

National Assembly Debates

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF
THE SECOND SESSION (2002-2005) OF THE EIGHTH PARLIAMENT
OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE
REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

61ST SITTING

2.00 PM

Thursday 12 May 2005

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)

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. Rohee, M.P.	- <i>Minister of Foreign Trade and International Co-operation (Absent)</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</i>
The Hon. Clinton C. Collymore, M.P.	- <i>Minister in the Ministry of Local Government and Regional Development</i>
The Hon. Satyadeow Sawh, M.P.	- <i>Minister of Fisheries, Other Crops and Livestock (Region No. 5-Mahaica/Berbice)</i>
*The Hon. S. Rudolph Insanally, O.R., C.C.H., M.P.	- <i>Minister in the Office of the President with responsibility for Foreign Affairs (AOL)</i>

- *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 (AOL)*
- 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) (Absent)*
- **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 - *Minister of Transport and Hydraulics*
- 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.
- Mr Husman Alli, M.P. - *(Region No. 7 - Cuyuni/Mazaruni)*
- Mr. Komal Chand, C.C.H., J.P., M.P.
- Mrs Indranie Chandarpal, M.P.
- Mr Bernard C. DeSantos, S.C., M.P. - *(Region No. 4 - Demerara/Mahaica)*
- Mrs Shirley V. Edwards, J.P. M.P.
- Mr Odinga N. Lumumba, M.P.
- Mr Heeralall Mohan, J.P., M.P. - *(Region No. 2 - Pomeroon/Supenaam)*
- Mr Ramesh C. Rajkumar, M.P. - *(Region No. 6 - East Berbice/Corentyne)*
- Dr Bheri S. Ramsaran, M.D., M.P. - *(Absent)*
- Mrs Philomena Sahoye-Shury, C.C.H, J.P, M.P. - *Parliamentary Secretary, Ministry of Housing and Water (Region No. 1 - Barima/Waini)*
- Mrs Pauline R. Sukhai, M.P.
- Mr Zulfikar Mustapha, M.P.
- Mr Neendkumar, M.P. - *(Region NO. 4 - Demerara/ Mahaica)*
- Mr Khemraj Ramjattan, M.P. - *(Region No. 6 - East Berbice/ Corentyne) (Absent)*

* *Non-Elected Minister*

** *Elected Member from The United Force*

Members of the Opposition (30)

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

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

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

Mrs Sheila V.A. Holder, M.P.	
Mrs Shirley J. Melville, M.P.	- <i>(Upper Takutu/Upper Essequibo)</i>

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

Mr Ravindra Dev, M.P.	- <i>(AOL)</i>
-----------------------	----------------

OFFICERS

Mr Sherlock Isaacs, *Clerk of the National Assembly*

Mrs Lilawtie Coonjah, *Deputy Clerk of the National Assembly*

PRAYERS

The Clerk reads Prayer

ANNOUNCEMENTS BY THE SPEAKER

(i) Leave

Honourable Members, leave has been granted to the Hon Clement J Rohee, Hon Rudolph Insanally and Hon Dr Jennifer Westford for today's sitting.

Honourable Members Mr Robert Corbin, Mr E Lance Cartberry, Mr Vincent Alexander, Ms Sandra Adams, Ms Lurlene Nestor and Mr Ravindra Dev for today's sitting.

(ii) Welcome back to the Clerk of the National Assembly

Honourable Members, on behalf of all of you and myself, I would like to welcome the Clerk back to the National Assembly after his absence from duty for approximately two months due to illness.

PRESENTATION OF PAPERS AND REPORTS ETC:

By the Speaker (Chairman of the Committee of Selection):

- (1) Minutes of Proceedings of the 13th Meeting of the Committee of Selection which was held on Tuesday, 3rd May,

2005.

- (2) Report of the Standing Orders Committee on the recomittal of its Report on the amendment of Standing Orders No. 73(5).

QUESTIONS TO MINISTERS

The Speaker: Honourable Members, there are ten questions on the Order Paper by the Honourable Members Mrs Sheila Holder and Mr Raphael Trotman. All these questions are for written replies. These answers have therefore in accordance with our Standing Orders been circulated.

(1) CONTINGENCY FUND

By Mrs Sheila Holder:

How much money is in the Contingency Fund at this point in time?

Written reply submitted by the Minister of Finance:

Section 41 of the Fiscal Management and Accountability Act 2003 establishes the Contingencies Fund as a sub-fund of the Consolidated Fund and makes detailed provisions to govern its operation. Among these provisions are stipulations on the total amount that is permitted to be drawn from the Contingencies Fund. Pursuant to those provisions, the total amount that may be drawn from the contingencies Fund at any point in time during 2005 is \$1,515,191,940. At the current point in time, amounts totalling \$1,376,752,295 have been drawn from the Contingencies Fund. These amounts are reflected in Financial Paper No. 1 of 2005, which has been submitted to the National Assembly for consideration. As a consequence of the said amounts being drawn from the Contingencies Fund, a balance of \$138,439,645 remains available to

be drawn currently. On approval of the Financial Paper No. 1 of 2005, the said amount currently available to be drawn will be increased by the amount of the approved Financial Paper in keeping with the same Section 41 of the Act.

