

National Assembly Debates

**PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF
THE SECOND SESSION (2002-2003) OF THE EIGHTH PARLIAMENT
OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE
REPUBLIC OF GUYANA HELD IN THE CONVENTION CENTER
OCEAN VIEW INTERNATIONAL HOTEL LILIENDAAL Part I**

16TH SITTING

2.00 PM

THURSDAY 10 July 2003

MEMBERS OF THE NATIONAL ASSEMBLY (68)

Speaker (1)

The Hon. Hari N. Ramkarran, S. C., M. P. - *Speaker of the National Assembly*

Members of the Government - People's Progressive Party/Civic (34)

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| The Hon. Samuel A.A. Hinds, M.P. | - <i>Prime Minister and Minister of Public Works and Communications</i> |
| The Hon. Reepu Daman Persaud, O.R., J.P., M.P. | - <i>Minister of Parliamentary Affairs</i> |
| The Hon. Clement J. Rohec, M.P. | - <i>Minister of Foreign Trade and International Co-operation</i> |
| The Hon. Harripersaud Nokta, M.P. | - <i>Minister of Local Government and Regional Development</i> |
| The Hon. Gail Teixeira, M.P. | - <i>Minister of Culture, Youth and Sport</i> |
| The Hon. Dr. Henry B. Jeffrey, M.P. | - <i>Minister of Education</i> |
| The Hon. Saisnarine Kowlessar, M.P. | - <i>Minister of Finance</i> |
| The Hon. Shaik K.Z. Baksh, M.P. | - <i>Minister of Housing and Water</i> |
| The Hon. J. Ronald Gajraj, M.P. | - <i>Minister of Home Affairs;
Region No. 3-Essequibo Islands/
West Demerara</i> |
| The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P. | - <i>Minister of Labour, Human Services and Social Security (AOL)</i> |
| The Hon. Clinton C. Collymore, M.P. | - <i>Minister in the Ministry of Local Government and Regional Development</i> |
| The Hon. Satyadcow Sawh, M.P. | - <i>Minister of Fisheries, Other Crops and Livestock
(Region No. 5-Mahaica/Berbice)</i> |

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- *The Hon. S. Rudolph Insanally, O.R., C.C.H., M.P. - *Minister in the Office of the President with responsibility for Foreign Affairs*
- *The Hon. Doodnauth Singh, S.C., M.P. - *Attorney General and Minister of Legal Affairs*
- The Hon. Dr. Jennifer R.A. Westford, M.P. - *Minister of the Public Service*
- The Hon. C. Anthony Xavier, M.P. - *Minister of Transport and Hydraulics*
- The Hon. Bibi S. Shadick, M.P. - *Minister in the Ministry of Labour, Human Services and Social Security (Region No. 3 - Essequibo Islands/West Demerara)*
- **The Hon. Manzoor Nadir, M.P. - *Minister of Tourism, Industry and Commerce*
- The Hon. Carolyn Rodrigues, M.P. - *Minister of Amerindian Affairs*
- The Hon. Dr. Leslie S. Ramsammy, M.P. - *Minister of Health*
- Mr S. Feroze Mohamed, M.P. - *Chief Whip*
- Mr Cyril C. Belgrave, C.C.H., J.P., M.P. - *(Region No. 4 - Demerara/Mahaica)*
- Mr. Donald R. Ramotar, M.P. - *(Region No. 7 - Guyana/Mazaruni)*
- Mr. Husman Alli, M.P. - *(Absent)*
- Mr. Komal Chand, C.C.H., J.P., M.P. - *(Region No. 4 - Demerara/Mahaica)*
- Mrs Indranie Chandarpal, M.P. - *(Region No. 2 - Pomeroon/Supermain) (AOL)*
- Mr Bernard C. DeSantos, S.C., M.P. - *(Region No. 6 - East Berbice/Corentyne)*
- Mrs Shirley V. Edwards, J.P. M.P. - *(Region No. 6 - East Berbice/Corentyne) (AOL)*
- Mr Odinga N. Lumumba, M.P. - *(Region No. 6 - East Berbice/Corentyne) (AOL)*
- Mr Heeralall Mohan, M.P. - *(Region No. 6 - East Berbice/Corentyne)*
- Mr Ramesh C. Rajkumar, M.P. - *(Region No. 6 - East Berbice/Corentyne) (AOL)*
- Mr Khemraj Ramjattan, M.P. - *(Region No. 6 - East Berbice/Corentyne) (AOL)*
- Dr Bheri S. Ramsaran, M.D., M.P. - *Parliamentary Secretary, Ministry of Housing and Water-*
- Mrs Philomena Sahoye-Shury, C.C.H., J.P., M.P. - *(Region No. 1 - Barima/Waini)*
- Mrs Pauline R. Sukhai, M.P.
- Mr Zulfikar Mustapha, M.P.

* Non-Elected Minister

** Elected Member from The United Force

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Members of the Opposition (30)

(i) People's National Congress/Reform (27)

- Mr. Robert H. O. Corbin, M.P.
Mr. Winston S. Murray, C.C.H., M.P. - *(Absent)*
Mrs Clarissa S. Riehl, M.P. - *Deputy Speaker of the N.A*
Mr E. Lance Carberry, M.P. - *Chief Whip*
Mr Ivor Allen, M.P. - *(Region No.2-Pomeroon/Supenaam)-(AOL)*
Mrs. Deborah J. Backer, M.P.
Mr. Deryck M.A. Bernard, M.P.
Mr. C. Stanley Ming, M.P. - *(AOL)*
Mr. Raphael G C. Trotman, M.P.
Mr Vincent L. Alexander, M.P. - *(Region No. 4-Demerara/Mahaica)*
Mr. Andy Goveia, M.P. - *(AOL)*
Mrs. Volda A. Lawrence, M.P.
Dr Dalgleish Joseph, M.D., M.P. - *(Absent)*
Miss Anna Ally, M.P. - *(Region No.5-Mahaica/Berbice)*
Miss Sandra M. Adams, M.P. - *(Region No.10-Upper Demerara Berbice)*
Mr. Jerome Khan, M.P. - *(AOL)*
Dr George A. Norton, M.P. - *(AOL)*
Miss Myrna E. N. Peterkin, M.P. - *(Region No 4-Demerara/Mahaica)*
Mr. James K. McAllister, M.P. - *(Region No. 3-Essequibo Islands West Demerara)*
Miss Lurlene A. Nestor, M.P. - *(Region No.4-Demerara/Mahaica)*
Mr Abdul Kadir, J.P., M.P. - *(Region No.10-Upper Demerara/Berbice)*
Mr Ricky Khan, M. P. - *(Region No.1-Barima/Waini) - (Absent)*
Mrs. R. Bancroft, M.P. - *(Region No.8 - Potaro/Siparuni)*
Mr Nasir Ally, J.P., M.P. - *(Region No.6-East Berbice/Corentyne)*
Miss Judith David, M.P. - *(Region No.7-Cuyuni/Mazaruni)*
Miss Genevieve Allen, M.P. - *(Region No.4-Demerara/Mahaica)*
(One Vacancy)

(ii) Guyana Action Party/Working People's Alliance Party (2)

- Mrs Sheila V.A. Holder, M.P.
Mrs Siurley J. Melville, M.P. - *(Upper Takutu/Upper Essequibo)*

(iii) Rise, Organise and Rebuild Party (1)

- Mr Ravindra Dev, M.P.

OFFICERS

- Mr Sherlock E. Isaacs, *Clerk of the National Assembly*
Mrs Lilawie Coonjah, *Deputy Clerk of the National Assembly.*

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PRAYERS

The Clerk read the Prayer.

OATH OF A NEW MEMBER

(i) Election of Mr Basil Williams

The Speaker: Honourable Members, following the passing of Mr Hugh Desmond Hoyte and my call upon the representatives of the People's National Congress/Reform list of candidates, I have been informed that the name of Mr Basil Williams was extracted from the list and that Mr Basil Williams was, on 2 July 2003, declared to be an elected Member of the National Assembly.

Before Mr Williams can take part in the proceedings of the Assembly, he will have to make and subscribe the Oath before the Assembly as is required by Article 167 of the Constitution.

As Mr Williams is present he can now make and subscribe to the Oath which will be administered to him by the Clerk.

[Mr Basil Williams made and subscribed the Oath of Office which was administered by the Clerk]

(ii) Resignation of Mr Navindranauth O Chandarpal

Honourable Members, I have received a letter dated 26 June 2003 from Mr Navindranauth Chandarpal who was Minister of Agriculture, resigning his seat as a Member of Parliament with effect from 1 July 2003.

With Mr Chandarpal's resignation a seat in the National Assembly became vacant. The vacancy is in accordance with Section 99(a) of the Representation of the People's Act Chapter 1:03 to be filled by a person whose name is to be extracted from the list of candidates from which Mr

Chandarpal's name was extracted.

As Mr Chandarpal's name was extracted from the People's Progressive Party/Civic's list of candidates I have, in accordance with Section 99(a) of the said Act, called upon the representatives of the said list to further extract from that list the name of the person who is willing to become a member of the National Assembly to fill the vacancy in the Assembly.

(iii) Election of Mr Neendkumar

Honourable Members, following the resignation of Mr Navindranauth Chandarpal and my call upon the representatives of the People's Progressive Party/Civic's list of candidates I have been informed that the name of Mr Neendkumar was extracted from the list and that Mr Neendkumar was today declared to be an elected member of the National Assembly.

Before Mr Neendkumar can take part in the proceedings of the Assembly he will have to make and subscribe the Oath before the Assembly as required by article 167 of the Constitution.

As Mr Neendkumar is present he can now make and subscribe the Oath which will be administered to him by the Clerk.

[Mr Neendkumar made and subscribed the Oath of Office which was administered by the Clerk]

ANNOUNCEMENTS BY THE SPEAKER

(i). Congratulations to the new Members

Honourable Members, I would like on behalf of all of us and on my own behalf to congratulate Hon Member Mr Basil Williams and Hon Member Mr Neendkumar on their becoming Members of the National Assembly. I welcome Mr Williams and Mr Neendkumar to the Assembly and extend best wishes to them. *[Applause]*

(ii) Leave

Honourable Members, I would like to advise Members of the National Assembly that leave has been granted to the Hon Mr Ramnauth Bisnauth for today's sitting, and to the Hon Members Mr Khemraj Ramjattan up to 29 July 2003, Mr Stanley Ming up to 4 August 2003, Mr Andy Gouveia, Dr Dalglish Joseph, Mr Jerome Khan, and Dr George Norton for today's sitting.

PRESENTATION OF PETITIONS

(1) Private Bill

DEMERARA MUTUAL LIFE ASSURANCE SOCIETY LIMITED

The Speaker: Hon Member Mr Cyril Belgrave.

Mr Cyril CL Belgrave: Mr Speaker, I beg to present to the Assembly a Petition from the Demerara Mutual Life Assurance Society Limited seeking to have introduced in the Assembly a Private Bill to amend the Demerara Mutual Life Assurance Society Limited Ordinances, Chapter 211 of the Kingdom Edition of the Laws of British Guyana, and I move that the Petition be read.

The Speaker: The Clerk will read the Petition.

The Clerk: Petition by the Demerara Mutual Life Assurance Society Limited, 61-62 Avenue of the Republic and Robb Streets Georgetown.

To The Honourable Members of the National Assembly of Guyana:

THE HUMBLE PETITION OF THE DEMERARA MUTUAL LIFE ASSURANCE SOCIETY LIMITED RESPECTFULLY SUBMITS:

That your petitioner is a company incorporated by the Demerara Mutual Life Assurance Society Limited Ordinance Chapter 211 of the Kingdom Edition of the Laws of British Guyana.

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That your petitioner is desirous of promoting a Bill to amend Section 25(C) of the Principle Ordinance dealing with the disqualification of directors and repeal Section 30 dealing with disqualification of women directors.

That the amendment of Section 25(C) is to include sub-paragraph (vii) immediately after sub-paragraph 6 and which sub-paragraph is to read as follows:

(vii) If a director of the Society is no longer so employed that the repeal of Section 30 is to remove this section which says, no woman shall be eligible as director that the objectives and reasons of the aforesaid Bill are primarily to

(1) repeal Section 30 of the Principle Ordinance since such a rule is an anachronism, unconstitutional and inconsistent with modern thinking,

(2) amend Section 25(c) of the Principle Ordinance so that officers of the society will cease to be directors of the society if their employment with the society comes to an end

That the amendment to the aforementioned Sections 25(c) and 30 of the Ordinance were approved by the company's Board of Directors and passed by special resolution of the members at an ordinary general meetings held on 21 June 2000 and 27 August 2002 respectively.

That a copy of the aforementioned Bill hereto is attached and marked A.

Your petitioner respectfully requests that the National Assembly be pleased to permit the introduction of the aforesaid Bill in the National Assembly and to pass the same.

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WHEREFORE, your petitioner as in duty bound will ever pray.

Dated 10 March 2003, Georgetown, Demerara.

Put and agreed to.

(2) Private Bill

GUYANA FREE PROTESTANT EPISCOPAL CHURCH

The Speaker: Hon Member Mr Belgrave.

Mr Cyril CL Belgrave: Mr Speaker, I beg to present to the Assembly a Petition on behalf of the Guyana Free Protestant Episcopal Church, seeking the incorporation of the Church, and I move that the Petition be read.

The Speaker: The Clerk will read the Petition.

