditions of service throughout our Civil Service, conditions which are, at the present time, peculiar only to expatriates. For in this way we would perpetuate high terms of employment far beyond the necessary period. Let us take an example: supposing the overseas leave entitlement of an officer in a particular post is worth £300 a year, and the inducement element in his emoluments is worth a similar amount. Supposing we consolidate this £600 into that officer's emoluments, into the emoluments of that post. What have we done? I suggest we have increased the emoluments of that particular post, as far as can be seen, permanently—as far as can be seen—whether the post is held by an expatriate or by a local officer. Surely, that is a disservice to Kenya? For when a local officer can be found to fill that post it is, I suggest, unnecessary to grant him either overseas allowance, whether it is inducement or any other term, or overseas leave. I also feel I might mention one small, perhaps personal, point which we in Kenya can think about, which is that if there are a number of candidates for a particular job, and all candidates have equal qualifications, then I suggest that obviously the candidate who costs the country the least money will obtain the post, and if we retain that principle we are, I think, assisting the development of our local employees. I feel we should think very carefully, Sir, before we consider an investigation in our terms of employment at this time, for I myself am of the opinion that the position has not changed since the Lidbury Commission reported.

I am afraid I must oppose the Motion.

MR. HARRIS: Mr. Speaker, Sir, I support this Motion which, if I understand aright, is asking for an inquiry into the conditions of the Civil Service. So far the only speech we have had from the Government side seemed to be rather a preview of the evidence which we might expect to be given at that inquiry; and I therefore assume that the Government are accepting the Motion as they are already rehearsing the evidence.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): You are wrong!

1.44 p.m.

MR. HARRIS: I am very glad to hear that I am going to be wrong because that gives me the opportunity of saying what I want to say.

Now, Sir, one of the debates on the Civil Service which the hon. Member for Aberdare did not mention took place on 23rd February, 1956, when a Motion was moved in this Council; and I am afraid that with your permission, Sir, I must read this Motion because in the debate on that Motion the Government by implication accepted the principle that if a further Motion were produced at some time in the future—I do not say necessarily two years later—a case would be made for the inquiry. The Motion read, Sir:—

"Whereas the Lidbury proposals have now been in force sufficient time to see the results of their practical application; and whereas the Lidbury proposals were accepted by the Legislative Council and the Civil Service in the belief that theoretical advantages would be apparent in practice; be it resolved therefore that a local committee, consisting as under, be appointed with the following terms of reference:—

- (a) New recruitment.
- (b) The opportunities and inducements to local Europeans joining the Civil Service.
- (c) The maintenance of standards of efficiency and integrity of the Civil Service.

(I will lend the Minister for Finance my copy of HANSARD when I have finished with it.)

(d) The contentment of the service as a result of the Lidbury proposals.

The committee to consist of—

Chairman: Director of Establishments.

All members of the Executive Committee of the Whitley Council with powers to co-opt other members of the Whitley Council to ensure representation of all major departments.

Now, Sir, you will notice that in the composition of the committee suggested by that Motion this side of the Council tried very hard to insulate the Civil Service from politics. I believe it is generally accepted on both sides that the insulation of the Civil Service from politics is for the good of the country generally and particularly for the good of the Civil Service. Had, of course, the Motion been approved on 23rd February, 1956, and accepted by the Government, then it would have been unnecessary to-day to have brought the Civil Service into the political arena again.

Now, Sir, in the debate following that Motion the Chief Secretary—and I must say it seems that history is repeating itself entirely in so far as this debate is concerned in that the hon. Nominated Member who has just sat down reduced to-day's Motion to his own version. In 1956 the Chief Secretary reduced my motion to this. "This is the manner in which I have reworded it. Since it is the case that the Lidbury proposals were intended to make the Civil Service more attractive; and since they have now been going for long enough to see whether they are working as they should; let us have a local committee to see if they have in fact achieved these objects."

Then he went on to say: "The Government agrees that the Lidbury proposals were designed to improve the Civil Service generally." At least we have that on record. Then, Sir, he said—and I am anticipating the defence of the Government to this Motion—"The Government cannot agree that these proposals have been in operation long enough for us to know whether they are likely to require modification, and if so what form that modification should take. In the report itself it is said, 'We do not recommend any sudden and spectacular changes'."

In dealing with recruitment, the Chief Secretary said: "We are trying to

[Mr. Harris] remedy this position in a number of ways...—having admitted that recruitment was unsatisfactory—... and we have arranged for the officers of the University Appointments Board to make tours in Eastern and Central Africa in order to find out in what way overseas careers can be presented more attractively. A senior officer of the Administration has been posted to the Colonial Office in order that his advice can be available at that end. As far as the Administration is concerned, we hope to introduce a scheme for a junior grade."

Now, Sir, that was two years ago; and if it is the intention of the Government to oppose this Motion to-day I would like—and I think it would be fair to this side of the Council—to tell us what happened as a result of the officers of the Universities Appointments Board making tours of Eastern and Central Africa; also what happened about the senior officer of the Administration who was posted to the Colonial Office to try to assist in recruitment; and so on.

The Chief Secretary in the same debate said, "So far as opportunity of inducement of local Europeans to join the local Civil Service is concerned, I feel that this is a matter which might need to be examined by the Whitley Council". You will remember, Sir, that that was precisely what I asked for in my Motion. "I shall be happy to make such arrangements as are necessary to ensure that this examination is made." If the Government intends to oppose this Motion to-day, Sir, it would be nice to know what happened as a result of the reference of this matter to the Whitley Council.

The Mover mentioned at considerable length his fears that the efficiency of the service was not being maintained. He was only re-echoing what the Chief Secretary said two years ago when he said, "With regard to the maintenance of standards of efficiency we must admit that it is true that in the lower grades there has been a falling off of efficiency. I do not say this by way of acquiescence in this state of affairs but rather to make it clear that we accept the need to maintain the standard". Again, Sir, a report from the Government on this would enlighten the Council.

I do ask your indulgence, Sir, to report at length in this debate but I have two motives. One is that I think it is necessary that we should remember what was said by the Government last time in a similar debate; and second, Sir, I have an idea that they may have to rewrite their opposition because otherwise you will be able to rule them out of order for repetition, because I suspect they will say the same this time as they said two years ago.

The Chief Secretary on that occasion dealt with the matter of the integrity of the service and his reply was that the head of the department, the Attorney-General, and the Criminal Investigation Department, and himself, were the people responsible for ensuring integrity. One of the purposes of the present Motion, Sir, is not to root out dis-integrity wherever it may occur, but to remove those factors which make for dis-integrity and to ensure that the right people are attracted to the service so that automatically we know we shall have a service which is honest and is the pride of all of us.

Now, Sir, at that time the present Minister for Finance and Development was the Financial Secretary; and in this same debate he again reduced the Motion to its lowest common terms and said, "I think the most important part of the Motion turns on the first clause which suggests that the Lidbury recommendations have now been in force for sufficient time to see the results of their practical application. A great deal depends on whether that particular statement can be accepted or not. My hon. friend the Chief Secretary has already given several reasons why it is doubtful whether this particular proposition can be accepted." Here, Sir, I must remind the Minister for Finance that the doubt as to whether the particular proposition can be accepted referred not to the Motion but to his own reduction of the Motion to its minimum. In other words, had sufficient time gone by in order to judge the effect of Lidbury. That was two years ago, Sir.

He went on: "The Lidbury recommendations have now been in operation for approximately one year. During the whole of that time we have had an Emergency on our hands. There has

[Mr. Harris] been inflation during the period. The service has been expanded. There has been a call-up affecting large numbers of local candidates for the numbers". I would ask him, Sir, how many of those conditions still apply or whether he has thought up now some new reasons why he should oppose the present Motion.

Then, Sir, he voiced the opinion of most Members of the Council when he said: "My hon. friend the Member for Nairobi South in moving the Motion referred to various statements made by my hon. friend the Minister for Finance and Development in speaking during the debate on the Lidbury Report". I would like to refer to one or two of the passages in question. For example, in winding up the debate my hon. friend was quoted as referring to our having sown the seeds of a happy, contented and loyal Civil Service. But I think it should be emphasised that what he said was, and his actual words were: "I think that in the long run this report will have been shown to have sown the seeds of a happy, contented and loyal Civil Service". We all agreed with that sentiment. But I would now ask the Minister whether he does not consider that you should be able to see how growth is going in four years. I would ask him whether the growth over those four years is such that he can feel assured that we have sown the seeds of a happy, contented and loyal Civil Service. If, Sir, he can search his soul and say, "Yes", then I think he has every right to oppose this Motion. If a Minister for Finance has a soul, and he searches it, and he cannot answer, "Yes", then I think if he as a conscience as well as a soul he must support the present Motion.

Now, Sir, again the same gentleman on the question of the efficiency of the Civil Service said in that debate, "it may be true that in certain spheres there has been a certain falling off of standards. It is most certainly the Government's intention to see that the standards are restored, maintained and improved". I hope he has succeeded.

I would like to deal with one other question that was also dealt with in that debate in 1956; and that is the effectiveness of the Whitley Council, because I

believe that if we have a proper Whitley Council we could get over many of the troubles that beset us to-day. But I have doubts as to whether the Whitley Council is working in a way that it works, say, in England. It should be a place where both the staff side and the Government side can go and discuss grievances, discuss the very things that my hon. friend the Member for Aberdare thinks should be discussed by a committee. I believe, Sir, it is because of possibly the smallness of the country or for some reason or other that the Whitley Council is not working as we know Whitley Councils work in other countries.

The present Minister for Finance—the then Secretary to the Treasury—in that debate, said: "There is one way in which the various matters which have been raised can be dealt with and that is through the Central Whitley Council and the departmental Whitley Councils which meet at regular intervals and which are fully competent to look into any question which either the staff side or Government side may raise". He ended up by saying: "We can therefore say, Sir, that while the Motion cannot be accepted as it stands, the points that have been made will constantly be borne in mind and that the machinery exists to give effect to its general aims and the machinery for doing so is in regular use". I would like, Sir, to hear from the Government that they are still satisfied that that machinery is in use and that that machinery is leading to the absent Minister of Finance's hope of four years ago that we have sown the seeds of a happy, contented and loyal Civil Service.

If I may have one final quotation from this debate, in replying to the debate, I said, "Mr. Speaker, it is not often that in this Council a Member has the honour of congratulating the hon. Chief Secretary and the hon. Secretary to the Treasury on making maiden speeches in one afternoon. They were both thoroughly maiden in that they both of them took a frightfully long time to say "No", when it was very obvious that they meant "Yes". In fact, the Secretary to the Treasury even went so far as to say that he would commit these matters to the Whitley Council". My feeling, Sir, is that once again we are going to hear the same maidenly "No".

[Mr. Harris]

I believe the Government would be very well advised to think carefully on this one, because I ended the last debate by saying: "It is not sufficient if all is not well with the Civil Service that the result of an inquiry, be it by the Whitley Council or anybody else, should remain in the archives of Government. I have to remind the Government that this happens to be our Civil Service. It is the Civil Service of this country, and if we have anything wrong with it brought out in an inquiry, then we should know what that wrong is and make every endeavour in this Council to put it right".

I repeat, Sir, that I am not happy that the absent Minister of Finance's hope of 1954 is being materialized, and I believe that if Government considers the matter very carefully, it will realize that quite a quiet, not a witch-hunting inquiry, but quite a quiet inquiry of local people into the Civil Service to see whether it is working as it should or whether improvements can be made would be in the best interests of the country.

Finally, Sir, I do hope I have been speaking to the right Motion, because I went out for a few minutes, and when I came back, I heard of so many people being induced that I wondered if we had gone into the Committee stage of the Adoption Bill.

I beg to support, Sir.

4.01 p.m.

MR. ALEXANDER: Mr. Speaker, Sir, I want firstly just to deal with some remarks of the hon. Nominated tobacco king opposite. He certainly used his product to introduce considerable smoke into this debate; and in case hon. Members should imagine that he is speaking with the voice of commerce, let me tell this Council, Sir, that it is only some four years ago that in another place, the Nairobi Chamber of Commerce, to a very full meeting he was uttering much the same sentiments, and in much the same words. And on a vote, there was an overwhelming vote against what he and a few of his friends had to say. In fact, if I remember rightly, on that occasion the whole of the Management Committee of the Chamber of Commerce threatened to resign and did

resign. I think, but were persuaded not to be such children, and so came back again.

That, Sir, I hope, dispels any idea that what we have been listening to, particularly as it comes from the immediate past President of the Nairobi Chamber of Commerce, what we have been listening to is the voice of commerce. It certainly is not. And when he talked about salaries outside Government, or terms of service and salaries outside Government being higher than they are inside Government, I am sure he was talking only from the exclusive experience of the sanctum of the tobacco world. I can assure him that, by and large, the terms of service and salaries outside Government are less advantageous. He did say, and here I agree, that there is a necessity for expatriates to go back to their country of origin. In fact, I would go so far as to say that I believe the sooner they go back, the better. And if I had my way, certainly so far as the women-folk are concerned, I would have them back within a year because, it is only (and particularly the womenfolk), it is only when they can see Kenya from a distance that they really get their perspective right and it is only then that they realize the advantages of Kenya.

I just want to deal briefly with the Member for Nyanza North, because when he rose to support this Motion, I thought that here, for the first time in one year in this Council we were going to find a very happy approach to all the racial bickering that we have had in the past year; and I do deplore that on a Motion of this kind, which is above race and can be outside race, that he brought into it a purely racial slant. That, I believe, was quite regrettable.

I just want to mention briefly inducement pay, because I wish to deal mainly with overseas leave. On inducement pay, I would say this: that it is only just before the last great war, under 20 years ago, that in fact we had this very system by another name. In those days, it was called the difference between the local Civil Service, and the overseas recruited Service. It was found then that it did not work, and it is not going to work now, so why on earth Government, with all that experience behind them, should have taken this plunge is very difficult to understand.

[Mr. Alexander]

In fact, what we want is inducement for our locals to stay here, because there is to-day very disturbing information of many of our people who are being induced, who are seeking employment, particularly in Central Africa, and more particularly in Southern Rhodesia. Those are the people who have a market value, that must be paid to them, whether they are the people who have a market value here from overseas.

Turning now to overseas leave, I just wish to state two fundamental principles so as to try to avoid any misunderstandings on this subject. Firstly, let me say that overseas travel is good for everyone; but the country and the individuals in it must be able to afford it, and at this moment, Kenya just cannot afford it on the widespread basis as it exists at the present, and I hope later on I will be able to give figures to show just how alarming they are. It was Hitler who was the last one to remind us of the good uses and benefits of overseas travel in his strength through joy movement: he had two ships on which he put lots of Germans, and sent them round the world to have a look at it. It is a very great pity that that does not happen, for example, to people of Britain. They might learn considerably more about this Commonwealth of theirs, and they might get information that would avoid some of the utter nonsense talked about us in Britain.

So I am not opposed to overseas travel for those who can afford it.

My second principle is that if it is necessary for any of our people to learn new techniques and methods overseas, then we must pay their travel expenses for that purpose. It is mean to expect periods of overseas leave to be interfered with for such purposes.

I turn now to some remarks of the Chief Secretary that were uttered in this Council on the 21st May last year, and the first remark which, Mr. Speaker, with your permission, I would like to quote, reads as follows: "The Government is convinced that overseas leave is essential, both to attract the right kind of man and to retain in him a sense of balance and those qualities of sympathy, moderation, humour and tolerance,

which are often rather less noticeable at the end of a tour than at the beginning".

Fine-sounding words those—sympathy, moderation, humour and tolerance. We are obviously blessed with men of very, very high quality. But our misfortune is that a shortening of working tours accelerates the decline of those magnificent qualities. A common complaint is the man who convinces himself six months before leave, however frequent it is, that he is going to pass out unless he goes to-morrow. Tolerance becomes indifference; humour becomes a laugh at incidents which, if they happened to ourselves, would make us mad; moderation becomes a fatal thing in the realization that nothing succeeds like excess.

I quote again from what the Chief Secretary said: "It is usually desirable that an officer should be able to return to Europe from time to time to refresh himself and to renew his acquaintance with those great centres of learning which, as we rather tend to forget here, are our mainspring". Here again, very high-sounding sentiments, but what happens in fact, particularly to those who have families? They get on the slowest boat they can find and go the slowest route to their overseas destination in the hope that they do not even have to get off the ship and get on another one and come back. That happens time and time again, because particularly married people with children just cannot afford to go and indulge in these rather pleasant sentiments that are expressed.

Thirdly, the Chief Secretary said this: "The Government also feels that to make any drastic changes in the leave privileges of overseas officers yet to be recruited would have a most unfortunate effect on the staffing position generally, and in particular in relation to the administrative and professional grades. We feel that candidates for these appointments would almost certainly refuse posts in Kenya and turn in preference to other dependencies where passage privileges were still available". I do not know what other dependencies the Chief Secretary was thinking of, because of course there are mighty few of them left now; and certainly, these folk are unable to turn to the Dominions for such privileges. The chances in any of the Dominions of being put on these fancy terms to-day are extremely remote.

[Mr. Alexander]

Just to challenge this remark, I would like to quote some figures from the experience of the City Council of Nairobi since they turned to consolidated terms, terms which absorbed into a man's monthly pay cheque the cost of overseas leave and passage. And the figures are these: The number who elected to consolidate in 1954, or at the commencement of their next tour (as they had the option to wait until their next tour)—Europeans, 64; Asians, 97. The number who have elected to retain unconsolidated terms: 7 European, and 11 Asian. Therefore, we have had a total of 64 Europeans as against 14 who have elected; 97 Asians as against 11. And what of the story since then, that is, new recruits who come here without overseas leave with pay and passage, and the total is, from 1954 up to date, 170 Europeans, and 61 Asians. That, Mr. Speaker, is, I believe, a great part of the answer to those who say that it just cannot be done.

4.15 p.m.

I agree that there are areas in Kenya that need special treatment, they are not all like Nairobi, but those sort of areas, I believe are the exception.

There are some unfortunate consequences of this system of frequent overseas leave which I wish to mention. One that has not been mentioned to-day is the dislocation of family life and schooling. Those with children, parents with children who have to take regular overseas leave are faced either with taking the children with them or making arrangements for them to be cared for in Kenya whilst the parents go away, a very unfortunate feature of the system.

Secondly, one that has been mentioned, is the financial embarrassment to the individual. I asked a question on this in this Council not long ago, and I am quite certain that the Government Members on the other side had their tongues in their cheeks when the answer was given that there was no knowledge of financial embarrassment caused to civil servants by the overseas leave system. Of course there is. Of course we all know of the civil servants who have to run around to find people to sign bank guarantees so they can get enough money to go on overseas leave, and find

themselves having to face that liability when they return. We all know the stories of those who have to sell their furniture in order to go on overseas leave. The theory, of course, is that when they go to their destination, their in-laws accommodate them. That, of course, is a myth, because however blessed one may be with in-laws, there are very few who even if they have not seen one for many years nevertheless are glad to find the family out of the house after a week or two, and they have to find expensive hotel accommodation.

I said, Mr. Speaker, earlier, that I would refer to the cost of this scheme, the cost to the country as distinct from the cost to the individual. We have it authoritatively answered from the Government benches that leave pay alone costs some £700,000 a year. To that must be added passages, another £500,000, together, roughly £1,250,000. It is difficult to know just how much is involved in the cost of reliefs, but a fair guess might be £250,000. The total, then, of Government alone is £1,500,000. Outside Government, there must be at least the same amount of money involved, namely, another £1,500,000. It is fair to guess therefore that this system is costing this country some £3,000,000 a year. I would estimate it at perhaps nearer some £4,000,000; and remember that practically all this money goes outside Kenya, either spent in passages that do not accrue to the benefit of Kenya, or used in leave pay overseas. What is the use of our talking about the benefits of our tourist trade, the £4,000,000 to £5,000,000 that it brings to Kenya when with the other hand we dispose of the same amount in this overseas leave pay system.