(2) CONSTRUCTION OF A MODERN JUDICIAL COMPLEX

By Mr Raphael Trotman:

Can the Minister say whether the Government is prepared to conduct a feasibility study to discover the cost of constructing a modern judicial complex to replace the existing structure?

Written reply submitted by the Attorney General and Minister of Legal Affairs:

I am not aware of any plans to conduct a feasibility test to determine the cost of constructing a modern judicial complex.

(3) DETENTION OF NATALIA HAMID AT THE NEW OPPORTUNITY CORPS

By Mr Raphael Trotman:

Can the Honourable Minister say whether Cabinet approved or authorised the filing of legal proceedings by the Attorney General's Chamber challenging or inquiring into the detention of Natalia Hamid at the New Opportunity Corps?

Written reply submitted by the Attorney General and Minister of

Legal Affairs:

I, as Attorney General, was of the opinion that the order made by Hon Justice Roy whereby the child, Bibi Natalia Hamid was ordered to be held at the New Opportunity Corps was illegal and unconstitutional and as a result null and void.

Therefore, the Attorney General instituted proceedings in court to have the said Order set aside. Subsequently, Honourable Justice of Appeal Chang released the child out of custody of the New Opportunity Corps.

(4) STATUTORY AGE OF SEXUAL CONSENT

By *Mr Raphael Trotman*: What plans are there to review the statutory age of sexual consent?

Written reply submitted by the Attorney General and the Minister of Legal Affairs:

There is an Age of Consent Bill 2004. A Committee on the Age of Consent Bill 2004 has been established and comments were sought from members of the public and interested bodies. These written submissions will be considered by the committee and the said bill will be amended based on these submissions.

(5) PENALTIES FOR SEXUAL OFFENCES

By *Mr Raphael Trotman*:

Is the Government planning to introduce legislation to increase the penalties for sexual offences, and if so, when?

Written reply submitted by the Attorney General and the Minister of Legal Affairs

There has been no decision made to date to introduce legislation to increase penalties for sexual offences.

(6) ESTABLISHMENT OF THE CARIBBEAN COURT OF JUSTICE

By Mr Raphael Trotman

What obligations remain to be performed by the Government of Guyana vis-à-vis the establishment of the Caribbean Court of Justice?

Written reply submitted by the Attorney General and the Minister of Legal Affairs

Guyana has no outstanding obligations to fulfil for the established of the CCJ. By virtue of Article 123 of the Constitution (as amended), the CCJ is the final Court of Appeal for Guyana.

Further, several pieces of legislation have been passed by Parliament to give effect to the jurisdiction of the CCJ. These are the Caribbean Court of Justice Act No. 16 of 2004, the Protocol to the Agreement establishing the Caribbean Court of Justice Act No. 17 of 2004, the Protocol on the Privileges and Immunities Act, No.18 of 2004, and, the Caribbean Court of Justice Trust Fund Agreement Act, No. 19 of 2004. These Acts came into operation on 1st. April, 2005, by virtue of Orders No. 10, 11, 13 and 13 of 2005 respectively. The Court was inaugurated on

the 16th.April, 2005 and this brings the Court into full effect in Guyana.

(7) DELAY IN UTILIZATION OF THE ESSEQUIBO HIGH COURT

By Mr Raphael Trotman:

What is responsible for the delay in utilization of the Essequibo High Court?

Written reply submitted by the Attorney General and Minister of Legal Affairs:

The Essequibo High Court will be formally opened in May, 2005 . This will be done to facilitate the opening of the criminal Assizes on 17th. May, 2005. The staff at the High Court has already commenced working.

(8) ESTABLISHMENT OF LAW REVISION COMMISSION

By Mr Raphael Trotman:

What plans if any, does the Government have to establish a Law Revision Commission?

Written reply submitted by the Attorney General and Minister of Legal Affairs:

There are no plans presently afoot to establish a Law Revision Commission due to the inadequacy of personnel to man such a Commission.

(9) FREEDOM OF INFORMATION BILL

By Mr Raphael Trotman:

When will a Freedom of Information Bill be introduced by the Government in the National Assembly?

Written reply submitted by the Attorney General and Minister of Legal Affairs:

No decision has yet been taken to have such a Bill introduced by the Government in the National Assembly.

