

GUYANA
BILL No. 9 of 2017
CONSTITUTIONAL REFORM CONSULTATIVE COMMISSION BILL 2017

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**A Bill
Intituled**

AN ACT to establish a Constitutional Reform Consultative Commission to assist the Parliamentary Standing Committee for Constitutional Reform in its work by conducting public consultations with and receiving submissions from the people of Guyana for the Committee, to provide for its membership, its terms of reference and for other connected purposes.

A.D. 2017

Enacted by the Parliament of Guyana:-

Short title.

1. This Act may be cited as the Constitutional Reform Consultative Commission Act 2017.

Interpretation.

2. In this Act –

“Commission” means the Constitutional Reform Consultative Commission established under section 3;

“Minister” means the Minister with responsibility for constitutional reform; and

“Standing Committee” means the Parliamentary Standing Committee for Constitutional Reform provided for under article 119A of the Constitution and established by the National Assembly.

Establishment of the Constitutional Reform Consultative Commission.

3. There is established a body to be known as the Constitutional Reform Consultative Commission comprising fifteen members.

Membership of the Commission and criteria for selection.

4. (1) Members of the Commission shall be appointed by the President as follows –

(a) four members, in his own deliberate judgment after conducting such consultations as he sees fit –

(i) two constitutional law experts;

- (ii) one retired judge;
- (iii) one law tutor;
- (b) eleven other members, being nominees of entities –
 - (i) one nominee from each of the parliamentary parties;
 - (ii) one nominee from the Trade Union movement;
 - (iii) one nominee from organisations representative of youths in Guyana;
 - (iv) one nominee from the Guyana Bar Association;
 - (v) one nominee from the Guyana Association of Women Lawyers;
 - (vi) one nominee each from the Christian, Muslim and Hindu organisations;
 - (vii) one nominee from the organisations representative of the women in Guyana; and
 - (viii) one nominee from the National Toshias' Council;
- (c) except that where an entity fails to make a nomination under paragraph (b) the President shall appoint a member to represent that entity after due consultation.

(2) The criteria for selection for membership of the Commission shall include the following factors –

- (a) experience;
- (b) knowledge;
- (c) knowledge of the Constitution;
- (d) commitment;
- (e) academic expertise; and
- (f) practical expertise.

Terms of reference of
the Commission.

5. (1) The Commission shall assist the Standing Committee in the Committee's review of the effectiveness of the working of the Constitution and for that purpose shall ascertain the views of the people of Guyana.

(2) To ascertain the views of the people of Guyana under subsection (1), the Commission shall –

Schedule

- (a) conduct public consultations with the people of Guyana in each of the areas (amounting to one hundred) in the ten administrative regions of Guyana mentioned in the Schedule;
- (b) conduct further consultations where necessary in locations not mentioned in the Schedule;
- (c) receive, consider and evaluate the submissions from the people of Guyana.

(3) In assisting the Standing Committee in the Committee's review of the Constitution, the Commission shall take into consideration –

- (a) the scope of constitutional reform necessary to allow for more inclusive, democratic and transparent governance;
- (b) any anomaly, redundancy or other aspects of the Constitution that need to be addressed;
- (c) the input from the Commissioners and stakeholder groups;
- (d) any other relevant matter.

(4) The Commission shall have the power to conduct any inquiry or investigation within its terms of reference in the manner, time and place it thinks fit with power to adjourn from time to time and from place to place, giving due notice to the public.

(5) The Commission shall disseminate to the Guyanese people information on the Constitution and of the reform of the Constitution, and

the dates and venues of public consultations through print and electronic media.

(6) The Commission shall also receive submissions by way of memoranda from the people of Guyana.

(7) The Commission shall forward periodic reports inclusive of its recommendations and the result of its consultations to the Standing Committee for the Committee to review, consider and evaluate for preparation of its report to the National Assembly.

(8) On the conclusion of the work of the Commission, the Standing Committee shall finally review and evaluate the periodic reports of the Commission as a whole, including its own assessment of those reports, and prepare a final report based on them, with its recommendations and reasons for the recommendations for the reform of the Constitution, for submission for approval to the National Assembly.

Commission shall act on the advice of the Standing Committee.