The remedy, Mr. Speaker, is, I believe, to move immediately to a system where civil servants are entitled to opt, to forego their leave, and take the salary in lieu. I am sure this would appeal to very many civil servants, and it would give them a nest egg with which perhaps many of them could start building a home in Kenya.

Mr. Speaker, there are many of us who are trying to make a country of Kenya, a country whose people have a complete and undivided allegiance to Kenya, a country whose people must regard Kenya as home. Our trying will

[Mr. Alexander]

be made the easier when thoughts of overseas leave, either completed or to come, feature less in the thoughts of all our people.

I beg to support.

Mr. MBOYA: Mr. Speaker, Sir, the Motion before the Council has, as has been stated by several previous speakers, brought for the first time some united effort and produced for the first time an opposition on this side of the Council. But I do not stand to support the Motion purely from these sentimental reasons of producing a multi-racial approach, but mainly because I believe that in this Motion, the Mover has brought before the Council an important point of consideration. I will, however, differ in some respect not with what he has put forward, but because I believe he has not gone as far as he should have done.

I regret that my friend, the Member for Nairobi West, has taken some exception to some reference by my colleague, the Member for Nyanza North, to racial factors that would be affected or influenced by the Civil Service. I do not think that even with the best of good will we could overlook the importance to our various communities of this structure and the composition of the Civil Service and especially in a country such as this. I am sure that my friend, the Member for Nyanza North, found it necessary to make these observations not because he was racially inclined, but because I think he was only being realistic and acknowledging the fact that in this country there exist some racial problems and racial differences; and that, in some cases, the approach of various people, even in the Civil Service, may be influenced or affected by these racial factors. We cannot, Mr. Speaker, ignore these facts.

Previous speakers have outlined their reasons for supporting this Motion and have gone into the various questions, such as inducement pay, overseas leave and other conditions of employment. I do want, however, although not agreeing with the Nominated Member on the Government side who spoke to this Motion, to say that he did have an important point when he touched on the question of that type of person or civil servant that we must have in Kenya because we need him and because we

cannot find him locally. I think that the Government should be assured that those of us who support this Motion are not overlooking that fact and are not overlooking the necessity at some time and in certain special circumstances of bringing into this country the type of person that we have not got locally and that this country needs. But I think there must be a qualification to this: it must be because we do not have him and if that be the case, it must be on the basis that we ourselves are trying to do everything possible to ensure that in future we have that class of person. In other words, this type of man comes to this country on a temporary basis. If, under those circumstances, some form of inducement is necessary, then I personally would feel that there would be a case for some type of inducement and this Motion as worded at the moment merely seeks that this committee should advise upon possible modifications of inducement pay. Thus the Mover recognizes this point, I think, and leaves room for consideration of such special cases.

When talking on various conditions of employment, Members on this side of the Council have tended, in my view, to seem as though they were putting forward the case of some disgruntled civil servants who are against overseas leave and various other conditions or privileges (if I may call them that) that we give them at the moment. My approach to this is different: my approach is that we should consider these factors in terms of what they cost us and also in terms of what we could do to avoid this type of expenditure. I would like to see this committee appointed mainly because I believe that so long as we continue to import our Civil Service and particularly import an unnecessarily big part of it, we shall not be in a position ourselves to produce an efficient and capable Civil Service from local people when the time comes for us to do so. I would like to see the approach to this problem become one where we only import those persons that we really need, but side by side with this policy, there must be the policy of doing everything possible locally to train and recruit from local persons.

There was mention in the Libbury Report of the opening of training facilities within various departments so as to

[Mr. Mboya] ensure that we developed within the country local personnel to take over from these overseas civil servants. Some time last year, if I may recall, the Chief Secretary stated that some scheme, some such scheme for training within the various departments had started in some departments. I am not myself convinced that the Government has gone far enough in pursuing this policy. I believe that in order to produce the necessary civil servants we need from local persons, we must have a more effective training scheme within our various departments, and within the Civil Service itself. We must choose from among our local products, our Makerere graduates and various other people, for such training within the various departments. This is not going on to the extent that all of us would like to see, and yet, from time to time, we are reminded of the fact that given responsible government to-morrow we are not in a position to run it because we have not got the necessary civil servants.

4.30 p.m.

I think that in this Motion we should stress the particular need to emphasize in our policies the training of local persons to take over from overseas civil servants, and this means that rather than expand the overseas Civil Service, it should be decreasing as we train more people locally. The need for overseas recruitment should decrease accordingly.

Now, Sir, whilst speaking about appointing this committee and seeking to look into the various questions of inducement pay and other conditions of employment, I think there is another factor which could be dealt with at the same time and which is probably even more important; that is the structure of the Civil Service. In my opinion, this should be looked into rather urgently. I am not convinced that the structure of our Civil Service to-day, in terms of the number of persons employed in the various departments for this or the other duty, is in accordance with (a) what we need, (b) efficiency, (c) cutting expenses, or is reasonable or justified. I seem to see too many assistants to assistants to deputies, and so on, in various departments, and I have been wondering just

what these assistants to assistants and to other assistants are doing in these departments. We seem to have too many secretaries and personal secretaries and the rest of it, all of them at a fantastically high salary. I think that this ought to be looked into much more carefully, much more carefully even than the question of inducement pay.

My friend the Member for Nairobi West might have put this into figures, as to how much is spent on paying personal secretaries, assistants to assistants, and so on; up to now I have failed to find out exactly what functions and duties some of them perform. I think we should also look into the question of the types of persons who are being employed in some of the departments. In a written answer to a question I put to the Chief Secretary, I had some figures from a certain department of the number of persons employed and I was amazed at the number of married women and other women on temporary service employed in that particular department.

I also wanted to know what qualifications some of these people have and I was surprised to find that in quite a few cases qualifications did not seem to matter all that much.

Now, Sir, I think that this would be a very good opportunity for us, when appointing this committee, to give it, in its terms of reference, further authority to go into the question of examining the structure of our Civil Service, with particular reference to the efficient use of labour within the various departments, right from the top to the bottom.

Accordingly, I beg now to suggest the following amendment to the Motion. I would like to amend the Motion by adding at the end the following words: "and also to examine and advise generally on the structure of this service."

Thus the Motion would then read:—

THAT a committee, consisting of persons resident in Kenya, be appointed to consider and advise this Council upon possible modifications of inducement pay, overseas leave, and other conditions of employment of the Civil Service in this Colony, and also to examine and advise generally on the structure of this service.

[Mr. Mboya]

I would only add one point and that is that I am reluctantly agreeing to the committee consisting solely of persons resident in Kenya, for obvious reasons, I think. But I think that the Mover is very sincere in his attempt to secure some improvement in our Civil Service, and in that belief I am prepared to agree to his suggestion that we have persons resident in Kenya. However, I would not leave this subject without particularly stressing the fact that if this Motion is approved and we do appoint a committee we will seriously consider appointing persons in whom we have every confidence and who will be effective on such a committee.

It was only in 1954 that we had the Ludbury Commission and it seems that every so many years we have to appoint these committees. I think that we should, in all seriousness, be a bit more careful as to these appointments, and ensure that there is some effective work. I do not in any way intend to criticize the work of any previous committee, but I think we do want to see that some effective work comes out of this particular committee, because this is a very serious question to all of us, and particularly to those who look to the future of this country.

Mr. Speaker, I beg to move.

MR. MATE seconded.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): On a point of order, Mr. Speaker, I think I am right in saying—I may not be—I am speaking off the cuff—that an amendment cannot be seconded merely by bowing to the Chair; the hon. gentleman who wishes to second must do so in the ordinary way.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentinck): That is precisely what I was endeavouring to persuade the hon. Member to do.

MR. MATE: Mr. Speaker, Sir, in seconding the amendment to the Motion, I feel that it is important, as my friend the Member for Nairobi Area said, that the Civil Service in Kenya now and in the future should be so organized as to give that confidence which we require for the future of the country for all of us.

I would not like to add too much to what he said, because I thoroughly agree with the amendment.

I beg to support.

Question on the amendment proposed.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentinck): I understand that this addition is acceptable to the proposer and seconder of the original Motion; perhaps when speaking to the amendment they would indicate that that is so.

MR. CROSSKILL: Mr. Speaker, Sir, I must confess to some surprise when the hon. Member for Nairobi Area moved an amendment because I thought sometime during the last two hours I must have been dozing and that an amendment had been moved: something to the effect that home leave and inducement pay are unnecessary. It seems to me that this Council, Mr. Speaker, has been doing the work of the committee, and I do urge that we stick to the terms of the Motion.

It seems quite obvious that there are two distinct points of view held by the Government side and our side of this Council. We on this side of Council do firmly believe that there are some people who will come to this country on different terms and less expensive terms than those in existence at present, to which, of course, in honour bound, we must stick. We believe that we must gradually move, if possible, to some system less expensive. We believe that there is a possibility that certain work may possibly be done on contract terms as has been used in various spheres of Government in the last few years. We believe also that there are some civil servants who would prefer a consolidated remuneration rather than have to face the necessity of taking leave in the United Kingdom or elsewhere.

We believe, in brief, that the country cannot indefinitely support the system which has been in existence, of necessity, for many years, but that we should move forward to something different. We are therefore asking for an inquiry. We are not wanting to debate the pros and cons of such suggestions here in this Council, and I do therefore, Sir, urge Government to accept the recommendation that there should be an inquiry. I think the necessity for an inquiry has been substantiated by expressions of opinion on both sides of Council.

It has been suggested that there is a possibility that there is a decline in

[Mr. Crosskill] quality during the last four years of the Civil Service. I do not believe that that is so, and hope it is not so, but if Government, Mr. Speaker, cannot see their way to have an inquiry, then the obvious deduction would be that they fear any inquiry into that subject. I therefore urge Government to accept the Motion.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I would like to point out that what we are discussing is the amendment. I would like to dispose of that first.

MR. SLADE: Mr. Speaker, Sir, I beg to support the amendment.

In speaking to this Motion, I indicated my concern that we should maintain the quality of our civil servants, and I indicated readiness to accept that far from saying that some of them are paid too much we should say that some are paid too little. I did point out that with that goes a streamlining of the service and the need to cut down on the quantity of those employed.

Having said that, I agree that the terms of the Motion as it stood are not wide enough, because it does not give scope for this committee of inquiry to go into the structure of the service, with a view to cutting out the dead wood.

That I agree, Sir, is needed also, and I support the amendment.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Speaking to the amendment, Mr. Speaker, Sir, the Government will not accept it and I will later be speaking to the main Motion to indicate that it will not accept the main Motion.

Question that the words proposed to be added, be added, put and carried.

4.44 p.m.

MR. TRYSON: Mr. Speaker, Sir, we have heard a good deal in the course of debate on the question of inducement pay. It is, I think, as well that we should ask ourselves why it has been necessary to pay inducement increments to obtain the staff we require.

In point of fact, and I agree with the hon. Member for Nairobi Area, what we have got to aim at is training in this

country the local people to fill the posts that are available. Whilst the hon. Member for Nairobi Area seems to want to place a good deal of responsibility on the Government for the training, I would like to point out that there are considerable training facilities available, particularly in Nairobi, of which many suitable candidates do not take advantage.

I maintain that we are moving gradually towards a state of affairs where it will not be necessary, except in very occasional instances, to recruit overseas staff; but in the meantime we have got to pay for the type of staff which cannot be trained in this country. There are facilities and we have examples of people who have taken advantage of the training facilities. There are facilities, for example, for the training of engineers and we know of cases where young men have started at the bottom of the ladder and are to-day holding responsible positions in East Africa. The difficulty has been in the past that we have not had enough of those candidates, but we are reaching a stage where the pool from which we drew in the past—Great Britain—for importing these technicians is drying up, so far as this territory is concerned, at any rate and we have got to face up to the necessity for training our own staff.

Under these circumstances, Sir, I cannot see any useful purpose in appointing this committee, because I believe we are steadily moving towards the stage where inducement pay will be unnecessary which in turn will avoid the question of overseas leave.

MR. HARRIS: Mr. Speaker, Sir, would you give a ruling? We have just carried an amendment and I would have thought the position is now that we are now debating a substantive Motion which includes the amendment. Well, now, Sir, is it possible under our Standing Orders, having approved that Motion, is it possible within half an hour to disapprove it?

It seems to me, Sir, that having carried the Motion, it should then be the substantive Motion; we take another vote and if Government wish to divide they can, but at the moment, Sir, it seems to me that they are going to negative a decision of the Council made only ten minutes ago.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I am afraid I have not quite followed the hon. Member. The question before the Council consists of the Motion which appears on the Order Paper, to which there have now been added certain words. The only thing the Council has so far approved of is that the original Motion has a few extra words added to it and this has become the substantive Motion which is being debated.

MR. HARRIS: Mr. Speaker, with the greatest respect, did we not in fact approve that Motion ten minutes ago?

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): No, we approved the amendment to the Motion, we did not approve the Motion.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I rise to oppose the Motion. I think, Sir, one of the points that my hon. friend the Member for Nairobi South made was that in a previous debate which took place almost exactly two years ago I suggested that at that stage of the Ladbury proposals, which, although they were effective from 1st January, 1954, only actually came into effect early in 1955, it was too early to decide whether they had been successful in giving us a happy, contented and loyal Civil Service.

My hon. friend asks whether I am satisfied now that we have such a service, and he asks whether I would still consider that there has not been sufficient time to decide whether the acceptance of the Ladbury proposals, as modified by the Government White Paper, have in fact given us the kind of service we want. Sir, we have had now three years' experience of working under the Ladbury arrangements. I do not personally consider that three years is a particularly long time in the life of a civil service or in the life of a colony. But, Sir, I would also say this, that at any time, even if one had had a commission composed of archangels, I am quite sure that one could take a look round the Service, one, two, three or 20 years afterwards, and one would still find that there were members of the Service who were not altogether contented. One would find that no single member of the Service was always contented, and one would

hear the kind of normal, on the whole good-humoured, grumbling that one gets from within any service.

However, Sir, I think we can say that on the whole, and certainly in my experience, this Service of ours is not unhappy. It is not particularly discontented, although there are many members who, like many people everywhere else, would like more pay and more privileges and that kind of thing. I do not think, however, that fundamentally it is discontented, and I am quite sure, Sir, that it is not disloyal. I am quite certain we have got a loyal Service.

Now, Sir, turning to the terms of the Motion, and in the light of what I have said already, the Motion asks for a further inquiry into the Civil Service, Sir, I think that one relevant point here—and it is a point that has been made very often—is that one does not wish to have too many inquiries into the Civil Service, and in particular one does not wish those inquiries to be held on political grounds. That, I think, is one point on which my hon. friend the Member for Nairobi South and I are fully in agreement. One can have inquiries; one can envisage an inquiry that could be made by a locally appointed commission, but, Sir, the question is: is it appropriate that such a commission should be appointed and if so is it appropriate that it should be appointed now?

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair]

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

I, Sir, do not think that it is a desirable thing to have commissions of inquiry on the Civil Service every three, four, five, or ten years. In the United Kingdom, Sir, which is a model for the handling of the Civil Service, where the handling of the Civil Service by the Government and by Parliament is a model which we can all do well to follow and respect, if my recollection is right, there have only been two full-dress inquiries, outside inquiries, into the Civil Service in the past 28 years. The first was the Tomlin Commission, which reported, I think, in 1931 or thereabouts; and the second was the Priestley Commission which was at work between 1953 and 1955. There was an interval of over

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20 years between those two commissions. During that period, any matters which had to be dealt with were dealt with by joint consultation between the official side and the staff side in the Whitley Council, and decisions were taken by the Government on whether changes were necessary.

I think, Sir, that it is very much better that we should work more on those lines here: that if things arise which need to be looked at, and if points are raised where people are dissatisfied, they can be raised in the Whitley Councils, and they are matters which the Government is always prepared to look at. The Government is always prepared to look at genuine grievances and is always prepared to consider serious suggestions about the way in which the Civil Service should be run.

But, Sir, I think that generally speaking it is—except at very considerable intervals—it is a matter which is best dealt with by the Government rather than have a continuous succession of outside inquiries which can only upset the Service, and which I believe are unlikely to be in the best interests of the Colony.

Now, Sir, to turn to some of the other points which were made: my hon. friend, the Member for Nairobi South, said that I had referred in an earlier debate to matters being raised in the Whitley Council, and I had said that points raised then would be borne in mind. I had also said that the machinery was in regular use. Well, Sir, the position is that since that time, the Whitley Council has been meeting at regular intervals; and in fact I have been present at many of the meetings of the Whitley Council, and the staff side have been perfectly free to raise any questions which they might wish to raise. I can assure my hon. friend that if any of the points which he raised in that debate have not been brought up for discussion in the Central Whitley Council, it is not through any fault of the official side.

I believe, Sir, that the Whitley Council can in fact perform, and does perform an extremely useful service; and that it is by far the best place for discussions

on the position of the Civil Service to take place. And as I said, the Government is always prepared to take very careful consideration of any points which are put before it at such meetings.

I turn now, Sir, to other points made during the debate. My hon. friend, the Member for Nairobi West, spoke of the success with which the consolidation scheme for the Nairobi City Council had met, and gave us figures to show that the bulk of the employees, both Europeans and Asians, accepted the consolidated rates, and that since then, a very considerable number of new recruits have been obtained. Of course, what is rather difficult to discover—and it is information which one would like to have, but which obviously, I imagine, does not exist and could not exist—is how easy it has been to obtain those recruits and whether, in fact, they would have been obtained as readily or more readily had the consolidated terms not been introduced.

5.00 p.m.

I assume that since the consolidation terms were introduced new recruits have not been given the option of coming in under non-consolidated terms. I think it is therefore extremely difficult to know quite how much weight one should attach to these particular figures, although one has heard rumours—and I do not say they are any more than rumours—that some of the staff of the City Council have very much regretted the loss of the privileges which they had before, that there are people who have felt that it is very much more worth while to have the right to, shall we say, a passage than to have a certain sum of money which may not remain at the same level at all times. And I can certainly assure my hon. friend the Member for Nairobi West that that is a view very widely held in Government circles. There are very many officers who feel that it is much better, from the point of view of the Service, to have a concrete privilege than to have a sum of money which in a time of world-wide inflation may be worth so much to-day and a considerable amount less to-morrow. But, Sir, let us consider this matter a little further. If one had consolidation one would naturally be bringing various privileges

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in kind which are at present granted to the Service within the normal salary of the officers concerned, and unless one were going to revise the whole pension structure one would be adding on a very considerable amount to the pensions bill that the country would have to face. On the assumption that the pensions legislation were not to be altered, I can imagine nothing that any officer within about three years of retirement would like more than to have a consolidated salary paid to him, but I can assure my hon. friend that it would be an extremely expensive exercise.

LT.-COL. GHERSIE: You did it with O.L.A.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): That is rather different. Then, Sir, we are referred to the cost of passages, leave pay and reliefs. Of course we know that passages are an expensive item to-day: they cost over half a million pounds—I fully agree, and leave pay also costs quite a lot. Leave pay would of course have to be paid whether the leave were taken in the Colony or not, but I do admit my hon. friend's point, that at the present time a considerable amount is spent elsewhere. It is also true that the passages are paid to shipping lines and air lines and are not invested in the Colony. But, Sir, let us assume that everything were consolidated. Even then there would be considerable numbers of civil servants: I believe in fact the bulk of them—those who at present go on leave—would still do their best to go, and therefore that money would still be lost to the Colony. But much more important than that, Sir, is the fact that so long as it is necessary to obtain civil servants from outside, from abroad, it is going to be necessary to pay the market rate. So far as the expatriate civil servant is concerned, one of the essential things about the market rate, whether we like it or not, is that he should have the right and the facility, including financial assistance, to proceed on leave at regular intervals. I do not think that anything we say in Council is going to alter that point of view so far as the market that we are dealing with is concerned.