(10) PROPOSALS TO INTRODUCE MODERN BANKRUPTCY LAWS

By Mr Raphael Trotman:

What if any are the proposals to introduce modern bankruptcy laws in Guyana to give protection to debtors and creditors alike?

Written reply submitted by the Attorney General and Minister of Legal Affairs:

No decision has yet been taken to introduce such laws.

PUBLIC BUSINESS

MOTIONS

Thursday, 12 May 2005

**ITEM 1 - CONSIDERATION OF FINANCIAL PAPER NO. 1/
2005**

The Speaker: Honourable Members, the Assembly will resolve itself into Committee of Supply to consider Financial Paper No. 1 of 2005.

In Committee of Supply

The Chairman: The Honourable Minister of Finance

Hon Saisnarine Kowlessar: Mr Chairman, in accordance with Article 171(2) of the Constitution I signify that the Cabinet has recommended for consideration by the National Assembly the motion for the approval of the proposals set out in Financial Paper No. 1 of 2005, Schedule of Supplementary Provisions for Current Estimates totalling \$1,376,752,295 for the period 2005-03-30 to 2005-04-08

Question is proposed

The Chairman: Honourable Members, we will consider the Financial Paper as usual that is the items will be taken from the Current Estimates in the order for which the Minister is responsible.

Page 1

SECTION A - CURRENT ESTIMATES

**ITEM 1 - AGENCY CODE 03/1 - MINISTRY OF FINANCE,
Chart of Account 6294**

Question is proposed that the sum of \$1,370,000,000 for Agency Code 03/1 - Ministry of Finance, Chart of Account 6294 - Other - stands part of the Estimates.

Honourable Mr Winston Murray

Mr Winston S Murray: Mr Chairman through you Sir, is the Minister aware that the sum requested as supplementary provision originally taken out of the Contingencies Fund is 965 percent over the sum originally approved? And if the Minister is so aware, does the Minister agree that for such an extraordinarily large sum being taken from the Contingencies Fund that they should have at least been a project profile presented to this National Assembly if only to meet transparency and accountability criteria for this Parliament.

The Chairman: Honourable Minister of Finance

Hon Saisnarine Kowlessar: Mr Chairman, as far as I can say, I am following the procedures established under the Constitution on the Fiscal Management and Accountability Act. Therefore, I am seeking approval under the Supplementary Appropriation. As far as the sums requested, they are perfectly within the Law and if the Honourable Member would check the Fiscal Management and Accountability Act he will see that there is also a paper which has been circulated today with a question Mrs Sheila Holder has asked to be given in writing and so we are perfectly in order with that request. This request is basically for an emergency. In fact, it was an emergency situation and therefore we could not have provided a profile at the time.

The Chairman: Honourable Member Mr Murray

Mr Winston S Murray: Mr Chairman, could the Honourable Minister please say why there is not at minimum a fuller legend on the remarks column that will more fully describe the activities financed out of this large sum of money and the areas in which help has been given and/or received.

Hon Saisnarine Kowlessar: Mr Chairman, I have those details with me here and I can provide the National Assembly with those details in due course.

The Chairman: The Honourable Member Mr Murray

Mr Winston S Murray: Mr Speaker, could the Minister kindly inform this National Assembly whether the sum \$1.37 billion herein sought is apart from sums currently being disbursed for relief in regards to the flood? And if that is so, then could the Minister give an estimate of what the total sum is envisaged to be.

Hon Saisnarine Kowlessar: It is not separate. It is part of this request for \$1.3 billion and I can say that \$495 million is earmarked for the assistance to the productive sector which includes small farmers and small businesses and this is ongoing at the moment; \$500 million for assistance to affected households and that is currently ongoing.

The Chairman: The Honourable Member Mr Murray

Mr Winston S Murray: Mr Chairman, could the Honourable Minister kindly tell the National Assembly at what point and time, in the near future hopefully, he will provide this House with the full details of all expenditure related to the flood?

Hon Saisnarine Kowlessar: Mr Chairman, when all the verifications are done we will present it to the National Assembly. [*Interruption: 'When'.*] I said when the verification process is completed - as soon as possible, Mr Chairman.

The Chairman: Mrs Sheila Holder do you want to ask a question. Is there any other question?

Mrs Sheila VA Holder: No.

Mrs Clarissa S Riehl: Mr Chairman, I wish to ask the Honourable Minister whether this \$1.3 billion include any funds or whether the funds from the donor agencies that were given to the Government were deposited into the Consolidated Fund or they treated separately.

Hon Saisnarine Kowlessar: Mr Chairman, they are not in the Con-

solidated Fund, there are in a special account at the bank.

Mr Winston S Murray: Through you Mr Chairman, is the Minister aware that this is in violation of the Constitution, which specifically states, I believe it is in Article 216, but I am subject to your correction Sir, that all monies received by the Government must be deposited into a Consolidated Fund created for that purpose and if he is, could he explain to the House why it is not there put?

