

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

Part I

65TH SITTING

2.00 PM

Thursday 7 July 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 (37)

People's Progressive Party/Civic (34)

The Hon. Samuel A.A. Hinds, M.P.	- Prime Minister and Minister of Public Works and Communications
The Hon. Reepu Daman Persaud, O.R., J.P., M.P.	- Minister of Parliamentary Affairs
The Hon. Clement J. Rohee, M.P.	- Minister of Foreign Trade and International Co-operation (Absent)
The Hon. Harripersaud Nokta, M.P.	- Minister of Local Government and Regional Development
The Hon. Gail Teixeira, M.P.	- Minister of Culture, Youth and Sport (Absent)
The Hon. Dr. Henry B. Jeffrey, M.P.	- Minister of Education
The Hon. Saisnarine Kowlessar, M.P.	- Minister of Finance
The Hon. Shaik K.Z. Baksh, M.P.	- Minister of Housing and Water
The Hon. Rev. Dr. Ramrath D.A. Bisnauth, M.P.	- Minister of Labour, Human Services and Social Security
The Hon. Clinton C. Collymore, M.P.	- Minister in the Ministry of Local Government and Regional Development
The Hon. Satyadeow Sawh, M.P.	- Minister of Fisheries, Other Crops and Livestock (Region No. 5 - Mahaica/Berbice)
*The Hon. S. Rudolph Insanally, O.R., C.C.H., M.P.	- Minister in the Office of the President with responsibility for Foreign Affairs (AOL)

Thursday, 7 July 2005

- *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) (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, 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. J. Ronald Gajraj, 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.
- Mrs Philomena Sahoye-Shury, C.C.H., J.P., M.P. - *Parliamentary Secretary, Ministry of Housing and Water*
- Mrs Pauline R. Sukhai, M.P. - *(Region No. 1 - Barima/Waini)*
- 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*

65/2

Thursday, 7 July 2005

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.	- <i>(AOL)</i>
Mrs Clarissa S. Riehl, M.P.	- <i>Deputy Speaker of the N.A (Absent)</i>
Mr. E. Lance Carberry, M.P.	- <i>Chief Whip</i>
Mr. Ivor Allen, M.P.	- <i>(Region No.2-Pomeroon/Supenaam)</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)</i>
Mr. Raphael G.C. Trotman, M. P.	- <i>(AOL)</i>
Mr. Basil Williams, M.P.	
Mrs. Volda A. Lawrence, M.P.	- <i>(AOL)</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)</i>
Mr. Jerome Khan, M.P.	- <i>(Absent)</i>
Dr George A. Norton, M.P.	- <i>(Absent)</i>
Miss Myrna E. N. Peterkin, M.P.	- <i>(Region No.4-Demerara/Mahaica) (AOL)</i>
Mr. James K. McAllister, M.P.	- <i>(Region No. 3-Essequibo Islands West Demerara)</i>
Dr Carl Max Hanoman, M.P.	- <i>(AOL)</i>
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- Potara/Siparuni)</i>
Mr Nasir Ally, J.P., M.P.	- <i>(Region No.6-East Berbice/Coventryne)</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.

OFFICERS

Mr Sherlock Isaacs, *Clerk of the National Assembly*

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

Thursday, 7 July 2005

PRAYER

The Clerk reads the **Prayer**

ANNOUNCEMENTS BY THE SPEAKER

(i) Terrorist attacks in London

The Speaker: Honourable Members, on behalf of the Members of the National Assembly, and on my own behalf, I would like to express the House's horror and condemnation of the terrorist attacks in London, United Kingdom this morning.

I express our condolences to the families, relatives and friends of those who lost their lives, the injured and their families, and our sympathies and solidarity with the Government, Parliament and people of the United Kingdom.

I am sure you would want me to urge the swift capture and punishment of the perpetrators of these murderous deeds.

(ii) Leave

Honourable Members, leave has been granted to the Hon Rudolph Insanally and the Honourable Members Mr Robert Corbin, Mr Winston Murray, Mrs Volda Lawrence, Dr Hanoman and Miss Lurlene Nestor, all from today's sitting; and Miss Myrna Peterkin up to 31 August 2005.

Thursday, 7 July 2005

QUESTIONS TO MINISTERS

I notice that Mrs Holder is here. Honourable Members, there are three questions on the Order Paper by The Honourable Member Mrs Sheila Holder. These questions are for oral replies, and are for the Minister of Labour, Human Services and Social Security.

1. POLICE INVESTIGATION AT THE NEW OPPORTUNITY CORPS

Will the Minister say what is the nature of the police investigation currently taking place at the New Opportunity Corps?

Oral reply submitted by the Minister of Labour, Human Services and Social Security

Hon Rev Dr Ramnauth DA Bisnauth: Mr Speaker, I wish to preface my responses to the Honourable Member's question by indicating that responsibility for the New Opportunity Corps does not fall under the portfolio of the Ministry of Labour, Human Services and Social Security. Therefore Sir, in relation to Question 1, I can only indicate that such knowledge as I have is that made public in the print and electronic media.

2. COMPLAINTS ABOUT SEXUAL ABUSE AT THE NEW OPPORTUNITY CORPS

Will the Minister say how many complaints have been made by concerned citizens, parents/guardians of inmates and inmates of the New Opportunity Corps about sexual abuse at that institution over the years of its establishment?

Oral reply submitted by the Minister of Labour, Human Services and Social Security

Hon Rev Dr Ramnauth DA Bisnauth: Mr Speaker, the Probation and Family Welfare Service Department of the Ministry of Labour, Human Services and Social Security have been providing a monthly counselling service to the inmates of the New Opportunity Corps, as well as their parents for twenty years. Over that period sporadic and isolated complaints of a sexual nature have been made by male inmates of other male inmates threatening sexual misconduct. These complaints have been made to counsellors.

2. ALLEGATIONS PERTAINING TO SEXUAL FAVOURS BY FEMALE INMATES

Will the Minister say if he is aware of allegations pertaining to the illicit arrangement that is , or was, in place at the New Opportunity Corps for the sale of sexual favours of females by staff members at the facility to businessmen operating in the region in which the New Opportunity Corps is situated? If not, will the Minister be willing to investigate this claim further?

Oral reply submitted by the Minister of Labour, Human Services and Social Security

Hon Rev Dr Ramnauth DA Bisnauth: Mr Speaker, the answer to the first question is no, the Minister is not aware of such allegations.

The answer to the second part of the question is no, it is not the responsibility of the Minister to investigate such claims.

INTRODUCTION OF BILLS

Presentation and First Readings

1. NATIONAL REGISTRATION (AMENDMENT) BILL 2005 - Bill No 11/2005

By the Attorney General and Minister of Legal Affairs

2. GEOGRAPHICAL INDICATION BILL 2005 - BILL No. 12/2005

By the *Minister of Parliamentary Affairs on behalf of the Minister of Foreign Trade and International Co-operation*

PUBLIC BUSINESS
MOTIONS

ITEM 1 CONSIDERATION OF FINANCIAL PAPER NO. 2/2005

BE IT RESOLVED:

That this Assembly approve of the proposals set to in Financial Paper No. 2/2005 Supplementary Estimates (Current and Capital) totalling \$722,501,201 for the period 2005-04-05 to 2005-06-21.

ASSEMBLY 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 Assembly the motion for the approval of the proposals set out in Financial Paper 2/2005 - Supplementary Estimates (Current and Capital) totalling \$722,501,201 for the period 2005-04-05 to 2005-06-21, and I now move the motion.

Question is proposed

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

SECTION A - CURRENT ESTIMATES

ITEM 1 - AGENCY CODE 03/2 - MINISTRY OF FINANCE, Chart of Account 6294

Question is proposed that the sum of \$600,000,000 for Agency Code 03/2 - Ministry of Finance, Chart of Account 6294 - Other - stands part of the Estimates.

The Chairman: The Honourable Member Mr McAllister.

Mr James K McAllister: Could the Honourable Minister state exactly what aspect of the flood relief efforts this \$600,000,000 will be used on?

Hon Saisnarine Kowlessar: Mr Chairman, the \$600,000,000 there represents \$200,000,000 for liabilities incurred during the flood period - for many bills outstanding for various agencies, which provided food, water, drugs, transportation, et cetera; \$400,000,000 for flood relief efforts which provided relief for households, rice farmers, small businesses, small agriculture and administration.

The Chairman: The Honourable Member Mr McAllister.

Mr James K McAllister: Mr Chairman, could the Honourable Minister state if this \$600,000,000 is the final amount that the administration will be seeking from this Honourable House, and if it is not, I wish to ask the Minister to say what is the difficulty with administration at this stage, having some kind of indication as to what is the total cost of the flood relief package.

Hon Saisnarine Kowlessar: Mr Chairman, my information is that this is the final amount that we are seeking.

The Chairman: The Honourable Member Mr McAllister.

Mr James K McAllister: Mr Chairman, I wonder if the Honourable Minister can state to what extent donor funds were used in the effort, and if this amount is being used to supplement what we acquired through donor support.

Hon Saisnarine Kowlessar: Mr Chairman, this amount does not include donor funds. Donor funds are being used separately for special activities - for expenditure arising out of the flood of course, but they are in a separate account, as I said on the last occasion when we brought the first supplementary paper, that this \$600,000,000 is really Government funding.

The Chairman: The Honourable Member Dr Joseph.

Dr Dalglish Joseph: Can the Honourable Minister state when he intends to present to this House the spendings in relation to the donor funds that were received as a result of the flood disaster?

Hon Saisnarine Kowlessar: Mr Chairman, I have a copy of the breakdown of the donor funds, and I can make it available to the National Assembly.

Dr Dalglish Joseph: A supplementary question ... I do not understand what the Honourable Minister of Finance said just now. I was really asking for the amount of monies received pertaining to the donor funds, how they were spent, and what remains, et cetera.

Hon Saisnarine Kowlessar: Mr Chairman, from the information I have with me here, we received US \$939,605 and local \$11,886, 643 and so far, US\$399,434 have been spent, leaving a net balance of US \$540,170.

The Chairman: The Honourable Member Mr McAllister.

Mr James K McAllister: I wonder if the Honourable Minister can explain to this Honourable House what is the procedure used for drawing down from the donor funds that were placed in the special account?

Hon Saisnarine Kowlessar: Mr Chairman, the donors remit the funds directly to the special account which has been opened at the Bank of Nova Scotia.

Mr James K McAllister: Mr Chairman, I do not think that the Hon Minister has answered the question. I tried to find out what was the procedure used to draw down from the funds. He said that the funds were placed into a special account. Yes, but what was the procedure used that would cause it to be differentiated from the normal contingency arrangement?

Hon Saisnarine Kowlessar: Mr Chairman, the donors have specified what their funds will be used for, and they advised the unit accordingly.

Agency Code 03/2 - Ministry Of Finance, Chart Of Account 6294 - Other - \$600,000,000 - Agreed To And Ordered To Stand Part Of The Estimates

ITEM 2 - AGENCY CODE 14/1 - PUBLIC SERVICE MINISTRY, Chart of Account 6242

Question is proposed that the sum of \$5,000,000 for Agency Code 14/1 - Public Service Ministry, Chart of Account 6242 - Maintenance of Buildings - stands part of the Estimates

The Chairman: The Honourable Member Mr James McAllister.

Mr James K McAllister: Mr Chairman, I wonder if the Honourable Minister can explain to the House the circumstances surrounding the request for a supplementary provision of \$5,000,000. when we only had a situation of \$1.8 million for the original voted provision? What were the special circumstances that would have caused this tremendous overrun?

The Chairman: Have you ever travelled in Waterloo Street, Honourable Member?

Mr James K McAllister: Well, Mr Chairman, I am wondering ... *[Interruption]*

The Chairman: You do not have to answer me, Honourable Member. *[Laughter]*

Hon Saisnarine Kowlessar: Mr Chairman, as you rightly asked the Honourable Member, that building is falling to pieces ... *[Interruption]*

The Chairman: I think the Honourable Member is asking why you voted only \$1.8 million, and why are you now seeking \$5,000,000? I think we can agree that the building is in need of repairs, but that is not the question.

Hon Saisnarine Kowlessar: The total expenditures were inflated because of a number of things, which of course includes the impact of oil prices on many of the inputs and so on. *[Laughter]*

The Chairman: Yes, Mr McAllister.

Mr James K McAllister: Mr Chairman, I wonder, in light of that answer, if I should really follow-up; because I would like to ask the Honourable Minister if, in arriving at the original provision, if any technical expertise was engaged in determining what amount should be used, and if so what is the level of confidence the Minister now has in that particular person who gave him a figure that is so grossly understated?

Hon Saisnarine Kowlessar: Mr Chairman, I do not have the information to answer the question, but I will provide the answer to the Honourable Member.

Agency Code 14/1 - Public Service Ministry, Chart Of Account 6242 - Maintenance Of Buildings - \$5,000,000 - Agreed To, And Ordered To Stand Part Of The Estimates

ITEM 3 - AGENCY CODE 53/1 - GUYANA DEFENCE FORCE, Chart of Account 6265

Question is proposed that the sum of \$7,745,115 for Agency Code 53/1 - Guyana Defence Force, Chart of Account 6265 - Other Transport, Travel and Postage – Training and Scholarships stands part of the Estimates

Agency Code 53/1 - Guyana Defence Force, Chart Of Account 6265 - Other Transport, Travel And Postage - Agreed To, And Ordered To Stand Part Of The Estimates

ITEM 3 - AGENCY CODE 53/1 - GUYANA DEFENCE FORCE, Chart of Account 6302

Question is proposed that the sum of \$42,699,402 for Agency Code 53/1 - Guyana Defence Force, Chart of Account 6302 - Training (Including Scholarship) - stands part of the Estimates.

Agency Code 53/1 - Guyana Defence Force, Chart Of Account 6302 - Training (Including Scholarship) - \$42,699,402 - Agreed To, And Ordered To Stand Part Of The Estimates

Page 2

SECTION B - CAPITAL ESTIMATES

ITEM 1 - AGENCY CODE 514 - MINISTRY OF LEGAL AFFAIRS, Chart of Account 12002

Question is proposed that the sum of \$2,755,684 for the Ministry of Legal Affairs - Supreme/Magistrate Courts - stands part of the Estimates

**Agency Code 514 - Ministry Of Legal Affairs, Chart Of Account 12002 -
Supreme/Magistrate Courts - \$2,755,684 - Agreed To And Ordered To Stand Part Of The
Estimates**

ITEM 2 - AGENCY CODE 526 - MINISTRY OF FINANCE, Chart of Account 45002

Question is proposed that the sum of \$64,301,000 for Agency Code 526 - Ministry of Finance,
Chart of Account 45002 - IBRD - stands part of the Estimates

The Chairman: The Honourable Member Mr McAllister

Mr James K McAllister: Mr Chairman, I wish if the Hon Minister can explain to the House
whether this item was a foreseeable item, because I noticed that nothing was voted originally, or
if it is something that came up unexpectedly, and if it was foreseeable, why was it not included in
the original provisions?

Hon Saisnarine Kowlessar: Mr Chairman, this really has to do with the encashment of some
promissory notes to pay our capital contribution to the IBRD and these were not foreseeable at
that point in time.