The same is really the fundamental point as regards the inducement factor.

The inducement factor is merely something that is being paid in order to make salaries attractive to people in the overseas market, from which we have at present to recruit a considerable number of our administrative, professional and technical staffs, and in which we shall have to continue to recruit them until such time as the Government's declared policy of having an entirely local Civil Service can be brought to fruition.

Now, Sir, I do not think anyone in the Council believes that that time is just around the corner and until that time we have simply got to pay people rates that are sufficient to attract them here from, in the main, the United Kingdom, but also from other countries. But also we have got to be able to compete with the various other territories to which people can go—and there still are quite a large number of appointments in countries other than Kenya. If we do not offer as good terms as they do, they will get the best men and we shall have to put up with what we can get.

There is a very important point here: it has been said, very truly, that we are a poor country and it was with that reason in mind that the Lidbury Commission recommended and that the Government accepted, that the inducement principle should be introduced. We cannot afford to pay the whole of our service, including very large numbers of relatively subordinate staff, at rates which are designed to attract senior officers from overseas, nor can we afford for ever and a day to go on paying for passages, which is one thing which was mentioned, to people in the middle and lower ranges of the service. It is absolutely vital if we are going to make both ends meet that we should have a normal standard of pay assessed with regard to the economy of the Colony and I think that we should only use the inducement terms, as we have been doing, when it is necessary to obtain someone from abroad, when we have not got the type of persons here and when only the higher inducement rate will get him to come here. In that way, Sir, the Government will have one of the strongest motives for making quite sure that a local man is employed if one is available and suitable. Quite obviously no government is

[The Minister for Finance and Development]

going to spend a great deal more money in order to obtain the more expensive product from overseas if it has got the same product on its own doorstep at a suitable local rate. Therefore, Sir, from the point of view of economy, I think that the introduction of the inducement principle was sound and I am quite sure that up to date it has worked satisfactorily. I do not say it has been ideal—I do not say we have had a perfect Civil Service, but then we shall never get one—you never get a perfect civil service anywhere in the world. But I think it has been as successful as any device could be expected to be.

There is one final point I would like to deal with and that is the amendment. As I have said, I do not think that the appointment of a committee is in any case the right way to deal with this sort of matter and that goes too for the points raised in the amendment, to examine and advise generally on the structure of the service. Well, Sir, the Government, although it may seem strange to some Members on the other side, the Government does in fact have a constant watch on the structure of the service. It is for that reason that we employ our Establishment Division; it is for that reason that we have our Organization and Methods unit; and it is for that reason that we have now a Staff Adviser within the Establishments Division, who is doing an extremely useful piece of work. It is also the function of the senior civil servants within each Ministry to be constantly looking at the organization for which they are responsible and I can assure the Council, Sir, that this is done in an extremely responsible manner and it is a thing that goes on every day. I think I can say quite honestly that hardly a day passes when some question relating to the structure of the service does not come my way and I am quite sure I can say the same for every other senior civil servant in this Colony and also, I am sure, for all my hon. friends who are sitting here on the front bench. I am quite sure, Sir, that if the structure of the service needs to be examined in any place, we have the machinery under our control and I can give the Council the fullest assurance that that machinery will be used. Sir, I beg to oppose.

MR. NGALA (Coast Province): Mr. Speaker, I rise to support the amendment. The amendment is to examine the structure of the Civil Service.

THE DEPUTY SPEAKER (Mr. Conroy): We are speaking to the amended Motion, not debating the amendment by itself.

MR. NGALA: I rise to support the amended Motion. One point which has been pointed out by my hon. friend the Member for Nairobi is a very important one, the point that qualification has been disregarded in some departments of Government. Now the speaker who has just sat down has said that there is a committee or a machinery of Government which goes into this. He has not refuted the point that has been mentioned by the Member for Nairobi. I know that in one very notorious Government department where a qualification is not considered. I have known of many people who have had education and experience of Swahili, for example, work in that department and also long experience of the particular work they are doing, but they are placed under lady officers who have no knowledge of Swahili and have not got the experience. That Sir makes me doubt the truth of the assertion that Government can look into it itself. For this reason, Sir, I very much support that the structure of the service should be seriously examined.

Another point which I would like to bring out to the Council is the point that has been mentioned by the Nominated Member, Mr. Tyson, and the Member for Nairobi Area, that of training the local people so that they are capable of taking places in the Civil Service of the country. For over 10 years since the office of African assistant district officer was introduced, we have so far had only one African district officer.

5.15 p.m.

It is not because the Africans are persons who are incapable of acquiring more experience or even passing promotion tests, and I understand that some have passed these tests. I think it is necessary that these people should be trained to acquire experience that will enable them to fill these posts, so that it gradually becomes unnecessary to recruit people from outside Kenya. Here,

[Mr. Ngala]
Sir, I am not suggesting that necessary people with special or expert knowledge should not be recruited from outside, but I very much fear that there is a very big margin of people who are unnecessarily being brought from outside, and that is because the Government is not seriously undertaking the obligation of training local people to take up posts in the country.

I must say here that I am very pleased that some private companies are doing even better than the Government in training people to take up posts—the Shell Company for example, or the Kilindini Landing and Shipping Company is doing some training within itself, and the Tobacco Factory is doing something, but the Government is not very seriously out for this, and unless Government takes very serious steps over this training of local people, I think that we shall always undergo unnecessary expenses such as inducement payments. Now the speaker who has just sat down on the other side, said that Britain is a model to this country, but I do not see why we should necessarily imitate Britain even if we see in this Council that there are things going wrong within the Government machinery. We do not have to wait for 38 years to recommend a committee of inquiry if we find there are many things to be put right in the Government machinery.

Another thing, Mr. Speaker, I think that civil servants should be free to spend their leave where they want. It has been asserted that due to climatic conditions and other conditions the civil servants would like to spend their leave at home. Now, on the other side, we have been given some evidence that the same people who are being protected that they would like to spend their leave at home are the very same people who do not want to go to their home and live there, in spite of the good climate perhaps which prevails in their home. I feel that they should be quite free to spend their leave here if that will save anything out of our purse, in Kenya.

With these few words, Sir, I beg to support the Motion.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Deputy Speaker, this Motion, whether in its original form

or in its amended form, is founded on two misconceptions. The first misconception is that which supposes that this Council is the appropriate body to accept responsibility to decide the terms and conditions of service of the Civil Service. In fact, nothing could be further from the truth. It is not the function of this Council. I have had occasion previously to explain this point. The Government is the body which is responsible for the terms and conditions of the Civil Service. It is the Government which is the policy-making body in that regard as in all other regards. The function of this Council is to provide a critical forum for the examination of Government policies, particularly in regard to the provision of the necessary finance for the carrying out of those policies. Therefore, Sir, a Motion which suggests that this Council should appoint a committee to examine the terms and conditions and service of the Civil Service and, indeed, as we now have it, the whole structure of the Civil Service and report back to this Council is, as I say, Mr. Deputy Speaker, a complete misconception of the proper functions of this body.

The second misconception on which this Motion is founded is that which supposes that the Government gives no thought to the terms and conditions of its Civil Service; that it does not constantly and continuously keep its terms and conditions of service within the public service under review in consultation with its advisers, with the wealth of experience and knowledge of terms and conditions of service and of recruitment factors which exists in the personnel division of the Colonial Office; that it does not discuss and negotiate with the representative associations of the Civil Service, that there is no Central Whitley Council; indeed, that the Government completely abdicates its responsibilities for the well-being of the Civil Service in general.

Now, those are the two misconceptions on which this Motion is founded and no Government, no Government anywhere could possibly accept such a Motion, and this Government does not.

Sir, the main principles which have been discussed in this debate, which has this merit, that it has provided a vehicle for the expression of views of the hon.

[The Acting Chief Secretary] Members on the other side and views which are far from being wholly useless. I say that, as I think is obvious, without any desire to appear patronizing, but that is the useful function which this Motion has served. It has served as a vehicle for such critical comment and such suggestions as the other side of the Council may wish to put forward. That is a perfectly proper function of the legislature.

Sir, the main point that has been made in this debate concerns inducement pay. Now, there are what alternatives if we are to interfere with the existing principles of inducement pay? Either we increase the rates of inducement pay, or we decrease the rates of inducement pay, or we decide that all locally recruited officers should be eligible for inducement pay, or we decide that no locally recruited officers should be eligible for inducement pay, or we decide that no officers recruited from overseas should be eligible for inducement pay, or, finally, the last alternative, I think this is the sixth, we decide that nobody should be eligible for inducement pay.

Now, whichever of those possible conclusions might be reached, there is one thing that is certain, that if we do any one of those six things we shall precipitate a general revision of salaries which would be the third general revision of salaries in twelve years. We had the Holmes Commission in 1946 and we had the Lidbury Commission in 1954. Now, I do not know if any Member opposite has ever heard of any revision of salaries which has not meant a revision upwards. If they have I shall be delighted to hear of it, for I think it must be unique. Now, if we are going to have a general revision of salaries, a revision upwards, we are going to have something which is entirely beyond the capacity of this country to pay for certainly without greatly increased taxation, or, and probably together with, a reduction in services. Now, is that what the hon. Members opposite wish? Is that what the hon. Members opposite realize is implied in their proposals? If it is, it is an extraordinary proposal to make. Do they also realize that not only would such a proposal be quite impracticable in the present conditions of financial stringency but also in the prospective con-

ditions of financial stringency within the immediately foreseeable future? Do they also realize that the result of such an exercise would merely be to stimulate the inflationary spiral? Have these points been considered by the hon. Members opposite? Have they realized the consequences and implications of the proposals which they have urged on Government to-day, sometimes with a certain contemptuous disregard of what Government might do, or have done, in respect of such matters? Do they realize and have they given thought to, the consequential results from what they have suggested? Are they prepared to tell the country that this is necessary and that greatly increased taxation is necessary to pay for it? And are they prepared to tell the country also that if they do this, they will, in a very short time, be very little better off within the Civil Service in terms of purchasing power because, by reason of inflation, the value of their money will have decreased further?

Mr. Deputy Speaker, Sir, of course, the Government is constantly making adjustments and modifications to the terms and conditions of service constantly. That is one of the main functions of the Establishments Division—to keep all such matters under review. It has done so and it continues to do so, but in respect of inducement pay, coming back to that, which is the main point which has been dealt with in this debate, the principle on which inducement pay is founded and on which the Government's policy for the Civil Service is founded, is that we should have and should move gradually and progressively towards a basically local Civil Service and that inducement pay should be paid only to such extent as is necessary to supplement from overseas a Civil Service deriving its required manpower mainly from local resources to supplement it. Admittedly, there has been some anomalous qualification of the principle of inducement pay. That is the undertaking which the Government gave under extreme pressure from the other side of the Council in the debate on the Lidbury White Paper. That was the undertaking to the effect that eligibility for inducement pay would be governed by the method of recruitment rather than by the place of recruitment. That is a qualification which is at present, to-day, in force. It was a piece of bad logic and

[The Acting Chief Secretary] Government establishment experts, of whom we have suffered for it, but we are stuck with it.

5.30 p.m.

Now, when we consider the question of inducement pay, we must consider that if we are to equate locally recruited officers' salaries with the salaries of overseas officers incorporating the inducement element; what are we doing for the future of this country? We are setting a pattern of remuneration in the Civil Service, a Civil Service which will ultimately be an exclusively local Civil Service, we are setting a pattern of remuneration founded on an element which, when the Civil Service becomes wholly local, will be entirely artificial and extraneous. We will have paid them inflated salaries by reason of a factor which we need to apply in the present transitional period in order to induce officers to serve in this country from overseas. But it would be quite wrong. We should be saddling posterity with an absurdly inflated burden of remuneration to the Civil Service were we to attempt now to equate local salaries with inducement salaries. But the fact of the matter is, if the answer to that argument be that we do not need to pay inducement, the answer is that if we do not pay inducement we shall be forced on to our own resources of manpower and we know from our own experience that we cannot live off our own resources at the moment. We are gradually, progressively, making our way towards self-sufficiency, but it will be a great number of years before we achieve that objective. We are in, as I have said before, a transitional period, and we must not, during that transitional period and merely for the sake of a transient factor, and possibly immediate convenience or expediency, we must not mortgage the future of the Colony and indeed of the taxpayers of the country.

Mr. Deputy Speaker, the hon. Member for Nairobi North is waving his pencil at me even though he has not got the floor!

Mr. Deputy Speaker, still on the subject of inducement pay, I agree that it has many disadvantages and drawbacks; that it is often clumsy and inconvenient; but the collective talents, the collective wisdom, the collective experience of the

Government establishment experts, of the very experienced officers who served, for that matter, on the Lidbury Commission, of the Staff Adviser, of the Organization and Methods Unit, of the Colonial Office Personnel Division, that compositum of knowledge and experience has not been able to discover an alternative.

It is not ideal, I appreciate that. Nobody has suggested that it is, but it is one means of achieving an object—the object of getting to this country, persuading to come to this country to serve here, the talents and skills that we do not possess in this country and that we must have if we are to progress to the objective I have mentioned. We shall be able to do without inducement pay when we can replace the men and women whom we have to import from overseas now by local candidates. That time will not come until our institutions of higher education are fully developed and turning out an adequate volume of qualified men. At the moment, we are not even able from our own resources to cover wastage.

Now, on the subject of leave. If we were to consolidate accrued leave in salary, we should be surely doing much the same thing in a different way that inducement pay does. Now, my hon. friend, the Member for Nairobi West, in particular, I think, has ridden this particular hobby horse very hard. I know he feels very strongly on it. He feels it would be much more acceptable to the service. Well, he may be surprised to hear that the Central Whitley Council, which is representative of all grades and all races in the service, has asked for a guarantee that that will not be done, that there will not be a consolidation of the leave and passage element in salaries. The service does not want it. It is, moreover, as has already been said, an indispensable part of the bait with which we lure the overseas recruit from the highlights of industry, private professional practice and from the cradle to the grave attractions of the welfare state. It is essential, and it is no good saying to a man in London, Birmingham, possibly in Scotland, or even Ireland: "Come to the country, we will pay you so much," but there is no provision for you ever to return to London, Birmingham, Scotland or Ireland. We

[The Acting Chief Secretary] have included a certain element in the pay which we offer to you, whereby you can take yourself off now and again for short periods if you wish, but we shall tax you pretty heavily on that every year and you will find yourself a good deal down on it on balance by comparison with the man who sticks out for a return passage. In fact you will find yourself a lot down on it, because if you are really worth quite a bit of money, if you are a specialist in a technical sense and you are going to demand a pretty high salary and a still higher one in this regard, you are going to pay not only income tax, but super-tax.

LT.-COL. GHERSIE: Who is responsible for taxation?

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): I am merely dealing with facts. I do not like having to pay tax any more than the next man does, but I am merely dealing with the facts. In fact, if you do consolidate these elements of leave and passage into salaries, the officer may, if he does not give the matter a great deal of thought, be initially attracted by the number of months, but when he gets down to the basic economics of it he will realize that it is really not much of a gift after all.

LT.-COL. GHERSIE: What about Rhodesia?

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): I am not concerned with Rhodesia. I am dealing with Kenya.

Now, Sir, I would just deal with one or two points which were made in the course of the debate—only those points which I feel call for some comment. My hon. friend, the Member for Aberdare, said that rates of pay for the lower grades were reduced at the time of the Lidbury revision. That, I can assure him, was not so. The fact is, of course, that the lower grades which were not perhaps, in some instances, much increased, if at all—those lower grades are usually filled from local sources and do not rate inducement pay. Therefore, there was not, perhaps, a great deal of net rise in their salary, but it was not reduced.

The competition in which we have to enter for our officers from overseas is—I think the words were used by the hon.

Nominated Member, Mr. Rogers—a world market. Now the hon. Member suggested that the market value was the same whether you were recruiting a local officer or an overseas officer, but that is not so and it cannot be so. If you are competing overseas for someone to come to Kenya, you are competing for someone who has got to up-sticks and go to a fresh country with all the, you might say, psychological disturbances involved and with all the removal of his possessions, and cutting of ties, even though it may be temporarily, which arise. You are not going to do that if you are merely going to offer the man the same rates of pay as the officer in Kenya, who lives and has his roots next door to his work. Obviously there must be a differential and we have to compete in that market—we have to compete with territories which are, in some cases, considerably more affluent than we are. Therefore, when we talk of market value, let us be quite sure what we mean. There is one market value locally and there is an entirely different market value for the overseas officer.

The hon. Member for Aberdare did admit that it was quite—I think he will correct me if I am wrong—quite in order, and justifiable, to pay inducement for short-term specialists, and I think my hon. friend, the Member for Nairobi, made the same point. But if it is all right to pay it for one person whom we need, why is it wrong to pay it for another person whom we need, both from overseas? The fact that we need one man longer than the other, surely does not affect the cardinal principle that we are competing for someone whom we need to come here, whether it be for two years or whether it be for 20 years. The fact remains that we have got to compete, and if we are going to compete we have got to pay inducement pay and we have got to offer leave and passages.

Now I speak with my hon. friend, the Member for Aberdare, when he suggests that we should stop using words like "expatriate," and I hope perhaps that the hon. gentlemen on the other side of Council will stop using such words as "birds of passage" when it suits them.

5.45 p.m.

Let me correct an apparent misunderstanding that civil servants do not take

[The Acting Chief Secretary] leave ordinarily because they do not want to; because that sort of bird does not really live. Quite often civil servants do not take the leave due to them because, owing to the exigencies of the service, they cannot be spared for the full term due to them. There are quite a few of that ilk on this side of Council.

Let me also correct another misunderstanding, and that is when it is suggested that officers have to take their leaves overseas. It is perfectly in order for an officer to apply to spend his leave locally if he wishes to and if he is passed medically fit.

AN HON. MEMBER: He loses his house.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Possibly he may lose his house, but unless the hon. gentleman is prepared to suggest means whereby we could increase the number of houses for our officers, so that every officer could retain his house when he goes on leave, I do not see that there is any alternative to his losing his house, because he loses his house to some poor fellow who has probably been waiting for a house for a number of months after he returned from leave.

Neither—to deal with another point raised by the hon. Member for Aberdare—are transfers between territories compulsory. At the same time, it must be remembered that we rely in very great measure for our non-local element in the public service—we rely in great measure on the unified service in Her Majesty's Overseas Civil Service. Those are career officers and consequently very frequently they do accept and would wish to accept transfers between territories in order to get the promotional advance which is a natural ambition of any career officer.

The hon. Member for Aberdare did mention housing allowances and asked whether they were entirely fair. I am not happy—may I make it quite plain—I am not happy about the incidence of housing allowances and the variety of related allowances within the service. It is a matter which has been exercising our ingenuity for some time and we shall go on trying to find a solution, but unfortunately the proposals which we had thought might ameliorate the position

have not, in fact, proved acceptable to the staff side of the Whitley Council.

Now, Sir, there is one other point I want to deal with in regard to the speech made by the hon. Member. That was when he said there was no outlet in the Civil Service for individual grievances, except through Members of this Council and he said he felt it was very undesirable that Members of this Council should be regarded as an outlet. I entirely agree with him that it is most undesirable. I think that the less the Civil Service has to do with politics and politicians, the better. I am concerned that he should have been led to believe, presumably by some disgruntled civil servant, that there is no outlet for individual grievances. There is, in fact; there is every outlet. There is, first of all, the individual officer's immediate controlling superior officer; there is the head of department; there is the Permanent Secretary; there is the Chief Secretary; there is the Governor; and there is ultimately the Secretary of State who, as we all know and should remember, has the ultimate responsibility for all our Civil Service matters. But to say that there is no outlet, is—

MR. SLADE: I thank the hon. Chief Secretary for giving way. I think the words I used were "satisfactory outlet".