Hon Saisnarine Kowlessar: Mr Chairman, I do not believe that we are doing anything illegal and these funds, when the process is completed, we are still receiving donor support and I understand that the donors wanted their funds to be in a separate account.

The Chairman: Honourable Member Mr Mc Allister

Mr James K Mc Allister: Could the Honourable Minister say what are the special arrangements for drawing down from this special fund that would cause the donors to require the monies been placed there?

The Chairman: I do not know if Mr Minister could say what could cause...

[Noisy Interruption]...Members please do not interrupt me. I do not know if the Minister can answer for the donors. What would cause the donors to wish the monies be... you can get the proper question if you want, just rephrase it a little.

Mr James Mc Allister: Could the Honourable Minister state if there is any special arrangement ... *[Interruption]*

The Chairman: Does the Honourable Minister know of any reason ...

Mr James K Mc Allister: Yes sir, I can take that formulation... *[Interruption]*

The Chairman: ... why the donors would want their monies to be in a

special fund?

Mr James K McAllister: Yes, I will take that formulation. Does the Honourable Minister know why the donors would want their monies in a special fund?

Hon Saisnarine Kowlessar: No. *[Laughter]*

The Chairman: Mr McAllister is on the floor

Mr James McAllister: Mr Chairman, could the Honourable Minister inform the Honourable House what are the arrangements for drawing down from this special fund?

Hon Saisnarine Kowlessar: Mr Chairman, at this point and time, I cannot answer that question about the arrangements, but as soon as I am informed I will let the House know.

The Chairman: The Honourable Member Mr McAllister

Mr James McAllister: Yes, Mr Speaker, Could the Honourable Minister inform the House if he has drawn down from the fund so far?

Hon Saisnarine Kowlessar: As advised Mr Chairman, some funds have been used for things like transporting of Water Pumps donated by Trinidad and Tobago, for meeting medical supplies for the relief programme and for the accommodation of the medical outreach teams.

The Chairman: Honourable Member Mr Winston Murray

Mr Winston S Murray: Could the Minister kindly say whether the sum of \$1.37 billion reflects only funds granted by donor agencies or does it include local Guyana Dollar funds from the Contingencies Funds direct, because this is where the money has come from.

Hon Saisnarine Kowlessar: Mr Chairman it is only local funds.

Mr Winston S Murray: Sir, will the Minister now accept that these

Thursday, 12 May 2005

have nothing to do with donor funds that are coming out of the Contingencies Funds and therefore they have nothing to do with donor funds.

Hon Saisnarine Kowlessar: Yes, I have answered that question Mr Chairman.

The Chairman: Honourable Members, are there any other questions?

Agency 0/31 - Ministry of Finance, Chart of Account 6294 - Other - \$1,370,000,000 - agreed to and ordered to stand part of the Estimates.

ITEM 2 - AGENCY CODE 53/1 - GUYANA DEFENCE FORCE, Chart of Account 6265

Question is proposed that the sum of \$5,407,672 for Agency Code 53/1 - Guyana Defence Force, Chart of Account 6265 - Other Transport, Travel and Postage - stands part of the Estimates.

Agency Code 53/1 - Guyana Defence Force, Chart of Account 6265 - Other Transport, Travel and Postage - \$5,407,672 - agreed to and ordered to stand part of the Estimates.

ITEM 2 - AGENCY CODE 53/1 - GUYANA DEFENCE FORCE, Chart of Account 6292

Question is proposed that the sum of \$1,344,623 for Agency Code 53/1 - Guyana Defence Force, Chart of Account 6292 - Dietary - stands part of the Estimates.

Thursday, 12 May 2005

Agency Code 53/1 - Guyana Defence Force, Chart of Account 6292 - Dietary - \$1,344,623 - agreed to and ordered to stand part of the Estimates.

Honourable Members this completes consideration of the Estimates. .

Question proposed

Assembly Resumed.

The Speaker: The Honourable Minister of Finance.

Hon Saisnarine Kowlessar: Mr Speaker, I have to report to the Assembly that the Committee of Supply has considered Financial Paper No. 1/2005 and passed it without amendment. I now move that this Assembly doth agree with the Committee's Resolution.

Question put and agreed to

Motion carried.

SUSPENSION OF STANDING ORDERS NOS 12 and 46

The Speaker: The Honourable Minister of Parliamentary Affairs

Hon Reepu Daman Persaud: I wish to move that the relevant Standing Orders 12 and 46 be suspended to enable the Minister to proceed with this formal Bill in all its stages.

Question put and agreed to.

Motion Carried.

Thursday, 12 May 2005

BILL

First, Second and Third Readings

ITEM 2 - SUPPLEMENTARY APPROPRIATION (NO.1 FOR 2005) Bill 2005 - Bill No. 5/2005

An Act to provide for the issue from the Consolidated Fund for the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of Guyana for the financial year ending 31st December, 2005, Estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for specified purposes, in conformity with the Constitution.