**Agency Code 526 - Ministry of Finance, Chart of Account 45002 - IBRD - \$64,301,000 -
agreed to, and ordered to stand part of the Estimates**

The Chairman: We will now move to the next item on the Order Paper

ITEM 3 CONSIDERATION OF FINANCIAL PAPER NO. 3/2005

BE IT RESOLVED:

*That this Assembly approve of the proposals set out in Financial Paper
No. 3/2005 - Supplementary Estimates (Capital) totalling \$2,908,382,000
for the period ending 2005-12-31.*

Page 1

SECTION 'B' - CAPITAL ESTIMATES

ITEM 1 - AGENCY CODE 508 - MINISTRY OF AGRICULTURE, Subhead 13004

Question is proposed that the sums of \$651,367,000 Specific(S) and \$300,634,000 Local (S) for Agency Code 508 - Ministry of Agriculture, Subhead 13004 - Emergency Response Programme - stands part of the Estimates.

The Chairman: The Honourable Member Mr McAllister

Mr James K McAllister: Mr Chairman, I wonder if the Hon Minister can state the nature of the programme that requires this \$651,367,000, plus \$300,000,000.

Hon C Anthony Xavier: Mr Chairman, this supplementary provision now being sought is to accommodate payment to the Consultant Firm ND Lea for the Berbice River Bridge Feasibility Studies, and that is in the sum of \$65,000,000 and also to accommodate payment to Figg Engineering Consultants of \$114,000,000 for the bridge rehabilitation project. The difference between the two ... *[Interruption]*

The Chairman: I think you are on the wrong item.

Hon C Anthony Xavier: I am sorry.

The Chairman: This is the Ministry of Agriculture, Agency 508.

Hon Satyadeow Sawh: Mr Chairman, in response to the question posed, this amount of money is required for additional infrastructural work.

The Chairman: The Honourable Member Mr McAllister

Mr James K McAllister: Mr Chairman, I wish if the Hon Minister can inform the House of the nature of the additional infrastructure. I mean this is a lot of money, and for the Hon Minister to merely say, *additional infrastructural work*, this must be something major that the Ministry is now undertaking, and I rather suspect that the Minister can really inform the House what is the nature of the additional infrastructure - what is involved.

Hon Satyadeow Sawh: Mr Chairman, this is really to repair the structures that are in disrepair or were destroyed, in terms of the flooding during the months of January and February of this year.

Agency Code 508 - Ministry of Agriculture, Subhead 13004 - Emergency Response Programme - \$651,137,000 specific (s) and \$300,634,000 local (s) - agreed to and ordered to stand part of the Estimates.

ITEM 2 - AGENCY CODE 543 - MINISTRY OF EDUCATION, Subhead 26005

Question is proposed that the sum of \$51,381,000 for Agency Code 543 - Ministry of Education, Subhead 26005 - GTI - stands part of the Estimates

The Chairman: I hope that the Hon Minister of Works would not get confused.

The Honourable Member Mr Deryck Bernard

Mr Deryck MA Bernard: Mr Chairman, just a few questions -

Could the Minister let the House know the scale of the operations of this training centre, in particular how many students are registered, the establishment of the teaching staff, at the centre and the areas of specialisation? Those are my first set of questions.

My second set of questions are whether any donor funds have been sought for this particular sub-sector of the Ministry of Education, and what are the prospects for serious donor investment in technical and vocational education.

Hon Dr Henry B Jeffrey: Mr Chairman, we hope that this facility, when it opens in September, will carry about 280 students. We will have about 160 fulltime students and 120 part-time students. We will have about eight disciplines - the normal type of engineering disciplines - carpentry, mechanic, et cetera and computer skills - a diploma in computer skills ... there will be eight disciplines.

The staffing structure will be about two dozen people. I am speaking here to the teaching staff. At this point in time, I am not in a position to say precisely, but that is what will happen at the college, which is supposed to open in September.

As to the sub-sector, it is a very important sub-sector and one that has been under-funded for some considerable time. We have been attempting to make efforts to get some funding from the Caribbean Development Bank, but intervening matters such as flooding, et cetera have affected that. As I speak, I am certain that the person in charge of this sector is now preparing a document for presentation to the IDB for funding. As I said, it

is an important sector and a sector that has been under-funded over time and we will have to try and garner some resources for it.

Mr Deryck MA Bernard: Could the Minister tell us two things:

First of all, what is the capital spending on other institutions in the sector, so that we can get an idea what proportion of this is of the capital spending in technical vocational education?

Secondly, could he explain why it is that they seem to have so badly under-estimated the needs of this particular institution?

Hon Dr Henry B Jeffrey: Mr Chairman, you will note that the voted provision falls under GTI, and therefore this money is not simply for the Upper Corentyne College. It was distributed - about \$16,000,000 for that college, and the remainder went to GTI and the Essequibo Technical Institute. The first \$8,000,000 went toward the payment of retention to contractors and the second \$8,000,000 went toward the purchase of furniture. This is not simply a matter of underestimating. We estimated that this sum would have been needed to purchase the equipment for starting the college, but there was some concern as to whether or not the college would have been started in the period, and of course, notions of the availability of funds and as a result, it was not budgeted for. So this was always seen as necessary for equipping the college to start, if it was to start this year, and I have a large document here which would indicate the kind of equipment that was necessary to be bought.

The Chairman: The Honourable Member Mr Bernard

Mr Deryck MA Bernard: One last supplementary question. Would the Minister concede that his answer is an obvious indication of the very poor planning that takes place in this sector?

Hon Dr Henry Jeffrey: I did point out to the Member, Mr Chairman, that we were well aware of the sum that was necessary. It was simply a matter of the availability of funds at that point in time and as to whether or not we would have started this programme this year, whether or not the institution would have been completed; but we were aware of the numbers we needed to properly equip the institution. So we had planned for it and we knew what we wanted, but it was simply a matter of the completion of the building.

Agency 543 - Ministry of Education, Subhead 26005 - GTI - \$51,381,000 - agreed to and ordered to stand part of the Estimates.

ITEM 3 - AGENCY CODE 548 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS, Subhead 12001

Question is proposed that the sum of \$650,000,000 for Agency Code 548 - Ministry of Public Works and Communications, Subhead 12001 - Bridges - Stands part of the Estimates.

The Chairman: The Honourable Member Mr McAllister

Mr James K McAllister: Mr Chairman, I wish now to give the Honourable Minister of Public Works his chance of explaining to the House the details of the proposed revision.

Hon C Anthony Xavier: Mr Chairman, please forgive my youthful exuberance. This supplementary is being sought to accommodate payment to the consultants ND Lea for the feasibility studies of the Berbice River Bridge in the sum of \$65,000,000 and payment to the consulting firm, Figg Engineering, of \$114,000,000 for the Bridges Rehabilitation Project. The amount of \$471,000,000 is the difference that will be paid back into the Consolidated Fund via a dummy transaction, and I am sure that the Honourable Member Mr McAllister knows that. Since the source of funding is from the balance of payments support, it would have to be treated as local funds, in keeping with the terms of the IMF.

Mr James K McAllister: Mr Chairman, I must follow up, because I do not understand some of what the Hon Member said. He mentioned about the feasibility study for the Berbice River Bridge as it relates to Subhead 12004. I am wondering if these studies have anything to do with the design of the Berbice River Bridge.

Mr C Anthony Xavier: No.

The Chairman: The Honourable Member Mr McAllister

Mr James K McAllister: Mr Chairman, I am wondering if the Hon Member could say to us, having received the feasibility study for the Berbice River Bridge, what is now happening in relation to that project?

Hon C Anthony Xavier: Mr Chairman, the designs are in progress and should be completed relatively soon and works should begin later on this year.

Agency Code 548 - Ministry Of Public Works And Communications, Subhead 12001 - Bridges - \$650,000,000 - Agreed To And Ordered To Stand Part Of The Estimates.

ITEM 3 - AGENCY CODE 548 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS, Subhead 12004

Question is proposed that the sum of \$1,255,000,000 for Agency Code 548 - Ministry of Public Works and Communications, Subhead 12004 – Mahaica-Rosignol Road/Studies - stands part of the Estimates.

Agency Code 548 - Ministry Of Public Works And Communications, Mahaica-Rosignol Road/Studies, Subhead 12004 - Road Studies - \$1,255,000,000 - Agreed To And Ordered To Stand Part Of The Estimates.

The Chairman: This completes consideration of the items.

Question put and agreed to.

Motion carried.

Assembly Resumed

The Speaker: The Honourable Minister of Finance

Hon Saisnarine Kowlessar: Mr Speaker, I beg to report that the Committee of Supply has approved of the proposals set out in Financial Papers Nos. 2 and 3 of 2005 and I now move that the Assembly doth agree with the Committee in the said Resolution.

Question put and agreed to

Motion carried.

SUSPENSION OF STANDING ORDERS NOS. 12 AND 46

The Speaker: We require a suspension of the Standing Orders to deal with the Appropriation Bill.

The Hon Minister of Parliamentary Affairs

Hon Reepu Daman Persaud: Pardon me, Mr Speaker.

The Speaker: The next item is the Supplementary Appropriation Bill 2005, which we have to pass.

Hon Reepu Daman Persaud: Mr Speaker, I wish to move that Standing Orders Nos. 12 and 46 be suspended to allow the formality of the Appropriation Bill to go through all its stages.

Question put and agreed to

Motion carried.

BILLS

First, Second and Third Readings

ITEM 3 - SUPPLEMENTARY APPROPRIATION (NO. 2 OF 2005) BILL 2005

Bill No. 10/2005, published on 2005-06-23

A Bill intituled, an Act to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged to the Consolidated Fund of Guyana) for the fiscal year ending 31December 2005, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for he specified purposes, in conformity with the Constitution.

The Speaker: Honourable Minster of Finance

Hon Saisnarine Kowlessar: Mr Speaker, in accordance with Article 171(2) of the Constitution, I signify that Cabinet has recommended the Supplementary Appropriation Bill (No.2 of 2005) Bill 2005 - Bill No 10/2005 for consideration by the National

Assembly and I now present the Bill to the Assembly and move that it be read the first time.

Question put and agreed to.

Bill read the First time.

The Speaker: Honourable Minister of Finance

Hon Saisnarine Kowlessar: Mr Speaker, I move that the Bill be read a second time.

Question put and agreed to.

Bill read the Second time.

The Speaker: The Honourable Minister of Finance

Hon Saisnarine Kowlessar: Mr Speaker, I move that the Bill be read a third time and passed as printed.

Question put and agreed to.

Bill read the Third time and passed as printed.

The Speaker: Honourable Members, we will now move on to the next item on the Order Paper.

ITEM 4 - FIFTH REPORT OF THE STANDING COMMITTEE TO ADDRESS MATTERS RELATING TO THE APPOINTMENT OF MEMBERS OF COMMISSIONS

BE IT RESOLVED:

That this National Assembly adopts the Fifth Report of the Standing Committee to address matters relating to the appointment of Members of Commissions established under the constitution, and signify to the President that the following persons:

Ms Rosemary Benjamin-Noble

Ms Dawn Edwards

Mrs Ann Pamela Forde

Ms Lucinda Miller

Ms Bijulee Moti

Ms Magda Lois Muriel Pollard CCH

Ms Vanda Radzik

Mrs Indranie Rameshwar

Mrs Kamla Devi Ross

Ms Clarindo Rudolph

Ms Doodmatie Singh

Ms Norma Shirleen Thomas

Ms Joy Walton, and

Ms Brenda Williams

have been nominated, in accordance with Article 212Q (2) (a) of the Constitution, to be appointed Members of the Women and Gender Equality Commission.

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

Hon Gail Teixeira: Mr Speaker, we had circulated in this Parliament the report of the Appointive Committee to address matters relating to the appointment of members of commissions. We also presented this Motion that is here before the House.

The Appointive Committee, as we call ourselves, commenced its work in April 2003, and we commenced our work on the Judicial Service, the Police Service, and the Public Service Commissions as determined by the Constitution. We completed those in the form of four reports to this House. Two were for the Public Service Commission - one of which we sought advice from the Parliament on how to proceed. This is the fifth report. Mr Speaker, it has taken us two years to reach this point on the Women and Gender Equity Commission. I am very saddened by the fact that it has taken us two years to reach this point on an issue that many of us, as women in the Committee, and as women in this House, are concerned about. The fact that the majority of nominees have been anxiously waiting for this day is important, and the fact that they have been steadfast in their continued availability to continue to serve on the Commission, were they to be

selected, is a reflection of the interest and dedication of many of the nominees that were selected.

Mr Speaker, I think it is important to go on record, in the interest of the Committee, what we have gone through. This is a new appointive body; the Constitution has given us new responsibilities. We had to find our way. We had to learn. We had to approach the Attorney General for advice on interpretations, which he ably provided. We had to deal with our own understanding of what were our responsibilities in the Appointive Committee.

In the Committee, there are representatives of the PPP/C, PNC/R and GAP/WPA, - six from the PPP/C, of which one of them - I am the Chairperson of the Committee; four from the PNC/R and one from GAP/WPA.

Mr Speaker, I would like to go on record today that the Report of this Committee speaks for itself; but I also want to go on record, because sometimes people do not read the reports, that we take a lot of time fighting and ensuring that every sentence and every word is as correct as we can get it, between us as political parties.

When we decided to look at the Women Gender and Equality Commission, in the beginning we all thought that this was going to be a walk over, that this was going to be easy, having confronted the Public Service Commission, which was a very difficult hurdle to cross. In our wisdom as a Committee, we approached the National Commission on Women, and the Ministry of Human Services and the Women's Affairs Bureau to give all their list of organisations. We then gave the responsibilities to Mr Alexander MP, and Mrs Holder, to go through the list of all those entities and to shortlist for the Committee the entities which we were prepared to invite. We then decided, as a Committee, that the National Commission on Women, headed by Magda Pollard, and under the auspices of the Human Services Ministry, would facilitate the nomination process and the elections. One hundred and sixteen candidates came forward from the fifty-odd women's organisations that were presented here in the report. The organisations are listed between pages five and ten - fifty two organisations. We bargained, and we short-listed in the Committee and we came up with these fifty two, which we could all live with. Each organisation was invited to nominate no more than five and no less than two nominees. At the end of it there were 116 candidates. The National Commission on Women had

their balloting; they even had scrutineers and observers in their elections. We had a full report and we, in the Committee, were satisfied that their elections were free and fair. They came up with fifteen names ... [*Interruption: 'You all had nothing to do with the elections?'*] No. In fact, we as a Committee stayed away completely from the elections. Fifteen members were short-listed in the order in which they received votes, and if you check Page 11 you will see in order of ranking, not alphabetically, but in the order of votes achieved, the order of those fifteen.

This list was given to us in August 2003. The Committee examined the list and in its opinion, felt that, of the entire fifteen names only one came from a region outside of Region 4, Georgetown. Everybody else was from the environs of Region 4 and Georgetown. We felt that for a National Commission of this constitutional magnitude, we should try to have geographic representation. We also recognised that there was no man, and we thought that it is not only women, it is also gender equity, and we should strive to ensure that there is some male representation. There was also an imbalance with ethnic representation, religious, and so on. In our best wisdom as a Committee, we decided ... and that is where our debates took place for a long time, on whether to try and get the Regional Democratic Councils to nominate representatives to this body. This was near the last quarter of 2003, and we had many debates on it.

The Committee and the Opposition agreed that we could approach the Attorney General for his advice. The Attorney General was approached and he gave an oral advice, which we accepted as a Committee, and we proceeded to invite the RDCs to make their nominations. Each RDC was invited to send us the process and a report of the persons who were present at the RDC meetings, the nominations, the elections process, et cetera. By February 2004, all ten regions had met the benchmarks. We also recognised that the constitution required that there is a trade union representation, and with the women's advice we went to the TUC and asked them to please make nominations. We asked them for the list and we noticed that two of the largest unions in Guyana were not included – nor their affiliates, the GPSU and the GAWU. We, therefore, as a Committee advised them to carry out the elections, but to include these two major unions. This caused quite a number of problems which we were finally able to overcome, and in January 2004, the

TUC Women's Advisory Council sent us the names, in total of five persons, from which we could select. They are listed in the Report between Pages 11 and 12.