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): I thought the words the hon. Member used were: "no outlet for individual grievances". He may have said—I do not deny it—"satisfactory", but I cannot accept the implication that an outlet for grievances within the service itself is necessarily unsatisfactory. The corollary would be that we would have to have some outside body adjudicating upon matters of discipline, conditions of service and the like, and that we could not contemplate. It is—and I say this with profound regret—it is unfortunately true that there are a number of officers in the service who are all too prone to air their own grievances and disgruntlements outside the service, and who are all too prone to provide ammunition for attacks on the service to outsiders. It is a most regrettable tendency and it is a concept of loyalty which is wholly foreign to the traditions of the Civil Service.

Now, the hon. and learned friend of mine who seconded this Motion, left me with one main impression—the euphony

[The Acting Chief Secretary] of his contribution and the lightness of his touch—in fact, a touch so light that it hardly scarred the surface, let alone penetrated to the substance. My consolation is, though, that I am one of his "favourite kiltners".

Before I leave the hon. and learned Member for the Central Area, my notes recall to me, though not by memory, that he referred to the re-employment of pensioners. I should just like to assure him that we are reducing the number of pensioners whom we employ, and it is not our official desire to re-employ pensioners more than necessary.

Now, the hon. Member for Nyanza North made a good point in referring to Makerere graduates. I will not conceal from him that I, too, am by no means satisfied that we are making the best possible use of Makerere graduate material, and the Director of Establishments and I have recently discussed this matter and hope that we shall be able to take some action to ensure that the available Makerere material which is suitable for our purposes, will indeed be recruited.

I am very grateful to my hon. friend, the Nominated Member, Mr. Rogers, for introducing to the debate the comparison—which I regard as a valid one, although the hon. Member for Nairobi West does not—with the conditions in private enterprise, and it does not surprise me to learn that private employers are finding the same sort of difficulties confronting them as Government does. Nor does it surprise me, frankly, to hear that they are finding it necessary to resort to the same expedients to surmount those difficulties.

Now, the hon. Member for Nairobi South—so far as he has not already been answered by my friend, the Minister for Finance. He asked about a tour of East and Central Africa by members of the University Appointments Board, and the secondment of one of our officers to the Colonial Office to assist recruitment. Both the tour and the secondment have taken place, and in fact we have, I think, as has already been mentioned, noticed a marked improvement in recruitment since then, I might add that our recruitment position is not discouraging. It has improved considerably in the past year,

both as regards recruitment from the United Kingdom and also as regards recruitment from local sources.

He also asked what happened to the reference to the Central Whitley Council of the question of incentives for local officers. That matter was referred to the Central Whitley Council. It has not made any recommendations and I believe it has found the matter of intractable difficulty.

He also referred to the falling-off of efficiency, which was referred to in an earlier debate, in the lower grades. I think the cause of that—I think it was mentioned in that debate—was very largely the Emergency and the sudden and considerable expansion of staff, and the unsettling effects of those conditions. I am glad to say that in the lower grades there has, in the last year or two, been considerable settling down, and a more general feeling of stability.

I think I have dealt, Mr. Deputy Speaker, with the main points that have been raised in this debate. I am quite happy to give an assurance to the hon. Members on the other side that the points which they have made will be examined, if they have not, in fact, already been examined—as many of them have been—by the Government itself. As I have already explained, it is not possible—nor would it be desirable—that the Government should accept the proposal in this Motion, and I accordingly beg to oppose it.

Before I sit down, Mr. Deputy Speaker, may I take this opportunity, with your permission, of telling hon. Members that at 6.30 this evening there will be a document placed in every Member's pigeon-hole in this building, which I think all Members will find of interest.

5.59 p.m.

Mr. SLADE: Mr. Deputy Speaker, Sir, I should like to start this reply by thanking those on this side of the Council who have given me such unanimous support in this Motion. There was only one unhappy note raised, when a certain Member suggested that it was undesirable for civil servants to be potential settlers, with the implication that they would therefore be potential enemies of this community. That was regrettable, Sir,

[Mr. Slade] The fact remains, in spite of that, that every Member who has spoken on the side of the Council, representing every race, has urged Government to embark on this inquiry. It is most disturbing that Government should still treat that so lightly. We are told by the Chief Secretary that the whole Motion is based on two ghastly misconceptions. One that—

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): I thank the hon. Member. I did not say "ghastly".

MR. SLADE: I thank the hon. Member.

The first of these misconceptions is the idea that we are not entitled to debate this sort of thing in Council at all.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): The hon. Member has misconceived what I said; I did not suggest that at all. If you will remember, I went on to say that the debate—I think I used the expression "served a useful purpose", or words to that effect. But I did say, not that we should not debate this matter at all, but that the Motion was misconceived because it suggested that the responsibility for the terms and conditions of service of the Civil Service did not rest on Government but rested in this Council.

MR. SLADE: From which I understand I probably misconceived him again: that those who represent those who pay for the Civil Service are not entitled to discuss the terms and conditions of the Civil Service. If I have got it wrong, Mr. Speaker, will somebody please explain how we came to debate the report of the Libbury Commission in this Council?

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): I thank the hon. Member for giving way. We debated the Libbury Commission Report because it was the Report of a Commission set up by the Government and reporting to the Government. Its Report was laid on the table by the Government with a White Paper indicating Government policy in regard to the recommendations of the Report.

MR. SLADE: I am much obliged to the Chief Secretary. That is exactly what we want again.

The Motion is that a Committee be appointed to consider and advise this Council. Now surely, it is a play with words if the Libbury Commission was appointed to advise people other than this Council. If so, why a Sessional Paper; why bring it to this Council at all? You can play with words as you like, but surely hon. Members opposite understand that what we want is another and better Commission on the subject-matter of the Libbury Report.

There is another misconception apparently in this Motion which I think was rather a wild exaggeration—that the Motion implies a belief that Government takes no interest in its own Civil Service. That, of course Sir, is not to be derived from the words of the Motion, nor I can assure hon. Members is it derived from our minds. Yet I would say, Mr. Deputy Speaker, that if Government continues to pay so little attention to those on this side of the Council who represent, incidentally, the civil servants of this country as voters, we shall begin to worry a little on that score.

Now Sir, in reply to this Motion, certain points have been made, which have been largely repetition, I think, and largely gone round the subject and I do not propose to deal with those that have gone round the subject, except to point out an example. An hon. Nominated Member was kind enough to re-frame my Motion for me, to say that what it really means is: "Are expatriates still needed, and if so, must they be paid inducement pay?" Frankly, I prefer the words of my own Motion, which if studied more closely will be seen not to be quite in those terms. Actually speaking to the Motion, I acknowledged, as everybody I think who has spoken on this side of the Council, that expatriates are still needed. The question of course is, what sort of pay do they need, and what sort of pay have we to offer to people in this country, if we want them to join our Service? That is what I am coming back to and, I am going to cut everything else very short. I will only touch on what the Minister for Finance had to say, in saying it would take a commission of angels to achieve what we are after. Well no, not

[Mr. Slade]

even a commission of archangels. Well that is exactly it, Sir. We have had too many commissions of archangels—brought down to us from Heaven. What we want is a commission of good, honest-to-god people of this country with their feet on the ground.

The Minister was happy that his Civil Service was not in any way discontented. I do ask him to look again. He is equally happy with the loyalty of the Civil Service. There I think he is probably right, but apparently the Chief Secretary had other thoughts on the subject. He was happy with the working of the Whitley Council; he was happy with everything—except that to have another inquiry would upset the Civil Service. I will pass on, Mr. Speaker.

Now what I want to get at, Sir, in the few minutes that are left, is this mulberry bush—round and round the mulberry bush: inducement pay, market value, world market value, inducement pay not going to be needed after a time because we shall get plenty of local people. No answer to my question—are we getting the local people, and if so, are they of the quality we want? No answer to that. That is the whole crux, if you are going to have the ultimate objective of building up a public service of people of this country without lowering the standard of the service: that objective stated so enthusiastically by Government on so many occasions. No answer to it at all. Now do let us examine in a straightforward manner once again this question.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): I am again most grateful and indebted to my hon. and learned friend, but I did say in the course of a far too lengthy address that recruitment during the last year or so had improved considerably from both United Kingdom sources and local sources.

MR. SLADE: The question is still not in numbers so much, Sir, as in quality, and I have heard nothing on the quality to take away from the acknowledgment that was made in a debate two years ago, that quality has deteriorated, except for the explanation the Minister gave for that deterioration at that time.

Well, Sir, surely this is the position; let us face it. You have indeed got to world market value; you have got to pay

world market value, to get here the people from overseas that we need. But just as much, you have got to pay world market value to hold here the people of this country. How can it be otherwise? We have heard no answer to that at all, except one point—suggested by the Chief Secretary: an astonishing suggestion, that there are really two market values; a greater market value of the man you want to bring here, than the market value of the man you want to hold here. Well, Sir, I heard it but I do not understand it. I do not think anyone on this side of the Council does.

Then, it is said, Sir, what are we to do? Are we going to face a general revision of salaries. Yes, we are; we most certainly are. We are going to do away with the expression and incidence of inducement pay, and substitute market value, and apply it wherever it is needed. It is the most fundamental revision we shall have had for quite a long time, perhaps. That does not necessarily mean inflation, and a vast increase for the taxpayer, if it is taken with the examination of the other conditions of service which we have discussed very fully in this debate. For instance, the rapid or gradual abolition of overseas leave. It is a matter for equating—as the Chief Secretary said—terms of service of local men with those of men gathered from abroad. Again, the other picture must be considered more closely—the streamlining of the Service and cutting out the quantity in favour of the quality, on which my hon. friend so rightly laid emphasis. In those ways we might easily have a general revision of salaries, and possibly a general upwards trend; and yet less for the taxpayer to carry in the end.

Now, Sir, if I say any more, I shall only be repeating what others have already said on this side of the Council. I only want to make this final point in concluding. If Government is not absolutely satisfied that we are really moving towards a Civil Service made of local men, and that the standards are still being maintained, there must be an inquiry, whether they like to admit it to-day or not. We do hope sooner or later to see an end of this depressing complacency on the part of the Government. Here once again we have representatives of the public, including the

[Mr. Slade]

Civil Service, telling the Government that there is something wrong that has to be investigated and put right. We are not giving the answers; we are saying the answers must be found. Government say: "We are satisfied; we know the answers". It is not enough, Sir; it is not enough that hon. Members opposite are satisfied, if those we represent throughout this country are not also satisfied. How can they be satisfied without an inquiry? I hope this attitude before long will change, and on this particular subject, Sir, I can now give notice that in six months' time, if this Motion is defeated, we will hear it again.

6.15 p.m.

DIVISION

The question was put and Council divided.

The question was negatived by 23 votes to 21.

AYES. Messrs. Alexander, Crosskill, Lt.-Col. Gheries, Mr. Harris, Dr. Hassan, Mrs. Hughes, Sheikh Mahfoud Muckawa, Messrs. Mangat, Mate, Maxwell, Mboya, arap Moi, Muimi, Nazareth, Ngala, Opuda, Pandya, Mrs. Shaw, Messrs. Slade, Usher, and Sir Alfred Vincent. Tellers for the ayes: Messrs. Crosskill and Hassan.

NOES. Messrs. Blundell, Blunt, Group Captain Briggs, Messrs. Coultis, Cusack, Griffith-Jones, Captain Hamley, Mr. Havelock, Sheikh Mbarak Ali Hinawyo, Messrs. Hope-Jones, Jack, Johnston, Lt.-Col. McKenzie, Sheikh El Mandry, Messrs. Nathoo, Robinson, Rogers, Sago, Swynnerton, Tyson, Wadley, Dr. Walker, Mr. Wanyutu Waweru. Tellers for the noes: Sir Eboe Piribhai and Mr. Wadley.

ADJOURNMENT

THE DEPUTY SPEAKER (Mr. Conroy): That accordingly brings us to the inter-ruption of business. I understand it is the wish of the Council that we should not sit to-morrow. I accordingly adjourn Council until 2.30 p.m. on Tuesday, 18th February.

Council rose at thirty minutes past Six o'clock.

Tuesday, 18th February, 1958

The Council met at thirty minutes past Two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentick) in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

Sessional Paper No. 2 of 1957/58: Double Taxation Agreement with Federation of Rhodesia and Nyasaland.

Sessional Paper No. 3 of 1957/58: Double Taxation Agreement with the Union of South Africa

(By THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie))

The African Produce Improvement and Inspection Rules

(By THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell))

ORAL NOTICES OF MOTIONS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I beg to give notice of the following Motions:—

DOUBLE TAXATION AGREEMENT WITH FEDERATION OF RHODESIA AND NYASALAND

THAT this Council approves the arrangements proposed in Sessional Paper No. 2 of 1957/58 for an Agreement between the Government of Kenya and the Government of the Federation of Rhodesia and Nyasaland for the avoidance of double taxation.

DOUBLE TAXATION AGREEMENT WITH THE UNION OF SOUTH AFRICA

THAT this Council approves the arrangements proposed in Sessional Paper No. 3 of 1957/58 for the extension to Kenya of the Agreement between the Government of the United Kingdom and the Government of the Union of South Africa for the avoidance of double taxation.

LOAN FOR THE CONSTRUCTION OF OFFICE BUILDINGS

THAT the Minister for Finance and Development be authorized to negotiate a loan of up to £500,000 on the most favourable possible terms from Barclays Overseas Development Corporation, Limited, the loan to be used for the construction of office buildings.

LOSS OF CONFIDENCE IN GOVERNMENT AND THE CAPACITY OF ITS MINISTERS

MR. MBOYA: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council, having regard to the recent record of the Government, has lost confidence in the capacity of its Ministers to pursue policies which will remove the political, economic and social frustration of the African people of Kenya.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 59

LT.-COL. GHERSIE asked the Minister for Internal Security and Defence whether Government is prepared to consider an amendment to the Traffic Ordinance No. 39 of 1953 which would provide that a person leaving a motor vehicle unattended and without lights on a public road at night shall be liable to imprisonment without the option of a fine?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Section 50 of the Traffic Ordinance, 1953, and rule 22 (2) of the Traffic Rules, 1953, already enable a magistrate to sentence to imprisonment without the option of a fine any person who leaves a motor vehicle unattended in circumstances such as the hon. Member describes.

LT.-COL. GHERSIE: Mr. Speaker, Sir, arising out of that reply, would the Minister agree that the provision in the Ordinance provides for a fine or imprisonment for three months for the first offence, or a fine or imprisonment for six months for any subsequent offence, or both, as the case may be; and does he consider, Sir, or would he agree, Sir, that the culprit invariably gets away with a fine?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, I would agree that the Ordinance is—correctly quoted by my hon. friend. I am afraid, rather lost the thread of the rest of his question due to interruption.

LT.-COL. GHERSIE: Sir, arising out of that reply, does the Minister suggest that for a crime which is practically comparable with manslaughter, the existing penalty is sufficient?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Well, Sir, no: I agree with my hon. friend, I think the existing penalty is insufficient and I will endeavour to have it increased.

MR. HARRIS: Sir, arising out of the original reply, would the Minister state how many people, since the Act was passed in 1953, have been convicted to imprisonment for the circumstances in this particular question?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I am afraid, Sir, that I would require notice of that.

MR. HARRIS: Mr. Speaker, I will give notice.

LT.-COL. GHERSIE: Mr. Speaker, arising out of the last reply, are we to understand then, Sir, in view of the many accidents which have taken place during recent months because of vehicles being left unattended at night on public roads, many of which have ended in fatal accidents, that it is suggested that there should be an extended imprisonment in order to act as a deterrent?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, the hon. Member must not exaggerate the number of accidents which have taken place. There have, in fact, been two fatal accidents this year, and one last year; but I accept that the penalty should be increased.

MR. HARRIS: Mr. Speaker, Sir, has any imprisonment been imposed as a result of those two fatal accidents?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I would require notice of that, Sir.

QUESTION No. 61

MR. MBOYA asked the Acting Chief Secretary to explain the circumstances under which the text of a broadcast

(Mr. Mboya) was "circulated" by Dr. Leakey on 31st December, 1957, was pre-circulated, by the African Broadcasting Services when this was not an official Government but an individual's statement.

ACTING CHIEF SECRETARY (Mr. Griffith Jones): The text of the broadcast by Dr. Leakey was not circulated by the African Broadcasting Services, but was sent out by the Press Office of the Department of Information. It was considered that the broadcast was a reasoned and balanced presentation of the situation in Kenya as it affects all races and that it warranted wide publication.

MR. MBOYA: Mr. Speaker, arising out of the reply, would the Minister state if in fact the circularization of speeches or statements by various people in this country is dependent merely on the criterion of this being reasonable in the opinion of the Press Office or the Information Department?

THE ACTING CHIEF SECRETARY (Mr. Griffith Jones): The Press Office of the Department of Information is a Government institution, and it follows Government policies. Any material which is put out must be compatible with Government policies, and in this particular instance, it was considered that Dr. Leakey's broadcast was, as I said in the main reply to the question, a reasoned and balanced presentation, and not in conflict with Government policies.

MR. MBOYA: Mr. Speaker, Sir, arising out of the Minister's reply, would he state that all statements issued by African Elected Members are always incompatible to Government policies because we were informed by the Press Office that they are not in fact under Government policy allowed to have such statements circulated.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That supplementary question does not, strictly speaking, arise out of the original question.

3.45 p.m.

THE ACTING CHIEF SECRETARY (Mr. Griffith Jones): With your permission, Mr. Speaker, I should like to answer at any rate part of that question. I feel that the extent to which the African Mem-

bers' statements are incompatible with Government policy is a matter which is perfectly susceptible of judgment by they themselves. I have my own ideas on the subject, but so far as circularization by the Press Office of the Government of statements made by the hon. African Members is concerned, since those statements almost invariably attack Government policies and in my judgment—they are equally in a position to judge—misrepresent on frequent occasions, factually and otherwise, Government policies, I do not consider that it is part of the function of the Government Press Office to disseminate such material which I regard as misleading.

MR. MBOYA: Arising out of the reply, would the Minister now tell us whether it is the policy of this infallible Government that Members of this Council who are indeed part of the whole governmental machinery of this country are not allowed to air their views and whether that is not a contradiction of Government policy.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That again, I am afraid, does not arise out of this question.

THE ACTING CHIEF SECRETARY (Mr. Griffith Jones): On a point of order, Sir, it has never been suggested that the hon. Members are not able to air their views; in fact, they have been doing precious little else for the last 12 months.

MR. COOKE: Is the Press Office in existence for propaganda or information?

THE ACTING CHIEF SECRETARY (Mr. Griffith Jones): Its function is mainly to put out factual information, and to explain Government policies.

MR. MBOYA: Arising out of the reply, is the Minister suggesting that factual information is also the airing of personal opinions and the expression of personal views?

THE ACTING CHIEF SECRETARY (Mr. Griffith Jones): If entirely impartially, and without any political or other axe to grind, yes.

QUESTION No. 64

MR. MBOYA asked the Minister for Education, Labour and Lands to make a statement on the scheme for compulsory education in Nairobi.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): The hon. Member will recall that on 22nd November, 1956, the Motion accepted by this Council was as follows:—

THAT in the opinion of this Council, Government should fix a date on which to introduce a pilot scheme for compulsory education for African children in Nairobi.

In the debate on the Motion, which I accepted on behalf of the Government, I said that the possibility of a pilot scheme would be examined and that a date would be announced. I took pains to mention some of the difficulties involved, and agreed to discuss the scheme with those who were particularly interested.

The position is that discussions have been proceeding with the interested parties, a plan has been drawn up, and a solution to some of the difficulties involved in the application of the plan is being sought. Until these difficulties are resolved I am not in a position to name the exact date on which the plan will be put into operation.