The Speaker: The Honourable Minister of Finance.

Hon Saisnarine Kowlessar: Mr Speaker, I beg to introduce the Supplementary Appropriation Bill (No. 1 for 2005)2005 - Bill No. 5/2005 and to move that the Bill be read a First time.

Bill read the First time.

The Speaker: The Honourable Minister of Finance

Hon Saisnarine Kowlessar: I move that the Bill be read a Second time.

Bill read the Second time.

The Speaker: The Honourable Minister of Finance.

Hon Saisnarine Kowlessar: Mr Speaker I move that the Supplementary Appropriation (No.1 for 2005) Bill 2005 - Bill No. 5/2005 be read the third time and passed as printed.

Thursday, 12 May 2005

Bill read the Third time and passed as printed.

**ITEM 3 - ADOPTION OF REPORT OF STANDING ORDERS
COMMITTEE**

BE IT RESOLVED:

*That the Report of the Standing Orders Committee on
the motion for the amendment of Standing Order No.
73(5) be adopted.*

The Speaker: The Honourable Minister of Parliamentary Affairs will move the adoption.

Hon Reepu Daman Persaud: Mr Speaker, the Report of the Standing Orders Committee on the amendment of Standing Order No. 73 (5) was presented to the National Assembly on 14th April, 2005. On that day, the Minister of Parliamentary Affairs on rising to move the motion for the adoption of this report, informed the Assembly that certain issues regarding the content of the proposed amendment were brought to his attention and he was therefore compelled to move that the report be recommitted to the Standing Orders Committee. A motion to this effect was put forth and carried.

The Standing Order Committee met on Thursday, 28th April, 2005 and received the amendments it proposed except paragraphs 1 and 2 of paragraph 6(1) and agreed that they did not unambiguously express the intention of the Committee. It further agreed that the following be substituted for except paragraphs 1 and 2.

Standing Orders 73(5) to be amended in the following respects:

- (a) For the full stop at the end of Standing Order, substitute a colon;

By insertion of the following proviso -

- (b) *Provided that:*

- (a) *the deliberations of the Sectoral Committee and the Public Accounts Committee shall be held in public except where either the Committees determine otherwise and in determining what the deliberations shall be in private a Committee shall strive to reach determination by consensus, failing which the provision of Standing Order 42(1) shall apply.*

Just for explanation, Standing Order 42(1) gives you the right, if the matter is not resolved to vote on it.

The amended Standing Order No.73 (5) will now read as follows:

The deliberations of a Sectoral Committee shall be in private and shall be confined to the matter referred to it by the Assembly and any extension or limitation thereof made by the Assembly and in the case of a Select Committee on a Bill to the Bill committed to it and relevant amendments.

Provided that:

- (a) *the deliberations of a Sectoral Committee and the Public Accounts Committee shall be held in public except where the committee determines otherwise and in deter-*

Thursday, 12 May 2005

mining what deliberations shall be in private a Committee shall strive to reach determination b3wqy consensus. Failing, the provision of Standing Order 42(1) shall apply.

(b) the deliberations of the Parliamentary management team shall be held in private.

In simple, Mr Speaker, this Motion creates greater democracy, transparency and allows the public to be involved in the work of National Assembly. Sub-Committees hither to were confined to Members of the House and they were held in Camera. This Motion breaks with that tradition and opens new horizon whereby the four sectoral committees which are well known:

- Foreign Relations,
- Social Services,
- Natural Resources; and
- Economic Services.

The meetings of these four committees are now based on the amendment of the Constitution and will be held in public. That is precise. Only if the Committee do not want to be held or any session or any part in public the committee will so decide and we have done an unusual amendment, one which we said one which takes that that position of making it private ought to be arrived as far as possible by way of consensus. We only revert to relevant Standing Orders which can resolve it, if consensus cannot be reached. But I want to state for the records the Government like the Opposition favour these matters to be debated in public. In other words, the work of the Committee should be in full public view, full view of the press and not isolated in camera.

Thursday, 12 May 2005

This Motion has come after many discussions between the Government and the opposition. The wording of the Motion came out of consensus and agreement. So this step has the unanimity of the House and as such I think, it is a good thing, it is a good beginning and a way forward.

I recall when the first Motion drafted and circulated, Mr Murray intervened and made certain proposals and I am sure he will tell you that I took his contribution very seriously and made substantial adjustment and amendment to the original motion in order to get exactly what both sides would want.

Guyana still has a long way to travel, but to say we have not done anything would not be correct. There have been many changes, and there is always room for improvement and this in my considered opinion is a major change and is a major step forward.