The Clerk: In the Matter of the Incorporation of the Guyana Free Protestant Episcopal Church, Petition,

*To the National Assembly of the Co-operative Republic of
Guyana, Public Buildings, Georgetown.*

*THE HUMBLE PETITION of the promoters of a Private
Bill for the Incorporation of the Guyana Free Protestant
Episcopal Church, viz,*

*Dr Roy Glasgow 42 Public Road, Nabaclis Village,
East Coast Demerara*

*James L Andrews 41 Public Road, Nabaclis Village,
East Coast Demerara*

*Letroy Cummings 41 Public Road, Nabaclis
Village, East Coast Demerara*

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<i>Mary W Glasgow</i>	<i>Victory Valley Squatting Area, Wismar, Linden,</i>
<i>E Glasgow</i>	<i>42 Public Road, Nabaclis Village, East Coast Demerara,</i>
<i>A Wilson</i>	<i>193 Charlotte & Wellington Streets, Lacytown, Georgetown</i>

respectfully sheweth:-

- 1. That your petitioners are all adults and citizens of the Co-operative Republic of Guyana.*
- 2. That your petitioners are the trustees of the Guyana Free Protestant Episcopal Church (hereinafter called 'the Church') whose address is 42 Public Road, Nabaclis Village, East Coast Demerara, and which pursues purely religious and charitable objectives.*
- 3. That the Church is a Christian denominated body established in 1965.*
- 4. That the church was established by Charter (Ref No 03/6/65) of Autonomy granted in 1965 by the Ecclesiastical Court of the Free Protestant Episcopal Church and the Ecumenical Church Foundation of England, which was itself established in 1897 and registered at Somerset House, England, United Kingdom. Its registered address is St Andrew's Collegiate Church, Stonebridge Road, Tottenham, London, N 15, England.*
- 5. That the Guyana Free Protestant Episcopal Church apart from administering to the spiritual needs of its members, who number approximately eighty (80), performs charitable and social work in the communities in which it operates, principally Nabaclis and Wismar, in the county of Demerara, with*

prospects of further expansion.

6. *That in connection with the foregoing the Church has established the Guyana Voluntary National Social Welfare Association and given relief to hundreds of persons. The aims and objectives of the said Association are:-*

- a. *To be concerned with the relief of human sufferings locally and nationally, charitable and otherwise;*
- b. *To be concerned and to co-operate with the improvement of social and economical conditions of everyday life;*
- c. *To promote means for discussions of problems of everyday life;*
- d. *To promote friendship and understanding among the family of the nation for better community relations; and*
- e. *To do all other charitable objectives and to co-operate with others legally to improve social and economical conditions of the poor and needy.*

7. *That the Church has also set up in 2000 through a Deed 657/2000 a Seminary for the training of Minsters who qualify after a two-year course covering such subjects as (i) Theology, (ii) Homilitics, (iii) Philosophy, (iv) Hebrew Chaldee Scripts (v) Church History, and (vi) Practical Sermons.*

8. *That the Church considered other avenues open to it for registration and/or incorporation and is aware of modern trends thereto in Guyana, but in keeping with its Charter and objects it has resolved to pursue its incorporation by an Act of*

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the National Assembly as being in its best interest.

9. *That your petitioners have secured the co-operation and voluntary services of Member of Parliament Hon Cyril Belgrave who has agreed to present this Petition and Private Members Bill (copy hereto attached) to introduce and pilot the said Bill in the National Assembly.*

10. *Wherefore your petitioners humbly pray that the National Assembly will be pleased to accept their Petition and permit due process for presentation of the Bill for the incorporation of the Church.*

AND YOUR PETITIONERS IN DUTY BOUND WILL EVER PRAY.

Dated this 9 day of October 2002.

Put and agreed to.

PRESENTATION OF PAPERS AND REPORTS, ETC

By the Minister of Education

Annual Report of the Ministry of Education for the year 2002

By the Minister of Health (Chairman of the Special Select Committee on the Pharmacy Practitioners Bill)

Report of the Special Select Committee on the Pharmacy Practitioners Bill 2003 - Bill No 5/2003

QUESTIONS TO MINISTERS

The Speaker: There are four questions on the Order Paper by the Hon Member Mrs Sheila Holder. Question Nos 1, 2 and 3 are for Oral Replies and Question No. 4 is for written reply.

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Question 1 is for the Prime Minister.

Hon Prime Minister you may proceed.

**No 1 - FULFILING THE PEOPLE'S PROGRESSIVE PARTY/
CIVIC'S MANIFESTO PROMISE**

Mrs Sheila Holder:

What steps have been taken by the Government of Guyana since the last national elections to fulfil the People's Progressive Party/Civic's manifesto to introduce competition in the telecommunication and information technology sectors in the country?

Reply - The Hon Prime Minister and Minister of Public Works and Communications

Hon Samuel AA Hinds: Mr Speaker, Honourable Members, first I would like to say that this question before us today is very similar and nearly identical to one I responded to some weeks ago.

The response is that in keeping with its promise to liberalize the telecommunications sector in Guyana this government entered into an agreement with the IDB as administrator of the Multilateral Investment Fund on 18 August 2000 whereby a sum of some US\$1.1M was provided to fund a project to reform and modernize the telecommunications sector in Guyana.

As you may know Mr Speaker, the government provided some corresponding funds. The government has committed some US\$0.5M alongside what was presented or granted. *[Interruption]*

The Speaker: Hon Prime Minister, could you excuse me for one moment, please?

Honourable Members, I have repeatedly complained and requested

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that cellular or mobile telephones be switched off during proceedings in the National Assembly. Members on the side of the People's Progressive Party/Civic have consistently and persistently disobeyed that request. I would like to advise you now that whenever I detect the owner of a cellular telephone being sounded in the Assembly I will apply the powers I have under the Standing Orders to name you.

Please be warned!

Proceed Hon Prime Minister.

Hon Samuel AA Hinds: Thank you very much, Mr Speaker. So a programme was set up and funded and that project had some five components, (i) a strategy formulation and implementation component, (ii) a legal/regulatory framework component, (iii) a network modeling and auditing component, (iv) outreach and training and (v) strengthening regulatory capabilities.

This project has made some progress but it was put on hold by the IDB when ATN introduced a suit against the Government of Guyana, the IDB, and the US Government in Washington in July 2002.

The court in Washington granted a decision in favour of all of the defendants on 7 March and we are now in negotiations with the IDB to have this project restarted.

Honourable Members may recall that in the course of this project a consultation paper was put out and consultations were held in a number of places across Guyana. We are expecting that we can have this programme initiated again and can proceed rapidly toward having an open competitive telecommunication sector in Guyana.

The Speaker: Thank you, Hon Prime Minister.

Yes, Mrs Holder.

Mrs Sheila Holder: From the Prime Minister's perspective has, in fact,

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the Manifesto promise been fulfilled? Yes or no?

Hon Samuel AA Hinds: Yes, I think very much so. *[Applause]*

No 2 - SNAKE BITES IN THE HINTERLAND

Mrs Sheila Holder:

Would the Minister: (i) Say how many hinterland residents were reported to have been bitten by snakes during the last three years?

(ii.) Please explain the reason why his Ministry does not provide hinterland health centres/facilities with available dry antivenom?

Reply - The Honourable Minister of Health

Hon Dr Leslie Ramsammy: Thank you, Mr Speaker. The question asked was:

- (i) How many hinterland residents were reported to have been bitten by snakes over the last three years
- (ii) and could the Minister explain why his Ministry does not provide hinterland health centres and facilities with available dry antivenom?

Mr Speaker, I have detailed reports on the number of persons bitten and I will provide the Honourable Member with this written response but for now let me just give the numbers. For 2000 there were 214 reported cases.

In 2001, 186 reported cases.

In 2002 there were 225 reported cases. Those reports are for the country. For the breakdown in regions they are in a table and the Honourable Member could have that.

I need to note that these are reported cases. Cases treated pri-

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vately may not have been reported to the ministry.

It should also be noted that many people bitten by snakes do not seek medical assistance and deal with the problem locally, using traditional methods. Most snake bites do not result in optimal venom injection and thus many persons recover without medical assistance. Because of this practice many people do not seek immediate medical attention.

In terms of why we do not provide hinterland health centres and facilities with available dry antivenom... I am not sure what is meant by dry antivenom but the ministry purchases antivenom and distributes these to health facilities around the country.

In 2002 we purchased 150 vials of antivenom and so far for this year 420 vials. In the second half of 2002 we provided 57 vials of antivenom to the facilities.

For the first two months of 2003 we have distributed 32 vials mainly due to requests from Lethem Hospital, Annai Health Centre, Kumaka Hospital, Region 10, Region 6, Region 2 and GPHC.

It should be noted that purchasing of antivenom is constrained as a specific antivenom for the snake population of Guyana and is only available from limited sources. Many of the anti-venom on the market would not work in the Guyana situation.

Moreover, the use of antivenom is limited to certain medical facilities and medical personnel as the side effects could be such that the local healthcare worker or the local healthcare facility may not be able to deal with the side effects. Treatment with antivenoms could result in severe allergic reaction which itself could lead to death.

Thus, the Ministry of Health has to ensure that antivenoms are provided only to facilities where such personnel may be present.

Members of Parliament are reminded, also, that healthcare deliver-

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ies in the regions are operated by the Regional Democratic Councils. The Budget is provided for this purpose.

The Ministry of Health's materials management unit provides central procurement, drugs and medical supplies as requested.

However, each region is provided with a budget for drugs and medical supplies and this allocation is intended to meet the needs of the region complementing the drugs and medical supplies provided by the Ministry of Health.

The regions in 2002 received \$251,107,000 in their budget for the purchase of drugs and medical supplies. More often most of this is returned to the Central Government. If regions believe that the ministry is not meeting their request for antivenom, the regions do have the budget in their allocation to fill their needs.

Thank you. *[Applause]*

No 3 - REPORTED INCIDENTS OF MALARIA IN AND OUT OF GEORGETOWN

Mrs Sheila Holder:

Could the Minister

- (i) *say by Region, what are the reported incidences of persons contracting Malaria?*
- (ii) *say how many persons in Georgetown and its environs have been diagnosed with malaria but who have no history of going into the hinterland?*
- (iii) *say what organized community prevention and antimalarial programme is in place to counteract the growing incidence of malaria in the hinterland,*

townships and the city?

Reply - The Honourable Minister of Health

Hon Dr Leslie Ramsammy: The questions being asked are about

- (i) the reported incidences of persons contracting Malaria,
- (ii) how many persons in Georgetown and its environs have been diagnosed with malaria but who have no history of going into the hinterland, and
- (iii) what organized community prevention, antimalarial programme is in place to counteract the growing incidences of the hinterland townships and the city.

Mr Speaker, malaria is a major public health problem in Guyana, notably in Regions 1, 7, 8 and 9 though there are also incidences in Regions 2 and 10, and some reported cases in Regions 3, 4, 5 and 6.

Increased mining and logging activities in the hinterland regions have been identified as part of the governments developmental programme to sustain social and economic development for the country, but these are also major contributors to the malaria problem.

The average number of malaria cases in Guyana annually between 1991 and 1998 was some 48,805. Our efforts in 1999 and 2000 were directed at reducing the endemicity to a reasonably stable level.

Simultaneously, our efforts were directed at preventing the reintroduction of malaria to previously free areas, including the coastland, where 85% of the population resides. New drug schedules were introduced in the latter half of 1999 to treat vivax and falciparum malaria cases.

The Government of Guyana has adopted the recommendations of the WHO's Global Strategy for Malaria Control and the initiatives of the

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roll back malaria programme.

As a result of these efforts for 1999 we experienced a 48% decrease over the 1998 level, and a further 12% decrease in 2000 over the 1999 level despite abnormal, though prime environmental conditions, favouring sustained malaria transmission.

Of significance, in 2000, we achieved almost a 50/50 smearing rate as regards active versus passive case detection. What that means is that in the active cases the malaria workers go out into the communities to do smears, to find the cases, and the passive cases are the people who come in. So there is an equal split in terms of the number of smears that we did. Consequently the parasite reservoir is being systematically and significantly reduced.

In mid-2002 we introduced a new antimalaria drug schedule for falciparum malaria after extensive field studies. This is to combat a serious non-compliance and the interruptive treatment problem noted in 2001. As a result of a one-day monotherapy treatment in the form of mefloquine with primaquine was introduced in place of the previous seven-day treatment.

For 2003 we are hoping after careful monitoring and evaluation to implement a combination therapy antimalarial treatment schedule, which is a state-of-the-art treatment. This is to prevent and reduce the development of drug resistance which is plaguing many of the Asian and African countries.

Further, the ministry has enhanced its already extensive and highly successful programme to train microscopists to be deployed at the level of the primary health care chain. This facilitates quick diagnosis and early start of treatment. It also underlies the equity principle in the approach to health care by the Ministry of Health.

In this regard also the Ministry of Health late in 2002 received some 15 new microscopes and these are being deployed in the hinterland region to strengthen our antimalaria effort especially in the Amerindian com-

communities.

Mr Speaker, a small number of cases of malaria have been observed in Regions 4, 5 and 6. Fewer cases were noted from Georgetown and its environs. Epidemiological case investigations over the last two decades have demonstrated only sporadic transmission on the coast. Although the vector on the coast is a poor reservoir and a weak vector for the parasite it is technically capable of transmitting the malaria parasite since persons infected in the hinterland are frequently present on the coast while carrying the parasite. It is possible for transmission to occur.

The ministry therefore is constantly carrying out surveillance to ensure that such transmission remains sporadic and do not grow into any sizable amount. The entire thrust of antimalaria strategy with regards malaria control are undertaken on the tenets of the primary health care approach as previously noted. This is rooted in the principles of empowerment. However it must be noted that 80% to 85% of all malaria cases in Guyana over the last three years occurred in unstable mining, and in-transit mining and logging populations.

A number of prevention measures are in place and others are to be initiated in the second half of 2003. A viable health education and awareness campaign is to be embarked on in the second half which will include distribution of pamphlets and booklets on malaria, all aspects of transmission, prevention, control and treatment. There will be talks, discussions and pictorial displays throughout the affected areas.