We also had an issue whereby persons who were on the original fifteen names from the National Commission of Women elections had withdrawn. We also had one person going overseas, and eventually, more recently, Ms Desiree Bernard, Chancellor, moved to the Caribbean Court of Justice.

We met in December. The debate restarted on the issue of the RDCs on whether to include them or not. We also had a paper where we discussed on the synergy of the inclusion of the State agencies, and Government agencies, in the Committee, which was presented by Mrs Holder, whether to include state agencies and whether the RDCs were state entities or not. We then decided, because our dispute was strong, and there was an agreement by the body to go to the Attorney General as the authority for the interpretation of the law, and the Constitution, to guide us. This was in January in 2004. The Attorney General guided us in a letter of 7 April 2004, advising us of the appropriateness and correctness of what we were doing. We therefore then agreed to proceed with the nominations we received from the RDCs. We then worked, as a Committee, on a formula on how the selections would be made from the ten persons from the regions, the fifteen from the National Commission of Women's elections, and the five from the TUC. So we had to select fifteen persons from the thirty.

In April 2004, we came up with a formula as follows:

We would take each of the names from the regions, as nominated by the ten regions. So that was automatic.

In addition to that, the twelve that were left from the National Commission of Women's list, we would select four from those.

From the TUC/WAC, we would take two from the five to bring up the fifteen that the Constitution allows for.

In April to May 2004, when we were in this process, again there was the re-opening of the issues in relation to the RDCs, and the PNC/R, for a number of three meetings, either had only one person, or did not attend the meeting. We had a quorum and we continued to meet, and in the middle of May 2004, we agreed to proceed to draft the first draft in relation to the report, based on the formula we had discussed.

We did not meet between May 2004 and February 2005 as a Committee. When we started meeting again after the floods, again the issue was re-opened as to the regional representation. It was a very heated debate, and we went through it, and we got an approval from the PNC/R that we could proceed on the regions.

The understanding we had is that this report could now be tabled in this House. The draft had been circulated since January 2005 to all Committee members. We then made the decision to bring this report to the House, which was re-affirmed at the meeting before the last of the Committee, and we agreed that it would be tabled on 23 June. We have done so.

Mr Speaker, in this political struggle we have to balance, to recognise the diversity of our people, to be able to ensure that people from the rural areas have representation on national bodies, which some of us felt very strongly about, and to not have a national commission which was Georgetown dominated; because we believe that women's issues and gender issues are national and across-the-board. But I am very saddened here today because, having tabled this Motion in this House, suddenly at the last meeting, we were then getting the impression from the opposition, mainly the PNC/R, that somehow when they agreed to table the report that our understanding, and the minute takers and so on, that in fact they had not agreed to the names. They asked and we debated this. The Report was already before this House. Last week, there was a sidebar in relation as to whether this Report should be withdrawn and restart all over again. This afternoon, I was advised by Mr Ivor Allen, by a letter addressed to me that he delivered to my office, but I did not see it ... You know, Mr Speaker, I am in three different places - the Stabroek News mimics me running between three offices. Some of that may be right; so I did not see Mr Allen's letter, but Mr Allen requested that the report be recommitted, and that the PNC/R had difficulty in supporting the Report in its present form.

Mr Speaker, I respect Mr Ivor Allen a lot. I have known him for a long time, but I think it is time that this House publicly knows that this Committee has been fraught with a certain problem. A Committee cannot function like this, where today a representative, of any side, agrees to something; tomorrow that representative is not there, but another representative comes from that same side and changes their position.

Mr Speaker, these files that I fetched into this office is the Appointive Committee's work from 2003 to today. This is paper and work we have been doing in this Committee, and the PNC/R changed their representatives, who had agreed to certain things and brought in new representatives, except for one gentleman, whom he and I always have a special relationship, and that is Mr James McAllister, *[Laughter]* but as you know, from flood times to now, James and I have a specific type of relationship - from the Region 3 floods. We cannot move forward in this Committee if we have this kind of waltz - of one step forward and two steps backward, and we are going on like this. We cannot move forward. In the meantime, of the fifteen names of women who were elected, eleven are left. Do we want to continue talking until we are left with no one and we have to start all over again? The work we are doing in this Committee ... We are trying to work simultaneously on the Rights of the Child Commission and the Indigenous Peoples' Commission. Everybody is anxious for us to deliver, but we cannot deliver when one person speaks for the whole body, we agree, we move forward with great happiness, and the next time we are told, *hold brakes, reverse, you did not understand it correctly.*

Now, I do not want to embarrass my colleague across the way, Mr Allen, but I do want to say that the letter that was written to me, with no letterhead, of a party which for the last few years, has been playing a dance of back and forth in this Committee - When we want to do major things like recommitting, reverse on a position we had taken already, I would appreciate a letter headed letter signed, by the General Secretary or the Leader of the Opposition of that party, because we have been doing it for two years.

So Mr Speaker, I want to table this Report. I want to give you notice that I have received a letter from a colleague across the way that they are asking for it to be recommitted. I respect Mr Allen, but there is a difference, because I am dealing with a principle, and the PNC/R has problems understanding principles, but let us continue. I am tabling this Report and Motion, and I am also giving notice to this House that one member of the Committee, a representative of the Opposition, has indicated his desire to recommit. Under no normal circumstances, in any committee would this have been enough, but I have seen in the last two years the dance; the dance went on before. One member agrees, the next time the next member says, *no, no, you do not understand that* and we go back and forth. So that is why I ask for official recognition on certain issues.

Mr Speaker, we have been at this task for two years, from, May 2003 to July 2005. I have postponed [*Interruption: 'How many meetings did you postpone and did not hold?'*] You can ask that question from the floor, Mr Lance Carberry, and I will be more than willing to answer you. How many Committee Meetings we did not hold at all, because we had no representation from the opposition? We also had cases where meetings were postponed.

Mr Speaker, the women of this country will hold us accountable, and if we want to filibuster, then let it be publicly known that we are filibustering, because there are two years that we have had the nominations from the National Commission of Women, of fifteen women, and ten persons from the regions. As it is now, we have two men alone on this list, so we are trying to gender-balance. On an issue like this, we were not looking for equity male and female. We agree that women should dominate this Committee.

Firstly, we have two men coming from the regions. [*Interruption: 'Did you put Donald on the list?'*] No.

Secondly, we have a better ethnic balance, and a political balance; it is even between the two parties.

Thirdly, we have geographic representation.

Fourthly, we have some semblance of religious balance.

When we tried, as a Committee, the opposition has been part of the selection of the Committees. They have been free to exercise their rights. They have been able to have the draft document since January. We agreed to the draft document in June - to come before this House. Since the draft document, we have had time to formally, if it so wishes, to reconvene an emergency meeting on the request of the opposition, if that was so required. We have met two weeks ago, and there was no meeting this week. We meet every week as a Committee, from 2005 onwards. We have even met when there was no one on my side, when I was there alone, and the opposition was the majority, but I did not call it off because I was the minority.

So Mr Speaker, I call on this House... and I know that it requires a two-thirds majority for this Report to pass, and I am appealing to this House. We have other work to do. The Committee, as represented, is made up of persons who will be the pioneers of the first

National Commission of Women at the constitutional level. I am therefore asking this House to please support this Motion and let us get on with the job, and let us be able to let the women and men who have appointed on this Committee start their work. I am appealing to you. Thank you. *[Applause]*

The Speaker: Thank you Honourable Member.

The Honourable Member, Mr Ivor Allen

Mr Ivor Allen: Mr Speaker, I am disappointed by the events of this afternoon so far, because I arrived here, certain that I was not going to be called upon to speak on this Motion, since at the level of the Committee, the preferred arrangement ... *[Interruption]*

The Speaker: Mr Allen, Just one moment before you go on. I did not quite gather from the Minister if the Motion is proceeding, or if it is being withdrawn from the mover of the Motion. If the Motion is going to be withdrawn, then there is no need for us to proceed to a debate. If the Motion is going to be put to the House, on a vote, then we can have our full debate on the Motion.

Hon Gail Teixeira: Mr Speaker, I seek your guidance.

The Speaker: Honourable Minister, I will be very happy to give you guidance, but this is not a matter on which I can do so. *[Laughter]*

Hon Gail Teixeira: I was not finished with what was the form of guidance I needed from you.

The Speaker: You have to determine what you wish to do, it is your Motion.

Hon Gail Teixeira: I am prepared to proceed with the discussion and the opposition is free to stand and present their request for a deferment. On that basis, I would then be willing to consider their request.

The Speaker: Yes, Honourable Member.

Mr Ivor Allen: Mr Speaker, as I was saying, I would have thought that, in the spirit of the Committee, we would have arrived at consensus, and there would have been no need

for a lengthy discussion. In any case, I promise not to be long, but I first wish to set the record straight, as it relates to my communication to the Honourable Minister Teixeira.

When I sent the letter to Minister Teixeira, I did so in my capacity as a Member of Parliament, and a Member of the Select Committee. I was not representing the People's National Congress/Reform, and therefore my address, as stated, is the Committees' Division, Parliament Office, Public Buildings, Georgetown. And Gail, that was not my error.

Having said that, due to the attention of the Committee, that even though we had agreed that we were accepting a procedure for regional representation, that we were doing so conscious of the fact that it was not in keeping with the procedures as set out; but we were agreeing to regional representation. What we did not agree on is the procedure that was going to be adopted by the regions in identifying the persons and it is with that that we have some difficulty.

In one case, we are told the Regional Chairman, upon receipt of the invitation to make a nomination, responded to say that the Youth and Sports Officer was in his office at the time when he received it, and that they have agreed on X, and here is the recommendation. Subsequently I am told that that was corrected, but even if that was not so, we have a difficulty, as it relates to the very procedure adopted by the Committee. If I refer you to the Constitution, Page 157, Article 212Q, it says:

Not less than five, or more than fifteen members, with expertise with women and gender equity issues, nominated by the entities by a consensual mechanism, determined by the National Assembly. After the entities, which shall have included the Women's Advisory Committee of the Trades Union Congress, are determined by the votes of not less than two-thirds of the elected Members of the National Assembly.

In other words, this Committee should have brought to the National Assembly the list of entities that we were inviting to make nominations, and we did not do that, so we are in breach of the Constitution. For this reason we asked that the matter be recommitted. I gave the assurance to the Honourable Member Gail Teixeira in my letter ... As a matter of fact I said to her that I am confident that further discussion would yield an agreement. The Honourable Member Gail Teixeira herself said that this Committee worked hard for

two years. I would suspect that we want to do it right, and that is why we took that time. Is it asking too much for this matter to be recommitted for a further week or two to allow us to comply with the Constitution?

Further, how could you ask us - not only the PNC/R, but this Parliament - to participate in an activity, knowing it to be unconstitutional? Mr Speaker, I think there is no need for me to say anything more. This Motion requires a two-thirds majority. We will not support an unconstitutional Act and I again repeat if only for the records, we ask that this matter be recommitted to the Committee. *[Applause]*

The Speaker: Thank you Honourable Member

The Honourable Member Mrs Sheila Holder

Mrs Sheila VA Holder: Mr Speaker, as a member of the Standing Committee to address matters relating to the appointment of members of commissions, I feel obliged to say a few words in respect of the issue that has arisen today regarding this Report. In some regards I empathise with the Chairperson and Hon Minister Gail Teixeira, because like her, I worked constantly, persistently, for a number of years to get to this point, and like her, I find it disappointing that the other Members of the Opposition - the PNC/R Members on the Committee, have seen it fit to request a recommittal of the Report before the House today.

I understand that the nature of politics is of such that sometimes we find ourselves in positions that are untenable, unpleasant, and regrettable. In a way, I find myself in that position today.

This matter has been plaguing us, in one way or the other, and on many occasions, when we thought it was resolved, we lived to see that it was not resolved. I believe that the business before the House is of great concern to an important sector of our society - the women - who have been advocating for the establishment of this very important constitutional commission. It is for this reason that I am disappointed, but perhaps the legal matter that has been brought to the attention of this Honourable House today by the Honourable Member Mr Allen was not given to the Committee, prior to the report being

presented to this House and indeed, to avoid us this embarrassment - which I consider is an embarrassment.

Mr Speaker, the names that have been selected to represent women and gender in a Committee that is supposed to address the number of constitutional matters for women and gender equality issues, seem to me, on the surface of it, to be quite adequate, and therefore it would have been my desire that the PNC/R would have found it fit to support it, but since the issue on which they have requested the recommittal is one of a legal and constitutional nature, and I am by no means a legal-minded person, and cannot seek to express an opinion on it, I can only express the hope that when the Report is recommitted, it would gain the full support of the Committee. But as it stands now, I came here prepared to support it and to support the Report. Thank you very much.
[Applause]

The Speaker: Thank you Honourable Member

The Honourable Member Mrs Melville

Mrs Shirley J Melville: Mr Speaker, I rise to make a few comments on the status of this very important issue that deals with women, and indeed I am disappointed that this Report has to be re-submitted once more.

Mr Speaker, I speak also on behalf of the indigenous community which is also looking forward to the formation of the Indigenous People's Commission. It has been quite some time now that we have had other matters to deal with, which depend on the formation of the Indigenous Peoples' Commission. It is very important to the indigenous community and the Rights of the Child Commission also. So Mr Speaker, I would indeed like to hope that we would all in this Honourable House here see it fit that we get the matter done with as soon as possible. Thank you. *[Applause]*

The Speaker: Thank you Honourable Member

The Honourable Member Mr Basil Williams

Mr Basil Williams: This matter that is at hand, Sir ... We recently joined this Committee - I think we did so this year - and at my first meeting of the Committee I had the occasion to inveigh against a procedure that I understood that several members of the past Committee - my predecessors on the Committee had agreed to - and that was, there was some agreement for them to determine, or to get someone to interpret the Constitution, that person being the Hon Attorney General. Now the Hon Attorney General, who is also a Member of Cabinet, was requested (and I have the greatest respect for my learned senior) to come up with an interpretation of the Constitution, and so his attempt happened to have coincided with the desires of the Chairperson of the Committee - that is, that the word *entities* ought to encompass regional women's organisations, or organisations coming under the various Regional Democratic Councils. But upon a proper perusal of the relevant provision of the Constitution, it was read earlier - Article 212Q, it is clear that since these are commissions, the intention was, and still is, that these commissions ought to be independent, and therefore we felt that it was inconceivable that you could have entities that are wholly under the control and/or influence, and/or authority, of any State body, or any arm of the State, so that essentially, these entities that the Committee had been speaking to are really non-governmental organisations and civil society. The only way this matter could have been resolved is not to go to the Hon Attorney General, because the only entity, or body, that could interpret our Constitution, is the Court, and so we took that objection, that we ought to have gone to the Court, since nobody could get together around a table and try to re-write provisions, or write into any provision that inheres in our Constitution. So that was my first meeting. The charming Chairperson was visibly upset, and I do not like to upset persons like her... [*Interruption: 'Understandable!'*] Yes, but then, there was a further problem, because there was a shifting of the goal post in this matter, because there was a completely democratic process that had been agreed upon by the Committee, where they authorised the National Commission of Women to conduct elections to determine the fifteen members, according to this provision in the Constitution. That mandate was executed adequately and fifteen names are there, but apparently certain circles did not like what they saw thrown up, and so it appears that they opted for a mechanism where they could hand-pick persons from the regions to put them on the Committee because there was nothing to show a similar

mechanism was used to determine the representatives in those regions. It is our firm belief that they were handpicked, and that could not lend itself to any democratic process. What has also happened is that the entire process was turned on its head. So whereas, in the first instance, everyone agreed to the National Commission of Women - determining by a democratic process fifteen persons, with the help of the opinion, they inverted the whole thing, and what do we have now from those duly-elected fifteen persons? Do you know how many have been determined by the Mde Chairperson to go on this Committee? Four persons out of fifteen! You have reduced them to four, whereas on the other hand there are eight of the persons from the regions who really ought not to be there and who really have been handpicked. So there are eight or nine handpicked persons, as against four persons democratically elected. And so we have a problem with that, but then it appeared that we maybe would have had some time to give it some thought. But at the next meeting we discovered that the persons who were selected by the various entities, who were nominated by the various entities which might have numbered over thirty or fifty persons or whatever have been reduced to fifteen. So we inquired about the mechanism they used to reduce the numbers to fifteen. It was suggested that we were party to the mechanism to be used, and it turned out that when we resorted to the Minutes that that was not accurate. In fact, the point is, there was another attempt to work outside of the ambit of the constitutional provision, because Article 212Q (2) (a) says:

... not less than five or more than fifteen members, with expertise in women and gender equality issues, nominated by entities, by a consensual mechanism determined by the National Assembly, mutatis mutandis ...