What is more, is an addition to the first Sectoral Committee - Public Accounts Committee will now be held in public view, in view of the press so that people could know what is going with public accounts and money. It is a good thing. I think a Government must account and I stand with some degree of pride to say that we have endeavoured to do that on all occasions. Government must account and when you come to deal with fund of the nation, it must not be secret matter; it must be a public matter. So we have taken the bold step now to say that the Public Accounts Committee will be held in public. I want to say that from reports the Public Accounts Committee had been functioning exceedingly well professionally and I want to pay a special tribute in this respect to the Chairman of that Committee, the Honourable Member Mr Winston Murray, who does an excellent job in the Committee. *[Applause]*

Mr Speaker, I had the honour and privilege of being Chairman of the Committee for about seven years and that Public Accounts Committee brings historically Government and the opposition into close contact. My experience has been probably the same for Mr Murray that the Member deal with business in a business fashion and political attach-

ment, political relationship, political allegiance are suspended from the minds of those who take part in the committee which is a good thing and I think it should continue along that road.

I therefore want to move the Motion and the amendment will be as I have drawn attention to them already, that the Standing Orders to be amended, to allow Guyana to take the lead in making public, meetings which are hitherto held in camera so that the public can be feed with information from four sectoral committees and from the Public Accounts Committee.

I ought to say for the record and only if for the record that in the sectoral committees Ministers are invited to attend they are interrogated if that is the right word this will happen in public it is a great step forward and I think all of us should commend the measure support it and work towards realising the content of the Standing Order. I so move the motion, Mr Speaker. *[Applause]*

The Speaker: The Honourable Member Mr Mc Allister

Mr James K Mc Allister: Mr Speaker, I rise to add my two bits to the discussion on the Motion that is before the Honourable House.

From the onset, I wish to make it clear that the PNC/R welcomes the broad principles of this Motion and this is so because the PNC/R believes that the Parliament must be accessible to the public. The business of committees of the Parliament cannot be secretive cloak-and-dagger stuff. It must be there and opened for the people to see. As I recall, this matter gains its recent impetus from an incident that occurred at a meeting of the Economic Services Committee. On 28th January, 2004, the ESC was receiving a presentation from the West Coast Demerara Mini Bus Association on the issue of mini bus seating, when a member of the public entered the room in order to listen to the proceedings. This person whom I happened to know is Mr Marvin Williams. He was promptly ejected by the Parliamentary staff. However, this incident caused the ESC to address the issue of access of the public to its meetings. The

ESC unanimously concluded that it was desirous of having public sessions. As a result and as then Chairman of the ESC, by letter dated 11th February, 2004, I wrote the Speaker in his capacity as Chairman of the Parliamentary Management Committee stating:

The Parliamentary Sectoral Committee on Economic Services is urging the Parliamentary Management Committee to make the necessary steps to enable the public including the press, to have access to its meetings and hearings except when particular matters are to be considered in Camera.

Mr Speaker, I wish to say that it is commendable that on this particular issue, that the ESC was unanimous in its decision and all members of the committee were fully supportive of the position that we should have the meetings in public, and this I think the ESC ought to be able to commend itself.

Over on year has passed since that request was made and probably this is an indication of some of the inefficiencies of the Parliamentary system and process, and I am quite sure that we will be moving in the very near future to have improvement on this. However, the PNC/R is quite happy that the Motion has finally reached here in the National Assembly and we are fully in support of the contents of the Motion.

However, Mr Speaker, I wish to say that the PNC/R use this Motion as a beginning of a process. A lot of work is still to be done to bring the Parliament closer to the people. For instance, we need to do work collectively and working together, we need to aim towards ensuring that the ability of civil society groups and citizens to petition to Parliament is made easier. We need to work towards enabling stakeholders to make presentations to Select Committees on issues related to important Bills and in this regard I should say make easier to have stakeholders make these kinds of presentations and so the PNC/R is in general, support of the Motion.

I must nevertheless point out that while we do have the general agreement that the committee should meet in public, there is provision under certain circumstances for the committee to decide that it should meet in private. It is commendable again that we have managed to agree that that decision for the committee to meet in private should be arrived at via consensus and failing to achieve the consensus, we will then revert to a majority situation.

I am heartened by the assurance given by the Honourable Minister of Parliamentary Affairs that the Government does not intend to use this provision to ensure that matters they are uncomfortable with just for that reason alone are held in private. We are very happy to hear that and maybe that particular assurance of the Honourable Minister of Parliamentary Affairs Mr Speaker, is an indication that we do have additional work to do in this area and this is maybe something we may want to consider as to how we will address this matter

Mr Speaker, if it is possible for us look at some of the best practices in relation to this matter. For instance, in Quebec, it is required that a majority of members from both sides approve that a meeting should be held in private and so therefore it is a consensus of some sort that a meeting should be held in private, because all sides understand the nature and the reason why we would be moving for it to be held in public.