In terms of community participation and involvement a pilot project between the Ministry of Health and UNICEF in Region 9, South Rupununi, was concluded in 2002. The project was described as highly successful with a reduction of about 70%, and further funding is being pursued to continue and extend this project in Region 9 and into other regions, especially Region 1.

The project's objectives were to achieve community awareness, involvement in participation as a social responsibility regarding their

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monitoring, efficiency, effectiveness and quality of surveillance, prevention, management and control of malaria by the community health workers.

There is a pilot net project on that which is expected to be expanded throughout the hinterland areas and this will ensure that families begin the use of impregnated nets in order to prevent the spread of malaria.

In terms of numbers I have a table here. All I can say right now is that in the last ten years there have been 489,000 reported cases of malaria for an estimated man-day loss of \$2.5M.

In 1991 there were 42,000 cases for a loss of 211,000 man-days. And in 2002 that was reduced by 50% to 21,900 cases with 101,000 man-days lost.

Thank you very much. *[Applause]*

The Speaker: Thank you Honourable Member.

Question 4, as I understand, a written answer, has been provided and been circulated.

For Written Reply

No 4 - CURRENT COST OF ELECTRICITY PER KW HOUR

Mrs Sheila Holder:

What is the current cost of electricity per kW hour being produced by GPL, and does the current cost of electricity to Guyanese consumers compare to the cost to consumers in other CARICOM countries?

Reply:

Effective 1 February 2003, GPL's average tariff projected by the interim return certificate was approximately G\$50 per kWh. This reflected an increase of approximately 16% over the rates billed to consumers in December 2002.

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The scheduled implementation of these rates from 1 February was challenged in the court. The actual tariffs for various classes of consumers implemented from 1 April 2003, after the challenge was dismissed, are presented in the table attached.

Revised electricity tariffs on bills issued from 1 April 2003

TARIFF CHANGES - APRIL 2003

In January 2003, following the procedures set forth in the Electricity Sector Reform Act 1999 and GPL's licence, GPL filled the 2003 interim return certificate (IRC) with the Public Utilities Commission (PUC) and announced that tariffs were due to increase for bills issued from 1 February, 2003. These changes were temporarily stayed by the courts which have now determined that the revised rates may be implemented.

Recent billed rates (prior to application of the IRC) are shown in column C of the table below and rates arising from the IRC are provided in column D.

As specified in GPL's licence, fuel and foreign exchange costs for the first quarter of 2003 have been reviewed. Arising from this review, a fuel surcharge of \$6.07 per kWh is also chargeable on bills issued from 1 April 2003. The fuel surcharge is shown in column E and the aggregate tariff is shown in column F - which shows the rates chargeable in accordance with the provisions of ESRA and the licence on bills issued from 1 April.

The new GPL board of directors considered at its meeting on 11 April 2003 the revised rates and decided, in accordance with the provisions of ESRA Schedule 1 Section 12 to seek the approval of the PUC to defer part of the increase due arising from implementation of the IRC. The intent is to cushion customers from the coincidence of the application of the IRC rates (postponed from

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Portions of the calculated increases have been deferred in accordance with the provisions in the ESRA, pending the new board's appraisal of the state of GPL.

Electricity prices differ for different classes of consumers.

Please see table below which shows the tariff classification and the number of consumers in each class:

Tariff Classification	Number of Consumers
A - Residential	113,453
B - Commercial (small business)	11,077
C - Industrial	158
D - Industrial	173
E - Street Lighting (Municipalities and NIDCs)	11 (51 unregulated)

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For a comparison of electricity billing in Guyana with other CARICOM countries please see the table based on the 1st set of figures provided by the Caribbean Electricity Utility Services Corporation (CARILEC). These figures are based on tariffs as at December 2002 for utilities operating in the following Caribbean countries:

Anguilla, Curacao, Bahamas, Belize, Bermuda, Barbados, British Virgin Islands, Cayman, Dominica, Martinique, Jamaica, St Lucia, Monsterrat, Aruba, St Maarten, St Vincent and Bonaire.

CARLEEC 2002 Electricity Prices Survey - Bills for Selected Consumers as at December 2002, US\$

	JANDEC Residential	AQUAFORNA Commercial	BEC Business	BELLA Business	BELLON Business	BLAR Business	BVDC British Islands	CLC Commercial	ICOLEC Domestic
1/1 = Max Demand 2/1 = 10KVA Demand									
Domestic consumer using 100 kWh per month	\$15.29	\$22.55	\$19.41	\$15.25	\$31.32	\$17.56	\$24.83	\$29.99	23.80
Domestic consumer using 400 kWh per month	\$95.60	\$93.82	\$77.65	\$72.75	\$102.57	\$69.87	\$89.14	\$101.65	108.37
Commercial Consumer using 2000 kWh per month	\$470.57	\$492.31	\$437.25	\$400.75	\$511.99	\$341.14	\$492.08	\$551.72	589.43
Commercial consumer using 5000 kWh per month	\$1,173.64	\$1,250.77	\$1,093.12	\$997.50	\$1,342.65	\$847.86	\$1,073.10	\$1,297.94	1469.53
Industrial consumer using 10,000 kWh per month	\$2,345.43	\$2,399.31	\$1,954.13	\$1,882.50	\$2,489.00	\$1,650.72	\$2,146.80	\$2,374.95	2660.61
Industrial consumer using 10,000 kWh per month	\$23,623.61	\$31,936.87	\$10,283.05	\$17,682.50	\$24,145.00	\$16,469.70	\$17,124.90	\$22,183.96	26566.31
Fixed Purchase Dec 2002 US\$ per kWh		0.0658 1.04.90 60.830	0.0962 200.00 70.438	0.0770 53.70 99.815	0.03900 108.00 32.031	0.06257 134.7 105.195	0.00354 20.00003 11.807	0.04480 717.6 19.890	0.0849 13 2649.5
Maximum Demand Consumers as at Dec 2002	1,900 74	462	747	237	333	500	153	213	26
No of Employees									

	EDF Marineque	GRPL Guyana	JESCO Jamaica	LUCELEC St Lucia	MORLEC Mauritius	N.V.P.L.M.A.R Aruba	N.V.G.E.H.E St Maarten	VOLTLEC St Vincent	WEB Bonaire
3/1 = 30KVA Demand 4/1 = 15KVA Demand									
Domestic consumer using 100 kWh per month	\$18.86	\$18.86	\$15.33	\$17.96	\$30.00	\$16.10	\$19.52	\$23.52	\$25.43
Domestic consumer using 400 kWh per month	\$77.85	\$77.85	\$67.86	\$75.90	\$121.00	\$60.90	\$78.34	\$94.10	\$93.43
Commercial consumer using 2000 kWh per month	\$499.84	\$499.84	\$305.84	\$469.65	\$628.00	\$311.17	\$388.16	\$527.42	\$484.36
Commercial consumer using 5000 kWh per month	\$1,334.45	\$1,334.45	\$748.40	\$1,174.13	\$1,964.00	\$775.83	\$950.16	\$1,318.50	\$1,203.59
Industrial consumer using 10,000 kWh per month	\$2,458.81	\$2,458.81	\$1,191.17	\$2,348.37	\$4,564.00	\$1,550.76	\$1,872.22	\$1,754.80	\$2,320.69
Industrial consumer using 10,000 kWh per month	\$20,977.12	\$20,977.12	\$11,129.17	\$22,010.38	N/A	\$1,422.67	\$18,695.34	\$17,468.00	\$19,843.33
Fixed Purchase Dec 2002 US\$ per kWh	0.01250 85.00 126.000	0.01250 85.00 126.000	0.00780 381.50 516.493	0.06300 43.40 33.415	0.11100 1.56 2.700	0.06600 103.00 33.909	0.00937 39.20 13.150	0.04806 19.45 32.884	0.08033 10 5700
Maximum Demand Consumers as at Dec 2002	201,000 162,000 700	201,000 162,000 700	1,705	231	41	177	203	264	82
No of Employees									

Note: BLAR includes 15% VAT.

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Tariffs for Trinidad and Tobago, and Suriname as at December 2002 were not available but are known to be much lower - Trinidad and Tobago rates being about one quarter of other countries because of its huge natural gas and electricity production.

The prime minister notes that tariffs charged to domestic consumers by GPL are below the middle range when compared to other Caricom, countries. It is to be noted that GPL purchases fuel, spares and other raw materials, which account for about 80% of costs on the international market as any other utility in the world and because of relatively small sizes and quantities would be paying a higher unit cost than the more developed and prosperous countries.

In addition, the majority of GPL's consumers lie in a strip approximately 200 x 3 miles along the coast and the banks of the major rivers, a layout which could tend to increase costs.

A comparison of tariffs in Guyana and other selected Caribbean countries as at December 2000 is also attached.

COMPARATIVE TARIFFS IN THE CARIBBEAN

Please note that the estimates of units consumed and peak load were not specified but determined by the provider of the data.

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Monthly Bills for Stated Customer Consumption Usage (US\$)

Rates at 31 December 2000

US\$1 = G\$193 Consumption (kWh) per month Peak Load (kVA)	Residential US\$		Commercial US\$		Industrial US\$	
	100 N/A	400 N/A	2,000 5	5,000 10	10,000 30	100,000 275
Guyana	16.14	60.76	426.42	1,033.31	2,098.13	18,789.19
Anguilla	27.15	103.04	507.77	1,266.65	2,531.43	25,018.60
Antigua	28.10	111.4	594.23	1,461.54	2,942.31	29,394.31
Bahamas	22.13	88.51	491.54	1,061.15	2,223.59	21,997.65
Barbados	19.05	74.46	392.45	975.37	1,898.98	18,946.71
Belize	15.25	72.75	400.75	977.50	1,882.50	16,037.50
Tortola	27.00	99.00	481.60	1,197.00	2,390.00	21,247.00
Cayman	29.40	99.75	545.13	1,215.05	2,331.58	21,787.56
Dominica	24.71	103.93	567.71	1,415.29	2,552.03	25,480.51
Grenada	23.64	94.56	494.89	1,237.22	2,069.88	20,698.79
St Lucia	20.05	80.23	511.61	1,279.03	2,558.06	25,580.62
Suriname	2.38	16.36	109.17	271.39	739.66	6,387.05
Trinidad	N/A	N/A	85.88	211.93	544.66	5,061.33
Turks & Caicos	31.01	124.04	640.20	1,600.50	2,801.00	20,010.00
St Vincent	24.65	98.52	548.89	1,372.22	2,347.41	23,585.19
Aruba	15.38	58.03	296.83	740.00	1,478.61	13,607.00
Guyana (1-2-03 planned)	21.62	89.45	383.18	1,439.55	2,866.29	24,224.51

N/A means not applicable or data not available.

See also a 1995 table of historical prices in Guyana, which shows prices of US20c kWh during 1980 to 1986 when subsidies are factored.

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GUYANA ELECTRICITY CORPORATION

ELECTRICITY TARIFFS 1974 - 1995

YEAR	ELECTRICITY REVENUE G\$	SUBSIDIES G\$	ENERGY BILLED GWA*	AVERAGE TARIFF G\$GWA	SUBSIDY G\$GWA	EXCHANGE RATE US\$1-G\$	AVERAGE TARIFF US\$GWA	SUBSIDY US\$GWA	AVERAGE TARIFF + SUBSIDIES
1977				\$0.24		\$2.55	\$0.09		\$0.09
1978				\$0.34		\$2.55	\$0.09		\$0.09
1979				\$0.37		\$2.55	\$0.11		\$0.11
1980				\$0.37		\$2.55	\$0.15		\$0.15
1981				\$0.50		\$2.75	\$0.21		\$0.21
1982				\$0.59		\$3.00	\$0.20		\$0.20
1983	\$103,448,728		178,900	\$0.58		\$3.00	\$0.19		\$0.19
1984	\$121,484,399		162,700	\$0.75		\$3.73	\$0.29		\$0.29
1985	\$162,825,090		169,500	\$0.84		\$4.30	\$0.20		\$0.20
1986	\$155,172,923		160,900	\$0.84		\$4.30	\$0.20		\$0.20
1987	\$201,162,568		178,900	\$1.12		\$10.00	\$0.11		\$0.11
1988	\$243,327,401		161,700	\$1.59		\$10.00	\$0.15		\$0.15
1989	\$255,707,000	\$233,100,000	121,400	\$2.11	\$1.92	\$27.50	\$0.08	\$0.07	\$0.15
1990	\$638,147,000	\$483,931,000	159,400	\$4.34	\$3.28	\$38.50	\$0.11	\$0.09	\$0.20
1991	\$1,305,074,864	\$823,135,000	181,100	\$8.10	\$5.11	\$125.00	\$0.06	\$0.04	\$0.11
1992	\$1,823,331,196	\$796,100,000	164,535	\$11.08	\$4.84	\$126.00	\$0.09	\$0.04	\$0.13
1993	\$2,071,471,204	\$894,000,000	187,627	\$15.30	\$4.76	\$129.00	\$0.12	\$0.04	\$0.16
1994	\$3,493,428,421	\$0	227,578	\$15.35	0	\$129.00	\$0.12	\$0.12	\$0.12
1995		\$0		\$17.20		\$143.00	\$0.12		\$0.12
2003	\$14,800,000,000	\$0	290,000	\$43.80	\$0	\$195.00	\$0.23	\$0	\$0.23

* This is an error - figures reflect MWh

This is an error - figures reflect MWh

If one looks through the comparison table relating to the December 2002 tariffs, at the smallest consumer end of 100 kWh/month metered and billed which includes about 72,000 of GPL's 125,000 consumers, the unit price in Guyana of US\$18.86/month is bettered by five of the 17 countries listed: Belize at US\$15.25; Jamaica at US\$15.33; Aruba at US\$16.10; Barbados at US\$17.86 and St Lucia at US\$17.96. There are 11 countries with tariffs above Guyana, with Bermuda topping at US\$31.32.