In the case of non-determination by the National Assembly of the entities, the same position inheres here. There was no determination of what the consensual mechanism was supposed to be by this National Assembly. And so, it is clear that there has been this attempt to work outside of the ambit of the constitutional provision. That cannot be countenanced (I do not know if it is in the lawyer in me) and therefore, in good faith, we asked, quite rightly, let us talk to the Chairperson, as has happened on a previous occasion, and the matter was resolved, so that we could recommit this matter, and let us sort out this thing, because it is clear that there was no consensual mechanism in place to determine the final fifteen. That is where we are, so the entire provision has been

breached; the entire constitutional provision on this point has been observed in the breach. Mr Speaker, we therefore say, that we are very uncomfortable with the situation, and we would be doing a great disservice to the women of this country were we to be party to such an arrangement. We cannot contract out of the constitutional provisions, we cannot do that, no matter how high we are, or no matter how low we are. We must respect the provisions of the Constitution. Once you do it properly, we do not have a problem. Therefore, this matter must be recommitted to do two things:

- (i) We have to let the court determine the proper meaning of what entities should be determined; and
- (ii) We must have the consensual mechanism, in addition to the entities being identified by the National Assembly, determined, all in accordance with Article 212Q.

Thank you, Mr Speaker. *[Applause]*

The Speaker: Thank you Honourable Member

The Honourable Member Mr McAllister.

After you, Mr McAllister, do you know if there are any other speakers on the opposition side?

Mr James K McAllister: Sir, I need you to inquire from the Whip.

The Speaker: Mr Carberry ... *[He is not listening ...]* Go ahead Mr McAllister ...

Mr James K McAllister: Mr Speaker, I stand to offer some clarification on this matter, and in fact to provide some information to this Honourable House, as it relates to the issues surrounding the Women and Gender Equality Commission.

As it is known here, this Committee has wide responsibility for the nomination of members to various constitutional commissions. It is a new Committee, and we have the unfortunate situation where it can be perceived that the Committee started entirely on the wrong foot. This is in relation to the issue mentioned by the Honourable Minister - the issue of the Public Service Commission, and the manner in which numbers were used to railroad a position there that we, from this side of the House, found to be totally unacceptable. This situation led the Committee to officially and formally consider the

issue of mistrust in the working of the Committee. This is an official item for discussion by the Committee, because the first issue really brought about a situation that all members thought was highly undesirable. We have not concluded on this matter. However, this issue of mistrust, I must mention, came out specifically when for the first time, the issue of Government's participation, or Government agencies' participation, was raised at the level of the Committee, and there were objections to that from the PNC/R's side. It is true that there was a proposal as a result that the Committee should examine the issue of synergy between civil society organisations and Government agencies. In fact, the Committee decided to examine that issue, and to look at the issue of synergy, and the Honourable Member Mrs Sheila Holder was given the responsibility of putting forward that paper.

I wish to take this opportunity to state that on 9 December 2003, the Committee discussed the issue of synergy, and this was the final position then. *Further discussions on this issue were deferred to the next meeting.* This is on the issue of synergy, and I am reading from the Minutes of Tuesday, 9 December 2003. So here it is we have a situation - at the meeting of Tuesday, 9 December 2003, where the Committee decided to postpone the decision of synergy, and this synergy had to do with the inclusion of Government agencies. What is very surprising, if one goes a bit further into the Minutes, one will find that, even before that decision was made to postpone consideration of the inclusion of Government agencies there was a situation whereby the Committee was maintaining that it had already decided to include regional nominees. This is a contradiction, because we had a situation where the inclusion, in principle, of Government agencies was engaging the attention of the Committee. Before we had arrived at a decision on that broad principle, on a specific case, we had the Committee moving forward to include Government agencies for the Women and Gender Equality Commission. I find something very wrong with that. I believe that is not a principled position that one should adopt.

So, Mr Speaker, one would want to wonder what happened here, and we have a sequence of events, which I would like to place on the records. In accordance with the Constitution, we decided that we should consult certain agencies:

(1) We consulted the TUC/WAC and they made nominations. These nominations did not find favour with the Hon Chairperson of the Committee, and we were told that even though the TUC/WAC was saying that they contacted GAWU and the other union (GPSU), they were saying so, the Chairperson deemed that they did not do so, and therefore referred the issue back to the TUC/WAC. I must say that we had a situation developing in the entire process, where the TUC/WAC specifically mentioning that the Constitution was under threat that they would not be consulted, if they do not consider to act on the Ministry's instructions, and there had to be interventions to get the TUC/WAC to respond to the second request, because initially they have taken up the position that they are not going to do it again, because they have done it already, and they have fulfilled our mandate under the Constitution. After the intervention, because really and truly we, on this side of the House, wanted to see the process move forward - we did not want it to be bogged down, so we went to the TUC/WAC and asked them to consider the Minister's request, which they did. But I want us to take note of the principle here, Mr Speaker. The principle is that the nominations came from the entity. The Hon Chairperson found difficulty with the nominations for one reason or the other, and the matter was then referred back to that entity for the thing to be reconsidered -TUC/WAC.

Now, let us look at the issue of the National Commission on Women. The Honourable Minister did herself explain to the House the process involved - a very democratic process where everyone was satisfied that the elections were free and fair. When the nominations came to the Committee again the Honourable Minister said that there was a problem. The problem was that they did not have geographical representation, but on this occasion, instead of sending the issue back to the National Commission on Women to ask them to consider the issue of geographical representation, ethnic representation and gender balance and so on, a separate decision was made. This is where we have a difficulty, because one will want to wonder about the motive when one looks at previous explanations offered in this Honourable House. I go to a letter dated 3 November 2003 sent to the Clerk of the National Assembly, who is responsible for a question posed by the Honourable Member, Miss Judith David to the Hon Minister of Agriculture, Mr Satyadeow Sawh. *[Interruption: 'On a letterhead.' "Yes, on a Ministry of Agriculture letterhead, so it is authentic"]*

Question:

Can the Minister say why there is no regional representation for Region 7 on the Guyana Lands and Survey Commission?

I will not read the entire response. I will just note where the Minister says:

It is noted that the Board is constituted, not along regional lines, but comprised of persons, or representatives that have common interest with the Commission and who would aid the Commission in carrying out its functions under the Act.

So one would wonder here, Mr Speaker, why is it, on one case, on an issue as important as land, the Government will say to us that you do not need regional representative, but the fact of the matter is that you come on another occasion and you wish to say that let there be regional representation.

Mr Speaker, one would not have to go far, one merely would have to examine some of the responses and the process that were used in a number of the regions to find out why this approach was used, because we are talking here about the importance of the Women and Gender Equality Commission. We all agree that on the issue of women, we have to give a lot of importance to it, and we have to treat it with due care. One would expect that, on an issue as sensitive as women's issues, we will ensure that at least we follow the right procedures and that there should be as wide as possible consultations. In fact, what we had happening, is that we moved the whole process from out of the ambit of women's organisations, and we put it in the domain of Regional Democratic Councils, most of them dominated by men. So when the Honourable Minister tells us that this whole process is about women and women involvement and so on I want her to explain the rationale for moving the process away from women and giving it to men to select women to go on the Women's Commission. When you look at this, you will see ... I have the letter here, on letterhead, from the Office of the Regional Democratic Council, Region 5. It says here:

On receipt of your letter, I had informal discussion with Mr Gravesande, former Youth and Sports Officer, Region 5 and Mr Shadick Ishmael, a trained Secondary School Teacher, was identified ...

Mr Gravesande concurred with this selection. I would really like to know if

Mr Gravesande represents the women of Region 5. So Mr Gravesande concurred with the selection, and we have the matter being forwarded.

Then they said, at our meeting on Thursday, 10 June, *I read your letter and proposed Mr Ishmael as our nominee.*

That was the process.

Now, Mr Speaker, we would like to submit here that this process cannot be a process that is acceptable. Even if one is to say that we would violate the Constitution, and we will go to the regions, one expects that in the entire spirit of democracy, in the entire spirit of inclusivity and participation, that in the same way that we said to the TUC/WAC, *this is how you must proceed ... in the same way we could have said to the RDCs you consult with women's organisations in your regions and come back and give us your nominations.* No such consultations - this thing turned out to be a voting along political lines to nominate people to the Women and Gender Equality Commission. That, Mr Speaker, we find totally unacceptable. It is disrespectful to the women's movement, and we cannot allow it to pass in this House.

But the Hon Minister did represent in this Honourable House that there was a decision taken by the previous members of the Committee, before our Committee was reconstituted, where the members of the PNC/R accepted the inclusion of regions. I wish to say that for many meetings we had an ongoing debate on this issue, and until the PNC/R withdrew from the Parliament this matter had not been settled. If you go to the Minutes, you will see at the very last meeting, the Honourable Member Mrs Clarissa Riehl reiterating the PNC/R's position that we do not accept the inclusion of regions.

We had a process which the Committee conducted, where they had nominations for the fifteen for the National Commission on Women. They had nominations from ten from the regions, and they had nominations of three from the TUC/WAC. Let us look at the process used. The Committee that was set up by this Honourable House to look at this issue of appointment of members to ensure a consultative process, inclusivity and so on, let us see how they proceeded to deal with this matter. At the meeting held on Tuesday, 11 May 2004 ... and I wish to point out that when you look at the attendance sheet here, you will see that no PNC/R representative was present at this meeting. *[Interruption: 'Why'?]* You know why, and that is history. If I go to Page 164, Paragraph 8.13 ... where it is said here that the Hon Dr Ramsammy proposed the following nominees to be considered for selection ... with the exception of Region 4: nominees from Regions 1 to 10; two nominees from WAC/GTUC; four nominees out of the fifteen democratically elected people from the National Commission on Women's list. He then went on

to say that if there are no objections with that proposal, then the following names should be selected:

Region 1- Ann Pamela Forde and he proceeded to give a list of ten names from the regions, two from TUC/WAC and four from the National Commission on Women. These names were picked by the Hon Member Dr Ramsammy. I want to suppose that there was some prior agreement on the Government benches that this is what is going to happen, and so he came and he tabled it in the Committee and it was carried. One would have believed that in a Committee like the Appointive Committee, we would have gone on to have some kind of criteria for selection; we would have tried to develop the balance we are talking about, and we would have proceeded to ensure that we would have a competent commission to do the work that it is supposed to do. That is what we should have been looking at; but we have a situation here that really needs explanation, because the Honourable Member Dr Ramsammy proposed the names of fifteen persons, carried them to the Committee, even though the Honourable Member Mrs Sheila Holder objected. It is written here, Mrs Holder said... and I quote from the Minutes of Tuesday, 11th:

Mrs Holder observed that, although she had concurred with Dr Ramsammy's proposals, she felt that geographical representation was not exclusive to persons nominated by the regions.

So she had a problem with the process. Of course, Mrs Holder was out-voted, and therefore the thing was passed. But the story is this... and this is what we must take note of, that after the committee had identified the names, what was decided? The Committee decided that the Secretariat would begin to draft the report for submission to the National Assembly, while members work on the rationale for selection of the persons identified. This is the kind of problems we have with the process. You cannot come with a list to the Committee, give no explanation, no rationale, then run it through the Committee, have it approved and then, after approval, you are trying to have the Committee to arrive at the rationale for selecting the people whom you have already selected. Something is wrong with that.

Mr Speaker, I wish to submit here that the PNC/R is very concerned that this Commission should be established as quickly as possible. We believe that we cannot afford to treat the women's movement in this country lightly, and with scant regard. We have to take on board the democratic process within the women's movement, and we have to ensure that we have a process

that is above board, that is constitutional, and that can be acceptable to all sides of the House. I thank you very much. *[Applause]*

The Speaker: Honourable Members, try not to make so much noise when you are cheering on your colleagues.

The Honourable Minister of Health

Hon Dr Leslie S Ramsammy: Mr Speaker, I rise ... *[Interruption]*

The Speaker: Dr Ramsammy, we have five minutes more before the suspension, so if you wish to proceed, I will stop you in five minutes. If you will finish under five minutes, you can go ahead.

Hon Dr Leslie S Ramsammy: Mr Speaker, I will wait after the break.

The Speaker: Honourable Members, this is a good time to take the suspension.

15:55H

SUSPENSION OF SITTING

16:30H

RESUMPTION OF SITTING

Hon Dr Leslie S Ramsammy: Mr Speaker, I would not be keeping us too long this afternoon. I just want to add my voice to the Motion being presented by my colleague, Minister Teixeira, and I truly hope that, in spite of the reservations expressed, that the Members of this House will unanimously approve the names that were nominated by the Appointive Committee, so that, as responsible Members of the National Assembly, after such a lengthy period, we would have been in a position to establish the Women and Gender Equality Commission.

It was a long time that we worked to enhance our Constitution, and the reformed Constitution, after much consultation across our country, and much work by many people who are sitting in this National Assembly, including yourself, came to some finality during the 2000/2001 period when we passed a number of Bills in this House to reform the Constitution, one of which was to establish the Women and Gender Equality Commission.

The spirit of the Constitution is that we should have a number of these Commissions that would be able to address the welfare of various vulnerable groups, and various groups in our community, such as:

- the Indigenous People;
- the Rights of the Child;
- Women and Gender Equality; and so on.

We have worked long, and it was an arduous task, trying to get to the names that would constitute this Commission. Minister Teixeira has gone through the efforts that we have made, and I speak here this afternoon as a Member of this Commission. I know that it was a great effort by all of us from both sides. All of us on both sides are very busy people, but every time the meetings are scheduled, some of us find the time. Indeed, Mr Speaker, I remember only one time that I was absent from that Appointive Committee's meeting. It may be one or two times, but I remember once. There were long periods when we could not meet, because Members representing the People's National Congress/Reform were absent, and I am not castigating them or anything like that, but for whatever reason, they were not there and we respected that they were not there. But after all of this time, we made certain agreements.

Mr Speaker, the Honourable Member Mr McAllister, spoke about how I made nominations. We can read things from any paper and misrepresent them. There was a process, and through that process, names were selected by entities, whether Regional Democratic Councils, or the Women's Bureau or the TUC. Names of women and men were nominated. As a member of that Committee - every member of the Appointive Committee - we did not just go there to sit and stare at papers. Nominations were made, and I made a proposal based on those nominations. Not a single name was read and pulled from thin air. There were names nominated by entities, and in agreement with a process that we, as Committee Members, agreed to - whether we debated it, or expressed different views or not, at the end of the day as a Committee we agreed; and we must have the integrity to come to this House and hold out that this is our Committee that made that decision. You can always change your mind. Throughout the two and a half to three years that we sat on that Committee, members were always changing their minds. Minister Teixeira spoke about how we would agree to something, and then at the next meeting, some other member who was absent would decide that we must re-examine it and recommit it, and we did - throughout that period.