If one is to look at the Standing Orders of the Scottish Parliament, we will find that there are detailed guidelines for proceeding to hold meetings in private and one important aspect of that is when the decision is taken and how the decision is made. It is stipulated there that the decision to hold the meeting in private must be held at a formal meeting of the committee. A matter that is placed on the agenda cannot be placed there to be held in private, if the committee at a previous meeting did not agree. Even if the committee meets on the day and the committee wants to proceed to hold the meeting in private, then that discussion to proceed to hold the meeting in private must in fact take place in public. And so this will lend to transparency that the Honourable Minister of Parliamentary Affairs was talking about.

They went further than that. They also addressed the issues of the situations and the circumstances under which the committee should feel compelled to move to hold the meetings in private. For instance, some of the situations provided here are:

1. Discussions and questions to be put to a witness;
2. Discussions on the merits of potential advisers;
3. Discussions on draft committee reports and taking oral evidence and considering written evidence of a particular sensitive nature;

and

4. Discussion of witness expense.

And so there Mr Speaker, we see there in keeping with best practices, this whole decision to proceed the right that the committee reserves to hold its meetings in public, is not at the whims and fancies of any particular member or merely because any side - be it the Government or the Opposition - feels uncomfortable with particular issues because of Public Relations consideration. It is for that very reason we are moving to have the things in public so that the members of the public could have insight on what is happening at the levels of the committee.

I think, this will also provide a far easier situation for the members of the side with the majority members on the committee. That is to say, that members on the Government side will not necessarily find them-

selves under pressure and wondering about repercussions of them not objecting to something been held in public and possible situations where they are held accountable.

I can recall the issue in the Economic Services Committee where one Member already suffered the consequence from not objecting to something being held in public. And so once we have that situation, it would mean that no member would feel uncomfortable, because it would have been a position that agreed on before hand, and it would be understood that there is need for across the board consensus. And I would like to strongly suggest that we move to consider these additional provisions in order to ensure that all members of the committee are able to work in a fair degree of comfort.

Mr Speaker in concluding, I wish to add that having served on the Economics Services Committee, I must say that the relationship between Members of the Committee was quite cordial and in fact we have been able to proceed in a most amicable manner. This I think someone might attribute to the fact that we were working in private, because there is the contention that is under the glares of the camera and when there are sharp divisions on issues. People wonder about consensus and wonder about how they will look as though they are weak. I am of the view that we will need to ensure that this situation continues, that notwithstanding the fact that the public will be there, notwithstanding the fact that the camera will be there that we continue to work in a harmonious manner in this committee.

Mr Speaker, on that note, I wish to say that we from this side of the House lend full support to the Motion. I thank you. *[Applause]*

The Chairman: Thank you Honourable Member. Are there other speakers?

The Chairman: The Honourable Member Mrs Sheila Holder

Mrs Sheila VA Holder: Mr Speaker, we too give our wholehearted

support to the amendment of the Standing Orders No. 73(5), because we believe that it can only enhance the work of the National Assembly. It can only give the kind of assistance to those of us who are Members of this Assembly to represent our constituencies more effectively.

Mr Speaker, as I listened to the Honourable Minister of Parliamentary Affairs move the Motion, I got the distinct impression that he was bemoaning the fact that those of us on this side have failed over time to recognize the incremental progress his administration has made, particularly in regards to improving the work of the National Assembly. I think that he expressed that sentiment specifically because we on this side and indeed many of our citizens are very anxious to ensure that the work of this National Assembly be more effective in addressing the interests of the people.

Mr Speaker, I was elected a Member to the Standing Orders Committee when I first entered this National Assembly in 2001 and it is significant that the only meeting and the only amendment made to the Standing Orders over that period is the one currently before this National Assembly. And so when the Minister expressed his concern about the lack, perhaps as he described it of the incremental progress that his administration has made with respect to improving the work of the National Assembly, we must take on board the fact that this is the only matter that has come before this House and the only amendment made in four years.

I would therefore like to express the view that there are several other amendments that are required to be made to our Standing Orders, which many of us considered to be rather archaic and required to be brought to the twenty first Century.

One such amendment that must be considered sooner rather than later: is the one which speaks to the Minister's inclination not to answer questions. There are questions before us today that took one year to bring a response and that in itself indicates that there is an urgency to amend that specific Standing Order to allow members of the Administration to speak to what they claim they desire to be more transparent. It

is through transparency that the questions when answered in a timely manner within say one month as is done in many other jurisdictions. It is then, that we will take very seriously the desire to be transparent.

Mr Speaker, in closing, we fully give our support to this amendment and express the hope that all the amendments will soon be brought before this House. I thank you.

The Chairman: Thank you Honourable Member.