At the level of industrial consumers using 100,000 kWh/month for which GPL has less than 200 consumers, the GPL's charge of US\$20,977.12 is less attractive than at the small domestic level. Bahamas is the lowest at US\$10,183.05 with Jamaica slightly higher at US\$11,129.17, six of the 16 countries analyzed at this level are higher than Guyana (please note that industrial consumers category is not applicable to Monsterrat).

It should be noted that Guyana's traditional social policy position has been for a significant cross subsidy from the few large consumers to the many small consumers. This issue was acknowledged during the negotiations of the Quadripartite Agreement and a slow rate of tariff rebalancing was implemented.

Discussions on prices of electricity in Guyana would be incomplete if the issue of losses is not addressed. Total losses have been high at 40% to 44%. Best estimates are that technical losses caused by inadequacies in our 50- and 60-cycle generation, our transmission and distribution systems are about 20% and commercial losses, caused when electricity received by consumers is unbilled for any number of reasons, are about 25%.

As a consequence of the electricity utility in Guyana being short of financing from the early 1970s, transmission and distribution systems have been in poor condition, greatly overloaded, elementary in design and layout and the conversion of areas from 50- to 60-cycle has not been completed. It has been projected that signifi-

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cant investments in money and manpower resources, approximately up to US\$200M over five years is required to substantially rehabilitate the existing system and make new capital investments. Such substantial expenditure would exert an upward pressure on the tariffs before gains are realized three to 5 years later.

Evidence of high losses, reports about illegal connections and reconnections, and internal and external conspiracy, suggest that many employees and consumers are engaged in things in which they should not be. There is need for a great change in our attitude towards the utility.

On the part of the utility there is need to lower error rates in meter reading and billing to inspire greater consumer confidence and to re-meter perhaps 70% of all installations. These improvements require capital investment in an updated and efficient billing system and new meters.

Prime Minister undertakes to maintain steady pressure on GPL to progressively improve its operation; at the same time Prime Minister encourages all to use electricity frugally so that everyone stays within their budget for electricity as well as work for continued overall growth and development, so as we earn more, we can more comfortably meet our needs.

REQUESTS FOR LEAVE TO MOVE THE ADJOURNMENT OF THE ASSEMBLY ON DEFINITE MATTERS OF URGENT PUBLIC IMPORTANCE

Mrs Shirley J Melville: Mr Speaker, under Standing Order 11 and 12 I beg to move the adjournment of the National Assembly on a definite matter of urgent public importance.

A situation of extreme hardship was created as a result of landslide that caused the shutdown of the Moca Moca Hydro Power Plant in Lethem, Region 9, last Sunday.

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Thank you.

The Speaker: Honourable Member, I am minded to allow the Motion subject to leave granted by the National Assembly. Do I have your leave Honourable Members? *[Pause]* No objection. I therefore think you have given your leave. The matter will stand down until 16:30H after the adjournment for tea.

INTRODUCTION OF BILLS

Presentation and First Reading

By the Honourable Attorney General and Minister of Legal Affairs

**1. CONSTITUTION (AMENDMENT) (No 2) BILL
No 9/2003 - published on 4 July 2003**

**2. CONSTITUTION (AMENDMENT) (No3) BILL
No 10/2003 - published on 3 July 2003**

By the Honourable Minister of Finance

SUGAR LEVY (REPEAL) BILL 2003 - BILL No 11/2003

Mr Robert HO Corbin: I should have arisen earlier, Sir.

I heard these Bills being laid and read a first time, but I haven't seen a copy as yet. They haven't been circulated.

Are we getting them today?

Hon Doodnauth Singh: The Constitution Amendment Bill No 2 had already been circulated but I see that in the Notice Paper it says 'To be circulated'

The Speaker: Could you throw some light on the matter Honourable Minister of Parliamentary Affairs?

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Hon Reepu Daman Persaud: Under Standing Order 45(4),

a Bill, whether presented in pursuant of an order of the Assembly after leave given or without such order, shall be handed to the Clerk at the table by the member who gave notice of the Bill. The Clerk shall then read aloud, the title of the Bill, which shall then be recorded in the minutes of the proceeding as having been read a first time and, unless previously printed, order to be printed, without question put.

So it is appropriate to do it this way, but we will endeavour in the future notwithstanding the Standing Orders to get the Bills circulated.

The Speaker: I gather they have been presented to the Clerk.

Any indication when they will be available to Members of Parliament?

Hon Reepu Daman Persaud: My understanding, speaking with the Clerk... in fact I made every attempt to see that these Bills are circulated today. We are on the verge of having them done on a photocopying machine but the printers do not have it ready. They assure us that it will be ready tomorrow. I have since spoken with the Clerk so the Bill will reach all the members by tomorrow.

The Speaker: Yes, Honourable Member.

Mr Robert HO Corbin: Thank you, Sir.

I wasn't questioning the Standing Orders, I just wanted to clarify for the records because on a similar basis when the Procurement Bill was laid it gave the public the impression that we received copies of that Bill the same day it was read in the Parliament and capitalized upon in the debate as though we had it already.

The Speaker: Thank you, Mr Corbin. That debate is over.

Mr Robert HO Corbin: I was just clearing the record.

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PUBLIC BUSINESS

MOTIONS

ITEM 1 - ADOPTION OF THE THIRD REPORT OF THE APPOINTIVE COMMITTEE

The Speaker: The Honourable Minister of Culture, Youth and Sport.

Hon Gail Teixeira: Mr Speaker, I rise to table this Motion in my name as Chairman of the Appointive Committee.

WHEREAS, the Standing Committee to address matters relating to the appointment of members of commissions established under the Constitution appointed by the Committee of Selection on 4 April 2003, and pursuant to Article 119(C) of the Constitution and under the provision of Standing Order No 70A, met on five consecutive occasions for the purpose of identifying such bodies as appear to it to represent public officers or classes of public officers for consultation in the nomination of two members of the Public Service Commission to be appointed in accordance with Article 200(1)(B) of the Constitution;

AND WHEREAS the Committee in its third report to the National Assembly has reported that it has considered the following two proposals:

1. That the Public Service Union, the Public Service Senior Staff Association and the Federation of Unions of Government Employees be the bodies as appear to the Committee to represent public officers or classes of public officers.

2. That the Public Service Union be the body as appears to it to represent public officers or classes of public officers;

AND WHEREAS the Committee is of the view that Guyana

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Public Service Union is one of the bodies as appear to it to represent public officers or classes of public officers to be consulted;

AND WHEREAS the Committee has further reported that it has failed to reach an agreement on the selection of the other appropriate body or bodies as required by the Constitution;

AND WHEREAS it has referred the matter of its failure to the Assembly for its consideration and guidance.

NOW THEREFORE BE IT RESOLVED: that this National Assembly determines whether the Public Service Senior Staff Association and the Federation of Unions of Government Employees are among the bodies that appear to represent public officers or classes of public officers.

AND BE IT FURTHER RESOLVED: that the Standing Committee proceed to consult with the body or bodies identified by this National Assembly in accordance with the provisions of the Constitution.

This Motion Mr Speaker calls for this House to refer to the Report of the Committee which was tabled at the last sitting on 3 July. The Report which was tabled in this House is now followed by this Motion which calls on the House to make a decision. As you are aware the establishment of this Committee was effected by a Motion in Parliament and the Members appointed, as the Motion says, by the Parliamentary Committee of Selection.

The Committee was faced with two proposals as is highlighted in the Motion and after several attempts at consecutive meetings to reach an agreement on the bodies to be consulted to make the nominations of two persons, we were unable to reach agreement and therefore sought guidance from the House on how to proceed.

This Motion which was drafted after seeking Guidance from the Honourable Speaker on how to move procedurally on this matter, was

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discussed by the Committee and further amended to have greater clarification and agreed to, and is now here for decision. The Report which was tabled last week also had the agreement of the Committee.

We would ask this House to remember that the establishment of the Public Service Commission is critical to the appointments of both the Judicial and Police Service Commissions as the Chairman of the Public Service Commission sits on both and plays a critical role.

So despite the fact that at the last sitting of this House we agreed to the nominees to the Judicial Service Commission and the Police Service Commission, and they have been approved and submitted to his Excellency the President; that the establishment of these bodies cannot be completed until this last issue is resolved.

This House is being asked to decide on whether the Public Service Senior Staff Association and FUGE should also be consulted to make nominations to the Public Service Commission. And I draw your attention in particular to the Clause in the Motion that says,

AND WHEREAS, the Committee is of the view that the Guyana Public Service Union is one of the bodies as appear to it to represent public officers...

The House is being asked in the penultimate resolve clause to make a decision on the inclusion of the Public Service Senior Staff Association and the Federation of Unions of Government Employees.

The decision that this House is being asked to make Mr Speaker, is a judgment that surrounds two arguments that took place in the Committee. One is of a technical nature and that is the establishment of the bona fides of which entity is to be consulted and also is based on a premise of what is, or which body or bodies is the bargaining unit of the public servants. This argument I am sure will be presented but it is one in which there are many areas that contradict the technical arguments and so the proponent by one section of the Opposition in the Committee

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to have solely the Public Service Union.

The second argument, which is the government's argument, is based on the principle that the constitution reform process, is premised on inclusion and greater participation in the decision-making processes, hence the establishment of Sectoral Committees, the selection of persons for the Service Commissions and the Rights Commissions. The precedent was set with the selection of persons through the consensual mechanism, tabled in this House, on the establishment for the Ethnic Relations Commission.

The interpretation is that the Constitution envisages a broader involvement of various entities to be part of the consultation process and to make nominations. The argument to include these two other bodies is premised on the view that the inclusion in the process will do no harm to the Constitution and, in fact, acquiesce its intention. That in the selection of the bodies for the Judicial Service Commission and the Police Service Commission this was the basis for the inclusion of the Berbice Bar Association, the Women Lawyers Association and the Guyana Bar Association, and in the case as I said, in the second body, the Police Service Commission, it included the Police Association and the Association of Former Policemen.

This indicates that the consultation for the nominees to the Rights Commission again is based on a consensual mechanism to improve the breadth of participation and the development of a culture of responsible, inclusive decision-making.

The fact that we as a Committee adopted the consensual mechanism to govern the Rights Commission to guide us in the selection of bodies to be consulted it is the same consensual mechanism to be used for the Service Commissions. Parliament as the custodian of the Constitution is being asked to weigh these two arguments. Its ruling will have an effect on the process of consultation for the other Rights Commissions and for which, as I have said, we have used the Motion on consensual mechanism to guide us in dealing with the Service Commissions.

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We sincerely hope that the Motion will receive the support of this House in order to give a message to the larger population and, as I said, to develop a culture of responsibility, and inclusive decision-making.

Thank you. *[Applause]*

The Speaker: Thank you Honourable Member.

Hon Member Mr Vincent Alexander - I notice that you are far away from me.

Mr Vincent I. Alexander: Mr Speaker, I rise to articulate my party's position on the Motion which is before this House, the Motion relating to the Adoption of the Third Report of the Appointive Committee. Mr Speaker, Article 200 of the Constitution was amended to require the Parliament to nominate two persons to the President for appointment to the Public Service Commission.

Mr Speaker, our understanding of this amendment of the Constitution is that it is intended to ensure that there is a greater involvement of the stakeholders in the process and that the President does not have a monopoly over the process. As we understand it the intention is that bodies identified, bodies as appear to represent public officers or classes of public officers should be consulted in this process by the Appointive Committee.

On the face of this matter Mr Speaker, we felt that the matter will be easily resolved from the standpoint of a straightforward consultation with the Public Service Union and the Federation of Unions of Government Employees. This was our first disposition on this matter.

However Mr Speaker, we were caused to look at this matter in greater detail when it was proposed that the Public Service Senior Staff Association should be among the bodies which should be consulted. That forced us to take a second look at the issue and to arrive at very concrete criteria by which we could determine what was meant by a body that appears to represent public officers or classes of public offi-

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ers. In the quest for an objective decision on this matter we, through the Committee, sought information from a number of agencies. The two which I would wish to refer to are the Ministry of Labour in the person of the Chief Labour Officer and the unions themselves.

What did we discover when we sought the information? We discovered that the Chief Labour Officer expressed the following in relation to the three bodies.

The Guyana Public Service Union was certified by the Trade Union Recognition and Certification Board on 16 May, 2000 to represent workers in the public service appointed by the Public Service Commission.

Mr Speaker, I made one little correction there. The actual letter from the Chief Labour Officer said 2003 but I am advised that the correction information is the year 2000.

In relation to the Public Service Senior Staff Association we are advised that they made an application on 23 May 2003 to the Trade Union Recognition and Certification Board to be certified as the recognized association to represent permanent secretaries, heads of departments not under ministerial control, accounting officers and such other members of senior staff as may be decided by the association.

With specific reference to FUGE we are advised that the Federal Union of Government Employees is an association of unions comprising the National Union of Public Service Employees, the Amalgamated Transport and General Workers Union, Union of Agriculture and Allied Workers, and the Guyana Postal and Telecommunications Workers Union. These Unions, we are further advised, represent transport, postal, skilled, semiskilled and unskilled employees in the various sectors of government. However, the employees are not appointed by the Public Service Commission.

Mr Speaker, we came to the conclusion that notwithstanding our own disposition toward FUGE, and given the information provided by

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the relevant authority, the Ministry of Labour in the person of the Chief Labour Officer, that the only body which we can say unambiguously represents public servants in the context and requirement of the Constitution is the Guyana Public Service Union.