The Motion before us is asking us to agree to the appointment of fifteen women and men who were chosen, because they have made important contributions to the development of this country. When we agreed to bring that Report to this House and, in the form of a Motion, agreed to appoint these women, we all on that Appointive Committee agreed. Mr Speaker, if there is ever a good example of filibustering, you are seeing it this afternoon; you are seeing it right now in this House ... [*Laughter*] I am not in a mood this afternoon to joke. I am disappointed, because we made a commitment to the people of this country that we will establish a Women and Gender Equality Commission, and right now, here this afternoon, some of us are saying to the Guyanese people, *we want to establish it now*, and some of us are saying *you cannot do it now*. For the Members over there, if they vote against this, that is what they will be saying. It is a clear case of not making the Constitution work, and they can hide behind all kinds of languages and arguments, but the fact is that we have an opportunity to name fifteen credible women to start the Women and Gender Equality Commission, and we have an opportunity now. We worked together in good faith, and we can do it now. I am proud to stand up here as a Guyanese to say that that is an advancement of our Constitution - an advancement of participatory democracy, and that we have an opportunity, in small steps, and in larger steps, to make our country better. The opportunity is staring at us right now. Are we going to take that opportunity in hand? That is the question. I want to congratulate the Honourable Member Mrs Sheila Holder. Sitting in that Committee, we have different views, and we have matured people who debated these issues and came to an agreement. Together we decided that we are going to proceed now, to come today or twenty-four hours before, and decide that we no longer want it, for whatever reason, and it is symptomatic of what we have been doing for the last couple of years ... [*Interruption*]

Let us take it step by step; let us do this now; I have the Minister of Amerindian Affairs sitting next to me ... We travelled around this country. We want the Indigenous Peoples Commission to start. Let us get on with the work. Why are we delaying it?

Mr Speaker, we have an agreement that we will proceed with this. What is wrong with Government agencies being part of a process? What is so wrong with it? All those members on the Regional Democratic Councils were elected by the people of those regions. We were looking for geographic representation. In the initial process we had fifteen persons that came from one region, with the exception of one member. All the members on both sides agreed that we needed

to improve the process so that we could have people from all ten regions ... *[Interruption: 'We did not say that'. "Yes you did"]* Every single member voted for us to proceed in a different way. It is sheer dishonesty to come to this House now and say that you never agreed with the process. From meeting to meeting, we were agreeing on processes and moving forward. The Minutes will show that, when we agreed to come to this House with that Report and those nominees, we agreed as a Committee. Not a single member voted differently and that is what the records will show. When we face the Guyanese people that is how they will judge us.

Mr Speaker, this afternoon I want to express my total disappointment at our colleagues, who agreed with us to move forward, and are now backtracking. That is a demonstration to the Guyanese people of who have their interest at heart. It is an unprincipled position to come this afternoon and ... As a member of the Appointive Committee and sitting on this side of the House, I am hesitant to withdraw this Motion. Mr Speaker, I believe that we should proceed with this Motion, and I would urge the Members on the other side to let us appoint these fifteen women and men, and let us get on with the business at hand. Thank you, Mr Speaker. *[Applause]*

The Speaker: Thank you Honourable Member

The Honourable Minister of Culture, Youth and Sport

Hon Gail Teixeira: Mr Speaker, this has been a rather interesting discussion, and again I rise to make a number of corrections.

The point that was made by a number of speakers ... it is unfortunate when documents are used for convenience. The Honourable Member, Mr McAllister, referred to the letter from Region 5. All the RDCs were written to by Mr Maurice Henry, Head of the Committees Division. We agreed to the guidance of all the RDCs, all the Women's groups, and the National Commission on Women on what you would say ... to advise on balance - geographic balance, gender balance, and the kind of persons we were looking for who are active and would take on the responsibility of sitting on such an important body.

The letter read by Mr McAllister leaves out an important composite. We were less interested in the nomination process than the election process ... how were the persons elected, where, and by how many people? It is true, the part that Mr McAllister read, that there was a consultation with the former Field Officer of Region 5, but the part that McAllister did not read states:

At our meeting on Thursday, 10 December 2003, I read your letter and proposed Mr Ishmael as our nominee.

Nominations were also open for other candidates, but there was no other nomination. The number of councillors present at the time of Mr Ishmael's nomination was fifteen. A vote by show of hands was conducted and nine councillors voted in favour. No councillor voted against. However, six councillors did not exercise their right to vote.

Now funnily enough, Mr McAllister does not pick up on two other reports which come from regions that maybe he has some interest in. And what happened to their reports? Region 7, where the report says that the Vice-Chairman stated that they received the letter, they put forward the names, and the selection of nominees was done through discussion of five councillors in Bartica. Eight other councillors were not consulted since they were all in the Upper Mazaruni in their respective communities and direct contact was unavailable. We accepted this. There was no council meeting.

Again, we also have another side of Region 8 where, in contrast to what was done in Region 7, Region 8 did have an election. There were three nominees, and they voted. The highest vote of their councillors was chosen.

Therefore, the view that the RDCs did not go through some process of consultation is fallacious, that the RDCs did not meet and have some kind of voting. There was only one region, not Region 5, as Mr McAllister pointed out, where he is trying to use a subterfuge, a red herring, where the Field Officer who happened to be in the Ministry of Culture, was consulted. The point is that it was put on the floor of the RDC meeting. It was opened to nominations, and there was a vote. By the way, Region 7's nominee is a woman.

So I just want to deal with the one in Region 5, because a half truth is just as bad as not telling the truth at all. The issue that has been raised about the constitutional issues ... but before I speak about that one, let me speak on the TUC/WAC issue ...

The TUC/WAC was asked to include GAWU and PSU. Why? ... because GAWU and PSU are the largest unions in this country, and the largest unions with women workers in this country. In the first round that the TUC/WAC did, it included PSU and did not include GAWU, and the document showed more than what Mr McAllister said, which was that we were able to prove in the Committee that the person whom they said that they spoke to for GAWU had never worked,

or had anything to do with GAWU. So we requested the TUC/WAC to do it again, so they submitted two names from the first round. Then they went and did a second round which included GAWU, and submitted three names, one was a person who worked with GAWU. Therefore there were five names from the TUC/WAC, which we then looked at. With the TUC/WAC all five names that came through two consultation processes were put on the list for selection. If the PNC/R was not there, and they only had one member there, and nominations were made by my colleague Dr Ramsammy, who is stopping the PNC/R from making their nominations of other names they want to go on the list - from the list of ten from the regions, the list of fifteen from the National Commission on Women, and the list of five from the TUC? I am not prepared in this House to take the laziness from the Opposition when they do not want to do their work in the Committee.

The constitutional issue was like a football that went back and forth. The original four members of the Committee from the PNC/R were Mrs Clarissa Riehl, Mr Deryck Bernard, Mr Vincent Alexander, and Mr James McAllister. We started the rounds when we got the fifteen names. There was a consensus in the Committee that there was a problem with the geographic balance. There were ethical and moral views by the Committee that how could we be setting up a national commission with fifteen names of which only one was from Region 3, the rest were all from Region 4 - the majority was from Georgetown? How could we, in God's name, do that? ... And that is how the whole idea of the synergy paper that Mrs Holder put forward ... We had long discussions, and there was an agreement, in principle, by the Committee that yes, we needed balance, geographic, ethnic, religious, gender and class. We agreed to that, and I challenge anybody to find in the Minutes that we did not agree to that.

Secondly, when we had the discussion on the issue, *How are we to solve the problem now?* the proposal was that we should go to the RDCs which represent people and they are elected and so on. We agreed to that - and notice we agreed - the Committee agreed - and that is shown in the minutes before September/October 2003. Having sent the letters out to the regions, the PNC/R raised questions about having second thoughts about the RDCs. We then agreed to go to the Attorney General. Mrs Holder proposed that we go to an independent legal adviser. The Opposition said ... and I can name the Members of the Opposition side... *[Interruption]* No, on constitutional issues the authority is the Attorney General, and we agreed, and we went to the Attorney General. We were given a verbal opinion that was passed on to the Committee.

[Interruption: ‘Who said so?’ “Mrs Clarissa Riehl. The records are there, Sir. You can spend your weekend looking through them. I have lived through these records. You have time to waste”]

The other issue was that it came back again in January. The question was again raised about RDCs, because we deal with some members of the Committee who turned up, and then those guys stayed home, then another set would come who are members of the Committee, and they overturned what the first group did. Those of us in the meeting know who they are. So again, we decided to write a very formal letter which Mr Maurice Henry drafted. It was sent to the Attorney General asking questions to guide us:

- (i) on the constitutionality of approaching RDCs; and
- (ii) on the issue of whether we had to go to Parliament with the list of organisations to get guidance.

We were given that, and the Committee then agreed that we had the Attorney General’s view, and then the PNC/R changed their representatives on the Committee.

Let us say that we ended up at a point where the Attorney General’s opinion was accepted, in April 2004, as to what we were doing was correct, we were in order and we were not breaching the Constitution. We then proceeded ... and that is how Dr Ramsammy’s nominations came in. We then asked Mr Henry to do a provisional draft, which he did, and then we did not meet for several months after, because there was a period when we were meeting in April/May and the PNC/R did not come; so we just said that we were wasting time on this as Mr Carberry heckled earlier. We have to remember what was going on then, and so we remembered what was going on then and we decided why keep meeting? ...

Correctly, we were asked by the Speaker to recommence, because we were in a hiatus. We returned, we met, and the interesting thing is that on 17 May ... the new members were appointed in April 2004 ... some of them never attended the meetings. They were given all the Minutes, all the records, so they had almost six months to study, to read and to be guided by their own members who had left the Committee. That is not my responsibility. We had meetings in February, March, April and May.

Mr Basil Williams correctly raised the issue of the constitutionality. There was no formal proposition to the Committee for us to go to a court of law and he did not come to another meeting. So the issue was not pursued by any of his members. What we do have is on 17 May,

on Page 176, Sub-section 6.2.1, Mr Allen informed the Committee that the members of the major opposition party had agreed to adopt the draft fifth report, since he had reported that the previous members had agreed to the consultative process of selection on the nominees of the Women and Gender Equality Commission. He cautioned that they were not prepared to accept similar principles and procedures for the process of selection for nominees for the Rights of the Child Commission and the Indigenous Peoples' Commission. That was the meeting on May 17 at which Mr McAllister and Mr Williams were absent; Miss Anna Ally was excused; Mr Allen alone was present. Then we had meetings on 31 May, 14 June, then all of a sudden at the meeting on 28 June we had a new development where the issue was raised by the opposition members and who were present? Mr McAllister, Mr Williams, Miss Anna Ally and Mr Allen. In fact, this was a meeting where nobody was there from the Government side, except me. These Minutes have not been approved. I will read them anyway, because they were not written by me. Page 187 Paragraph 6.2.4 stated:

The Chairperson informed the Committee that the Committee's Fifth report addressing matters was tabled in the National Assembly for discussion on 7 July. A motion to adopt the report was submitted by the Clerk. In response to a query, the Chairperson recapitulated the selection process used for the nomination of members for the Commission and the draft report which has been circulated. The Chairperson remarked that she could not remember the names of the nominees ever being questioned. What had been deliberated is the inclusion of the ten administrative regions, and when Mr Allen had indicated that the members of the main opposition party were prepared to accept the principle of the inclusion of the regions and the report with a caveat, she thought that they had accepted the report in its entirety.

That is on the 28th. Last week when we were meeting to talk about Walter Rodney, I was approached by the Opposition about opting that maybe this report should be returned to the Committee ...informal side bar ... because the person who approached me was my dear friend across the floor, Mr Allen, who had already gotten into some problems of whether it was yes/no, or in between, and so on. I said to him *if your party wants to have the report recommitted, please put it in writing, because I can no longer deal with the situation as the Chairperson, that*

one person agreed, on the same side, and the next person does not agree on the same side, at the next meeting. We cannot function as a Committee like this.

I also asked my colleague to please ensure that he did not give me a last-minute request. Well, he said he had to consult, because he was not certain, at that point. He was (what is called) testing the water. We are politicians and we all test the water, it does not mean anything. So I said that I want to have a clear position from the PNCR whether they are serious, and on what grounds they want to withdraw this report; and if so, we can have an emergency meeting, or if you give us enough time, we can talk and decide what we are going to do before it comes on 7 July. The letter that Mr Ivor Allen wrote ... *[Interruption: 'The illegal letter' "I never said that Mr Allen's letter was illegal. I never said that. I am not a lawyer. I said that Mr Allen is free to write to me at anytime, anywhere, but when Mr Allen is representing his Party, and I am uncertain whether he is speaking for the Party, I want him to do it on a letterhead, and that is no disrespect to Mr Allen, because he knows exactly what I am talking about"]*...

Mr McAllister spoke about returning the process to the National Commission on Women. I think I better advise Mr McAllister that his suggestion cannot hold water, because the National Commission on Women has been dissolved since last year in anticipation that the report was going to be approved and tabled in this House; so when this House wants to return this to the Committee, what you are asking the Committee to do is to start the process all over again from the beginning, because there is no reference point anymore with the Commission on Women being able to organise like they did before.

On a point also made about selection I have observed a list of about 116 candidates, the nomination paper, the report on the National Commission on Women signed by Magda Pollard, who has been a fighter for women's issues. The first fifteen names are the only names that were given to us. We have the list of 116 but we got the first fifteen, in terms of who got the highest votes, and the ballot count next to it. We did not go and pick names from the remaining 101 names from the list. *[Interruption: 'But you knocked out eleven names.' "We did not knock out anything"]*

So Mr Speaker, as torturous as I know you must find this debate, I want to make it clear that what is at stake here is a principle - a principle on how we behave. We have sectoral committees, special select committees, and constitutional committees; and if, as politicians, we cannot have some understanding of principles in those bodies then nothing can happen. We are

still waiting to deal with the Rights of the Child Committee. We have started the process from the indigenous people, but we cannot function in this way, where every time we make a decision, we are reversed by another member from the opposition coming to the committee, who was not there at the time a decision was made. This is anarchy; this is an anarchistic approach to decision making that cannot work. Therefore, let the women judge us, because the Opposition had a chance to look at the draft report since January. They had the version before it went to the Parliament to look at. They had meetings in between, when we agreed to table the report, and when the report was coming up in this House today, to have discussions of substance. It is not my problem, as Chairperson of a Committee, to deal with the Opposition's inability to look at the fifteen names that have been proposed, and now they want to question how those names were submitted. That is not my problem, because those names were there since April 2004. If the Opposition has not done their work in a year ... I am not expected to do their work in a year ... and this House must not be filibustered in this manner, that you wait now for the last minute to raise issues of constitutionality and the court of law. Between the appointments, Mr Williams raised the court of law issue, and when this report comes to Parliament now, today ... There has been no movement by Mr Williams to clearly say how wrong we are constitutionally nor to come to the meeting and to prove to us and convince us that what he is saying is right. His own members on his side agreed to the Attorney General's recommendations in April 2005. *[Interruption: 'In my absence.'* "Well, I cannot help it. You are the expert. Sorry Sir"]

Mr Speaker, I appeal to you, and I appeal to this House, that in a sense everybody could look at this list and say, *what if? Who if? How if?* We could all look at these lists of names and say, why are not so and so on it? But if you look at the list that we were given through a consultative process, as guided by resolutions of this House on a consensual mechanism, and after having sought advice from the AG's Chambers to seek to make sure that we were abiding with those resolutions that guided those constitutional mechanisms, to now come at this point to say return the whole thing ... It is really sad, because, for many of us in the Committee, it really means that we have to start the process all over again. In other words, in my opinion all the names, all the consultations, have to be thrown out, and we have to start all over again. I do not know of the real problem the Opposition has with this report. I am saying frankly, that I do not know.