If there is no other speaker, I will now call on the Honourable Minister of Parliamentary Affairs

Hon Reepu Daman Persaud: Mr Chairman very briefly, the Standing Orders Committee comes to life after a Motion is initiated and adopted in the National Assembly. If the Assembly does nothing, then nothing happens in the Standing Orders Committee. That is a report from Mrs Sheila Holder's information and I do not think it is a question of if and buts. The Government came with a straight forward Motion amending the Standing Orders to make deliberations in these committees public. There is no proviso not to do that, there is no question of anybody using any majority. It will be in public unless the committee thinks otherwise. We have nothing to hide, we are open and we will continue to be that way.

The Standing Orders were amended in our time on the 16th. June 1994, a major amendment where we provided for the Committee of Selection to appoint those sectoral committees could not have been appointed without recourse to Constitutional amendment. This is a major amendment which as I have said, took place on the 16th. June 1994 and then of course this one which came before this House.

We are moving forward and we should continue to work together in this respect. I think you have nothing to loose to give jack his jacket if he deserves it. You have to be broad mined and not narrow minded. You are supporting and then you are holding back and you are bringing

all kinds of excuses. This is a good amendment which should receive the applause of the House unanimously. *[Applause]*

The Chairman: Thank you Honourable Member.

Question put and agreed to.

Motion carried.

ITEM 4 - AMENDMENT TO STANDING ORDER NO. 73(5)

WHEREAS Standing Order 73(5) provides the deliberation of a select Committee shall be held in private;

AND WHEREAS the said Standing Order also applies to Standing and Sectoral Committees;

AND WHEREAS it is desirable that the deliberations of some Committees be held in public or in private if they so decide.

RESOLVED that,

1. *Standing Order 73(5) be amended to provide that meetings of the Sectoral Committee and the public Accounts Committee be held in public except where the said Committees determine otherwise;*
2. *The said amendment be effected by:*
 - (a) *deleting the fullstop at the end of Standing Order 73(5) and replacing it by a colon;*
 - (b) *adding the following at the sentences as a new paragraph:*

3. *After the amendment the Standing order will read as follows:*

“The deliberations of a Select Committee shall be in private and shall be confined to the matter referred to it by the Assembly and any extension or limitation thereof by the Assembly and, in the case of a Select Committee on a Bill to the Bill committee to it and relevant amendments”,

Provided that:

- (a) the deliberations of the Sectoral Committees and the Public accounts Committee shall be held in public except where these committees determine otherwise;*
- (b) Deliberations of the Parliamentary Management Committee shall not be held in public.*

The Chairman: Honourable Members, there is an amendment to Standing Orders. There is an original motion on the Order Paper, I have no idea to what is to be done to it, but I cannot find anything in the rules on it, but I think that the Motion adopting the report, the report itself adopts the Motion and has amended that Motion and therefore the National Assembly has adopted that amended Motion.

In the circumstances, I believe that initial motion should be withdrawn. So I will ask therefore the Minister to please withdraw the Motion.

Hon Reepu Daman Persaud: Mr Speaker, I wish to immediately withdraw it.

Question put and agreed to.

Motion withdrawn

In accordance with the Report of the Standing Orders Committee the Assembly amended the Resolved clause to read as follows -

RESOLVED that -

1. *Standing Order 73(5) be amended in the following respects -*
 - (a) *for the fullstop at the end of the Standing Order substitute a colon;*
 - (b) *by the insertion of the following proviso -*

Provided that -

- (a) *the deliberations of a Sectoral Committee and the Public Accounts Committee shall be held in public except where either Committee determines otherwise and in determining what deliberations shall be in private a Committee shall strive to reach a determination by consensus, failing which the provisions of Standing Order 42(1) shall apply;*
 - (b) *deliberations of the Parliamentary Committee shall be held in private.*
2. *The amended Standing Order No. 73(5) will then read as follows:*

The deliberation of a Select Committee, shall be in private and shall be confined to the matter referred to it by the Assembly and any extension or limitation thereof made by the Assembly and in the case of a Select Committee on a Bill to the Bill committed to it and relevant

amendments:

Provided that -

- (a) *the deliberation of a Sectoral Committee and the Public Accounts Committee shall be held in public except where the Committee determines otherwise and in determining what deliberations shall be in private a Committee shall strive to reach a determination by consensus, failing which the provisions of Standing Order 42(1) shall apply;*
- (b) *deliberations of the Parliamentary Management Committee shall be held in private.*

The Speaker: Unless there is any other business Honourable Members, I think this brings us to the end of our business for the day.

Reepu Daman Persaud: I wish to move that the National Assembly stands adjourned to next Thursday, 19th. May, 2005 at 14:00h.

The Speaker: The National Assembly is so adjourned. Thank you Honourable Members.

Adjourned accordingly at 15:00h