And from that perspective, Mr Speaker, we proposed then and maintain now, that the GPSU is the only body which under the provision of our Constitution should be consulted for the purpose of determining who should sit on the Public Service Commission given that we are dealing with the parliamentary aspect of the consultation, not the entire commission at large.

Mr Speaker, but more than that, when we sought further and specific information from these regions what did we discover? We discovered that the Public Service Senior Staff Association which purports to represent permanent secretaries, heads of departments not under ministerial control, accounting officers other than those in categories I and II, such other members of staff of the public service as may be decided by the secretariat of the Public Service Senior Staff Association, that the officers of this body are all, barring two permanent secretaries appointed at the behest of the President.

The President is one Dr Dindyal Permaul, permanent secretary - at the time we received this information - of the Ministry of Agriculture. The vice president was one Mr Keith Booker, permanent secretary of the Ministry of Culture. The secretary is one Miss Jennifer Webster who is permanent secretary, Office of the President. The assistant secretary is one Mr Hydar Ally, former permanent secretary of the Ministry of Education - deputy head of the Presidential Secretariat. The Treasurer is Mr Dohari Balkaran, treasurer of the Ministry of Fisheries.

The committee members are Pulandar Kandhi, permanent secretary of the Ministry of Local Government, presently at the Ministry of Health... sorry... *[Interruption]* but he is still a permanent secretary. Another committee member is Mrs Mitradevi Ally, former permanent secretary, Ministry of Human Services, presently at the Ministry of Le-

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gal Affairs. Next committee member is Kenneth Jordan, permanent secretary, Ministry of Public Works. Another committee member is Sita Ramlall of the Supreme Court, Registrar. And the last but by no means least of committee members is Sasenarine Gendon, permanent secretary of the Ministry of Agriculture.

Mr Speaker, the issue before us is identifying a body that represents or appears to represent public servants.

Mr Speaker, under the guidance, under the initiative of the People's Progressive Party/Civic the Parliament of this country passed a Bill to provide for the recognition of trade unions, and it is only those trade unions which are so recognized are considered for the purposes of collective bargaining to be the representatives of the bargaining agencies and the workers who fall within those bargaining agencies.

The evidence is clear that this association does not fall into that category. But, to make matters worse, this association has an executive all of whom were appointed at the behest of the President and so if we were to admit this association into that category what, in fact, we will be doing is allowing the President through the back door to undo the intent of the Constitution.

Mr Speaker, it is on those grounds that we object to having this body be one of the bodies that we purport to represent public servants. In fact Mr Speaker, all of the categories of public servants are represented by the Guyana Public Service Union. *[Applause]* No category, under the Laws of Guyana, and in the particular law, the Trade Union Recognition Act, which was piloted by the PPP/C, specifies in the context of representation which bodies can be, should be, and in fact will be, recognized. GPSU is the only such body in relation to the Public Service Commission. Mr Speaker, we stand by our principles.

cont'd in Part II

National Assembly Debates

**PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF
THE SECOND SESSION (2002-2003) OF THE EIGHTH PARLIAMENT
OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE
REPUBLIC OF GUYANA HELD IN THE CONVENTION CENTER
OCEAN VIEW INTERNATIONAL HOTEL LILIENDAAL** Part II

16TH SITTING

2.00 PM

THURSDAY 10 July 2003

cont'd from Part I

As I said in the inception, because of tradition we were not indisposed to FUGE but on the ground of principle we have stepped back and are contending that the only body under the Laws of Guyana which truly represents public servants is the Guyana Public Service Union. Therefore Mr Speaker, we find it very difficult, nigh impossible, to support the recommendation or the first resolve clause in this Motion.

Mr Speaker, we have heard arguments about representation as a philosophical category versus technical legal arguments. We are prepared to argue on both counts, the philosophical count and on the technical legal count that the Public Service Senior Staff Association will not qualify under either of the counts. And that in fact GPSU is the only one that qualifies under both of the counts.

Mr Speaker, in this context, as I said before, we find it difficult to support the first resolution clause. However, at the appropriate time, recognizing that we did agree that this Motion should come to the House, I propose to propose an amendment to the Motion.

I want to make it clear Mr Speaker we are not saying that we did not agree to have the Motion brought here.

We did agree.

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We did not agree to the content of the motion but we did agree to have it brought here.

Having considered the matter in greater detail we now are of the view Mr Speaker that the whole tradition of the working of these committees can be best served if the committee makes another attempt to arrive at a consensus.

In fact Mr Speaker, having put forward the argumentation we have put forward, we are confident that the nation at large will agree with us and we hope that those who are responsible for governing that nation at large will be responsive to the view of the nation at large and will come back to the committee and will do the right thing, will concede that it is only the GPSU that meets the requirements.

Mr Speaker, I hasten to add that if by any chance next year or the year after or some time in the future, notwithstanding all of these permanent secretaries being the President's persons - I am trying to be gender neutral here - if they are able to gain recognition under the Trade Union Recognition Act we will be prepared in principle to recognize them as having the right to represent public servants. *[Applause]* But that time is not yet.

Mr Speaker, I need to re-emphasize that it was only on 23 May 2003 that they applied for this recognition. The process of determining their status has hardly been proceeded with so far, but here we have a situation where they are being imposed upon us by the same government which introduced and had passed the Trade Union Recognition Bill. The rule of law should prevail, Mr Speaker, and more particularly the Constitution should be upheld. And so Mr Speaker, we on this side of the House stand here to support the rule of law, to support the letter and spirit of the Constitution and call upon the entire House to accept the guidance and leadership on this matter and to do what is right.

Thank you, Mr Speaker. *[Applause]*

The Speaker: Thank you Honourable Member.

Hon Attorney General and Minister of Legal Affairs.

Hon Doodnauth Singh: Mr Speaker, I rise to correct the view which has been expressed by Mr Alexander with respect to FUGE.
[Interruption and laughter]

Since the Appellate Court has ruled in the court in the case of Yawh and Correia you can be a public servant and not necessarily a public officer. So that if the process requires a consultation with persons representing public servants, then of necessity, the FUGE has to be consulted.

The Speaker: Thank you Honourable Member.

Honourable Member Mr Deryck Bernard.

Mr Deryck MA Bernard: Mr Speaker, I rise to support the arguments of my Honourable colleague and I will be brief. I want to begin by making a wider point.

Mr Speaker, these experiments that we in Guyana are attempting in parliamentary governance and administration are things which we should be proud of and these are experiments which redound their work to the credit of both sides of this House.

Therefore Mr Speaker, it is important that on both sides of the House we respect the spirit and intentions of the Constitution reforms.

Mr Speaker, it will be true to say that in the workings of this committee the mood has usually been consensual. And that even when there had been proposals that we on the opposition side of the committee might have had some questions on, we were prepared to be generous in understanding.

And I would like to make a few comments about the debate on this particular proposal, that is, the proposal that the PSSSA should be one of the bodies to make nominations to the Public Service Commission.

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When we were first told of this association in the debate someone asked how long has it been in existence and what did it do? The first response was Mr Speaker, 'oh, years and years.' Then as the debate unfolded it turned out that the process of bringing this body into the legal situation so that it can even be considered was happening almost in parallel with the debate of this committee.

And Mr Speaker, that process and the documents emerging and the registration process happening after we had started this debate is unworthy of this House and unworthy of colleagues.

The second point I want to make is this, that there has been an attempt by my Honourable friend the minister to suggest that there is a parallel between the consensus that emerged when we talked about the Judicial Service Commission and the Police Service Commission where there were proposals - I believe, mostly from the government side, but that is not important - to widen the representation. But in every case the legal bona fides or the representational bona fides of the institution suggested were never in question.

The same questions that we asked about the PSSSA were asked about the Berbice Lawyers Association and they were satisfactorily answered.

But in this specific case Mr Speaker, the Constitution requires a particular characteristic and that is that they represent the workers.

We note that the issue of FUGE is being brought in perhaps, to create a little dust and cloud, but the letter from the Chief Labour Officer of the Ministry of Labour was very very clear. He said of FUGE that these unions represent transport, postal, skilled, semiskilled and unskilled workers in various sectors of government. However, the employees are not appointed by the Public Service Commission.

So even though they may have some legitimate interest in the matter, if we accept a strict legal interpretation only the Guyana Public Service Union qualified.

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Mr Speaker, we would like to make these constitutional reforms work. We would like to evolve at a stage in which our discussions take place with mutual respect, and when we make decisions we understand each other's thinking and we make decisions which would have credibility, not only in this House but in the nation at large.

There is in the representation of public services a legitimate place for institutions that speak on behalf of senior levels of the public service. In many jurisdictions those organizations exist.

And the position of the People's National Congress Reform is that in Guyana there may be a legitimate place for such an institution and when either the PSSSA or any other institution which emerges to have the legal right to speak on behalf of the senior managers of the public service so establishes itself, whether it happens in a year or two years, that is not our problem. If and when such a situation occurs we would agree without question for such an association to do that representation.

But to attempt to foist the PSSSA on ourselves as a legitimate representative is not only to do violence to the committee but, in fact, to undermine the very purpose which is stated by that association and to make us wonder whether their intentions have nothing whatsoever to do with public service representation but to fulfil some narrow and unworthy partisan objective.

Therefore Mr Speaker, it seems to us that the wisest course for us to take particularly at this early stage of implementing these Constitution reforms is for the committee to sit again on this matter and look at the issues and to accept the judgment of that officer in the public service who is qualified to talk on these matters, and to accept the strict and legitimate rights of the Guyana Public Service Union.

I therefore believe a lot of good will be done if we resolve this matter in a way that respects the Constitution, and if we desist and pull ourselves away from a position where we begin to introduce narrow and I believe unworthy aims into the work of this committee.

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I want to suggest that no harm will be done. We believe that the committee could do its work quickly and resolve this matter to everyone's satisfaction so that we can have our Public Service Commission in place and all the other commissions which spring from its appointment.

Thank you, Mr Speaker. *[Applause]*

The Speaker: Thank you Honourable Member.

Honourable Member, Mr Cyril Belgrave.

Mr Cyril CL Belgrave: Mr Speaker, I rise to remove a perception that is being pedaled in this Honourable House. It has to do with trade union recognition and moreso it has been so much used as the Trade Union Recognition and Certification Board.

I was the first chairman of that body and trade union recognition only comes when there are pending disputes between unions and the employer's refusal to accept a trade union of the workers choice.

It is a wrong perception that they pedal in this House; that the Trade Union Recognition and Certification Board, which was passed and assented to by this government becomes the Alpha and Omega in terms of what must happen.

I am advising you; you are not attempting in any way to use the trade union issues, you are using political issues. You are bringing politics into this whole situation.

May I draw to your attention the fact that workers representation is the right of an employer to accept particularly unions that they hope will represent workers. You cannot tell this House that the Trade Union Certification Board is the only body that gives the constitutional right to the worker.

The Constitution says that workers must be represented by bodies

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of their choice. *[Interruption]* Don't worry with whether they apply. Whether they apply or not did the employers say that this body in no way will be accepted as the representative body of the workers? They did not. You are wrong in your whole arguments.

Honourable Member Mr Alexander you have gone off course. You are doing exactly what you have been doing all the years in your political life. *[Laughter]* I am surprised that a former minister who sat for a number of years representing a government, they say, will come to this House to say the things he has said. 'Don't tek no pressure for this thing, buddy.'

Let the arrangements continue by which the body will meet and represent people as they should. I don't know why it is that you are having this division. And here what you are saying, consensus, and by consensus you mean to put the 'political spoke' in the wheel of the body set up. This is exactly what you mean.

You are putting in a 'political spoke', you do not want the body to function as it should. It is the history of the PNC anyhow. For my 27-28 years in Parliament I recognize that the PNC when they cannot get control of something they destroy it. That is your culture.

If you are talking about a new dispensation, a new period of development in this country, you must remove this perception from your mind that you either control or you destroy.

Guyana needs togetherness and I am hopeful that you can see wisdom.

The GPSU is a representative of workers; FUGE is a representative of workers; the Public Service Senior Staff Association is a representative of workers and I would suggest that you accept this Motion so we can move on to get this body going so we can look at the interest of this country's development. Don't break it up, I know your behaviour.

I was with you for a number of years. At one stage Mr Speaker I

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will go so far to say... *[Interruption]* I have 30 minutes.

The Speaker: I notice that you are having a long conversation with your colleagues on the Opposition. I am pleased that you recognize that I exist and I am here all the time.

Thank you.

Mr Cyril CL Belgrave: At one stage in this country Mr Speaker, do you know what the PNC, as it was then, did? They divided the trade union movement. I don't know how they have become representatives now. They set up parallel bodies, parallel trade unions. Today they are talking about their rights. *[Interruption]* ("The man you are talking about came out of the PNC, he was a YSM leader, and still is a member of the PNC. So you have a right to represent that interest.")

You are talking about the permanent secretaries. Are they not workers in this country? Are they not entitled to representation? Are they not entitled to be on bodies to seek representation on their behalf?

I am surprised that the Hon Member Mr Alexander whom I know for a number of years... we operated together in the TUC, we sat down and discussed workers' rights; he was part of an education strategy in the TUC. Today you are taking an anti-worker position because it suits your political interest. *[Applause]* I would say let us get on with our business for today and look after the interest of workers. *[Applause]*

The Speaker: Thank you Honourable Member.

Honourable Member, Mrs Sheila Holder.

Mrs Sheila VA Holder: Mr Speaker, I rise reluctantly to add my voice to this debate that I had hoped would return to this House. I recall upon the establishment of the Appointments Committee that I stated then that during the Constitution reform process it was said repeatedly by the people of Guyana that they desired to see the element of independence introduced in the appointments to institutions and commissions. This

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view was very emphatic. It ran through many of the consultations leading up to the reform of our Constitution many years ago. It is, therefore for me, disappointing that we have returned to this House with an unresolved issue, that committee to appoint a member to the Commission having been established.