Mr McAllister was tasked by the Committee ... because in all the discussions the issue of trust came up. How do we determine trust? Mr McAllister volunteered to be the one to do a policy

paper, a provocative thinking paper for us on: *How do we build trust and how do we deal with mistrust?* Mr Speaker, the trusting was on the agenda for so long; no paper was ever presented, and the trust fell off the table, because it was on the Agenda for one year.

Mr Speaker, I appreciate your indulgence in allowing us to discuss this. I am asking the PNCR, GAP/WPA, well, ROAR is not here - to please reconsider your position. I have heard your arguments, and when Mr Ivor Allen raised the proposal to recommit, I was open to being convinced, persuaded, because I thought you were coming with some real heavy metal, some real good arguments, but you have come with spurious arguments. You have come with issues that we talked about and had gone past, therefore I have to say that I do not agree with the request to recommit the report, and I am asking that this report be put to the House for a vote. Thank you. *[Applause]*

The Speaker: Thank you Honourable Member

Question put

Mrs Deborah J Backer: Mr Speaker, I am asking for a division.

AGAINST

Miss Allen
Miss David
Mr Ally
Mrs Bancroft
Mr R Khan
Mr Kadir
Mr McAllister
Miss Adams
Miss Ally
Dr Joseph
Mr Williams
Mr Alexander
Mr Bernard
Mrs Backer
Mr Allen

FOR

Mrs Melville Mr Neendkumar
Mrs Holder Mr Mustapha
Mrs Sukhai
Dr Ramsaran
Mr Rajkumar
Mr Mohan
Mr Lumumba
Mrs Edwards
Mr DeSantos
Mrs Chandarpal
Mr Chand
Mr Alli
Mr Ramotar
Mr Belgrave
Mr Mohamed

Mr Carberry

Dr Ramsammy

Miss Rodrigues

Mr Xavier

Dr Westford

Mr Sawh

Mr Collymore

Dr Bisnauth

Mr Gajraj

Mr Baksh

Dr Jeffrey

Miss Teixeira

Mr Persaud

Mr Hinds

16

30

The Speaker: Honourable Members, thirty members voted for the Motion and sixteen members voted against. It has not obtained the two-thirds majority that is required; the Motion is therefore not approved.

Motion Negatived

Can we move on to the next item on the Order Paper?

ITEM 5 - FIRST PERIOD REPORT OF THE PARLIAMENTARY SECTORAL COMMITTEE ON SOCIAL SERVICES

BE IT RESOLVED:

That the First Periodic Report of the Parliamentary Sectoral Committee be adopted.

This Motion is in the name of Mrs Volda Lawrence. She is not here, who will move that?

Mr Deryck MA Bernard: Mr Speaker, on the tabling of this Motion ... *[Interruption]*

The Speaker: Are you moving the Motion on behalf of Mrs Lawrence?

Mr Deryck MA Bernard: Yes.

Mr Speaker, I am hopeful that the tone of the House will take a more positive turn for a while, because I am tabling this report with a few comments.

First of all, I wish to say that this particular Committee of the House worked extremely well. All of our decisions were made by consensus, and the quality of the discussions, and the professional and political relationship between members of the Committee were very constructive indeed.

First of all, I would like to begin my contribution by making public my congratulations to the first Chairperson of that Committee, who piloted us through the difficult waters of our initial activity. I believe that the Honourable Member Mrs Chandarpal did a very good job in very, very difficult circumstances for all the inaugural chairpersons of these Committees.

As you will see from our report, as a Committee, we decided to focus on two particular aspects of social services. On one hand, we concentrated on a group of problems, which we described as the problems of children in difficult circumstances, particularly in the education system.

Secondly, we also concentrated, not as heavily as we would have wished, on issues related to the regulations and management of State-owned hospitals and related institutions.

Our methodology included three aspects:

1. Interactions with the ministries and institutions concerned with these sectors;
2. Field visits to institutions, both in Georgetown and in the regions that were related to these circumstances; and
3. Our own internal discussions and investigations on these matters.

As we got into the work, we also discovered that there was a very important element of follow-up. Very often after we had visited institutions, or interacted with sector ministries, we found that our intervention was very often the catalyst for increased interest in discussions on improvement and so on. We also found that we had to develop a mechanism to follow up with institutions so that we could continue to give encouragement.

Mr Speaker, if I could make some general comments on our work ... First of all, we found that it took us some time to really conceptualise what was a manageable remit, given the time available to all members of the Committee, given the resources available to the Committee and to Parliament, and given our other professional and political commitments. Therefore, it is quite

possible that our own conclusions are that we took on perhaps too much in our first period of operation. We have learnt from that, and have tried in our new session to have a more focused approach and a narrower aspect of our remit.

Secondly, we must commend the ministers and departments with which we have had to interact. We found that both the Ministry of Education and the Ministry of Health - the ministers and officials concerned were extremely helpful both in terms of appearing with the committee to give testimony, in providing documents, and more important sometimes, ensuring that their relevant officials turned up to answer follow-up questions and provide information and in facilitating and supporting our visits to relevant institutions.

Certainly, Mr Speaker, I think we have learnt that for the sector sub-committees to work, we need to speed up our understanding and our institutionalisation of the kind of research and technical support that is needed. I believe that as we provide that kind of technical support to the sub-committees, they will find it easier to focus. For example, one of the problems that we had was that individual members of the Committee had professional and political experience in some of these areas and found themselves carrying out technical duties and research and so on which was not really their functions. Really and truly, we are here as political members of sub-committees to provide insight and guidance, and we really should not be spending our time to do technical work, which should be provided through the mechanisms of Parliament. I am hopeful that this is something we will address, not only for our own sub-committee, but for all the other sector committees for them to be really effective. Parliament should be fully equipped with the technical skills and with the resources, if necessary, to provide the necessary consultancy support.

Finally, I think it would be important for us to say that in these sectors we discovered, collectively, that we have many, many serious problems, some of them with important developmental aspects. We have problems in the management of the people on the margins of our educational and health systems. We find that very often we concentrate on flagship institutions while the small institutions away from the centre and away from the focus, have great difficulties. As we worked together, we recognised that many of the developmental problems have to do with:

- children in difficult circumstances;
- things to do with attendance in schools;

- things to do with staffing of institutions for children in difficulties;
- the rising problems of drugs, alcohol, and violence in the schools;
- the problems of abuse;
- the problems of poor performance in certain kinds of institutions;
- the problems (quite frankly) of the morale of people managing the small institutions in the health sector;
- the particular problem of people working outside of Region 4 - outside of Georgetown, and some of these centres, are problems which really affect our overall development, and are problems which can be tackled in a multi-partisan way.

Therefore, on behalf of the Chairperson of this Committee, I want to commend this Report to the House. I recognise that it represents a stumbling attempt to begin our work. I believe that we have already learnt, as a sub-committee, and our next report will be even more useful, even more successful, and even more insightful. Thank you Mr Speaker. *[Applause]*

The Speaker: Thank you Honourable Member
The Honourable Member Mrs Chandarpal

Mrs Indranie Chandarpal: Mr Speaker, I am pleased to second the Motion, and in so doing, to make some comments on it. It is indeed a privilege to speak on the Motion of the First Periodic Report of the Parliamentary Sectoral Committee on Social Services that was moved by Mrs Volda Lawrence, Chairperson of the Committee, on 20 June.

By a decision of the Committee of Selection, nine persons were selected as members of the Committee in keeping with provision of Paragraph 1 of Resolution 19. The nine members referred to on the Government's side are:

- Mrs Shirley Edwards;
- Mrs Philomena Sahoye-Shury;
- Dr Bheri Ramsaran;
- Mr Komal Chand, and
- Myself.

From the Opposition's side are:

- Mr Deryck Bernard;
- Mrs Volda Lawrence;
- Mr Stanley Ming; and
- Dr Dalgleish Joseph.

Our mandate is to provide scrutiny and oversight of the operations of the Ministries of:

- Culture, Youth and Sport;
- Education;
- Labour, Human Services and Social Security;
- Public Service;
- Amerindian Affairs;
- Tourism, Industry and Commerce;
- Attorney General and Ministry of Legal Affairs; as well as the
- Office of the President.

Before I proceed further, I would like to take this opportunity to thank all the members of the Committee for their support in carrying out this new mandate that was assigned to us. We worked as a team in an enabling environment, and I am pleased to inform you that our meetings were held in a bi-partisan atmosphere, and a harmonious relationship prevailed throughout the entire process, thus making our work much easier.

Our Committee met on ten occasions during the period 20 June 2003 to July 2004. We agreed to examine two Ministries - that is the Ministry of Education, and the Ministry of Health. We requested documentation, invited senior officials, as well as the two Ministers, to make presentations, and clarify issues, on their areas of responsibility.

In scrutinising the education sector we looked into the following areas:

- Nursery and primary school feeding programmes;
- Children with learning disabilities;
- Distribution of school books;
- Maintenance of school buildings;
- Parent /Teachers Association;
- Birth Certificates;
- Truancy Campaigns conducted by the schools' Welfare Officers;
- School welfare service;

- Staffing;
- Drugs and alcohol;
- Children abuse; and
- Curriculum reform.

We also took a decision to visit three special schools in Georgetown, with the view of observing the operations and to make recommendations for improvements. The schools visited were:

- The Resource Unit for the Blind and Visually Impaired;
- David Rose School for the Handicapped; and
- The Sophia Special School.

With respect to the Ministry of Health, we received a number of documentation, as well as having a high level delegation led by the Minister himself. The issues raised were:

- the legal framework of the Health Sector,
- regulation of healthcare professionals, the Public Hospital Ordinance;
- Public Health Regulations;
- The Poisons and Pharmacy Ordinance 1956 and the GPAC Order;
- Expansion of the rehabilitation programme;
- Management of other public health institutions.

Visits were also made to:

- the Vivian Parris Health Centre;
- Wismar/Christianburg Health Centre; and
- The Linden Centre for the disabled.

Observations:

Even though the Committee System was relatively new to Guyana, the Committee was able to conduct its work in a manner that represented the interests of citizens in the education and health sectors.

Although the resources were limited, we still managed to pursue our activities as planned. In adopting the decisions to interact with some of the entities identified in the above, we were able to have a first-hand understanding of the problems and the difficulties experienced by some of the entities.

Although we were able to conclude all the tasks identified in the work programme for the year under review, we were desirous of pursuing those in the present work programme.

In addition, we have to follow up with the institutions that we visited, as well as some policy issues for both ministries, which were included in our presented programme.

We believe that the first year can be considered a successful one, considering all the realities that most committees are confronted with. The will and commitment are present and I daresay that some additional experience, as well as the availability of more human resources to the Committee, will definitely help us to flag some of the issues in a timely manner. We still have a far way to go, and we are prepared to take on the challenges in this new mandate.

Once again, I would like to thank all the members who helped by cooperating, thus making our work much easier. Thank you. *[Applause]*

The Speaker: Thank you Honourable Member

The Honourable Member Mr Bernard, do you wish to add anything?

Mr Deryck MA Bernard: No Sir.

Question put and agreed to

Motion carried.

We will now move to the next item on the Order Paper.

BILLS - Second Readings

ITEM 6 - VALUATION FOR RATING PURPOSES (AMENDMENT) BILL 2005 - Bill No. 8/2005 published on 13 June 2005

*A Bill intituled, an Act to amend the Valuation for
Rating Purposes Act*

The Honourable Minister of Local Government and Regional Development

Hon Clinton C Collymore: With your permission, I wish to move the Second Reading of the Valuation for Rating Purposes (Amendment) Bill 2005 - Bill No 2/005.

This is a very simple Bill, and I would like us to dispose of it expeditiously. I just want to give a preamble of what it pertains to and why it originated.

As you may be aware, Sir, there are two modes of valuation currently in the country. In the rural areas, we have the capital mode or the capital standard and in the urban areas we have the rental mode or the rental standard. We have been advised that it is good, and in the interest of expediency and efficiency to have one standard mode, and that mode is the capital mode.

The Bill before us is therefore doing several things. It is repealing the Schedule pertaining to rental mode, and it is maintaining capital mode as the single standard mode. It is therefore a very simple measure of conversion. There is nothing sinister about it, and I hope that my honourable friends on the opposite side would not suggest anything sinister.

Mr Speaker, this change over is not meant to increase any rate demand on any proprietor. It is a neutral transaction.

The Bill also seeks to update the Legislation. There is going to be an upward adjustment of fines, and an upward adjustment of fees. There is no change in the custodial sentences. No new offences are created, and no new penalties have been created. Where the fines and fees are concerned, we have determined a factor of eighty to deal with it, and the reason is that we compared two years, - the year when the Principal Act was done, and that is 1973, and up to 2004, when this Bill should have been brought to the House. In these two years, we compared the value of the local currency, as against the US currency, and when both are compared you will see that the 2004 value, which is about two hundred to one, or a little less, is eighty-three times what it was in 1973. So we have used a factor of eighty as a multiplier, and the intention is to maintain the deterrent nature of the fines and fees. You will observe that we have not touched the custodial sentences, so if the custodial sentences were a deterrent in those days -1973 - they are supposed to be serving as a deterrent today. It is just that we wanted to increase the fines and fees to a reasonable level. Some fines are \$100, and some fees are twelve cents, so you can see the ridiculous nature of the Legislation.

As you are aware, we have the Urban Development Programme, and this programme is financed eighty percent by the Inter-American Development Bank, and twenty percent by the Government of Guyana. The Programme has three basic components:

- Infrastructure rehabilitation;
- institutional strengthening; and
- valuation of properties.

In the conditionalities and the benchmarks, the change in the valuation mode has been advised, and this is one of the reasons why we have moved to the change.

Among the conditionalities are:

- (i) the strengthening of the Valuation Division, which is located at the Ministry of Finance;
- (ii) the restructuring of Valuation Division ... We have already done so;
- (iii) new property tax roles have been undertaken ... these are in various stages of completion;
- (iv) consultation with the various municipal councils; and
- (v) the simplification of the system of appraising property.

Mr Speaker, let me say a few words about the Principal Act. I want to read to you, and to the Honourable Members, what the rental mode pertains, and how it compares with the capital, and I want to draw your attention to the Valuation of Rating Purposes Act Chapter 28:04, Page 25, First Schedule. The First Schedule has five rules - Rules for the determination of annual rental value. For the benefit of the Honourable Members, permit me to read what it says:

Rule 1 - The Chief Valuation Officer shall determine the annual rent of every property.

Rule 2 - The annual rent of every property shall be the rent at which it might reasonably be expected to let from year to year, if the tenant undertook to pay all rates and if the landlord undertook to bear the cost of the repairs, insurance, and other expenses, if any, necessary to maintain the property in a state to command that rent.

Rule 3 - In determining the annual rent, the Chief Valuation Officer, in all cases, shall have regard to:

- (a) the purpose for which the property is actually used or occupied, or if not actually used or occupied, the purpose for which it is reasonably suitable; and*
- (b) the description, locality and condition of the lot, and all disadvantages, fitnesses, facilities and capacities.*

Rule 4 - The Chief Valuation Officer shall in respect of every property fix the assessed value, which shall be the annual rent.