6. In the due performance of its functions the Commission shall act in accordance with the advice of the Standing Committee and shall consult the Committee relating to any matter including any difficulties or problems it is experiencing.

Relationship between the Commission and the Standing Committee.

7. The Standing Committee shall facilitate the due and efficient functioning of the Commission and in this regard –

- (a) the Commission and the Standing Committee shall work in collaboration, sharing information and relevant material;
- (b) the Standing Committee may summon the Commission to clarify, explain or review any recommendation or part of a report submitted by the Commission.

Selection of
Chairperson and
Vice- Chairperson.

8. (1) When the Commission first meets its first task shall be to elect one of its members to be Chairperson and another to be the Vice-Chairperson.

(2) The Vice-Chairperson shall preside over the Commission whenever the Chairperson is absent.

Loss of membership
and filling of
vacancy.

9. (1) A member of the Commission may lose membership on any of the following grounds –

- (a) being unable to discharge the functions of his office for any reason;
- (b) in the circumstances mentioned in subsection (2);
- (c) where he is an undischarged bankrupt;
- (d) conflict of interest;
- (e) on conviction for a serious criminal offence.

(2) A member of the Commission nominated by an entity shall cease to be a member from the date that entity notifies the Commission in writing that the member no longer represents the entity.

(3) Any vacancy arising from a loss of membership may be filled by the appointment of another nominee from the entity of which his predecessor was the nominee.

Meetings of the
Commission.

10. (1) Every member of the Commission including the Chairperson and the Vice- Chairperson shall have one vote and there shall be no second or casting vote.

(2) The Commission shall have a quorum of nine members.

(3) All meetings and deliberations of the Commission shall be open

to the media and public.

Budget of the Commission.

11. The Commission shall within the first month immediately after its first meeting prepare and present to the Standing Committee a budget for transmission to the Minister, with recommendations from the Standing Committee.

Secretariat of the Commission.

12. (1) There shall be a Constitutional Reform Consultative Commission Secretariat, headed by the Secretary of the Commission appointed by the Commission whose function shall be to provide support to the Commission.

(2) The Commission may employ such staff as are required for the proper performance of the work of the Commission.

Experts.

13. The Commission may engage the services of experts where necessary.

Funds of the Commission.

14. (1) The funds of the Commission shall be –

- (a) sums allocated from the Consolidated Fund; and
- (b) other sums acquired as donations or contributions from international agencies.

(2) The Ministry of Finance shall disburse the funds of the Commission to meet the financial liability of the Commission.

Oath of Office.

15. Each member of the Commission shall, before entering upon the duties of office, take and subscribe before the President the oath set out in the First Schedule to the Constitution or make and subscribe to an affirmation.

Privileges and immunities of the

16. The privileges and immunities of the Commission and the members

Commission. of the Commission shall be the same as those of the National Assembly and the members of the National Assembly, respectively.

Expiry of Act. **17.** This Act shall cease to have effect after the Commission has completed its task and submitted all its reports to the Standing Committee.

Locations in which Consultations are to be Conducted

REGION 1 – Total of four consultations

Mabaruma.

Port Kaituma.

Matthew's Ridge.

Santa Rosa Mission.

REGION 2 – Total of four consultations

Charity.

Anna Regina.

Suddie.

Supenaam.

REGION 3 - Total of eighteen consultations

Wakenaam.

Leguan.

Fort Island.

Parika.

Hubu.

Tuschen Scheme.

Vergenoegen.

Meten-Meer-Zorg

Leonora.

Anna Catherina.

Den Amstel.

Vreed-en-Hoop.

Poudreyen.

Patentia.

Canals Polder No 2.

Wales.

Free & Easy.

Santa Mission.

REGION 4 - Total of twenty eight consultations

South Georgetown.

North Georgetown.

West Ruimveldt.

Albouystown/Charlestown.

La Penitence.

Kitty.

Campbellville.

Central Georgetown.

Kingston.

Timehri.

Mid-East Bank.

Herstelling.

Diamond x2.

St. Cuthbert's Mission/Pakuri.

Mocha/Providence.

Agricola.

Eccles.

Plaisance.

Enmore.

Buxton.

Annandale.

Vigilance.

Victoria.

Bachelor's Adventure.

Ann's Grove.

Lusignan.

Beterverwagting.

REGION 5 - Total of twelve consultations

Fort Wellington.