It is also disappointing from the perspective that I stated then that this House had achieved what I described as a hallowed tradition; that during the committee stage consensus ruled the day.

I regret coming back to this Honourable House with this matter we have exhibited very early in the reform process, a failure that none of us should be proud of.

The fact is that the view was also expressed in the reform process and contained I believe, in an amendment to Article 13 of the Constitution, that greater consultation by citizens should be the new order of the day. However, we are faced with a reality that the Constitution states very clearly that the supreme organs of the state are in fact, the President, the Cabinet and the Parliament.

Regrettably all three institutions fall under the authority of the President, and perhaps therein lies the problem of distrust that has surfaced in the Appointments Committee that has caused a lack of consensus to arrive.

I express the hope that we will take this hallowed position of consensus at the level of the Committee serious enough to return to the committee with the challenge to resolve this issue.

Thank you. *[Applause]*

The Speaker: Thank you, Honourable Member.

Hon Minister of Health.

Hon Dr Leslie Ramsammy: Mr Speaker, we have listened to the

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arguments as to whether the GPSU should be the only body consulted or whether we should consult with all the bodies that in one way or another are associated with the functioning of the public service in Guyana.

Mr Speaker many of us were involved in the discussions, the discourse and the consultations during the evolution of our reformed Constitution and there was one overarching principle. In putting together our new Constitution and in recognizing that it is a dynamic process and that we will improve this Constitution as we move forward, the overarching principle was that consultation, dialogue, increased participation of stakeholders in the broadest sense would be what we would want to make a reality.

Mr Speaker, if indeed those of us who worked on the Constitution reform process meant to limit consultation to the recognized union then we would have so stated. In deciding that the appointments would not rest solely on the President, and in deciding that the Parliament should have a role, we included in our Constitution the provision that the Parliament would make nominations of two candidates for the President to appoint. And the Parliament in making those nominations would consult with bodies that represent employees or classes of employees.

It never said a body that is a recognized union.

The Honourable Member Belgrave asked the question: Are the permanent secretaries working in the public service of Guyana? The answer is yes.

Are the accounting officers working in the public service of this country? The answer is yes.

Do we have these personnel contributing to the welfare of the public service? The answer is yes.

In this era that is evolving in which we want to expand the scope of the participants in the dialogue and consultation, why is it that we are so adamant in excluding any group that is associated? And let us not try to

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deceive anyone. I have heard that the Public Service Senior Staff Association applied for recognition in May of 2002; the same letters that are being held up in this National Assembly also say that this organization was registered in May 2002 when the Appointment Committee of this Parliament was not in existence and we seek not to mention that. So this is not a new organization. That is the fact, Mr Speaker.

I hear several of the Members talk about broad, greater participation, greater consultation and recognizing the role of stakeholders. This is the attempt to broaden consultation, and this Parliament will consult with all of the groups that are in one way or another involved with the functioning of the public service.

And it is for that reason that we the Members from this side of the House of the Appointments Committee insist that all of the relevant groups be consulted in making the nominations to the President.

Mr Speaker, it is important for us to realize or to note that within the Appointments Committee we could have voted but we decided to bring it to the National Assembly so that we can air our views publicly. It is therefore disingenuous for us to be now calling for it to go back to the Appointments Committee.

We could have voted before we came here. We all agreed by consensus that it should come here and, therefore Mr Speaker, I say having arrived here by consensus - and this was not disputed - that we resolve the issue so that we can get the Public Service Commission in place and working for the benefit of all those public servants who are waiting for their promotions and so on. *[Applause]*

Mr Speaker, before I take my seat at the appropriate time - I am not sure whether this is it - we suggest that the Motion in the first resolve clause be amended and the word 'whether' be replaced by the word 'that.'

Thank you. *[Applause]*

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The Speaker: Thank you Honourable Member.

Hon Minister of Culture, Youth and Sport.

Hon Gail Teixeira: Mr Speaker, it has been an interesting debate and I think it is one where a number of issues need to be made very clear.

In listening to the Honourable Member Mr Alexander it appears as if somewhere in the Constitution it is written that the Public Service Union is the only body that should be asked to have representation. *[Interruption]* I said it appears as if.

In Section 201(b), which I want to read for the House, it says that two members appointed by the President upon nomination by the National Assembly after it has consulted such bodies as appear to it to represent public officers or classes of public officers.

That is what the committee was asked to address and that was reflected in the Motion that was passed on 8 May asking the committee to work on it. It is in that context where there is not clarity, no definition that the committee sat and looked at the various entities.

However, the arguments surrounded a number of issues. *[Interruption: 'If you continue I will ask the protection of the Speaker because I don't have a big voice like my dear comrade behind me, Mr Belgrave.']*

Let us deal with some of the issues that have been raised by some of the Honourable Members on the other side of the House.

First of all the constitutional issue left it up to the committee to determine in its wisdom who were those bodies that should be consulted. In our attempts at the committee level we came up with two proposals in which in drafting the Motion we even agreed to put it that the GPSU was to be one of the bodies. However, the second part, which is the part we are being asked to vote on here today, is saying that we are asking to include the other two bodies.

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So it is not a Motion coming here today saying that it is GPSU on the one hand and the other two on the other. We are misinforming the people who happen to be looking at some of this stuff on television. *[Applause]* Let us be straight.

If our coming here to be... and all these grand statements about hallowed hall and our behaviour, let us be truthful because the reports make it absolutely clear what was the discussion going on.

Mr Deryck MA Bernard: Mr Speaker, on a point of Order, 35(6)...

The Speaker: Sorry, I did not get that.

Mr Deryck MA Bernard: Standing Order 35(6),

...no member shall impute improper motives to any member of the Assembly.

It does appear to me Mr Speaker that the Minister is assuming that some speaker on this side of the House is attempting to be deceitful by suggesting a different interpretation from the Motion that is being debated.

The Speaker: Proceed, Honourable Member, and take note of the objection.

Hon Gail Teixeira: Thank you Mr Speaker. Yes, Sir. I always try to behave properly in Parliament.

However I want to bring your attention to a number of things in this Report. I want to ask the House to look at page 3 No 6.

The discussion which ensued focused on various interpretations of the content of the Chief Labour Officer's letter to the committee in relation to registration of a trade union to represent workers viz-a-vis a union's certification allowing it to be a bargaining unit.

The Trade Union Act Chapter 98:03 allows bodies to be registered as trade unions. The Guyana Public Service Senior Staff Association

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was licenced under the Trade Union Act in 2002 as a trade union.

In 1997 the Trade Union Recognition Act talked about recognition and certification.

If we had listened to the Hon Member Mr Belgrave there is a distinction between when you are licenced to operate and therefore under the Trade Union Act you are registered and can thus represent the interests of the workers versus when you are certified. However, the committee examined a number of issues.

The Guyana Public Service Senior Staff Association had provided documents, and, in fact, we shared the documents with the committee. There was no cloak-and-dagger arrangement. The association, according to the Report which you can see here, represents the senior staff in a number of areas and it is defined if we look at pages 4 and 5 of the Report. If we read them we will understand who its membership comprises and also what it is doing.

The fact is that FUGE in its letter pointed out on page 5, Clause 2 its purpose,

...to ensure correct evaluation, assessment of open vote workers for promotion by the Public Service Commission to the fixed establishment.

So FUGE has a role to play. Let us go back to the senior staff association.

First of all there is nothing to stop staff associations from representing workers in this country. It was pointed out in this committee that the GNCSB Staff Association represented the workers at the time of the privatization and was able to argue and represent them and to win the severance package. But the GNCSB Staff Association is not recognized under the Trade Union Act, nor is it certified under the Trade Union Recognition and Certification Act. But in *good stead* they were recognized as a group of people and a body that represents the interest of those working there.

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Secondly, my dear colleague on the other side, Mr Alexander, talks about, again, the same issue... *[Interruption]* The UG Workers Union, the UG Staff Association represents the interests of the workers of the University of Guyana. However, they are not either certified by the Trade Union Recognition Act.

But I want to go further, Mr Speaker, for the GPSU it is unfortunate - I just want to make a comment - that in this House bodies that are representing workers of this country are being pitted against each other. Because the committee in its Motion here before this House says that it recognizes the GPSU but it is saying that there are others that should be brought in to the ambit of consultation.

This motion is not about who is legitimate or who is not, who is recognized and who is not recognized. It has to do with the *process of consultation*. *[Applause]* That is the essence of what is going on. I warned my colleagues on the other side of the House that when we come, Mr Speaker, to the women and children's associations and we want to see bona fides we are going to run into trouble. So the spirit of consultation, the intention of consultation, is what is being fought over here, not a technicality.

Now, the GPSU traditionally has not been known to represent the higher categories of the public service. The Public Servants Senior Staff Association... *[Interruption: 'Mr Speaker, can I have your indulgence, please? I have a terrible sore throat today and really have a difficulty shouting above this level.']*

The Speaker: Yes.

Honourable Members can we have some order, please.

Hon Gail Teixeira: Mr Speaker, the GPSU - and the record is there for all those who wish to look at them - has not traditionally taken up matters to do with the accounting and senior staff of the public service. And that is understood because of their base and everything else.

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However, when the constitutional changes were made, when in 2000 and 2001 this House, this Parliament, made changes to the Constitution which now puts the onus on public servants and public officers that can be now summoned to sectoral committees, to come before various constitutional bodies to answer as public servants and public officers, and in which there is no present framework to protect them, because the British parliamentary system actually has rules and regulations for the sectoral committees, and all these other commissions that we are now setting up, that they have had before, that makes it clear what are the responsibilities/duties of public servants and public officers vis-B-vis coming before these committees to answer questions in relation to the operations and functions of Government.

So the point I am making is that the Public Service Senior Staff Association was created in the year 2002. It was registered under the Trade Union Act. It wrote the President about the concerns of senior staff, permanent secretaries, senior accountants and so on who would now be summoned before these bodies and help to deal with what are protection issues.

To talk about them being appointed by the President is a 'red herring' because the issue has to do with the role and functions of public servants, particularly permanent secretaries, who are chief accounting officers under the Financial Regulations Act, under the Auditor General, under the Accountant General, who can face serious consequences before the Public Accounts Committee and the Procurement Commission. And, therefore, this is an issue that concerns all the civil services all over the world and there are mechanisms put in place.

The Public Service Senior Staff Association brought this to the attention of Office of the President as a concern and, in fact, it is an issue that this House will have to address.

For example, in the sectoral committees if any sectoral committee wishes to summon a public servant to answer questions there are rules governing when they should do it and how they should do it and so on.

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The point I am making, comrades, ladies and gentlemen, and Members of Parliament, is that the process of consultation could not leave out this body of senior staff in terms of having some way of a consultation in the process. The FUGE is clear.

There seems to be some fear on the other side of the House that if you broaden and include these two other bodies, the GPSU may not be able to have representation. But the Constitution makes it clear that actually these two bodies will not be able to have representation on the Public Service Commission. But why not then be part of the consultation process?

As Honourable Member Mrs Holder asked in a committee meeting a very serious question: *What harm, what negatives would be done to the Constitution were we to consult all three?* There was no answer from my dear colleagues on the other side of the House.

Indeed what harm, what violation is it? We have before that as a committee consulted bodies.

The point is that we feel that it does no harm... And let me tell you something; if I was the head of the GPSU, Mr Speaker, I would have wanted to broaden the scope of consultation so that when my nominees come to Parliament nobody could dispute the bona fides of that person. And that is what trade unions like to do. But this has become an issue of 'turfism' and it is unfortunate.

At the root here is the principle that if we do not deal with what we mean by consultation... because ultimately this same committee that we belong to, the 11 of us belong to, six on the Government, five on the Opposition, if the three people meet and submit names and we in any way disagree with the names, we have the power, through power of the Committee, to make them go back and start again or to select.

Let me give you an example, it is in the Report, so it is public knowledge now.

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When we dealt with the Judicial Service Commission, Mr Speaker, three names came forward, the Berbice Bar Association put up one, the Women Lawyers Association put up one, and the Guyana Bar Association put up one. Three names from three organizations. If we were going to go with the majority of the persons who were nominated it should have gone to another person, but in our wisdom as a committee we adjudicated over the three names, we judged of the three names which we felt could best serve on the Judicial Service Commission. Was not that so?

I challenge the members of the committee to say that is not what we did.

So under this process of consultation there were different layers. First, as a committee, who should we approach to consult?

Secondly, once the consultation is done it comes to us. When it comes to us we have the ability as a committee to adjudicate, to make nomination and where we are unable to do that to seek the overpowering, overwhelming ruling of the Parliament because the Parliament is above us.

We are a committee implementing what is a Parliament motion. So that this committee can also, if for any reason any nominations were to come to us in theory that were unacceptable, were problematic, were a violation of the Constitution and the requirements for those who must sit on these bodies, then obviously the committee can continue the process of going towards its second and third rung. There is nothing to stop that. But, Mr speaker, we attempted to reach consensus, we 'agree' to disagree. I have sat in this House and hear this word consensus being bandied around. Consensus can mean three things, (i) we agree to disagree, (ii) we find compromise - we give a little and take a little and we both come away with something from the table or (iii), we come to an agreement as if we all have the same view. These are the three positions on consensus.

The interpretation of the word consensus in Parliament is if you do

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not agree with them you can't get consensus. Consensus means we negotiate and in the committee we failed to reach a conclusion. We therefore brought it to the House and we will vote on it because ultimately, Mr Speaker, the Parliament is the highest body, so we bow to it and we have the right to vote in this place. We have the right to disagree, to decline, to vote against. We have a right to do that.

Sometimes when you fail at one level you reject that and move to the next decision-making body which is Parliament, to make the decision.