Rule 5 - The assessed value of any property shall be increased, or reduced as the case may be, to the nearest \$50, and such assessed value increased or reduced, shall be the value inserted in the draft list, and the valuation list.

Mr Speaker, that is the First Schedule, and that, is the Schedule we are repealing.

The Second Schedule is on the following page:

Rules for the determination of capital value

There are six rules which I want to read for your benefit:

- (i) The Chief Valuation Officer shall, determine the capital value of every property;*
- (ii) The Chief Valuation Officer shall in respect of every property fix the assessed value, which shall be the capital value;*
- (iii) The capital value shall be the amount which the property if sold in open market by a willing seller, might be expected to realise;*
- (iv) The minister may, by order, provide for the manner in which the rateable value of plant, machinery and equipment, used for industrial purposes shall be determined;*
- (v) No land which is the site of:
 - (a) a highway, bridge, dam or footpath;*
 - (b) a ditch, drain, canal, waterway;*
 - (c) a railway line, the property of the State, and no house building or other erection with a superficial area of less than 100 square feet, if totally enclosed or 200 square feet if not totally enclosed shall be assessed, or included in the valuation list;**
- (vi) the assessed value of any property, as computed under the foregoing rules, shall be increased, or reduced as the case may be, to the nearest hundred dollars, and such assessed value increased or reduced, shall be the value inserted in the draft list and the valuation list.*

Sir, that Second Schedule is the Schedule which will obtain after the Act may have been passed, so it is only the first Schedule which is being repealed.

Mr Speaker, I just want to give the Members of this House an indication of what I meant when I said that this matter is mutual and is not meant to raise anybody's rate demand. I will give an example:

Property A - this pertains to a particular property which could be identified in the city of Georgetown. So Property A under the rental mode ... the market value of that property has been put at \$5,500,000, but the assessed value of the Chief Valuation Officer was \$19,250. The rate demand in the city of Georgetown is forty percent of the assessed value. So the rate demand is \$7,700 per annum, so a person who owns that particular property under the rental mode and which is marketed at \$5.5 million, his assessed value is \$19, 250 per annum, and the rate which is paid to the city council is \$7,700 per annum.

That same Property A ... At capital mode, these are the realities:

The market value remains the same - \$5,500,000;

The rate which is demanded from the proprietor remains \$7,700 per annum, because the rate percentage will fall, proportionately, to 0.14 percent. That is why we are saying that this is only a facilitation to change one mode to the other. This Bill does not mean to raise anybody's rates, as demanded. So if a person is paying \$10,000 per annum to the city council, this Bill will not make them pay \$15,000.

This is what the Bill sets out to do and nothing else. This Bill is not increasing anybody's rates. However, this Bill will catch the free-loaders, and this Bill will serve to boost municipal revenue. In boosting municipal revenue it will not only catch the free-loaders, but it will also be able to get those persons who have not yet been brought into the net.

Mr Speaker, in order to deal with any objections, which may erupt from the new tax roles, the Government is considering the setting up of rating appeal panels. One such panel exists in the city of Georgetown. Prior to the advent of the PPP/C, there was one panel set up for the whole of Guyana, and it was set up in 1983. It collapsed, and we now have one panel for the city of Georgetown and we are planning similar panels:

one panel for Region 6 - that panel will deal with the Corriverton Municipality, the Rose Hall Municipality, and the New Amsterdam Municipality;

one panel for Region 10 - to deal with Linden;

one panel for Region 2 - to deal with Anna Regina, and subsequently the two new towns which are going to come into operation in that region, those are Charity and Supanaam;
one panel for Region 7 - to deal with Bartica, when it comes on stream as a township; and
one panel for Region 3 - to deal with Parika, when that town is established.

We expect to establish four new towns this year.

Mr Speaker, if you would allow me to go further into some information for the Honourable House. I want to indicate to them some of the reasons, or the explanations, for the changes. Specifically the changes are explained as follows:

Sections 4(4) and (8) - the change provides for the term *District Commissioner* to be replaced by the term *Regional Executive Officer*

Section 5 (6) - this increase is defined for non-compliance with a notice issued by the Chief Valuation Officer. The present fine is \$100, with a further penalty of \$10.00 for each day the offence continues. The proposed fine is \$8,000, with a further penalty of \$800 for each day the offence continues.

Section 5(7) - provides for a fine for knowingly making a false return. The present fine is \$500, and the proposed fine is \$40,000.

Section 7(2) - provides for the wilful obstruction of the Chief Valuation Officer. The present fine is \$200, and the proposed fine is \$16,000.

Section 10(1) - provides for the change over from rental mode to capital mode in municipalities. It is the prime purpose of the Bill, and it is a major benchmark of the Inter-American Development Bank, in the Urban Development Programme. All six municipalities have agreed in writing to this change.

Section 22(2) - provides for an increase in the security fee for certain costs. The present fee is \$25, and the proposed fee is \$2,000.

Section 25(8) - provides for an increase in the fee connected to documents for appeals to the Appeals Committee for the Rating Appeals Panel. The present fee is 12 cents per folio of 120 words and the proposed fee is \$1,000 per folio of 120 words.

Section 27(2) - provides for an increase in fees connected to the appeals process. The present fee is \$25, and the proposed fee is \$2,000.

Section 43(2) - provides for a penalty for those offences for which no special penalty has been provided. The present fine is \$250, and the proposed fine is \$20,000.

The First Schedule - provides for the First Schedule, which sets out the procedures for rental mode valuation to be repealed.

The Second Schedule provides for the capital mode valuation system to remain intact, and to be applicable to all municipalities, and other local authorities. It is re-designated *Schedule*.

So Mr Speaker, this is what the Bill is all about. There is nothing clandestine or perverse about it, and I must also say that there are some regulations as a consequence ... *[Interruption: 'Why you include clandestine'? "I know how your mind works Debbie, in devious ways"]*

So Sir, there will be some regulations, and they will be laid in the House because, according to the Statute, Section 41:

The regulations are subject to negative resolution of the National Assembly.

Finally sir, there is going to be a public awareness programme in order to sensitise the population about these changes, or this particular change.

Mr Speaker, with these few words, I wish to move the Second reading of the Valuation for Rating Purposes (Amendment) Bill 2005. *[Applause]*

The Speaker: Thank you Honourable Member.

The Honourable Member Mr Vincent Alexander

Mr Vincent L Alexander: Mr Speaker, I rise to speak on the amendment of the Valuation for Rating Purposes (Amendment) Bill 2005 - Bill 8/2005.

Mr Speaker, the Honourable Minister Collymore, on speaking on this Bill, made the point that the prime element of this Bill - the core - the major aspect of this Bill, is the changing of the valuation system - the removal from the Statute Schedule 1, which provides for rating by the rental approach, and retaining the capital approach as the only approach to be used for valuation. He also argued Mr Speaker, and this in fact, for many reasons, will affect the actual rates for taxes which are to be paid by the citizens who will be affected by this change. Mr Speaker I must confess that notwithstanding his gallant attempt to make that point, I am yet to be convinced. In the absence of being convinced, Mr Speaker, I would find it difficult to add my voice of support to the Bill, and why I am not convinced, Mr Speaker, is that when one looks at Schedule 1, which my honourable colleague referred to, we see that the annual rent of every property shall be the rent at which it might be reasonably expected to let from year to year, if the tenant undertook

to pay all rates, and if the landlord undertook to bear the cost of the repairs and the insurance and other expenses, if any, necessary to maintain the property in a state to command that rent. So we see Mr Speaker, that the rental approach, in some regards, ties the valuation to the value of the rent over a period of a year. However Mr Speaker, if you were to turn to the second Schedule, which deals with the rules for the determination of capital value, you will see, Mr Speaker, that the capital value shall be the amount which the property, if sold in the open market by a willing seller may be expected to be realised. Mr Speaker, notwithstanding the example which has been provided, I am still to be convinced that if one is to compare the rental approach and the capital approach, particularly in the circumstances where the capital approach ... and I wish to repeat ... shall be the amount the property, if sold in the open market by a willing seller, is expected to realize. There is hardly likely to be in our country parity between the value arrived at based on the rental approach, and the value arrived at based on the capital approach. So Mr. Speaker, notwithstanding the good intention of my colleague, it does occur to me that the eventual effect will be that our rural areas, which are intended to be subjected to this new approach, will find that with the introduction of the capital approach they will in fact be paying greater absolute sums in rates and taxes, unless other measures are used to reduce the amount of rates and taxes they are required to pay. And Mr Speaker, in the circumstances our economy, given the levels of poverty in our country, and given that our rural areas are terribly affected by this poverty we find it difficult in those circumstances to support a valuation approach which relies on capital value which relies on market forces.

Mr Speaker, my colleague did indicate that the ultimate effect of this approach will be that the local authorities will garner more revenues, and so there is that desire, that hope and I daresay that objective, that the effect should be the garnering of more revenue. I have explained, Mr Speaker, the manner in which I think that it will garner more revenue. I do not understand the automaticity between changing the system and the garnering of more revenue ... if the valuations do not change - there is no connectivity between the two. There is no automaticity between the two. But indeed, if I have argued that the valuation would go up on properties indeed more revenue will be garnered, but this will not automatically bring within the tax net a greater number of properties. I am still to grasp the basis, in which that argument has been put to us, Mr Speaker. However I do recognise that there is a need for the local authorities to garner new revenue. I can daresay that, there is that need but in that regard, Mr Speaker, I thought that if

that is indeed an objective which we want to pursue then there are other mechanisms in place for us to pursue this objective. For example Mr Speaker, particularly in the rural areas of our country where there are housing projects which are not yet within the rating area, what one needs to do in fact, is to quicken the process of bringing those new housing areas, and thus making it possible for those local authorities to garner revenue from those new properties and therefore, by virtue of that, to increase the absolute, sum that is at their disposal. In addition Mr Speaker, we are serious about the issue of revenue for the local authorities. The new constitution, the amendment to our constitution, provides for a new mechanism for the sharing of revenues between the central government and local authorities which specify in no uncertain terms that we should establish objective criteria that would determine a way in which revenues are given local authorities. Mr Speaker, we have not hastened to do this and by virtue of the omission in fact starving the local authorities of revenues which should be given them by the central government, and by logical extension we are interfering with the possible revenue ways of those local authorities. And so I am saying to my colleague that, if indeed one wants to project an absolute increase of revenue of the local authorities one of the things we need to do is to hasten our implementation of the provisions of the constitution which require that we use a new approach to the provision of revenues for these local authorities by the central government. And so Mr. Speaker, I do agree with the Hon Minister that this debate is not one which can be expedited. The arguments are clear on one side as opposed to the other side. They are very, very clear; the differences in approaches also are very obvious. So there is not much need for us to have an extended debate on this matter, but in a very incisive, concise way make the point that the objective which has been outlined by the Hon Minister seems not to be achievable in the manner in which he is seeking to achieve it by removing the schedule model and leaving one schedule in the Act. So we would like to, in fact, ask the Hon Minister and those on the other side to reconsider this Act which is likely to redound to the detriment of the poor people out there who are property owners and who are trying more and more sometimes under the influence of the government to acquire their own properties, and at the same time we should seek to hasten the processes which are in place to make sure the other means by which revenue could be garnered are in fact implemented so that the general problem could be overcome.

Mr Speaker, the honourable member did indicate that this approach has come about because of a project, the UDP project. Mr Speaker, we are not unaware of the frequency with which the

government and the senior policymakers, particularly in recent times, have declared how sovereign we are and therefore the extent to which we have the resolve to try to make decisions in our own interest and if I am to hold on to that argument, Mr Speaker, I would then say that we cannot merely say that we are doing this because of funds acquired from the IDB, because of the Urban Development Project. We have to go beyond that because of sovereignty. Mr Speaker, my mind does not really have the ultimate capacity to try to make the decisions and interpretations which may be given to issued statements, but the right to make decisions which are in the interest of the population because at the end of the day while the Government may be exercising that sovereignty it is really exercised on the behalf of the people or should not be exercised to the detriment of the people. So there is a context in this concept of sovereignty. I am not enamoured in the argument that there is this IDB fund and on that basis alone we should move from one system to another, when in fact, the movement threatens the interest of a large sector of our society. And so Mr Speaker, on that note I rest the case of the People's National Congress Reform. We await answers renewable based on how the other side responds to what we consider to be measured and reasonable arguments. I thank you. *[Applause]*

The Speaker: Thank you Honourable Member.

Honourable Member Mr. Basil Williams

Mr Basil Williams: On a proper perusal of the relevant Legislation and the proposed Amendment to Principal Act, Mr. Speaker, and summoning all of my faculties, the reasonable, albeit they are considerable faculties, I am unable to agree with my good friend Minister Collymore, that there would not be any heavy impact on the citizens in terms of being subjected to additional taxation in this country. The fact of the matter is the *raison daetor* of the proposed Amendments seems to be geared towards increasingly garnering more taxes from the citizens. Why do I say this Mr. Speaker? The proposed Amendments are designed to remove the distinction between town and country, that dichotomy that was subsumed in the mother Act Chapter 28:04, because the valuation system for the city and the town was preferable to rent paid and in respect to the other areas, which would largely be rural areas their rates or the standard was the capital aspects to be the basis of valuation. Now, this was designed to impact heavily on urban residents, citizens in towns and cities, where there are heavier impacts than citizens in the

rural areas. For this reason the capital approach if you now apply to the city and the towns would mean that instead of paying tax in lieu of rent, rent as you know there is no provision for assessing the increases in rent in this country, people cannot and landlords cannot arbitrarily increased rent unless they have agreements with the tenements. So in many instances the rent remained stagnant throughout the years so when you move suddenly in the city and the towns from an assessment based on rent to the market price the market value of the property that is a quantum leap, Mr. Speaker, and you have these embattled citizens, in the cities and in the towns who are already burdened by a very high cost of living ... we do not have to talk about the fuel prices, the impact that they have had on commodities nor the impact on electricity, in fact the incidence of electricity rates now is so burdensome on citizens that to know that they propose to increase further the electricity rates is a grave, frightening prospect. So in the context now of such a spiralling cost of living, where do workers are not paid at a decent wage? and not paid living wage, commodities are increasing every day when you go to the supermarket it is really inconceivable that the People's National Congress/Reform could agreed that this is the right time to put a further burden on the citizens to pay increase taxes. What might be apposite, Mr Speaker is that other measures can be taken to spare the impact, which would have the same effect of increasing revenue by widening the net.

We are on this joint task force for the reform of Local Governments and the methodology we have employed is to traverse the country consulting with all the local authorities and, without exception, wherever we went the clamour was failure to bring a new housing area under the rating system. They are saying that they want more valuation officers in all of the regions so they can bring them in and have larger taxes. The government boasts of the large increases in housing units, and yet they are only prepared to have people in the city bearing the whole brunt and impact of these taxes that are paid to the local authorities. Bring them in and then you will spread evenly throughout this country this burden and in fact you could revert to the old system of rental rather than market price of the property. Now it is clear that government needs to increase the number of evaluation officers throughout this country. They need to do that and, as you know, there is a short supply of that, and so they must get that done.

Secondly, Local Authorities must become more efficient in collecting the existing rates and taxes. They must be more efficient because on the task force and other consultations we also found that there are large percentages of uncollected taxes in all those NDCs throughout this

country. And so if the Local Government Organs become more efficient in collection then you would garner more revenue. And then the whole system of part-execution, I don't think they deal with that these days, a very simplified version of going to the court with no-frills attached to get their properties dealing with errant property owners. All of these are factors that if they are considered it is quite possible that one would necessarily revisit these proposed Amendments and not allow the citizens of the city and the towns to be unduly burdened with greater taxation.