Bush Lot.

Rosignol.

Bath Settlement.

Lichefield.

Mahaicony.

Mahaica.

Drill.

Belladrum.

Hopetown.

Ithaca.

Novar.

REGION 6 – Total of twelve consultations

New Amsterdam x2.

Mara.

Port Mourant.

Albion.

Fyrish.

Rose Hall.

Whim.

Corriverton.

Eversham.

Orealla.

No. 66.

REGION 7 – Total of four consultations

Bartica.

Kamarang.

Upper Cuyuni.

Imbaimadai.

REGION 8 – Total of eight consultations

Tumatumari.

Mahdia.

Fairview.

Paramakatoi.

Kato.

Monkey Mountain.

Tuseneng.

Potaro Landing.

REGION 9 – Total of five consultations

Annai.

Surama.

Karasabai.

Lethem.

Aishalton.

REGION 10 – Total of five consultations

Linden Town Centre.

Watooka.

Amelia's Ward.

Kwakwani.

Ituni.

Explanatory Memorandum

The Bill provides for the establishment of the Constitutional Reform Consultative Commission. It is the aim of the Government to reform the Constitution to the point where it is more inclusive, democratic and transparent, removing all anomalies, having received the input from stakeholders, the Commissioners and having considered and evaluated the submissions from the people of Guyana and acquired the benefits resulting from public consultations.

Clause 2 defines “Commission” to mean the Constitutional Reform Consultative Commission; “Minister” to mean the Minister responsible for constitutional reform and “Standing Committee” to mean the Parliamentary Standing Committee for Constitutional Reform.

Clause 4 states that the membership of the Commission shall be fifteen, nine members being a quorum for meetings. The Commission comprises constitutional experts, a retired judge, a law tutor, a nominee from each of the parliamentary parties, a nominee from the Trade Union movement, from youth organisations, from the Guyana Bar Association, from the Guyana Association of Women lawyers, one each from the Christian, Muslim and Hindu organisations, one from organisations representing women and one from the Toshaos’ Council. This clause states the criteria for selection for membership of the Commission which includes knowledge of the Constitution, commitment, academic expertise and practical expertise.

Clause 5 states the terms of reference of the Commission which are - to assist the Standing Committee in the Committee’s review of the effectiveness of the working of the Constitution and for that purpose conduct public consultations with the people of Guyana throughout Guyana to ascertain their views. The Commission shall receive, consider and evaluate the submissions of the people of Guyana. Having done so, the Commission shall forward its recommendations and the result of its consultations to the Standing Committee for the Committee to review, consider and evaluate. The Standing Committee shall submit to the National Assembly for its approval a final report based on the periodic reports of the Commission and inclusive of the Standing Committee’s recommendations for reform of the Constitution. In assisting the Standing Committee in the Committee’s review of the Constitution, the Commission shall take a number

of factors into consideration, the most important being the scope of constitutional reform necessary to allow for a more inclusive, democratic and transparent governance.

Clause 6 states that in the performance of its functions the Commission shall act in accordance with the advice of the Standing Committee and shall consult the Committee in relation to any matter or problem.

Clause 7 deals with the relationship between the Standing Committee and the Commission. The Standing Committee may summon the Commission to clarify any recommendation or report.

Clause 8 deals with the selection of the Chairperson and Vice-Chairperson and **clause 9** states how a member of a Commission may lose his membership on certain grounds, being unable to discharge the functions of his office for any reason, conflict of interest and conviction for serious criminal offence.

Clause 10 deals with meetings of the Commission. **Clause 11** provides for the Commission to present to the Standing Committee a budget for its consideration and transmission to the Minister.

Clause 12 establishes the Constitutional Reform Consultative Commission Secretariat headed by the Secretary.

Clause 13 provides for the engagement of the services of experts. **Clause 14** provides for the funding of the Commission.

Clause 15 provides that each member of the Commission shall before entering office take and subscribe the oath before the President.

Clause 16 provides for the privileges and immunities of the Commission which are the same as members of the National Assembly.

Clause 17 provides for the expiry of the Act after the Commission has completed its task and submitted all its reports to the Standing Committee.

**HON. MOSES NAGAMOOTOO, M.P.
FIRST VICE PRESIDENT AND PRIME MINISTER**