The comment has been made about the PSs being appointed by the government. The permanent secretaries are the chief accounting officers and I would hope that anybody who is not on the Opposition who would hope to be in government one day, would not have to remember some of the duress and comments made today about permanent secretaries in this House because many of those permanent secretaries may have to function under you. So be careful with the very duress and comments that are made here about permanent secretaries.

I believe Mr Speaker, that what is at stake in this motion is a principle, not the technicality, because there is nothing in the Constitution that says and gives clarity that it must only be the GPSU or any other organization. When the Constitution wishes to make it clear it so does.

Under the Judicial Service Commission it makes it clear - Chancellor, Chief Justice, chairman of the public service and not less than one, more than two put up by the committee.

The Constitution in relation to the Public Service Commission leaves it open to such body or bodies that appear to represent. And, therefore, the committee has done what is correct. It has gone through a process as best as it can. It has come to this House saying ultimately we will have to vote on this issue; that we have tried.

Up to Tuesday I discussed with one of my colleagues on the other side of the House: "*Any changes to this thing, anything else, anything?*" "*No, there is nothing.*" So we come here and we will be

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responsible members of Parliament exercising our right to choose and that will then be returned, whatever way this Motion goes to the committee to approach the body or bodies to be able to start the consultation process. And we will return to this body with the names of the persons that they so put up and what we agree to.

So Mr Speaker, it is unfortunate that in this debate it has made it appear as if the Constitution makes it appear as if only one body can be consulted. I still hold the view that the Constitution writers and decision-makers and all these people who are part of a process, if they wish only the GPSU to be there they would have written it in.

Secondly, constitutions are not written for the moment. Tomorrow, in ten years or five years time there may be a new set of unions on the horizon and therefore those are the bodies that we will have to consult.

We are at that moment now when there are three bodies which do no harm to the consultation process. In fact, it helps the consultation process, it helps the involvement of bodies which have a concern over the workers in the public service to be part of the consultation process.

I repeat the question asked: What harm is done, what negatives are done? This question I thought Mrs Holder would have answered on the floor and use the opportunity to expound her arguments which she gave in the committee. Therefore, I am giving those arguments because I believe that they are strong.

This committee is asking the Parliament to make a decision to include the two other bodies, not the GPSU. If you read the Minutes clearly we are asking this body to support the inclusion of the two other bodies in the consultation process to put up nominations to the Appointive Committee based on Article 200(1)(b) of the Constitution.

Thank you. *[Applause]*

The Speaker: Thank you Honourable Member.

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Honourable Members, I have received two amendments, one by Mr Vincent Alexander and Hon Member Dr Leslie Ramsammy.

Honourable Member Mr Alexander do you wish to move the amendment that you proposed? *[Interruption]* It is the amendment for one word. If you were paying attention to Dr Ramsammy you would have heard. Yes, Mr Alexander yours is first, could you proceed?

Mr Vincent L Alexander: Thank you very much, Mr Speaker. I rise to move an amendment to the Motion before us. My amendment is specific to the first resolution clause. It reads as follows,

AND WHEREAS, the committee has referred the matter of its failure to the Assembly for its consideration and guidance.

NOW THEREFORE BE IT RESOLVED: that this National Assembly gives guidance to the committee to assist it in its determination on whether the Public Service Senior Staff Association and the Federation of Unions of Government Employees should be among the bodies that appear to represent public officers or classes of public officers and that the matter be referred back to the committee for making that determination.

I so move.

The Speaker: There is a seconder I assume. Would somebody second?

Mr Deryck MA Bernard: I rise to second the amendment.

The Speaker: Thank you, Mr Bernard.

Honourable Members, I will have to put the amendment first. I therefore put the amendment that the words proposed to be left out be left out, that is to say the resolve clauses, and that the words proposed to be

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inserted be there inserted, that is, the amendment as circulated.

Now those who are supporting the amendment I assume will say 'aye' because there is always confusion over this.

Those who support Mr Alexander's amendment when I put it will please say 'aye,' and those who do not support it please say 'no.'

Thank you very much.

[The amendment was put and negatived]

There is a second amendment. Dr Ramsammy, would you care to propose that?

Hon Dr Leslie Ramsammy: Mr Speaker, I ask that we consider an amendment of the first resolve clause deleting the word 'whether' in the first line of that clause and substituting that word with the word 'that'.

The Speaker: Thank you Honourable Member.

Please ensure that these amendments are circulated in writing so that Members will have a full opportunity of looking at them.

Mr Carberry is quite particular about these things - quite rightly Mr Carberry.

[The amendment was put and carried]

[The first resolve clause as amended was put and carried]

[The second resolve clause was put and carried]

Honourable Members, I think this is an appropriate time for us to take the adjournment.

On the resumption we will move to the Motion moved by Mrs Melville.

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SUSPENSION OF THE ASSEMBLY AT 16:15H

RESUMPTION OF THE ASSEMBLY AT 16:58H

MOTION

SHUTDOWN OF THE MOCO MOCO HYDRO POWER PLANT IN LETHEM - REGION 9

The Speaker: Honourable Members, we will now deal with the adjournment Motion moved by Hon Member Mrs Melville in relation to the situation of extreme hardship which has been created in Region 9 due to the shutdown of the Moca-Moca Hydro Power Plant in Lethem last Sunday.

Yes, Mrs Melville.

Mrs Shirley J Melville: Mr Speaker, I thank you for the opportunity to bring to this Honourable House a matter of urgency as has been requested by the people of Region 9. There has been a collapse of the Moco Moco Hydro Power Plant within the past week and this plant has been the main source of electricity for Lethem, our administrative centre, St Ignatius and Moca-Moca Villages on a 24-hour basis.

There has been a landslide and the damage is massive. During an on-the-spot visit yesterday, 9 July 2003 rocks were still shifting and metallic sounds of the pipes moving could be heard. The residents were informed that it would take a year or two for this damage to be fixed.

Over the past few years residents have taken a bold step forward in gathering together their scarce finances to invest in all types of electrical appliances such as freezers, computers, which are dependent on a reliable power supply.

Mr Speaker, small cottage industries have started up. Also the hotels and guest houses have invested greatly in improving their services by offering air-conditioned rooms now. But apart from that Mr Speaker,

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the RDC complex has a lot of modern technology, as well as the Lethem Hospital which has now an X-ray department and there is definitely need for the drugs to be stored properly.

Mr Speaker, Lethem has experienced growth and development. There are a number of businesses which have taken out loans which were made available only recently, since lending institutions such as IPED have now started operations within the Region.

Mr Speaker, there are several questions I would like to ask our Honourable Minister.

1. Could the Honourable Minister say if borehole was done to ensure that the penstock was on solid ground?
2. Could the Honourable Minister say if the residents of Region 9 could be assured that fuel would be available for the stand-by generator?
3. Could the Honourable Minister say if a bigger generator would be supplied as the present stand-by generator will not be able to handle the increased demand since it was last in operation?

Mr Speaker, meetings were held with residents as well as members of the business community. There is the Rupununi Chamber of Commerce and Industry. I would just like to quote a bit of what they have said:

In the township of Lethem, which has experienced good growth and development over the past few years, this has extremely serious implications. Lethem is our administrative centre; many businesses have invested heavily in business expansion and equipment such as deep freezers and computers which do need a reliable supply of electricity. Those persons who have taken out loans will be in default if power is not resumed very shortly. The Rupununi Chamber of Commerce and Industry therefore would like to suggest that the government takes very urgent steps on the following recommendations,

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1. *Assist the local power company and the Region in getting the stand-by diesel generator up and running satisfactorily on a short-term basis. At the moment we are standing by with our stand-by generator.*
2. *Immediately initiate an engineering study of the Moco Moco Hydro Plant with recommendations on a course of action which will result in the earliest resumption of operations. This must be completed within a short space of time so that long-term decisions can be made before very serious damage is done to local businesses and future business development.*

Mr Speaker, Moco Moco Village is 14 miles from Lethem...

3. *Immediately pursue with the Brazilian Government and power company the possibility of extending their grid in Bun Fin to provide permanent and adequate power to Lethem at acceptable rates*

Bun Fin is approximately five miles from Lethem.

The Lethem Power Company must be managed by a qualified engineer.

The Rupununi Chamber of Commerce and Industry considers that the third option should be aggressively pursued in any event. It could prove an option that provides adequate power much quicker than the second option and would also provide the township of Lethem with an excellent permanent back-up supply.

As I said earlier Mr Speaker, the business community is very much aware and concerned that the current stand-by generator will not be able to handle the increased demand. It certainly is unlikely to be unable to handle future proposed development in the Region as well.

Mr Speaker, in closing, they would like the government to treat this

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matter as a serious emergency, to avoid the collapse of much of the very successful developments, of the national and regional administrations, and the Chamber of Commerce and Industry that have been accomplished to date.

Thank you very much. [*Applause*]

The Speaker: Thank you Honourable Member.

Hon Prime Minister and Minister of Public Works and Communications.

Hon Samuel AA Hinds: Mr Speaker, Honourable Members, I very much want to agree with the Honourable Member about the development that has been propelled in the Lethem area with the provision of electricity.

We in the government were very much disappointed and very much regretful when the news came to us on Tuesday 8 May about midday. This event as reported to us occurred sometime on Monday 7 and was reported to us on the 8. Immediately on the 9, yesterday, we had Mr O'llall travel up there. Mr O'llall is the head of the Guyana Energy Authority and was a leading member of the establishment of the Moca-Moca Hydro Power Project.

It was also reported to us that the stand-by engine which was in use sometime ago when the water was short didn't perform, or could not be put in service; it had defects when they tried to put it into service. So going in yesterday also were two technicians from the company representing that equipment, MACORP. I spoke with them last evening and got some initial reports.

We also have going in, out of discussions at the Ministry of Works and Communications today, Mr Willis who is an adviser to the Minister of Works, the PS who is an Engineer, Mr Maxwell Jackson and Mr Veacock, on Saturday.

We have spoken both with the regional authorities there, the Lands

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and Surveys Commission, to have the services of a survey crew so that one can have started and maybe completed within four or five days a survey of the situation as it is now so that workers can begin to look at what should be done to restore the hydro power operation.

Certainly this is a great disappointment to us and one could end up being somewhat dismayed about its occurrence. But we can take comfort in the fact that we can get it fixed and will get it restored.

My colleague Minister Nokta will speak to what is in place, what is in train and what are our expectations.

Honourable Member Melville spoke about their initial judgment of a year to two to get it corrected. I think that is somewhat of a long estimate for the hydro power station. I would hope that we can get it done well within a six-month period but we would have to wait for the experts to go there and make their detailed survey and submit their report.

In the meantime we are expecting that the diesel generating station will be soon in operation and yes, we know too that the demand has increased beyond what that unit could supply by itself. So we expect that we will have to work with the Lethem Power Company and make arrangements for some additional diesel generators.

On the question of getting power from Brazil we are certainly not against it. One would have to look at the estimate of what is involved in moving power from Brazil to Lethem - there will be a cost in that transmission. One has to bear in mind, too, from what I have learnt, that power in that part of Brazil, as it so happens, is somewhat subsidized. So there are issues; and I note that the Hon Member Melville spoke about getting power at acceptable rates. So, one would have to make a survey of that option.

On the issue of a qualified engineer, we do have a qualified engineer, Mr Baharali, who is certainly treating this matter urgently. We recognize fully its importance since it is an event to be regretted but it illustrates to

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us, it has brought clear to us the significant improvements which have come about in Region 9 area and we certainly wouldn't want to lose any momentum. We want to keep that momentum of the developments in Lethem and Region 9 - and all of Guyana - going.

Thank you. *[Applause]*

The Speaker: Thank you Honourable Member.

Honourable Member, Mr Carberry.

Mr E Lance Carberry: Mr Speaker, it is very regrettable that the people of Lethem and the surrounding area have experienced what we in Georgetown and the people in Linden experienced in terms of the breakdown and unreliability of power supply. The point is that the availability of power is one of those situations that create its own demands.

I think some people may forget, but this programme was initiated under the People's National Congress as part of a longer-term programme for the development of mini- and micro-hydro to support communities that require it. In fact I must say that I had the distinction of negotiating with the Chinese which led them into this project.

Well, it is really sad for me because I have visited this programme (at my own initiative of course, my colleagues did not remember to invite me) and I can tell you that there were extensive civil works done there.

It suggests to me, Mr Speaker, that there has been neglect in terms of the normal checks and maintenance requirements of such a project. The fact that even the stand-by electricity system is not working, and people did not know it wasn't working until such time as the hydro power system broke down, tells you the level of complacency and neglect that took place.

Now, here we have a community that has begun to recognize the use of power and to expand the activities requiring power from the hydro power scheme. And I think the Hon Prime Minister knows that Moco

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Moco is not the only area in that vicinity that is earmarked for development. There was supposed to be a linkage of development in that area.

All of this has not been done but we have heard of the very complacent works and attitudes that have now resulted in a massive collapse - I have seen the photographs. And a massive collapse of that nature doesn't happen overnight. It happens progressively. Therefore, if there was adequate attention to the geotechnical aspects as well as to the physical aspects of the penstocks we would not have had this problem.

The fact is that it has happened and therefore what the people of Lethem need are assurances that efforts are going to be made very quickly to restore power. But I must warn them that the people of Linden have had some experiences that don't suggest too much optimism and we who live in Georgetown are seeing it all the time: that the concept of a reliable power supply is not one which seems to be well understood by the Prime Minister - the Hon Prime Minister, I am sorry.

Now Mr Speaker, we really hope, and in fact I am comforted that the government has seen it fit to send in people with the competence of Morris Veacock and Maxwell Jackson. I am very happy that they have seen it fit to send in people with that competence into this area to look at this problem because I believe that the people of Region 9 deserve to have the benefit of resources which are available to them. All of the sites in that area have been studied in great detail.