QUESTION No. 66

MR. MBOYA asked the Minister for Education, Labour and Lands to state what steps the Government was taking to introduce High School Certificate for Africans in the present secondary schools.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Subject to the availability of finance the Government plans to institute High School Certificate courses at selected African secondary schools in the next planning period after 1960.

MR. MBOYA: Mr. Speaker, Sir, is the Minister aware of the urgency of this matter?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Mr. Speaker, Sir, I am fully aware of the urgency, but I lack funds.

QUESTION No. 67

MR. MBOYA asked the Minister for Education, Labour and Lands to state whether Government is aware of the dissatisfaction existing over the re-

quirement that only candidates with credits in English may enter for degree courses at Makerere, and whether Government would look into this matter and consult Makerere on a possible solution to this situation.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Government is aware that there is every year considerable disappointment on the part of candidates who for one reason or another (including a failure to obtain a credit in English Language) do not obtain admission to Makerere.

The possession of a Credit in English Language is a requirement of London University for entry to its Preliminary and Intermediate Examination. Up to now one or other of these examinations has been a necessary step in proceeding to a degree of that University. In the future, however, it will be possible for students possessing certain qualifications in the High School Certificate (which need not necessarily include credits in English) to enter direct on a degree course.

As this method of entry to Makerere is expected to become the normal one during the next few years the problem mentioned by the hon. Member will solve itself.

MR. MBOYA: Would the Minister tell us whether he has taken any steps to discuss with the Principal of Makerere College whether there is a possibility of finding a way around this problem sooner, before that period of some time in the future when we shall have Higher School Certificate? After all, the Minister stated he was not in a position to guarantee when we shall have Higher School Certificate. In the meantime, we have got that problem to face.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): The matter has been discussed, Sir, and London University, whereas in the past insisted that the five credits should be taken together, has now agreed that five credits can be taken separately, which should help the present situation.

I may add, Sir, I am surprised at the tone of this question which suggests that people should be disappointed in taking a credit in a language in which they are ultimately going to be instructed.

MR. MBOYA: Mr. Speaker, Sir, arising out of the reply is the Minister not overlooking the fact that people who have failed to get a credit and have therefore been left out of Makerere have in fact gone overseas to universities and attained degrees. Does the lack of a credit in the Cambridge School Certificate really indicate that the person is incapable of higher education?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): The only answer to that, Mr. Speaker, is that in some cases it may be possible for some people to take a particular credit in order to obtain entry to other universities at a later stage. Normally, however, it is not usual.

MR. MBOYA: Arising out of the reply, Sir, has the Minister ever discussed with the Principal of Makerere the possibility of an internal examination at Makerere itself for those who have failed to get a credit in English, but who are not necessarily going to take English at Makerere?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): No, Sir, for the simple reason that, as I have already explained in my original answer, the rules for this particular entry are laid down by London University.

MR. HARRIS: Mr. Speaker, Sir, is it not a fact that Makerere derives great advantage from its association with London and that a Credit in English is a condition for entry into London University?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Yes, Sir.

QUESTION No. 68

MR. MBOYA asked the Minister for Education, Labour and Lands to state when the Government intends to build a Secondary School for Nairobi.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Government intends to open a day secondary school for Africans in Nairobi in January, 1961.

AN HON. MEMBER: Too late.

ANOTHER HON. MEMBER: Better late than never.

QUESTION No. 69

MR. MBOYA asked the Minister for Education, Labour and Lands to state what Government was doing to ensure the provision of adequate facilities for African Muslim education in Nairobi.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): The Nairobi City District Education Board provides primary education facilities for African Muslims at two schools in Nairobi—at the D.E.B. Muslim Primary School at Racecourse Road and at the D.E.B. Primary School at Kibera. Both schools have Koran teachers and give priority to African Muslim children. Both schools are scheduled to develop into intermediate schools. African Muslim children also attend other D.E.B. schools.

There is at present no exclusively African Muslim intermediate school, but African Muslims are admitted to the D.E.B. Intermediate School at Pumwani and will be admitted to other D.E.B. intermediate schools planned in the present development period.

Muslim pupils are also eligible for admission to Government and aided secondary schools.

MR. MBOYA: Mr. Speaker, Sir, arising out of the reply, would the Minister state whether the Government and the Education Department are aware of the increasing number of Muslim students and therefore the need to keep in mind the necessity for adequate facilities?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Mr. Speaker, I am being constantly reminded every day of the necessity for looking after the education of all children in this Colony.

BILLS

FIRST READINGS

The Tribal Police Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Pensions (Validation) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Vexatious Proceedings Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

*The Criminal Procedure Code
(Amendment) Bill*

Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

*The African District Councils
(Amendment) Bill*

Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Election Offences Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Prevention of Crime Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

MOTION

**ADJUSTMENT OF BOUNDARIES OF
HIGHLANDS**

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coult): Mr. Speaker, Sir, it has only just come to my notice, prior to the beginning of this meeting, that there is a mis-statement of fact in part of this Paper on page 6. Rather than move the Motion at this stage, with the possibility of getting into difficulties, not knowing the exact details behind this particular mis-statement of fact, I would ask, Mr. Speaker, Sir, if I could have permission to withdraw this Motion under Standing Order 31, and re-submit it to this Council at a later date?

Motion, by leave, withdrawn.

BILL

SECOND READING

*The Veterinary Surgeons (Amendment)
Bill*

Order for Second Reading read.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, I beg to move that the Veterinary Surgeons (Amendment) Bill, 1958, be now read a Second Time.

Mr. Speaker, in placing these amendments before the Council, the reasons are very fully set out in the Memorandum of Objects and Reasons, and I do not

think it is necessary to delay the Council with further explanation. I will be happy, however, naturally, to answer any questions which hon. Members may raise on the amendments which are before them.

Sir, I beg to move.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council.

**COMMITTEE OF THE WHOLE
COUNCIL**

Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., D.C. in the Chair]

The Adoption Bill

Clause 2 to 12 inclusive agreed to.

Clause 13, 14, 15 agreed to.

Clause 16, 17, 18, 19, 20, 21 agreed to.

Clause 22

Mrs. HUGHES (Uasin Gishu): Mr. Chairman, I would like some information on this clause. The Minister did give us an assurance that individuals with the necessary qualifications and experience would be able to act as agencies for adoption, but nothing was mentioned of the individual, where the individual was a parent. Now will that parent be allowed to make arrangements privately for the adoption of his or her own children? I think this is necessary in quite a number of cases, where children are adopted by either the grandparents or relatives.

Mr. JACK (Nominated Member, Government): Mr. Chairman, Sir, I would like to assure the hon. and gracious Member that there is nothing in this Bill to prevent a private individual from arranging for, or assisting in, the adoption of children. There is this one qualification: by clause 35, the Minister may make regulations supervising the activities of such private individuals. These regulations have yet to be made,

[Mr. Jack]... but they will be so designed not to handicap or to irritate in any way those unselfish and scrupulous members of the public but rather to deter and confine the activities of the selfish and unscrupulous. The regulations, as I say, have yet to be made; any suggestions how best this end could be achieved would indeed be most welcome.

Clause 22 agreed to.

Clause 23, 24, 25, 26, 27, 28 agreed to.

Clause 29, 30, 31, 32, 33, 34, 35, 36, 37 agreed to.

3.00 p.m.

FIRST SCHEDULE

SIR CHARLES MARKHAM: Mr. Chairman, on the First Schedule, perhaps I could be told whether the copy of the register is available to members of the public to examine like you can do in England at Somerset House. It seems grossly unfair that it should show the surname of the child prior to adoption. I do not think members of the public should be entitled to know that because it does put the child at a disadvantage later on. I know for a fact that in England you cannot find out, if you adopt a child from Dr. Barnardo's Homes, for example, the name of that child before it was adopted. Perhaps we could have a reply on that particular point.

MR. JACK: The answer to that lies in clause 14 of the Bill, and it is for the court to order the surname and the name to be placed on the register.

SIR CHARLES MARKHAM: I am afraid that I cannot accept that as an answer at all, Sir. This is a form and a Schedule. That is all I am asking. Perhaps somebody could give the answer.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): I am grateful to the hon. Member for raising this point, which will be looked into. But there may well, of course, be circumstances in which it may be necessary to divulge the name of the child, because although we have a shortened form of birth certificate, which, for instance, does not record the fact of adoption—it does not indicate the fact that the child is an adopted child—nevertheless we have to bear in mind that it is necessary both

domestically and externally to maintain the integrity of our register. It may be necessary, for instance, to determine matters of national status, succession to property, and that sort of thing: it may be necessary for the child's natural parentage, if it is known, to be divulged. I do appreciate the point which the hon. Member has in mind, and we wish to insulate the adopted child as much as possible from the disclosure of particulars about its pre-adoption history and parentage which could operate to its disadvantage perhaps or embarrassment, in later life.

In regard to the Adopted Children Register, of which the First Schedule to the Bill contains a form of entry, clause 13 (3) of the Bill is pertinent. It reads:—

"The Registrar-General shall cause an index of the Adopted Children Register to be made; and every person shall be entitled to search that index and to have a certified copy of any entry in the Adopted Children Register upon payment of such fee as may be prescribed."

But, of course, it is always the index which is searched; and through that, if a person has adequate information—I am speaking off the cuff—he will be able to trace the entry which he is seeking to investigate.

MR. COOK: Arising out of that, is it not compulsory in England to disclose to the adopted child that he is so adopted at a certain age?

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): With your permission, Mr. Chairman, I should like to consult a colleague of mine.

I am informed on reliable authority, Mr. Chairman, that they have recently published a Bill in the United Kingdom which will make it compulsory to inform an adopted child of the fact that it is an adopted child. Quite at what age that information will be conveyed to the child I am not quite sure.

SIR CHARLES MARKHAM: I am very appreciative, Mr. Chairman for the very great assistance the Acting Chief Secretary has given in this matter. However I will be quite blunt, Sir. All I want to avoid is legalized blackmail in this instance, particularly if the child qualifies

[Sir Charles Markham] to be called illegitimate. This particular certificate will show the exact circumstances of that illegitimacy. All I want to see, Sir, is protection of the infant, and yet on this document the entire world will be told of the circumstances, and you may get this unpleasant certificate through somebody searching through the Register to find it.

I do know that my hon. Nominated friend on the other side of the Council did say that section 14 (2) (b) covers this, but, Sir, on the Schedule it is stated, "Name and Surname" which worries me. I wonder what happens if the child happens to be illegitimate and what goes on that form if somebody likes to spend their time searching. I know that the Minister has certain powers under 35 which might cover that point. As he knows, there has been a lot of unpleasantness in the past, in England, through people discovering to their horror and surprise, years and years later, that they were adopted children rather than children of marriages.

I do not want to press that point but perhaps the Minister could give us some form of assurance in this respect.

MR. NAZARETH: (Western Electoral Area): Would it not be possible to amend the First Schedule and to put the name on the Register under section 13 (4)?

MR. SLADB: I think this is answered by what is in the BILL. By clause 13 and the schedule you have this provision for an entry in the Adoption Register where any child is adopted. That Register is going to become, for all practical purposes, the equivalent of a Birth Register; and extracts from that will take the place of a birth certificate. In that register it will be possible, by order of the court to put merely the new surname, as has been pointed out by the hon. Acting Solicitor-General, of the adopted child.

Now, clause 13 (4) does provide for a link up in the Registrar's records between the Adoption Register and the original Birth Register. I understand from my hon. friend that it is the possibility of the public following up that link that worries him. Clause 13 (4) makes it quite clear that, although the

Registrar-General is to maintain such books as he thinks necessary to keep that chain of identity between the Register of Births and the Adoption Register, those books shall not be open to public inspection or search, nor except under an order of the court, shall the Registrar furnish any person with any information contained in, or with any copy or extract of, such registers or books. So in the ordinary way the public will not be able to follow the identity of the child beyond the Adoption Register.

SIR CHARLES MARKHAM: Sir, all I want is an assurance on the Schedule on this certified true copy which anybody can purchase, by paying the fee prescribed, from the Registrar-General. We know No. 4. However, No. 3 gives that information which is not necessarily certain under 14 (2) (b); otherwise it makes it so certain when you get two different names.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): I do not know who should reply but as neither of the other two, the hon. Member for Aberdare and the Acting Solicitor-General has risen I will rise and say that as I understand the position the name and surname of the child will appear in column 3 of the form and will be either its original name or its adoptive name according to the order of the court; and I think I am right in saying that the court will obviously take into account any factors which may affect the choice between the two, bearing in mind that the whole underlying object of this exercise is to promote the interests of the child.

First Schedule agreed to.

Second Schedule agreed to.

Title agreed to.

Clause 1 agreed to.

The Public Order (Amendment) Bill

Clause 2

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (MR. CUSACK): Mr. Speaker, Sir, I beg to move that clause 2 of the Bill be amended by the deletion of the proposed new section 6 (a) of sub-section (2).

[The Minister for Internal Security and Defence]

When I spoke on the Second Reading of the Bill I said that it was now desired that the judiciary rather than the executive should be able to decide whether any organization was a political organization or not; and the purpose of the deletion of this particular clause is to enable this to become the case.

Question proposed.

Question that the words to be left out, be left out, put and carried.

Clause 2, as amended, agreed to.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (MR. CUSACK): Mr. Chairman, I beg to move a new clause. I move that the following new clause be added to the Bill. Section 2 of the Public Order Ordinance, 1950, is hereby amended by adding in the appropriate alphabetical position a new definition as follows:—

"Political organization" means any organization which either has among its objects any political purpose, or pursues any political purpose.

The purpose of this is to provide a definition upon which a court can act.

Question proposed.

New clause agreed to.

Title agreed to.

Clause 1 agreed to.

The Notaries Public Bill

Clauses 2, 3, 4, 5, 6, 7 and 8 agreed to.

Title agreed to.

Clause 1 agreed to.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Chairman, I beg to move that the Adoption Bill, the Public Order (Amendment) Bill as amended and the Notaries Public Bill be reported to the Council.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentlock) in the Chair]

REPORT AND THIRD READING

The Adoption Bill

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, I beg to report that a Committee of the whole Council has considered the Adoption Bill and approved the same without amendment.

THE SPEAKER (Sir Ferdinand Cavendish-Bentlock): Third Reading?

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to move that the Adoption Bill be now read a Third Time.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones) seconded.

Question proposed.

The question was put and carried, The Bill was accordingly read a Third Time.

REPORT

The Public Order (Amendment) Bill

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I have to report that a Committee of the whole Council has considered the Public Order (Amendment) Bill and approved the same with amendments.

Report ordered to be considered tomorrow.

REPORT AND THIRD READING

The Notaries Public Bill

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to report that a Committee of the whole Council has considered the Notaries Public Bill and approved the same without amendment.

THE SPEAKER (Sir Ferdinand Cavendish-Bentlock): Third Reading?

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Now, Sir, Mr. Speaker, I beg to move that the Notaries Public Bill be now read a Third Time.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones) seconded.

Question proposed.

The question was put and carried, The Bill was accordingly read a Third Time.

COMMITTEE OF SUPPLY

Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

MOTION

SUPPLEMENTARY ESTIMATE, 1957/58
(No. 1)

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Chairman, I beg to move that a sum not exceeding £389,322 be granted to the Governor, on account, for or towards defraying the charges, of Supplementary Estimate of Expenditure No. 1 of 1957/58. The Governor's consent has been notified.

Question proposed,

Vote 2—Judicial, agreed to.

Vote 6—Chief Secretary, agreed to.

Vote 7—Information

Vote 7.1.—Expenses Attendant on the Royal Visit.

MR. ALEXANDER: Mr. Chairman, Sir, this saving of £1,499 comes out of a total figure, as I understand it, of some £29,000. The question I seek clarification of is if there had not been this visit of the Queen Mother for which this figure is now provided—to entertain these journalists—would there have been this saving? In other words, was the money ever necessary in the first place, and if it was, why was it put in?

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): I have very little knowledge of finance and economics, whether in the general sphere or in relation to Government accounting, but as the hon. Member knows, the Estimates are estimates—I know, extremely obvious. There are three possible results: either the estimate is proved to be exact in the event, or it proves to be too little, or it proves to be too much. In this case the estimate on what is referred to as sub-head B, was presumably proved in the event to be too high, but the hon. Members asked if this saving—would have been made had there been no Queen Mother's visit, I can assure him that it would; that there is throughout Government an intense economy drive; and it is no use the hon. gentleman and lady opposite smiling in disbelief, it is a fact.

There is a real effort being made, and with considerable success, to achieve every possible economy, and this figure would most certainly have been not spent on anything else had there been no Queen Mother's visit.

MR. ALEXANDER: Would the Chief Secretary agree that perhaps he left out the fourth possibility, and that is that this Department is going to be deprived of funds that it would otherwise have usefully spent? I ask this question particularly here because there are many of us who believe—particularly at this time—that this Department has rather a vital role to play in the affairs of Kenya, and there was a time when this Department was stinted of money: in fact I believe at one stage eliminated completely from the Budget: and I wish to seek clarification that these people are not going to be deprived of £1,500 of what otherwise to them would have been very vital money. If I may just continue on that theme whilst on this, it will save me getting up later on exactly the same subject. In all these supplementaries there is a saving of £250,000, and I am just wondering how really genuine these savings are.

MR. COOKE: Should we not congratulate Government on making this saving?

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): I should like to say, Mr. Chairman, that I endorse the hon. Member's remarks about the importance of this Department, with whom we are now dealing, and I should also like to assure him that I have recently satisfied myself in consultation with the Accounting Officer of my Ministry and with the Director of Information, that his Department will not be unduly stinted by this and other savings which we are able to make in this Vote. As the hon. Member will I think appreciate, this is one department where it is very difficult to foresee precisely the extent to which it is going to have to operate in all fields. A great deal depends on imponderables when estimating is done, and in this particular instance there is sufficient slack to take up without in any way inhibiting the Department in its essential activities, and I can give the hon. Member a personal assurance that I am keeping those activities under daily review.

Vote 7 agreed to.

VOTE 10—THE TREASURY

A—Personal Emoluments

SIR CHARLES MARKHAM: This may amount to baiting the Treasury, it usually does when we are considering Estimates, but we are doing it to try to get what we can out of them. With regard to the internal auditor, you have got savings under this sub-head. What exactly does this entail? Does it really require all this printing and exactly the same salary? I thought perhaps that the Acting Minister for Finance and Development might tell us a little about this new internal auditor.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Chairman, the answer to my hon. friend's question is that there are always certain posts in any department which are not filled for one reason or another throughout the year. The money to pay for the internal auditor has been found in that way, and it is naturally only necessary to provide sufficient money to pay his salary for the year.

3.30 p.m.

I would like to say at the same time that every effort is being made to see whether further savings cannot be made both in the Treasury and throughout the Government. That was an undertaking that the Government made some time ago; it was one of the reasons why we engaged a staff adviser, and I hope that there is an awareness of the importance of saving staff wherever possible: it is one of the things that is being borne in mind.

I think, Sir, that I should also draw attention to a matter which has already been mentioned, and that is that in 12 out of the 18 estimates before the Council at the moment (and this is one of them), only a token provision has been made. In some cases, the necessary savings to meet the provisions can be provided because of the reasons I have given: that posts have not been filled, it has not been possible to fill them, or something of that kind. On other occasions, it is a matter of priorities. The important point is that the Government is quite determined, as far as it is possible can this year, to ensure that whenever it is necessary to make additional provision, people have a further look at

priorities so that the original estimate is not exceeded if that can possibly be avoided.

MR. SLADE: Mr. Chairman, I understand from what the Minister has told us—indeed, it must be apparent—that although this new officer is only going to involve an additional cost of £1 this year, we are saddled with him for many years to come, plus overseas leave, plus pension, etc., and we have got to look to other years as well as to-day.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Sir, this officer will be with us, I hope, for many years to come. He has been appointed, Sir, and I very much hope that we shall have him with us for a considerable time.

But, Sir, I would like to say that I sincerely hope that when we take the Treasury Estimates later in the year I shall be able to show my hon. friend that on the whole, there has been a net saving in posts.

SIR CHARLES MARKHAM: Last year, Sir, we were given an assurance by the then Minister for Finance that any new post in the Supplementary Estimates would not be filled until this Council had approved it. I made an interjection a moment ago, Sir, and the hon. gentleman said he is very much in being, he has been appointed and is still going strong, or words to that effect, Sir. So that is going against all principles, with the greatest respect to my hon. friend, of Supplementary Estimates on new appointments and new posts. So perhaps he would like to give an explanation of that, because otherwise if he does not, I must move a reduction in this matter.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Chairman, I would like to refresh my memory on what was actually said on the occasion to which my hon. friend refers. But my own recollection is that the undertaking that was given was that new posts would not be created without reference to this Council at some stage. As I remember it, the whole argument was over the question of whether the Government should, as it legally can, create posts during the year—if that does not cause an excess on a Vote. That is the procedure which is, in fact, followed in many parliaments, and it has been

[The Minister for Finance and Development] suggested from time to time that it would be very useful if we were to adopt a similar procedure here: it would cut out the number of occasions on which Supplementary Estimates were necessary, and it would avoid putting the Council in the somewhat invidious position of having to decide whether one individual post in a department is necessary. I use the word "invidious" quite deliberately. Sir, because quite obviously the decision as to what is the best way to staff a department and to provide the money in a department is a thing which on the whole must be dealt with by the management. If the whole Council has to deal with one single post—shall we say this post was not accepted—it would mean that what in fact we were doing was to ask the whole Council to take the responsibility for deciding whether an internal auditor was a good thing to have or not. Therefore, Sir, I cannot agree with my hon. friend that there is any question of going back on an undertaking. I do not remember the occasion on which an undertaking of that kind was given. Certainly the policy adopted has been where superscale posts are concerned; I think the undertaking related to superscale posts. But where you have posts on the normal scale which can, if necessary, be offset by getting rid of—which could, if the Council were not prepared to vote the money—be offset by getting rid of another post of perhaps not so great importance, I think that the existing procedure is the more satisfactory.

Sir CHARLES MARKHAM: Sir, I am afraid I was a bit naughty on that. I was hoping that the Minister would say that, Sir, because it is a complete contradiction to Vote 39 which we are coming to in a minute. That was the whole point of getting him to say that now, Sir.

Vote 10 agreed to.

VOTE 11—MISCELLANEOUS

Head F—Contribution to Development Fund

Mr. ALEXANDER: To question posed for answer, Mr. Chairman: if there has been £200,000 unexpectedly to be returned from the Ministry of Works Mechanical Transport and Plant Re-

newals Fund, would it not be wiser to retain this in the place of what is quite apparently falling revenue. In fact, perhaps when the Minister replies, he might tell us, say, to the end of January, how much the shortfall against estimated revenue there is in customs duty, and income tax. Secondly, I would like to know whether there is any direct link between this item and, when we come to it, the item in the Development Supplementary Estimates, Vote D.6-2, £200,000 to the Central Housing Board, because if there is, Mr. Chairman, I certainly wish to move a reduction in this item simply for the purpose of enabling the Council to come back and assess whether the Central Housing Board is the wisest place for this money to go at this stage.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Chairman, to deal first with my hon. friend's second point, there is no connexion whatever between this £200,000 and the other £200,000 to which he refers. As regards the general point, the position is that a very considerable amount of this £200,000 has been derived from money originally voted for development work, it has been derived through the use of plant on development works. As my hon. friend knows, there is a contribution made in respect of all work done by mechanical plant towards this fund, and a great deal of that has in fact come in the first places from development funds; but quite apart from that, I think it would be quite wrong to use a windfall of this nature to take it into ordinary revenue, and use it to set off against any shortfalls that there might be on ordinary revenue. I think it is very much better that when we get a windfall of this kind we should divert it into our capital development fund, and use it in that way.

As regards, Sir, the question that my hon. friend asked as to what is the shortfall, if any, of customs duty and income tax as compared with the Estimates, I am afraid I cannot give an exact reply, particularly in respect of income tax, because as the Council is fully aware income tax does not come in regularly throughout the year, and the amount that has been received at any one period varies quite consider-

[The Minister for Finance and Development] ably from year to year. So at this stage of the year, any comparison between the amount of income tax collected and the Estimates would be entirely misleading.

As regards the customs duty, Sir, the position is that, in customs and excise, at the end of January, according to the Exchequer return, the figure was running a very little below the Estimate. January, in fact, was not a particularly good month, but there has been a considerable recovery in February, and all told, the Government is reasonably satisfied with the way in which customs revenue has kept up during the year. I do not say that it could not be better; we would, of course, love it to be about a £1,000,000 above the Estimate if we could, but it is running reasonably well in comparison with last year, and with the Estimate.

Mr. COOKE: The hon. gentleman spoke about a windfall, but surely it has to be refunded later on to the Ministry of Works, otherwise there must have been a very bad miscalculation to begin with.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): No, Sir, this fund has been built up over a considerable period of years and over many thousands, tens of thousands of transactions, and it has been watched. It was believed for some time that the demands on the fund might be such as to make it necessary to spend this money, but—

Mr. COOKE: A serious miscalculation.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): No, no, Sir, it is not a serious miscalculation at all. It is in a matter of this kind not at all easy to hit the target absolutely, and although the sum of £200,000 may sound a lot of money, and is a lot of money, in relationship to the amount of work that is done by the plant in question, it is really quite a small fraction. There is a further point, of course, and that is that the amount being spent on development work generally is not quite so great at the present time as it was in the past, and the build-up has not been quite so great; there-

fore, not quite so much money is needed to maintain the plant.

Mr. ALEXANDER: Could the Minister tell us what the balance will be on this fund after it has been milked of this £200,000; and whether there are any more funds like this that are going to be milked in the same way? I notice, looking at the Colony's Accounts, that there is also a Public Works Department Stores and Services Fund, Oddly enough, this does not seem to appear, this Renewals Fund: I cannot discover if at all. I noticed that about £500,000 has been paid into it in the last three years. Perhaps we might know the balance, and whether there are any other milking processes of this nature that will be brought to us in the future, because many of us have got some good ideas what to do with that milk.

3.45 p.m.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): I am not quite sure, Sir, whether the hon. Member's question has anything to do with the Head we are dealing with, but I would say that the Government is always examining any funds of this kind which may exist and if it were to come across at any time any items which it was felt were not needed in a fund, they would most certainly be taken over and put to good use. As I say, generally speaking, if the money came from a fund, it would be used as a windfall and put to the capital account and not used to enable ordinary expenditure to be increased.

Mr. ALEXANDER: Some of us have heard, Mr. Chairman, particularly recently, of a very great efficiency in the operation of the Ministry of Works Stores and Transport. I wonder whether we could be told whether this refund has in fact a direct relationship to that efficiency; and if there is that efficiency, and if there is that efficiency, it is perhaps we can be told whether it is being translated to other departments, and I have one particular one in mind without mentioning it.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): I am sure, Sir, that the Ministry of Works is most efficient, and it has been for a very considerable time, but this particular saving is not attributable to any particular action that has been taken in the recent

[The Minister for Finance and Development]

past; it has arisen for the reasons I have given, namely, that over a period of years the amount that has been taken out from thousands of little transactions has turned out to be more than it needed to finance the fund; therefore, it was considered that it would be reasonable to bring it into revenue and to put it on the development side to help us on our capital account.

LT.-COL. GHERSIE: Mr. Chairman, are we to understand then that the Ministry of Works can carry on efficiently without this £200,000?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Yes, Sir.

LT.-COL. GHERSIE: Are we to understand, Sir, that there is a possibility of the Minister's overestimating his requirements, or is this merely a saving on his Development Programme?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): I am afraid, Sir, I did not quite get my hon. friend's point in that question.

LT.-COL. GHERSIE: It is proposed to reduce the capital in the Ministry of Works Mechanical Transport and Plant Renewals Fund by £200,000. I asked him whether he can carry on efficiently and he replied that he can. So had the Minister asked for more than his requirements, or is this sum a saving on his development programme?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): There was not any question, Sir, of asking for too much. This £200,000 is money that had accumulated in the fund over a considerable period of years. It is not now wanted for renewing the mechanical plant and transport, and therefore it is possible to take it out of the fund and put it into the Colony's development capital.

LT.-COL. GHERSIE: One further question, Mr. Chairman: it refers in the Supplementary Estimate here to Postages, Telegrams and Miscellaneous Postal Services, Ex-gratia Payments, and so on—is that all part of the expenditure on that development programme?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): That,

Sir, is the ambit of this particular Vote; and the only reason why this transaction is being put through the Miscellaneous Vote is that it has been the custom when any money has come into the Government's control in this way always to vote it first of all into the ordinary Colony exchequer and subsequently to vote it out of there into the development side of the exchequer. In actual legal fact, I think that it is probably quite unnecessary to have taken this Supplementary Estimate at all, because the consolidated fund is one, and in fact the £200,000 could have been paid directly into the consolidated fund and accounted for on the development side of the exchequer and merely reported in the Annual Account. But since it always has been the custom to bring large transactions of this kind to the notice of the Council, particularly involving transfers to the development fund, it is done in this way and the Miscellaneous Vote is merely used as being the most convenient one to do it.

The other references in the ambit of the Vote which my hon. friend mentioned merely cover the other expenses of the Government which are met, as a normal rule, from this Vote.

Vote 11 agreed to.

VOTE 20—MINISTRY OF AFRICAN AFFAIRS

Heads A.1., A.6., B.1., B.2., B.4. agreed to.

Head L. 1.—Personal Emoluments

MR. USHER (Mombasa): Might I seek enlightenment upon two points? Is it possible that the £5,000 will be recovered by way of compensation as a result of any negotiations with the Ethiopian Government along with compensation for other purposes? And secondly, if it is considered opportune, perhaps the Minister could tell us how the negotiations are proceeding?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Chairman, if I may answer the second point first: I have no knowledge of how the negotiations are proceeding at the moment. No doubt my hon. friend, the Minister for Defence, will in due course make some statement.

As regards the first point, the additional provision of £5,000 required to meet

[The Minister for African Affairs] the 250 temporary tribal police constables at the moment will be found from the Kenya Colony Treasury funds. To-date, no negotiations have been opened with any other government for the payment of compensation for the amount of £5,000 put down here.

MR. USHER: Would it be appropriate, Sir, for me to raise this in another place rather on the Defence side, under another Vote, or has the Minister just no knowledge at all?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): I am afraid I have no knowledge at the moment, Sir.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Chairman, Sir, if the hon. Member could be a little more explicit about exactly what he wants to know, I will endeavour to tell him.

MR. USHER: The main point, Sir, is whether in prosecuting any claim for compensation for losses to our tribesmen, the Turkana, in these raids, claims will also be made to cover the expense to this country of restoring the position?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Yes, I will most readily make such a claim.

Heads L.1., O.1. and O.2. agreed to. Vote 20 agreed to.

VOTE 21—MINISTRY OF AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES

Heads T and X agreed to.

Head Y—Cereals Finance Shortfalls

MR. CROSSKILL: It seems a rather disgraceful thing that the country will have to make good this loss. In view of the distinguished connexion of the gentleman in question, would the Minister of Agriculture not be able to take this matter up?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Chairman, the Government has already taken the matter up since 1953 without success. I am perfectly prepared if necessary to pursue our endeavours, but so far, we have not had any results from them.

MR. COOKE: The gentleman in question—is he dead, or why is he impossible to trace?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Well, Mr. Chairman, I am unable to say whether the gentleman is dead because we have not been able to trace him.

MR. CROSSKILL: I believe Sir Patrick Hastings, Q.C. is the father of the gentleman concerned—

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): I do not wish to burden the Council with sorrowful details, but I think the hon. gentleman to whom the hon. Member referred is also dead.

Head Y agreed to.

Vote 21 agreed to.

Vote 23—Military, agreed to.

Vote 24—Prisons

Heads A.1 and A.2 agreed to.

Head H—Miscellaneous Other Charges

SIR CHARLES MARKHAM: Mr. Chairman, could I reserve some comments on the question of radio monitoring services—it is exactly the same as the next Vote that is coming, Sir, under the Police Vote. It does save time to do them all in one.

THE CHAIRMAN (Mr. Conroy): Yes, I see no objection to that. If you are dealing with one principle, you can use either Vote as an example.

Heads H and I agreed to.

Head J—Emergency Works Services

SIR CHARLES MARKHAM: Could I ask, Sir, now, under the Emergency Works Services, what temporary buildings are required, Sir, totalling £35,000? I would have thought to have seen the number of camps which are unoccupied that they could have well filled some of them up rather than build new ones. There has been a lot of disquiet, Sir, about the expenses of the Prisons Department. Perhaps, Sir, the Minister might tell the Council quite what this is for. It says on the explanatory note: "... the necessity for which could not be foreseen when the estimates were prepared". Well, Sir, every speech made in this Council since the estimates last year has displayed that the number of detainees is going down. Is it perhaps that the number of prisoners is going up?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Chairman, Sir, the greater bulk of this expenditure—and I want to be very careful about what I say because I do not want to give hints to troublesome detainees—arises from reconstruction at Manyani in material which is less available to detainees to use offensively.

SIR CHARLES MARKHAM: Well, Sir, they should enjoy themselves on £35,000!

Head J agreed to.

Vote 24 agreed to.

VOTE 25—POLICE

A.2—Personal Emoluments

MR. COOKE: I do not think Government ever gave a promise that new posts would not be brought in but it was understood. Is it so necessary now to have these new posts, or can they not wait until the 1st July next?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Chairman, Sir, if the hon. Member who just spoke was so much a victim of the Public Accounts Committee as I and the Police Department are, he would understand the reason for these new posts immediately.

MR. COOKE: The Chairman of the Public Accounts Committee would perhaps answer the question, Sir.

LT.-COL. GIERSBIE: I would like to wait and see the effect of the new appointments.

Head A.2 agreed to.

Head G—Miscellaneous Other Charges

4.00 p.m.

SIR CHARLES MARKHAM: Sir, could I ask under this Head G, Sir, the radio monitoring services. The allocation here, Sir,—the Estimate—is £4,387, and the Prisons have been allocated £410. I think simple mathematics, Sir, do produce the sum of £4,797—I hope they do, anyhow. Could the Minister give us some indication of the extent of this service there. We have heard in the Council before, Sir, the necessity because of rather unpleasant broadcasts coming from the Middle East—what exactly is this particular service? I cannot see why it is allocated to Prisons, for example, on the page before.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Chairman, Sir, this is a complicated and technical matter which I do not really understand myself. It has not got anything to do with the monitoring of broadcasts; it is a service which the East African Posts and Telegraphs Department provides, which has to do with keeping wireless transmissions of the Police, Prisons and other departments who use wireless transmission in their daily duties in the correct channels, so that they do not interfere one with another, and with the allocation of the bands between them.

MR. ALEXANDER: Mr. Chairman, it does seem not unreasonable to link this total figure—£4,387—with the saving in transport and travelling of £4,386. I use it merely to deal with transport and travelling, to ask whether it is the policy for the police to be on a strict quota system of mileage per month or per week, because the information generally is that the efficiency of the police is being impaired because of such a quota system. If £4,387 was needed so urgently for this monitoring service, would it not be better for the saving to have come from some other place?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, the saving came from where it could most readily be spared.

Head G agreed to.

Vote 25 agreed to.

VOTE 26—MINISTRY OF LOCAL GOVERNMENT, HEALTH AND HOUSING

Head A—Personal Emoluments

MR. COOKE: Mr. Chairman, may I ask if the Public Accounts Committee were also responsible for recommending these new posts?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havlock): These new posts, Sir, arise from the integration of this Ministry, which up to now has not been so integrated, especially because the Medical Department has been integrated with the Ministry. I think this is a recommendation which has the full support of the Council.

MR. COOKE: And they cannot wait until next July?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havlock): No, Sir, I am afraid that it would be very inconvenient if indeed they did wait till next July; the whole process of integration has been going on for the last year and now we have got to the stage where, without these officers, we cannot proceed any further.

MR. SLADE: Mr. Chairman, I beg to move a reduction of £1 in this Vote, not because I have anything against the Ministry concerned—in fact, I have particular reason for being dependent on it in certain ways. Nevertheless, Sir, this is a clear example of something which is running right through these Supplementary Estimates and which is worrying all of us. We have new post after new post created here, and nearly all, as far as I can see, in headquarters as opposed to the field. Only last Thursday we were talking about the necessity for streamlining the Civil Service and possibly having to pay better for quality, but only on the footing that we cut down in quantity. It is extremely disturbing, particularly at this time of the year, to see so many new posts at headquarters suddenly being created with the recurrent liabilities which they will involve. It seems to me the exact antithesis of what we were asking for only a few days ago.

Question proposed.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Chairman, I am glad that my hon. friend, the Member for Aberdare has raised this particular point, because it is one of very considerable importance. Naturally, when new posts are being created, as they are being created in this Vote, and in the one we dealt with immediately before, the Council will want to have some assurance that we are not proliferating new posts throughout the Service and getting less value from them.

Well, Sir, the position is that the Public Accounts Committee has, as my hon. friend, the Member for Nairobi North will, I am sure, agree, for a considerable number of years criticized in various Votes the amount of financial control that there has been. The Government has also been worried about this, and has equally been worried about the

degree of establishment control, since it is precisely through looking at the staffs and seeing whether departments are over-staffed or not that we can save money. But up to now, Ministries have not had strong finance and establishment departments within them to tackle these jobs; they have been done on a rather haphazard basis.

The intention is that in each Ministry there should be a division or department—call it what you will—whose function should be to deal precisely with establishment and finance work; to make sure that staffing is not extravagant and that there is adequate financial control throughout. That is the reason, Sir, for the creation of these particular posts. They will form a nucleus of the finance and establishment division of this Ministry. They will take to themselves existing staff within the Ministry; and will gradually bring together all the people who are dealing with this work. It is anticipated that this will lead to an overall saving in staff, but, quite naturally, that cannot be brought about until the organization is set up and is able to get to work.

I hope that explanation satisfies my hon. friend and I certainly can give an assurance that the Treasury have let it be known that we do not expect extra expenditure; my colleagues in the Government are all with me in that; it is the Government view that the cost of integration and the cost of providing better administration should not result in additional expenditure all round; on the contrary, we hope that it will result in savings and in overall reductions in expenditure and in posts.

LT.-COL. GIERSBIE: Mr. Chairman, Sir, the Public Accounts Committee have been mentioned on one or two occasions in the course of the debate. I would like to correct the Minister; the Public Accounts Committee do not criticize financial control; they criticize the lack of financial control. In this particular instance, of course, with this Ministry, there has been no cause for the Controller and Auditor-General to bring the Ministry's lack of financial control before the Public Accounts Committee. Certainly, some of the departments within his portfolio have had to be criticized but not the Ministry as such.

[Lt.-Col. Gherise]

I only want to emphasize that we do not criticize financial control, we only criticize the lack of it.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Chairman, with respect, I thought it was the methods of financial control which were criticized as often as anything. As regards the point that my hon. friend made, drawing a distinction between the department and the Ministry, the fact is that the Ministry is responsible for all the activities of the departments contained in it, and it is of the utmost importance, so far as my hon. friend the Minister is concerned, that he should have an organization that enables him to be sure that proper financial control and proper establishments control is exercised in all places and departments for which he is responsible.