Moco Moco was supposed to be stage #1 but since Moco Moco there has been a relaxation, and a stepping back. Let us hope that the results of Moco Moco will mean that the development of a mini-hydro in that area is going to progress and move forward.

Thank you very much, Mr Speaker.

The Speaker: Thank you Honourable Member.

Hon Minister of Local Government.

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Hon HARRIPERSAUD NOKTA: Mr Speaker, the subject in question is a matter that is of great concern to the government and we on this side of the House. And I want to assure the Honourable Members who spoke that on receiving information of a natural disaster, I don't know who you will blame. But, over the week we did have something at Block 22 Wismar also, but not on the scale of Moco Moco.

So it shows that natural disasters can happen; it has happened in the past and no doubt in the future it will happen too because that is nature. But I want to assure the House that we regret that. Immediately on receipt of information the Hon Prime Minister did inform me and engineers were dispatched to Lethem.

I made contact with the REO. He did not only talk to me on telephone but he brought out information to us including photographs, and based on those photographs I did engage a press conference yesterday to highlight the serious situation. Be that as it may, I want to say that I am happy to learn from the Honourable Member representing the Rupununi, Mrs Melville. There is a saying that *only when the well runs out of water then you miss it*.

Before today I listened on very many occasions where some of those same people in Region 9 would say that this government has done nothing for Region 9. But in this House today it is admitted. [Applause] What did they admit to now?

Growth and development over the past years - Lethem has an X-ray department, expansion of housing, the regional administration expanding and the Lethem Chamber of Commerce and Industry also investing. Well of course all of those things were done because of the initiative of the government. And the Ministry of Regional Development will continue... But I am hoping that what this government has done and what is being done will be appreciated and recognized.

The Speaker: I do believe at some time we will get back to the business here.

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Hon Harripersaud Nokta: Yes.

Not to mention more about regional development, especially in Region 9, I want to inform the House, and I have updated information which I received today, we were concerned not only about power but we felt that, okay, power generation has been affected, but I was concerned about water supply, the communications system and many other things.

But I want to say that receiving information about one hour before I came to Parliament today, there is no disruption to water supply in Lethem and there is no disruption to the communications system.

The Moco Moco hydro station needs technical assessment as to cost and time for putting the system back into operation. Well, I have been hearing the Honourable Member saying residents of Rupununi... I must say as a Minister that I learned one thing and that is if you want to know how many engineers live in a village start building a road. There are so many engineers in Rupununi and all of them are giving their own opinion, but we have sent in qualified engineers and are awaiting their technical report and advice.

The diesel generating set at Lethem has two electrical problems that need to be rectified before it could be put back into active service. A burnt-out coil for the alternator was sent to Brazil for rewiring and it is expected to be brought back at 12:00 noon today. And the rectifier to be replaced by MACORP has been flown in today, also.

So we are monitoring the situation hoping that very soon, through the generating set which we have at Lethem, power will be restored to the community. And if at a later stage that generating set is not capable or adequate enough then this government will address the further needs of the community and take appropriate steps to alleviate those problems.

[Applause]

So I want to assure this Honourable House that the government is

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doing whatever is necessary to bring back life in terms of power generation in Lethem to normalcy.

Thank you very much.

The Speaker: Thank you Honourable Member.

Before I call upon you, Mrs Melville, is there any other person who wishes to speak? *[Pause]*

Yes Mrs Melville.

Mrs Shirley J Melville: Mr Speaker, I state to this Honourable House now that the LPC (Lethem Power Company) does not have an engineer. An engineer, Mr Baharali was there. Mr Baharali, the engineer, was not there when the stand-by was started up.

And Mr Speaker, could the Hon Prime Minister answer question No 1 please, which is was borehole done before the penstock was put on solid ground.

Thank you very much, Mr Speaker.

The Speaker: I suppose this is a matter on which we can break the rules.

Hon Samuel AA Hinds: Yes, because we are finished.

The Speaker: But do you wish to answer?

Hon Samuel AA Hinds: Yes, I wish to assure the Honourable Member that I would ensure that the people who are making the surveys take this matter into consideration.

My expectation is that all those things were done. As far as I know all those things were done but will be reviewed during the current study.

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The Speaker: Thank you Honourable Members.

The next item on the agenda is the Maritime Drug Trafficking (Suppression) Bill.

The Hon Minister of Home Affairs will move the second reading of this Bill.

BILLS

SECOND READING

**ITEM 2 - MARITIME DRUG TRAFFICKING SUPPRESSION)
BILL 2003 - Bill No. 8/2003, published 21 June 2003**

The Speaker: The Motion is proposed.

Hon Minister of Home Affairs.

Hon J Ronald Gajraj: Thank you Mr Speaker. I rise to present for the second reading the Maritime drug Trafficking (Suppression) Bill 2003.

Mrs Sheila VA Holder: Mr Speaker, on a Point of Order...

The Speaker: Yes, Honourable Member.

Mrs Sheila VA Holder: Mr Speaker, as you are aware and the Honourable Members who sit on the committee are aware, that this Bill was not published in the *Official Gazette*. Therefore, I would expect the Honourable Minister to request a suspension of the Standing Orders if he intends to proceed with the debate or indeed await its proper publication in the *Gazette*. [Applause]

Hon J Ronald Gajraj: Mr Speaker, I note with concern the point of order taken by the Honourable Member. I do know that the Bill was submitted for publication but I do not have a copy of the *Official Gazette* in my possession now and I cannot with 100% certainty say it was published. On that premise Mr Speaker, I would respectfully request

guidance either from your good self, or from the learned Clerk of the National Assembly.

The Speaker: The particular Standing Order which I am not finding at the moment - my clerk will find it for me - provides that the Bill must be published seven days before in the *Official Gazette* before the second reading. It was pointed out at another place yesterday, and that was confirmed, that the Bill had not been published in accordance with the Standing Order. Standing Order 46(3) provides,

...that no Bill should be read a second time before the expiration of seven (7) days from the date of its publication in the Gazette and until it has been printed and circulated to Members.

I gather it has been printed and circulated to Members, but I think the clerk confirmed yesterday that it had not been published in the *Gazette*... It was actually published with a date but it was not available for circulation to members of the public within the seven days.

Hon Reepu Daman Persaud: Mr Speaker, yesterday when this matter was raised you will recall that the committee virtually agreed to go on with the debate. We agreed on that yesterday. [*Interruption: 'The proposal was that we seek a waiver.' 'The Standing Committee's responsibility is to publish not to circulate; we can't be responsible for circulating. It was published, no one knows whether it was circulated but all Members of the National Assembly got a copy of the Bill the same day it was introduced.'*]

Mr E Lance Carberry: Mr Speaker, I am myself a bit uncertain about the point being made by my colleague. Because if you read the same Standing Order 46(3)

...no Bill should be read a second time before the expiration of seven (7) days from the date of publication in the Gazette and until it has been printed and circulated to

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Members.

Now, the issue is whether it was published in the *Gazette*. The fact is that we have had confirmation that it was not. So therefore you cannot satisfy the requirement of seven days after it has been published in the *Gazette*.

Hon Reepu Daman Persaud: My understanding yesterday was that it was published but it was not certain whether it was circulated.

The Speaker: The Clerk advises me now and he advised me yesterday that the Bill was not available for circulation to members of the public, and he has now advised me that it will become available for circulation today.

Hon Reepu Daman Persaud: In view of that Mr Speaker, I crave your indulgence, and that is of the House, to suspend the relevant Standing Order, if there is no objection, and proceed with the Bill. If it is not agreed we can postpone. But I would suggest that we suspend the relevant Standing Order and proceed with the Bill because it is not a controversial Bill. *[Pause]*

I would propose that the relevant Standing Order, that is 46(3) be suspended, if it is agreed. I am not imposing it or forcing it. I am requesting Honourable Members to...

The Speaker: Honourable Members, the Standing Orders provide that such a motion can properly be put once it is moved and without notice. Now, I cannot put a motion on the basis of if it is to be agreed. If you have moved the motion and it is a proper motion then I will put it to the House, and I can put it with a proviso.

If you wish you can have a word with your colleagues on the other side and then I will put the motion... if you properly move the motion I will put it.

Mr E Lance Carberry: Mr Speaker, if this particular situation was an

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isolated occurrence one could understand but there seems to be a pattern in that a number of Bills having... Now, I believe that one of the benefits of the existence of the Parliamentary Management Committee is that it gives us an opportunity to monitor things of this nature. For example, we have had the situation of the first reading of... *[Interruption]*

Hon J Ronald Gajraj: Mr Speaker, on a Point of Order.

The Speaker: Yes, Honourable Member.

Hon J Ronald Gajraj: The Honourable Member appears to be debating a motion and as far as I am aware the motion has not yet been put. I am grateful for the suggestion by you, Mr Speaker, that it is possible that both sides can have a word and whether there can be an agreement with respect to the motion notwithstanding the indications that seem to be coming from the other side. But at this stage a motion is not before this Honourable House. My learned friend appears to be debating a motion as to whether the Standing Order should be suspended or not.

The Speaker: Thank you Honourable Member.

Honourable Members, I invite you to move the motion and let us put it, otherwise I will have to rule on the point of order made by Mrs Holder and the matter will be determined one way or the other. *[Pause]*

There is no motion before the House. I therefore rule that the Second Reading of the Bill cannot be proceeded with, having regard to the fact that the *Gazette* was not within publication in the appropriate time, based on the appropriate Standing Order.

Deferred

[The Second Reading of the Maritime Drug Trafficking (Suppression) Bill 2003 - Bill No. 8/2003 published 21 June 2003 was not proceeded with.]

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Honourable Members, we will proceed to the next item.

**BILLS - REPORT FROM SPECIAL SELECT COMMITTEE
AND THIRD READING**

**ITEM 3 - THE PHARMACY PRACTITIONERS BILL 2003 -
Bill No. 5/2003 published 12 May 2003**

The Speaker: The Hon Minister of Health.

Hon Dr Leslie Ramsammy: Thank you Mr Speaker. I would like to move that the Report of the Special Select Committee on the Pharmacy Practitioners Bill 2003 be adopted and that the Pharmacy Practitioners Bill be read a third time as amended by the Special Select Committee.

The Speaker: Are you speaking to the Motion, Honourable Member?

Hon Dr Leslie Ramsammy: No, Mr Speaker. We met as a committee and we had consensus on the changes which have been reported and I am asking that the National Assembly adopts the Report so that we can have the third reading.

Mr Raphael GC Trotman: Mr Speaker.

The Speaker: Are you speaking to the Motion?

Mr Raphael GC Trotman: I will be grateful, Mr Speaker. I have listened intently to the Honourable Minister's brief presentation a few minutes ago, the essence of which says that the committee met, that consensus was achieved and that we are in total agreement.

Mr Speaker, the document which comes before this House this afternoon, nicely bound and packaged, is a document that we have in principle agreed to. However, there is one issue which the People's National Congress/Reform feels very, very strongly about and which we feel could derail the entire process - I am already hearing chauvinistic statements coming from the other side - and it is this: that in the Bill we

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had counted 41 references to the male species and we feel that in the 21st century any legislation coming to this House should not have references only to he or him, notwithstanding, Mr Speaker, the interpretation on the General Clauses Act.

We feel that in accordance with the amendments to the Constitution that wherever the words he, or him appear in the constitution they should be changed to he or she, or him or her. We therefore feel that this Bill is offensive to us if it goes forward with 41 references to males only.

And Mr Speaker, it is a particular Standing Order which I heard it referred to this afternoon *that no improper motives be imputed against any member of the House.*

But I am surprised Mr Speaker, because every member of the committee, whether it be of the People's National Congress/Reform, PPP/Civic or GAP/WPA, agreed that these references should be omitted. Yet we are disappointed to hear this afternoon, the grunts and grumbles coming from the other side in objection to what we thought was an enlightened proposal; and an enlightened proposal could have...

The Speaker: Honourable Member, I think this matter should not engage the kind of attention that you are devoting to it. I was consulted on the matter [*Interruption*] Honourable Members could you please pay attention and don't disturb me? I was consulted on the matter by Dr Ramsammy and after extensive consideration I could not find any way possible, for the concerns with which he expressed agreement or the proposed amendment with which he expressed agreement, by which it could be properly accommodated in our procedures.

I advised him at the stage at which the matter has reached. There is no way that what he wanted to do could have been accommodated. I urged him that at some future time an amendment could be made to the Bill to take into account what he wanted.

I would like to read Standing Order 56(1) which says,

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On the third reading of a Bill no amendments may be proposed to the question that the Bill be now read a third time and passed and the question shall be put without debate.

So we are bound by the rules. And unfortunately, first what you are saying is not quite accurate, on the basis of the communication I had with Dr Ramsammy, that he opposed the proposal.

Secondly, I am afraid the rules do not allow me to accommodate you.

Mr Raphael GC Trotman: Mr Speaker, I am most grateful. Permit me then to say that the PNC/R maintains its reservation and also, to say on record, that the committee did, in fact, arrive at consensus and it was, in fact, I would not say a pleasure, but it was good to have worked on that committee - myself and colleagues. And we wish to commend the staff for their good work and the other members who served.

Thank you.

The Speaker: Honourable Member, I am very susceptible to gratitude being expressed to my staff and if you want to get on my good side you do that as often as possible. *[Laughter]*

Honourable Members, I propose that the Bill be read a third time.

Bill read a third time and passed as amended.

This brings our business today to an end.

Hon Minister of Parliamentary Affairs.

Hon Reepu Daman Persaud: I move, Mr Speaker, that the National Assembly stands adjourned to Thursday 24 July at 14:00H.

The Speaker: The National Assembly stands adjourned to Thursday 24 July 2003 at 14:00H.

Adjourned accordingly at 17:45H