MR. HASSAN: Mr. Chairman, I appreciate, Sir, that the recommendations of the Public Accounts Committee are being followed now, and the right man is being appointed to have financial control of a particular department. However, what I would like to know is what has happened to that haphazard staff. Are the men who could not manage financial control still carrying on? Has any saving been effected by cutting down on that haphazard staff, whom this correct man is replacing?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): The staff, Sir, was not, so far as I know, haphazard. It was merely scattered somewhat haphazardly throughout the various departments composing the Ministry. The idea at the moment is that it will be brought together within a finance and establishment division and will cease to be scattered at random.

MR. COORE: Sir, was it not realized last year that these haphazard methods were being pursued? Why is it only now that we know they are being adopted?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Sir, perhaps the word "haphazard" was not the right word; in fact there was a certain amount of haphazardness, but perhaps it was not the happiest of words to have used. The fact is that the random distribution of posts of this nature is a relic of the earlier system of government,

and the establishments staff was split up among the various departments. Now that we have got Ministries it is important that the staff dealing with finance and establishments should be together in the same place, so that we can have a certain number of experts dealing with these very important matters.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Chairman, may I add one point to this, Sir? One of the reasons why this matter has come up now is that it has been recognized that my Ministry should be integrated for some time, but it was postponed until the Medical Department was able to move from up on top of the hill down to the Central Government Offices where they are now, and with their physical closeness to the Ministry it is now much more simple to put the thing into effect. That is the reason why it is being brought up at this moment.

As far as the principle is concerned, which I think was raised by the hon. Member for Aberdeen, I am sure this Council, Sir, has discussed this principle of decentralization of establishment staff to Ministries, and, of course, it has happened in other Ministries. It has been a success and over-all savings have been found. I am confident that the same thing will happen in this Ministry; and I am only a little bit sorry that my Ministry has been one of the last on the list for integration, but this was due mostly to the physical divorcement of the most important department in my Ministry from the Ministry itself.

MR. STADE: Mr. Chairman, I am not so much concerned with the particular circumstances of this Ministry as with the rather gloomy general picture that the Minister for Finance has painted, if I understand him aright. It does appear that in order to get any reduction of staff we have to start by appointing quite a lot more. That is going to have rather a curious effect on our plans for streamlining if it goes on very much longer. I did understand that we had an Organization and Methods team that was going to help us to streamline our service, but it does not look as if they are quite performing their function, if, in addition to their activities, we have to start adding new staff for this particular purpose.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Sir, I would like to assure my hon. friend that there is every intention of bringing about an over-all reduction in staff. It is, however, necessary first of all to get the organization right and to get it in a form suitable for the ministerial form of government. In order to do that, it is necessary to create certain posts. But I can give my hon. friend every assurance that it is intended that these new posts will be offset by savings in staff elsewhere and I can also give my hon. friend an assurance that the organizational problems involved have been studied by the Organization and Methods people and will continue to be studied by them. Also the establishments people will keep a very careful watch on these matters to ensure that the undertaking which I quite readily give is kept.

4.15 p.m.

MR. ALEXANDER: Mr. Chairman, if the Organization and Methods people have had a look at this, is this in fact their recommendation?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Yes, Sir, the Organization and Methods people have made a general recommendation that throughout Government it is essential that in all Ministries there should be a strong finance and establishments branch. This is one step in the process of giving effect to that recommendation.

CAPT. HAMLBY: Mr. Chairman, it is a bit tough on a simple sailor like me to have to listen to all this. I thought the legal profession was bad enough, but when the financial pundits get going it is ten times worse. Is not the whole point of what everyone has been trying to say for the last half hour that financial control is being decentralized, and that is the beginning and end of it?

MR. MULIRO: Mr. Chairman, should not the Government have started off by reducing the staff before they created these new posts?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): No, Sir.

MR. MBOYA: Mr. Chairman, the Minister so far, when asked to state why the new posts could not wait until July, has completely failed to give us any

real reason, apart from the statement that the Medical Department was physically divorced from the Ministry and that now they are all housed in the same building. Surely there must be some reason other than this why he considers it urgent that these Supplementary Estimates should be introduced.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): The principle has already been accepted by this Council in long discussions in debate on the Estimates that there should be in this decentralization and centralization. It is a bit of both. It is centralization with regard to departments within a Ministry and decentralization from a central establishment division to Ministries, so it is a bit of both.

As I say, the principle has been accepted, Sir; it has not been practical for my Ministry to put it into effect until now, but it is very urgent that it should be done as soon as possible because savings will be made. The longer we carry on as we are now, the longer we are going to expend more money, the sooner we can get this particular thing in force, the better from every point of view. Therefore, I suggest that it is urgent that we go ahead with this now.

MR. MBOYA: Mr. Chairman, would the Minister indicate what savings are likely to be made?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Chairman, I know of at least one post which will be replaced when this takes place, and that is that the existing post of Administrative Secretary of the Medical Department will be the first one to be saved. It is anticipated that there will be further savings as the reorganization gets under way, but it is not possible until the people are actually there on the spot to do the reorganization to say exactly whether it is this post, that post or the other post that is going to be saved. These are the people who are going to tell us where the savings will come.

What we are satisfied about is that there will be savings.

MR. MBOYA: Mr. Chairman, I thought that a few minutes ago the Minister stated that this was a measure

(Mr. Mboya) already examined by the organizations committee. Now he states that in fact the people now are the people who are going to tell us what savings in fact will be made.

MR. ALEXANDER: Hear, hear. Quite right!

MR. MBOYA: Just what are we being told?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): The Organization and Methods people are interested in laying out what the organization of the Ministry should be. It is not their function to go round and say where the staff and what the staff should be; that is the function of the Establishments people acting in consultation with the people within the Ministry itself. Until we have got people in the Ministry whose function is to look after finance and establishment matters, it is very difficult to have those consultations. Therefore it is very difficult to give the numbers concerned.

However, Sir, the fact is that this is going to lead to considerably greater efficiency within the Ministry, as it has done and will do in other Ministries throughout the Service. Therefore I consider that it is in the best interests of the taxpayer that these appointments should be made.

MR. ALEXANDER: Mr. Chairman, in support of the Member for Nairobi Area, I was going to follow on the same thing. He was quite correct in what he asked and I am surprised, amazed, to get this reply now from the Minister for Finance, that an Organization and Methods unit does not tell you how much in pounds, shillings and pence you are going to save. That is one of its very first functions, and I am beginning to wonder whether this Organization and Methods unit of Government is functioning as it ought to function.

He told us that they had had a look at this department, but he is unable to say—presumably because they did not say—exactly what their estimate of financial saving was.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Chairman, the Organization and Methods team has not been

through my Ministry with a hairpin or whatever you call it.

LT.-COL. GHERSIE: A toothcomb!

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): I only wish they would, and the sooner they come to my Ministry the better as far as I am concerned, but they have not had the time. However, they did make a general recommendation for the decentralization and centralization which these Estimates reflect, and this is following up their general recommendation. After these posts have been created, as the hon. Minister for Finance has said, the people concerned will be able to go through with a toothcomb and reduce posts.

However, there are not only reductions in my Ministry to make up for the employment of these officers, there is also the decentralization aspect of this; in other words, the establishments officer in my Ministry is going to do establishments work which the centralized Establishments Department does now. Therefore there will be reductions elsewhere.

LT.-COL. GHERSIE: Surely, Sir, the Organization and Methods team do not just have a look at Government departments and say, as a general policy, "We'll have additional officers in each department"? They surely examine the department, firstly with regard to efficiency and secondly with regard to what savings they can effect. Surely the Organization and Methods team can give some indication as to the savings that these new appointments will bring about? They do not make a general recommendation that every Government department should to augment its personnel. They must examine the department before they can recommend any additional officers.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Sir, May I leap into this fray? I am someone who has, in fact, integrated in the same way as my hon. colleague, the Minister for Local Government, Health and Housing, is about to integrate. This Council approved for me, in the last Estimates, one principal finance and establishments officer, and one senior establishments officer, in order to allow me to integrate. Integration has taken place, combined

(The Minister for Education, Labour and Lands) with a move to Gill House; it was not possible for the Organization and Methods team to say accurately at that time what staff we would save, but we knew that we would save some. We have saved, for the information of the Council, two bodies. I hope also to be able to go on and save more bodies. But it was necessary to get my principal finance and establishments officer first, before I could take that step.

MR. ODINGA: Mr. Chairman, is it not possible for you to make rough estimates before-hand and know roughly the amount you would save or lose by centralization?

AN HON. MEMBER: You try.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): No, Sir, because we ourselves had to move into a new building; we had to find out what had been going on at the departmental level before we took it to Ministry level and we also had to relate it to the amount of work. So has my hon. colleague; he will not know until he has got it going.

MR. ALEXANDER: All these replies make it still more bewildering. The function of any decent Organization and Methods unit—and from what has been said from the other side it is quite clear it is just about time the Government sacked the present one and got some decent men in—is to tell you—and it is one of their first and guiding golden principles—on a preliminary survey an estimate of what they reckon will be saved. I would like the Minister for Finance to deal with this one because there is a very big point of principle involved here.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Chairman, my hon. friend who has just spoken suggests that there is some inefficiency in the Organization and Methods unit. I should like to say most deliberately that he is, of course, very far off the mark. The Organization and Methods unit is composed of extremely efficient people who have been recruited in the Colony and who are doing an excellent job of work and who are saving this Colony money. I should like, Sir, to deny absolutely the suggestions that the hon. gentleman has made.

However, Sir, there is, I am afraid, a great deal of misunderstanding on the other side about this particular recommendation. The Council may remember that in 1955 a team of six officers from Her Majesty's Treasury came to Kenya with the idea of starting Organization and Methods in this Colony. One of the first assignments they were given was to look at the general organization of Ministries and departments in the Colony, and to recommend what the normal organization should be. They were asked to do that, Sir, because we had a feeling that with the system that was just growing up then—and you have got to remember, Sir, that at that stage we had only had a ministerial organization for a year—if I merely let it grow we would have far too many people, many more people than we really needed and the organization would not be as efficient as it should be. For that reason we got these people with very considerable experience in both organization and establishment work in the United Kingdom, in the ministerial system of government, to come along and tell us how we should organize ourselves.

One of their main recommendations was that finance and establishment work should be centralized within Ministries; another of their main recommendations was that establishment work should be decentralized from the Central Establishment Division to Ministries, where all matters dealing with individual persons within the Ministry should be dealt with; it should not be necessary to have vast correspondence between Ministries and the Central Division over whether Tom, Dick or Harry should go on leave. The Government is at present in the process of giving effect to that particular recommendation, which was a major organizational one, and was not concerned with the actual numbers in any one department.

It is necessary, however, in order to do this, to create posts and appoint officers to them who will be in charge of the ministerial finance and establishments setup. That, Sir, is what we are doing, and as soon as that has been completed the officers concerned will integrate the staffs dealing with this work, will see what is needed, and I am quite sure that the result will be, as my hon. friend

[The Minister for Finance and Development]
The Minister for Education has shown it has been in his Department, that the public will be saved money.

4.30 p.m.

LT.-COL. GHERSIE: Mr. Chairman, we appreciate all that the Minister for Finance has said. We understand these recommendations and we understand they are necessary. But what we fail to understand is that as the ministerial organization has been in existence for four years, why has it not been realized before now that this particular Ministry requires these offices. I admire the way the Minister for Education, Labour and Lands entered the lists on behalf of his colleague. But, Sir, he suggested he was in the same category; it was a question of his scattered office accommodation which has now been centralized. He then made a suggestion that he at last had realized he could save two bodies; he never mentioned what those bodies were: are they office boys, typists, or are they two senior people?

Now, Sir, what we are driving at is what is the compensating factor. In having these additional people superimposed at the top of your Ministry, what in fact have you saved in relation to those additional personnel?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Courts): It is not only savings in bodies, Sir; it is the extra efficiency for which we are all looking.

LT.-COL. GHERSIE: Mr. Chairman, that is a complete red herring. He referred to the saving of bodies: will he indicate what the saving of those bodies means in *£sd.*—in finance—in relation to the additional bodies he is now employing?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Courts): Being an Establishment Officer, Sir, I am afraid I cannot give you the *£sd.*

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Chairman, Sir, I beg to move that the Mover be now called upon to reply.

THE CHAIRMAN (Mr. Conroy): I think everyone has had a fair opportunity—more than a fair opportunity—to debate this question, and I will call on the Mover to reply.

MR. SLADE: Though far from satisfied by what we have heard from the other side, I think that this Motion has served its purpose and ask leave to withdraw.
Amendment by leave of the Committee withdrawn.

Vote 26 agreed to.

Vote 28—Local Government Contributions, agreed to.

VOTE 29—HEALTH

A—Personal Emoluments

SIR CHARLES MARKHAM: Mr. Chairman, we have heard twice from both the Minister for Finance and another Minister about their desire to make savings wherever possible. Now what I do not understand, Sir, with this particular Vote, although it is only a token Vote, is that here is a specific example of Government coming in and employing new staff for a purpose such as the new Nairobi aerodrome, when you have the local authority established in the area, who have stated publicly and to the Minister in conversations, that they are willing to do the work. Now it would be rather interesting, Sir, if the hon. Nominated Doctor gets up from the second range of the Government benches, because he was at one time the sponsor of a county council becoming a health authority; so if he does, Sir, perhaps he might tell us from which interest he is now going to talk.

But seriously, Sir, I would like to know this much from the Minister, who is ultimately responsible, why on this particular issue it is necessary to have this staff seconded to work at the airport, and then for a token Vote by saying that there are savings made on Sub-head A. In view of the fact that the Minister for Finance has given the assurance to the Council this afternoon that all possible savings and cuts would be made, and you have a local authority who are living in the area who are willing to do the work; I do not know exactly what the point of this particular Vote is.

Now, Sir, let us take, for the benefit of Members who do not know where Nairobi Airport is, that you have got the County Council health jurisdiction running right the way round the 2,000 acres of Nairobi Airport. I would have thought, Sir, that it was a complete

[Sir Charles Markham]
waste of money to duplicate staff: one driver, one health visitor, three nursing sisters—well they are auxiliaries, one health inspector, two assistant health inspectors and eight subordinates to make the tea: I would have thought, Sir, that that was completely unnecessary. Accordingly, Sir, I beg to move that this Vote, Vote 29 be reduced by *£1, Well, 19s. 9½d.*

THE CHAIRMAN (Mr. Conroy): I propose the question, which is that the sum of *£1* under Vote 29—Health be reduced by *1s.*

Question proposed.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Chairman, this matter has of course been discussed with the County Council, but Government—I think quite rightly—has taken the view that as an international airport, the Government should be responsible for the health of this airport, and in due course I have personally told the County Council that we might reconsider this in a number of years' time when we have seen how or if they can actually handle the very heavy responsibility. I do suggest that just because an interterritorial and international airport is in a health authority area, there is no reason why it should be handed over to that health authority, because the responsibility is not only Kenya, it is East African, and for the time being I am certain that the Government should run this particular health service.

SIR CHARLES MARKHAM: I can see nothing in that argument frankly, Sir, other than perhaps the glorious platitude about East Africa. East Africa is not paying for it, Sir, Kenya is, and the sooner we remember that the better.

But seriously, Sir, what is the Minister suggesting? Is he suggesting that the Government by recruiting your health visitors, your health inspectors, are any more qualified to organise the health service—and particularly Sir, the public health service—at the Airport, than are the local authority? I do suggest, Sir, that if we look round the drainage system at Embakasi and see the trouble of mosquito control, you must admit that it is not really a question of whether it is better for the Government to do it.

We have got a local authority who are prepared to do it, Sir. We are now asked to lay out the cost of *£2,461* for it. I would suggest to this Council that that figure is unnecessary. I think the least we should do is try the local authority; if then they prove unsatisfactory, perhaps we should come again. But they have got a bigger staff than is suggested on this particular Estimate and it is why I suggest this argument is fallacious.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Of course the local authority has a bigger staff than is suggested on this Estimate; they have got a very large area to cover and if the hon. Member thinks that we are going to take a risk, as he suggests, by trying out the Council and seeing what happens—and if they do fail, then what happens? As I said before, we have international obligations on this, to see that there is a first class health service—for the Airport, not the village. The village outside the Airport is within the County Council's own jurisdiction as health authority and they will look after that. This is the Airport itself and I suggest, Sir, that with this very important air centre it is not worth taking a risk.

SIR CHARLES MARKHAM: In other words, Sir, I can take from that that the Minister is therefore saying that the County Council are not capable of doing it.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): I think that my hon. friend has misunderstood the position because as the Minister for Health said, what is being done is being done with the full agreement of the County Council. I do not know what my hon. friend is talking about.

SIR CHARLES MARKHAM: With the greatest respect Sir, that is completely untrue, Sir, and the Minister should withdraw it, because the County Council have made objections to the Minister, on that particular issue. The Minister is responsible for his facts, Sir. He has now said the County Council agree with that; let him substantiate them before he makes them to this Council.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): I understood that full consultations had taken place.

SIR CHARLES MARKHAM: The Minister did not say that Sir, he said the County Council had agreed it.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havlock): May I intervene, Sir? I think I know more about this than the Minister. The County Council did make application for one, as I already said to the hon. Member for Akamba; the County Council have been told by me that they will not have the authority over the airport itself and they do not like it; at the moment they resent it.

SIR CHARLES MARKHAM: At least you know the facts!

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): That is what I said.

SIR CHARLES MARKHAM: Really!

Question of the amendment put and negatived.

Vote 29 agreed to.

VOTE 33—LANDS

G—Acquisition of Land

MR. USHER: Might I ask for an explanation of this? I see that £400 is needed to purchase five acres of land from Naivasha County Council. It is upon the other item which apparently costs nothing at the moment—that is the acquisition of the interests of the East African Portland Cement Company—that I am interested. What are the terms of the grant to this company and what is the extent of their remaining interest in it?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coult): Can I get this quite clear, Sir? Were you asking about the condition of the original grant, or about the provision for the specific money required?

MR. USHER: It is the grant—whether any money will be required or not, or whether they will be required to surrender it.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coult): There was a condition, Sir, in the original grant to the East African Portland Cement Company, that we might be required to take a portion of their land in special circumstances, which we have now done. We have taken back from them something like 677 acres. That left a piece of

approximately 596 acres which they pointed out to us was going to leave their remaining holding in a very split up condition. They therefore said to us the least we could do was to buy that portion back from them.

My own view, Sir, that this will—if it isn't already—become very valuable land, as it is near Likoni, and it can be used by the Government for various purposes. It is therefore my intention that we should buy it back from them. We cannot in fact put in any money to the Supplementary Estimate at the moment as we are not quite certain how much the total of this 596 acres is going to cost, but it is not going to cost on present indication more than £2 an acre; we hope that it might even cost less.

Heads G and H agreed to.

Vote 33 agreed to.

Vote 35—Ministry of Forest Development, Game and Fisheries agreed to.

VOTE 36—COMMERCE AND INDUSTRY

D—Miscellaneous Other Charges agreed to.

MRS. SHAW: I take it, Mr. Chairman, that when Embakasi is in operation, Eastleigh will be closed down. Will not the same staff be transferred from Eastleigh to the new aerodrome?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): That is a Royal Air Force station.

MRS. SHAW: In other words, we are going to duplicate all that staff at Embakasi?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): That is not a charge on the Government.

MRS. SHAW: So East African Airways do not cost the country anything now?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): East African Airways are based on Nairobi West.

Heads D, F, J.1 and J.2 agreed to.

Head L—Opening of Nairobi Airport

SIR CHARLES MARKHAM: Sir, I am not for once going to have a row with the Minister for Commerce. Could he give the Council any statement about the progress going on at the airport regarding

[Sir Charles Markham] the official opening by the Queen Mother?

4.45 p.m.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Chairman, I was informed by the Ministry of Works this morning that, barring catastrophic climatic conditions, the ceremony of opening will take place as arranged. At this stage I would like to pay a tribute to those who have been doing what has been a most unpleasant and difficult job for the last two weeks. As hon. Members know, I think, motor rain has fallen in the Embakasi area in the last 10 or 12 days that has fallen in that area during a comparable time of the year in the whole of the period since records were kept. Those records have been kept at Embakasi for over 50 years. I am quite confident that the staff on the site, and the contractors, will do everything humanly possible to push on with the job.

SIR CHARLES MARKHAM: Mr. Chairman, I feel certain that the Minister would also like us on this side of Council to express our admiration for the manner in which the difficult task is being undertaken by those trying to work against time at the moment.

While I am on the subject, could I ask the Minister about the suggestion that the Government should think of naming the field itself—the landing field of Nairobi Airport—Wilson Airport or Wilson Field, after one of the greatest pioneers of civil aviation. I am afraid, Sir, that it is going to be called Embakasi for a long time, representing a very unpleasant little station just outside Nairobi. I do not think that Nairobi Airport itself sounds particularly inspiring.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): The airport itself is within the Nairobi County Council area and serves the City of Nairobi and it is therefore considered that it is proper to call it the Nairobi Airport. Nevertheless, I understand that certain proposals in connexion with another airfield have gone to His Excellency.

Head L agreed to.

Vote 36 agreed to.

VOTE 37—MINISTRY OF WORKS

Head A agreed to.

Head E—Miscellaneous Other Charges

LT.-COL. GREESIE: I am not challenging the amount it is desired to expend. We see here that there has been a saving effected of £1,499 in respect of professional fees. What were they for? Is it possible that Government are now abandoning the policy of employing professional people from outside?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): I am afraid, Sir, that I cannot give my hon. friend an immediate answer on the question of which professional fees will be saved. The fact is that there is provision under sub-head U of the vote of £45,000 for professional fees in a year; that cannot be an absolutely exact estimate at any time, and what has happened is that it has been found that a saving of the amount required can be made from that. I would, though, like to give an assurance—I am quite sure I can give it in the absence of my hon. friend the Minister for Works—that the Government has by no means changed its policy of using outside professional people whenever it is appropriate to do so.

SIR CHARLES MARKHAM: It is funny to find the Minister not present, Sir, when his own Estimates are being presented. It is funny he has—we might well say funny, he has—I do think it is a slight discourtesy to the Council that the Minister could not be present.

I would like to know how is it that under Miscellaneous Charges, £1,500 was incurred on the Royal Show which was in October last year. I thought the idea normally was, Sir, that sub-estimates were estimates of expenditure coming forward, not what happened approximately six months before. I do think that is a lot of money which could have been foreseen at the time of the Budget we debated in June-July of last year. But as the Minister is not here, Sir, it is very hard—who do I ask? Unless someone in the front Bench, with collective responsibility.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): In the absence of my hon. friend the Minister, I should like to answer my hon. friend opposite. The position is that this money has to be spent. It was not foreseen at the time of the annual estimates. It had to be spent in order to cover the cost of

[The Minister for Finance and Development]

exhibits on the Ministry of Works' stand at the Royal Show in 1957. If the exhibits were going to be there the provision had to be made, and the money had to be spent, and therefore this was one of the occasions on which the Government used its initiative in these matters. It agreed to the expenditure and we are now coming forward to report to the Council that that was done and that it cost £1,500.

SIR CHARLES MARKHAM: One final point: It is very hard to get an explanation, because I do not want to elaborate too much on this point. Way back in June the Public Works Department—or Ministry of Works as they now are—applied to us at Mitchell Park for a site for the Royal Show. The fact is I accept the position but I do think in future the Minister or one of his helpers should be here to answer questions.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): I think the answer to my hon. friend's point is that if application was made for the plot in June, the Estimates of course were compiled very much earlier than that. Therefore the fact that they came along in June does not necessarily mean that they could have thought of it in February or January.

On the general point, the Government does its best to ensure that the Estimates are as comprehensive as possible, and towards that end, where it can reasonably be done, we have as comprehensive a title and sub-head as we possibly can. But no government can possibly foresee everything that is going to turn up; there are always going to be things that will be overlooked that have to be done. That is why we have got a civil contingencies fund, and so have every government got to have one. All I can say, Sir, is that we do our best, and will continue to do our best, but I am afraid this sort of thing will come up from time to time in the future.

Head E agreed to.

Vote 38 agreed to.

VOTE 39—MINISTRY OF COMMUNITY DEVELOPMENT

A.—Personal Emoluments

MR. USHER: Mr. Chairman, this is a Department which has constantly come within the purview of the Public

Accounts Committee, and we have often found occasion to criticize the performance of the head of that Department. It now seems, if I may refer to item 2 (a), that the proposal is to create two posts where one was before, and the reason is that we require greater supervision in the field and to retain efficiency at headquarters. I should have thought the changes would have been towards securing that efficiency; what greater efficiency is required in the field I do not know, but as there is always a difficulty in getting district officers within the Provincial Administration, I should have thought this officer with long experience in the Administration might have gone into that fold from which he emerged a short time ago.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Chairman, Sir, an examination recently of the duties in the Ministry for Community Development has revealed that on the general grounds of efficiency the post of Commissioner should be separated from that of Permanent Secretary. Sir, there has been a concerted development in the field of community development, particularly on betterment schemes in provinces, and by way of the inauguration of youth clubs. It was therefore considered advisable to separate these two posts so that the officer who is Commissioner for Community Development could devote much more of his time in dealing with the particular projects to the field. It was necessary also to provide for a further increased efficiency in the Ministry, not only by separating this particular post into two, but also by engaging additional executive staff and clerical staff to endeavour to avoid the strictures which have been passed on to us by the Public Accounts Committee. I may say, Sir, that I, as the occupier of three posts in Government, would not agree to separate a particular post into two unless I thought it was absolutely necessary.

Vote 39 agreed to.

MOTION

DEVELOPMENT SUPPLEMENTARY ESTIMATE, 1957/58 (NO. 1)

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Chairman, I beg to move that a sum not exceeding £466,722 be granted to the

[The Minister for Finance and Development]

Governor on account for or towards defraying the charges of development, Supplementary Estimate No. 1 of 1957/58. The Governor's consent has been given to this Motion, Sir.

Question proposed.

Vote D2—Judicial Buildings and Crown Law Office

MR. ALEXANDER: I raise this item in order to give the Minister an opportunity of telling us just how we are faced with the provision of funds for this development programme. The 1957/58 Development Estimates told us that £6,600,000 was to be borrowed in the year. To this is now added approximately another £500,000: we are talking of a figure of £7,000,000. Perhaps he could tell us what progress we are making with the supply of that money, and just how much is being collected and where from, and where is the balance in the remainder of the year to come from.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Chairman, Sir, the position regarding the raising of money for the current Development Programme is, as my hon. friend knows, that so far this year the Government has raised two loans of a total amount of £2,250,000; there is also revenue which comes along from various other sources such as the Colonial Development and Welfare Vote and International Co-operation Administration, and all that kind of thing. There is also a certain amount of revenue that comes from earnings, but the bulk of the expenditure will necessarily be covered from loan funds.

As regards the raising of the rest of the money required, this is a matter which the Government has constantly in mind. It is constantly considering the various possibilities of raising money, but, as my hon. friend knows, there are very many considerations to be taken into account before deciding whether to go to the market, whether to go for a long-term loan or a short-term loan, whether it is more satisfactory to cover the expenditure from short-term sources for the time being. I am afraid, Sir, that

this consideration has to be taken by the Government within its own councils, and I am very sorry, but beyond saying what has already been done to raise the £2,250,000 which has already been raised, I am not able to say what the Government has or has not in view for raising the rest of the money.

MR. ALEXANDER: Mr. Chairman, this again raises a matter of very great principle. We are here assembled this afternoon to go through all these Estimates. If there is no reasonable assurance that the money will be found, what are we wasting our time about and why does not Government tell us now? From what the Minister has said, it is quite clear that there is some £5,000,000 to be raised in the remaining four months of this financial year. He did mention Colonial Development and Welfare funds and the American Administration—International Co-operation Administration; deliberately in the figures I gave, those were excluded. I talked of £7,000,000 as the total. The other £4,000,000 is the items he referred to from Colonial Development and Welfare. The facts are, Mr. Chairman, that there are £5,000,000 to be raised in the next four months of this year. Can Government tell us with reasonable confidence—I do not ask for any more than that—with reasonable confidence—are they going to be able to find this money, because if they are not, please do not waste our time.

5.00 p.m.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): The Government, Sir, has got no reason for believing that it will be unable to raise the money it needs to carry out the necessary work which has to be done. What, Sir, I cannot say and what it would not be in the interests of anybody to say, is exactly what sum of money will be raised within the next four or five or a half months. But I can say, Sir, that the Government will be able to raise the money that is needed to finance the works for which provision is being made in this Supplementary Estimate.

MR. ALEXANDER: Mr. Chairman, in simple language, we can presume, then, that the Government will raise £5,000,000 in the next four months?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Not necessarily, Sir.

Vote D.2 agreed to.

Vote D.3—2—Sociological Research agreed to.

Vote D.4—2—Veterinary Services agreed to.

VOTE D.4—5—AFRICAN LAND DEVELOPMENT (SWYNNERTON)

Item 13—"Aldew" Dam Construction Unit

LT.-COL. GHERSIE: Mr. Chairman, Sir, this is another case where we are asked to approve a token Vote of £1. In actual fact, Sir, what the Minister is asking for is £10,401, but he has set off against this the revenue from the Dam Construction Unit of £10,400. Now, Sir, I want to ask this question for a very specific purpose. It is this, Sir. Is the Minister quite satisfied that proper working costs are maintained of these dam construction units, in order that the revenue can be properly assessed?

MR. SWYNNERTON: Yes, Sir.

LT.-COL. GHERSIE: Thank you very much.

Item 13 agreed to.

Heads A, B and C agreed to.

Vote D.4—5 agreed to.

Vote D.5—2—Prison Development agreed to.

VOTE D.5—3—MILITARY BUILDINGS

MR. COOKE: In regard to military buildings, can we have an assurance that Government will try to use as much material as possible from its abandoned camps—that is, detainee camps and that kind of thing? Usually what happens is this—the middleman comes along, purchases the old material and then sells it back to Government at a profit! So will you make provision now, if possible, so that the second-hand material is used as much as possible in the new buildings?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Chairman, I am extremely grateful to the hon. Member for making that suggestion, and I will certainly undertake that material from abandoned camps that would be useful, will be made available

for this. This, however, is permanent military building. These are permanent barracks and from recollection, and indeed considerable knowledge of the buildings in detainee camps, I doubt if there would be very much of use there.

Vote D.5—3 agreed to.

VOTE D.6—2—AFRICAN HOUSING

LT.-COL. GHERSIE: Mr. Chairman, on a point of information, is this not perhaps rather old history? What I am asking is why authority was not sought for the transfer of this sum, or the amount to be paid to the Central Housing Board, some years ago?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): I think, Sir, the reason why this was not dealt with some years ago is that the loan was actually negotiated before the Exchequer and Audit Ordinance came into effect, and the change should have been made at that time. The fact is, Sir, it was overlooked and the Government is now taking steps to put itself on the right side of the law.

LT.-COL. GHERSIE: Mr. Chairman, I appreciate the Minister's explanation—and apology, really. In point of fact, of course, the Exchequer and Audit Ordinance has been in force for some years now. This was a sum of £200,000 and I suggest that ought to have been rectified much sooner than to-day.

Vote D.6—2 agreed to.

Vote D.8—6—Education—Special Schemes agreed to.

VOTE D.12—6—NAIROBI AIRPORT, EMBAKASI

MR. USHER: Sir, if I am not out of order and without in any way wishing to criticize this additional allocation of funds to Nairobi Airport, might I ask how much is left, as it were, for other capital development in the country for airports?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Could it possibly be that the hon. Member is referring to a place called Mombasa?

MR. USHER: Could I please have an answer? I just want clarification. I asked,

(Mr. Usher): ... Sir, how much was left for other projected capital development in this sphere—that is, aerodromes—after this £126,432 has been taken away.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Chairman, the need for expenditure on airports, in common with many other requirements that have a high priority, is very great. The hon. Member himself, I thought, made a most sensible statement in another place in connexion with that. In regard to the Mombasa Airport, which is the other major airport of the Colony, consultants are at present engaged in investigating what is necessary. Until we have their reports—and they have indicated that the task is a somewhat complicated one—I could not commit the Government as to whether we could find the money or not until we know what the sum is likely to be. But as the hon. Member is aware, the Development Estimates are subject to constant review. I believe the Government in this connexion, as in other connexions, will do its utmost to find the money in relation to the priorities of the Development Programme.

MR. USHER: The Minister is always helpful, Sir, I shall say no more.

LT.-COL. GHERSIE: Mr. Chairman, in any case it should be understood that in this £126,432 there is a Revote of £88,432.

Vote D.12—6 agreed to.

VOTE D.13—3—PUBLIC WORKS NON-RECURRENT

SIR ALFRED VINCENT: Mr. Chairman, is there an amount omitted from this? Should there not be another £16,000 or has it been lost? Did we not vote very soberly that we should do something about the ventilation of this Chamber, which was going to cost £16,000? Nothing has been done. I am only asking whether the money has been lost, Sir, or whether it is going to be swept away at the end of the current financial year, with no result of that Vote which we made.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): I am afraid, Sir, that I shall require notice of that particular question, as I am briefed on what is in the Supplementary

Estimates, but I am afraid I have not been briefed on what was left out.

SIR ALFRED VINCENT: No doubt the hon. Minister, Sir, will try to find where the £16,000 has gone and what action, if any, has been taken.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Chairman, if you would allow me, I might try to help in this. As I understand it, a considerable part of the sum of money which was voted has been spent on equipment, which has either just reached this country or is just about to reach this country, and will then be installed.

SIR ALFRED VINCENT: I am very glad that somebody is here to answer for the Ministry of Works.

Vote D.13—3 agreed to.

Vote D.14—2—JUVENILE SCHOOL agreed to.

VOTE D.14—3—JUVENILE REMAND HOMES

MR. COOKE: With regard to these remand homes, we had two very—if I may say so—sensible questions this afternoon about compulsory education, and will the Minister bear in mind that the more compulsory education he has, the less need there will be for juvenile remand homes and delinquencies and so on.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): May I ask to which Minister this is addressed?

MR. COOKE: Well, to both Ministers—the Minister for Community Development and the Minister for Education.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): In that case, I will convey those sentiments of expression to the two Ministers concerned.

Vote D.14—3 agreed to.

Resolutions to be reported.

Speaker resumed.

(Mr. Council (Sir Ferdinand Cavendish-Bentinck) in the Chair)

REPORT

SUPPLEMENTARY ESTIMATE, 1957/58 (No. 1)

5.15 p.m.

MR. CONROY: Mr. Speaker, Sir, I have to report that the Committee of Supply has considered a resolution that a sum

(Mr. Conroy) not exceeding £389,322 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimate of Expenditure No. 1 of 1957/58, and approved the same without amendment.

Question proposed.

The question was put and carried.

REPORT

DEVELOPMENT SUPPLEMENTARY ESTIMATE 1957/58 (No. 1)

MR. CONROY: Mr. Speaker, Sir, I have to report that the Committee of Supply has considered a resolution that a sum not exceeding £466,722 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimate No. 1 of 1957/58, and approved the same without amendment.

Question proposed.

The question was put and carried.

STATEMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Well, that concludes the business on the Order Paper, but I understand that Mr. Mackenzie, on behalf of the Minister for Finance, wishes to make a statement which has to coincide, in its timing, with a statement that is to be made in the House of Commons this afternoon. Therefore, that statement will be made at six o'clock. I therefore propose to suspend business until 5.55, when we will reassemble for Mr. Mackenzie's statement.

Council suspended business at sixteen minutes past five o'clock and resumed at fifty-five minutes past five o'clock.

FINANCIAL ASSISTANCE FROM THE UNITED KINGDOM

6 p.m.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, with your permission I rise to make a statement on the financial negotiations which have recently taken place between Mr. Vasey, representing the Government of Kenya, and Her Majesty's Government in the United Kingdom. I am sorry, and I am sure that the Council will agree with me in this,

that Mr. Vasey is not able to be with us to-day to make this statement himself. Unfortunately, this is not possible on the present occasion. I am, however, glad to say that he is likely to be back in the very near future.

Hon. Members will remember that during the four United Kingdom financial years ending on 31st March this year, we have received assistance from Her Majesty's Government towards the cost of the Emergency totalling £28,000,000. Of this, £23,500,000 has been in the form of a free grant and £4,500,000 has been interest-free loan.

During the current year it has been necessary for the first time to take up the full amount of assistance granted, that is £1,500,000 free grant and £1,500,000 interest-free loan. This is due partly to the fact that during 1957/58, revenue, though not declining, has not exceeded our most optimistic estimates in the way it did during the three previous years.

Although Emergency expenditure is now running at a considerably lower level than in past years, it will still be necessary to make some provision for this purpose in 1958/59, both to ensure that security is maintained and to assist with the increasingly important work of rehabilitation and reabsorption. Although great strides have been made towards meeting all our commitments from our own resources, it will still not be possible to cover all our requirements without a measure of assistance during the coming year. The recent negotiations have been concerned with ascertaining what should be the appropriate level of assistance, having taken into account all our essential commitments and the utmost that we can do to meet our requirements from our revenue. The Secretary of State in this afternoon making a statement informing the House of Commons of the decisions reached. It is as follows:—

"In consultation with my right hon. friend the Chancellor of the Exchequer I have now reviewed the Colony's financial prospects for the coming financial year.

On 13th February, 1957, I told the House that Her Majesty's Government had agreed to make available to the Kenya Government £3,000,000 (sterling) for the financial year 1957/58 towards expenditure arising from the Emergency.

(The Minister for Finance and Development)

Although the extreme phase of the Emergency has passed, the Colony is now engaged in the long haul of rehabilitation and resettlement for thousands of ex-detainees. Expenditure arising from the Emergency will continue in the coming year to be too heavy for Kenya to bear wholly from her own resources.

Subject to the approval of Parliament, Her Majesty's Government will be prepared to provide Kenya with a further grant of £750,000 and an interest-free loan of the same amount for the United Kingdom financial year 1958/1959. As in the past years, this assistance will be called on only to the extent that it proves necessary."

Before sitting down I must repeat what Mr. Vasey said two years ago. It is obvious that we must do what we can through the raising of revenue, the limitation of expenditure, and the curbing of demands for services and standards we cannot at present afford, to hurry forward the day when we shall regain our financial independence. These words are more important than ever at the present time.

I would once again, on behalf of the Government and in particular both Mr. Vasey and myself, like to place on record our appreciation of the understanding of our position shown both by Her Majesty's Ministers in the United Kingdom and by the officers of Her Majesty's Treasury and the Colonial Office who took part in the discussions. It was perhaps inevitable that at a time when the United Kingdom is faced with such difficult financial and economic problems the negotiations should be somewhat more protracted than usual. It is all the more pleasing to be able to record that at all levels we received the same friendly hearing as in the past.

It is even more pleasing once again to be able to record that Her Majesty's Government has, in spite of all their other difficulties, come to our assistance once again, and I am sure that the Council will join me in asking you to convey to Her Majesty's Government the appreciation of all the people of Kenya for this further generous financial assistance.

SIR ALBERT VINCENT: Mr. Speaker, Sir, it was certain Members on this side of the Council anyway would wish me to thank the Minister for his statement and to express our deep appreciation of the assistance again afforded us by the British Government under the very strenuous conditions which exist today.

ATTOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): If no other Member wishes to speak, that brings us to the end of the business on the Order Paper and I therefore adjourn Council until 7.30 p.m. to-morrow, 19th February, 1958.

Council rose at twelve minutes past six o'clock.