I do not wish to burden this august Assembly with other measures that could be taken because the joint task force on Local Government Reform is dealing with that matter and I would suggest that the Government recognizes that it's a priority that they get their representative on that task force busy in trying to resolve and hasten the resolution of the matters that are yet to be completed. So Mr Speaker, in the light of those premises it has been difficult for the People's National Congress Reform to agree to the proposed Amendments at this time and we respectfully recommend that they recommit this Bill, withdraw it at this time and re-think it and come again. Thank you very much Mr. Speaker *[Applause]*

The Speaker: Thank you Honourable Member.

The Hon Minister in the Ministry of Local Government and Regional Development

Hon Clinton C Collymore: Mr Speaker, the responses by the two honourable members were very interesting. The honourable member Mr Alexander is co-chairman to the joint task force on Local Government Reform, I am the other co-chairman and he has been making use of certain discussions we had ... He made a basic error in his projections when he pointed out that this will bring undue hardship on the rural areas. The rural areas are already under capital mode. It is only the urban areas, six areas, which are under rental mode. I thought he had made an error but he has repeated it three or four times so he is concentrating on the rural areas, the villages, the NDCs ... They are already operating under capital mode, so this does not have any impact on them ... the impact is on the city and the towns. I don't know why they do not believe me that this thing is neutral. Mr. Speaker it is just like if you go into a bank with a \$1000 bill and you ask the cashier to give you ten hundred dollar bills ... That is what we are doing. We are just making a conversion. Mr. Speaker, Mr. Alexander has said that there could be other measures ... I am very intrigued to hear people talking about these other measures. I have an indication of

what he means, but here is a Bill and I would expect that these measures would come subsequently. He is saying that one area in which revenue could be enhanced without raising the rates would be by capturing those persons that are not within the net. I said that measure is designed to capture freeloaders. There are many of them who are not paying anything. Mr. Speaker. Right now there is a new valuation taking place. There is a new tax role being prepared in all the municipalities. When that is over, the Chief Valuation Officer will take over, the matter and the process on the Act will start to operate ... We have not interfered with the processes of the Act. We envisage that there will be a time gap of one year before this thing goes into effect, before the municipalities take effect on the new valuation roles, of what is being presented to them at this point in time. Only two municipalities have completed the new valuation rules, the others are yet to be completed and it is going to take at least a year.

Mr. Speaker, I am very interested in the proposals made, and if the honourable gentlemen can give it to me in writing, I would welcome that.

I want to say that it is the government's intention that this particular Bill today will not result in the immediate rise of any rate demanded by proprietors, and I said that I am standing on what I have said and, if in the process of the year, in about a year of grace, there is a tendency to use this particular measure of the jacked up rates, we will take the necessary action so we can always come back again, Mr. Speaker, with an Amendment to block what they are doing. But this does not mean to say that the Government will prevent any Town Council from raising rates. Extensions are going up and Mr Williams spoke about fuel charges and all kind of charges and so on. He is in the Town Council ... You are always affected ... hymax, the draglines ... all of these things cost more to operate so that subsequently after the passage of this Legislation the Town Councils by a conscious decision decide to increase by 0.14 percent to 0.15 percent ... That is the Town Council's business, it is not ours.

Mr. Speaker, Mr Williams spoke about there being a quantum leap in rents to come. That is not true, not so. All the municipalities and all the councils have discussed this matter. We sent teams of experts and consultants to discuss with them and they had meetings and they agreed, I have right here with me written confirmation that they want this new mode and they have indicated and they know that I have told them, and the consultants have told them that they are not supposed to use this particular Bill to raise any rate. *[Interruption: 'Hi girl, behave yourself']* So Mr Williams has also spoken about other measures to be taken by widening the tax net. Mr

Williams further raised an interesting point. He said that the new housing areas should be amalgamated or assimilated. This is what we are doing at the moment. The Minister of Housing has submitted to the Minister of Local Government a matrix of all the mature areas which could be assimilated into the towns and into the NDCs. They just require an order of the Minister to make the process movable. Right now in Anna Regina the council there has anticipated this order by the Minister and has gone ahead to impose standard rates on the housing areas there. I had to tell them that they have no such legal mandate and they should desist. So they have been collecting these new rates for several months without an outcry. Now had they heard the honourable friends from the opposite side they are going to think twice. I think my honourable friends are just spreading ice terror so the new housing areas will be assimilated, and that will also assist in spreading the burden as Mr. Williams said of the revenue collection.

They mentioned matters pertaining to the local authorities, the Neighbourhood Democratic Councils. Sir a Bill is going to come soon to this House revising the Local Government Act and that Bill will take care of all these measures which the honourable member has indicated. All the measures we have dealt with at the task force level are incorporated in this particular Bill. There are two Bills which I have received, one titled the Local Government Amendment Bill 2005 and the other titled the Local Government Commission Bill 2005. My memory tells me that as a courtesy I gave Mr. Alexander copies of both Bills but Alexander has told me he has not received any copy. I want to give Mr. Alexander the benefit of the doubt after he told me in the National Assembly today that he has not received copies of the Bills. I telephoned my office, and my secretary looked into the records to see if he has indeed been given copies, and she has not found it. I want to say that Mr. Alexander has not been given any copies and he will be given his copies tomorrow. He will get a copy of the Local Government Amendment Bill and a copy of the Local Government Commission Bill and these Bills which they have indicated they have been intimating about have the necessary corrective measures to deal with the system and dealing with recalcitrant and even the prorata execution sales.

One of the reasons ... [*Interruption: 'Sandra keep quiet please..'*] ... one of the reasons why prorata execution has not been very popular is because of the fees, court fees 25 cents, 20 cents, 50 cents and so on. These are not monies, these things have been de-monitarised and the bill, the Local Government Amendment Bill, will be removing fees from the Legislation and putting them in Regulations so that the Minister will be able to keep in step with the change in the

purchasing power of the currency. You do not have to come back to the National Assembly to change of fee 12 cents, 10 cents. This is what is happening, Mr. Speaker. I appreciate all that the gentlemen said on the opposite side, but I want to assure them that they are tilting at shadows; what they fear is not there. But I want them to take me on trust, trust me ... I have good relations with Mr. Alexander and Mr. Basil Williams.

So Mr. Speaker, I do not agree that the Bill should be deferred. I want to say that the Bill should proceed and I therefore hold the second reading for the Valuation of the Rates and Purposes (Amendment) Bill.

The Speaker: Thank you Honourable member.

Question put and agreed to

Bill read the second time

IN COMMITTEE

Clauses 1 to 11

Clauses 1 to 11, as printed, agreed to and ordered to stand part of the Bill.

Assembly Resumed

Bill reported without amendments, read the Third time and passed as printed.

The Speaker: Honourable Members we now move to the next item on the Order Paper

ITEM 7 - MUNICIPAL AND DISTRICT COUNCIL (AMENDMENT) BILL 2005 - Bill No. 9/2005, published on 2005-06-20

A Bill intituled, an Act to amend the Municipal and District Councils Act.

The Honourable Minister in the Ministry of Local Government and Regional Development

Hon Clinton C Collymore: Mr Speaker, this one is a bit more complicated, but there is nothing controversial in it ... trust me. The Bill has as its genesis not only the Urban Development Programme conditionalities and benchmarks, but certain decisions like consensus that we have taken at the task force level. In addition to that, we have updated the Legislation because it was also ancient. The fines and fees have been increased and the custodial centres have remained intact. Mr Speaker basically my presentation on the first Bill is actually the same as on this. I will not be long, the purpose of the Bill as I have itemised here is:

- (i) to update the Legislation to strengthen good governance
- (ii) to update fines and fees,
- (iii) to retain the custodial sentences,
- (iv) to remove discriminatory features among Towns,
- (v) to devolve greater authority to Towns and
- (vi) to strengthen the supervisory role of the Minister.

This particular part is what my good friend Mr Basil Williams picked up to strengthen the supervisory role of the Minister. As far as my good friend Mr Williams is concerned the Minister is not supposed to have any power but not this Minister here. Institutional strengthening ... I mentioned the Urban Development Programme which has three components and these components parts have conditionalities, and benchmarks and this particular Bill, Sir, is a trigger of phase two of the Urban Development Programme and riding on phase two are projects to the value of \$1.6 billion in various areas. This is a very essential portion of the conditionalities and the benchmarks. Under this Bill we are dealing with the devaluation of properties. We are also dealing with the way Municipalities are run, municipal business plans and also the way which the markets have been constructed with funds from the Urban Development Programme are operated. We do not want the markets to be white elephants and we want the markets to generate income out of it - at least 30 percent could go toward the Council for running the markets. A while ago I was talking about Legislation and I just want to inform the House about the various pieces of Legislation which are forthcoming from the Ministry of Local Government, and I mentioned Local Government Amendment Bill 2005, that would be the next one to come here;

the Local Government Commission Bill 2005, the Fiscal Transfer Bill 2005 that needs further discussions also at task force level, the Pounds (Amendment) Bill 2005, the Solid Waste Management Bill and the Local Authorities Elections (Amendment) Bill. You have noted that I have not put any time on the Management Bill, the Solid Waste and the Local Government Elections Bill because these elections also need the concurrence of the opposition at task force level so when we would have decided we will finalise the Bill and bring it here. In the meantime this Bill will release the various bylaws. The municipalities are clamouring for the by-laws to be promulgated and it is by these by-laws that we will also increase revenues for the councils, not the valuation Bill; it is the by-laws because when you study the by-laws and what the various councils are putting in the by-laws ... they have raised fees by the promulgation of these by-laws. The revenue will also increase so this is another area that they will get increases from, the by-laws pertaining to Georgetown, Linden, Anna Regina, New Amsterdam, Rose Hall and Corriverton.

Mr Speaker, I mentioned the Bill is a bit complex because I have here in my hands the explanatory memorandum and it is six and one-half pages. With your permission I would read just a few of the explanations as to why the Bill is necessary.

Section 8 in fact gives the Minister the power to fix the number of seats for each given municipality since each municipality will vary in population and size and the dual electoral system to be instituted where final seating will be problematic and I mention that the taskforce has met and we have come to an agreement by consensus as to the electoral system. Well, we feel that the seating arrangements should be flexible and the Minister by discussion and consensus with the various stakeholders will fix the number of seats for the various municipalities because they vary in size and things like that.

Section 8 (a) further sets out the duties of a municipality. It is a new position. The Inter American Development Bank, the PEU of the Urban Development Programme have indicated that certain duties of a municipality should be set out in the statute. I see no reason not to go along with that. It is not directed to us it is just setting out what they are already doing or what they are supposed to do if they are not doing it.

Section 23:3 - this relates to personal expenses which will be incurred by a candidate or group of candidates for a municipal elections.

Section 29 relates to the same as Section 8 - This provides the Minister with the power to fix seats in the New Amsterdam Municipality thereafter the electoral system is being decided on, as I said.

Section 68:3 pertains to pecuniary interests of counsellors in contracts being discussed in council; the exemption limit has been increase from \$500 to \$40,000.

And there are some tidying up

Section 73 (c) - these are straightforward changes to designated engineer and markets and,

Section 79 (a) - I think this is where I may run into some flack from the honourable members on the opposite side. This is a new section designed to plug a loophole in the Act to enable the Minister to effectively supervise the six Municipalities which may reach 14 in due course.

Mr. Speaker that particular aspect of the Bill 79 (a) I want to read to you what it says ... 79 (a), because as I have told my honourable members, friends, Mr. Alexander and Mr. Williams, that I will not relinquish the necessary authority to supervise 65 Neighbourhood Democratic Councils, 14 to 16 municipalities and an endless number of other organizations unleashing them like if they're Caesar's or mini states in the population. They need to be supervised, so this is a section, 79 (a), that we are including :

The minister may give instructions of a general or specific nature which instructions to take precedence over any other instructions given that officer by any other local government officer in the municipality.

Section 79 deals with the Local Government Officers from the Town Clerk, Treasurer, Clerk of Markets and who ever else. If this is past they can tell me that, so the Minister will have the authority to instruct any Local Government Officer regardless of where they got other instructions from and these instructions will take precedence. That is one of the sections I expect to be very controversial but I am not budging on this one. Mr. Speaker, there are some other things which are routine. One of the matters which my honourable friend Mr. Alexander had expressed concern is the failure of the Bill to include the Local Government Commission. I told him the Local Government Commission will be coming in a substantive piece of Legislation which I have just mentioned. Right now there is a Local Government Commission in the Act, the Principal Act, but that Local Government Commission was never implemented or instituted. It is called the Local Government Service Commission, so now we are going to create the Local Government Commission and that Bill will be coming soon. The Bill has certain connotations in

keeping with the task force or what the task force has indicated; so it is not that we are seeking the devious we have not made any changes in the particular section or those sections except to remove mention of Prime Minister and replace Prime Minister by President because at the time when this particular section went into the Principal Act the Prime Minister was the Chief Executive of the State. Mr. Speaker, all the other things deal with increasing the fines and the fees and they are quite necessary for instance,

Section 2:75 (3) - this provides for a fine with summary conviction being imposed upon an offender for damaging a road by a vehicle. The present fine, not less than \$25 or more than \$200 is a fine that is a laughingstock. People go to court and pay the fine and laugh at the magistrate. The proposed fine is not less than \$2000 or more than \$20,000 ... let them laugh at that. Mr. Speaker, all the fines are similarly adjusted and if the members of the opposition have a problem with any of the fines and are willing to listen and to make the necessary adjustments ... As I said the Bill ... I want to be honest ... is complex and I want you to trust me ... So, if there is a request for this to go to a select committee I am disposed to agreeing to that. With these few words I move that the Bill be read the second time.

The Speaker: Thank you Honourable Member

The Honourable Member Mr Alexander

Mr Vincent L Alexander: Mr Speaker, I rise to make my contribution on the Municipal and District Councils (Amendment) Bill 2005, Bill No. 9/2005.

The first point I wish to make is that we seem to be having an *ad hoc* approach to Legislative Development in Local Government. My colleague is well aware that the position of the People's National Congress Reform is that there is need for a comprehensive overhaul of the various Acts:

- the Local Government Act;
- the Municipal and District Councils Act; and
- the Amerindian Act.

Our original position even goes further to talk about the amalgamation of those three Acts, the distinct parts speaking to each of those Acts.

Mr Speaker, today we have a few amendments and we are told about other Amendments to come, but more fundamental than the fact that there is need for comprehensive approach to Local Government Legislation is the fact that some of the amendments which are before us fly in the face of the Constitution and some of the Amendments are incongruent with what we decided at the Task Force.

So, Mr Speaker, as I make my contribution today, I would like to use three major sources to support my arguments. Those sources are:

- the Hansard;
- the Constitution of the Republic; and
- the Draft Report of the Task Force.

Mr Speaker, I would like to rely on the Hansard of the 23rd Sitting, Thursday, 11 December 2003 of this august House where my colleague acknowledged that we had agreement on a number of things. I think in reference to him, he sought to make the same acknowledgement today. So I want that to be the first pillar upon which I build my argument; the acknowledgement of the Minister in the Hansard that in terms of the Task Force, we have come to a closure of a number of issues that we have agreed on. In fact the only two issues which were outstanding in terms of finalisation are the system of fiscal transfers and the electoral system. It is therefore my expectation that whatever comes before this House and even the manner in which the Task Force worked, given the fact that we had agreement on these issues will not in any way seek to negate (undo) the work of the Task Force, because Mr. Speaker, if that was the case then the very call of the Minister would be brought into question, - the call for trust. I daresay, Mr Speaker, this call for trust is not only the call of the Minister, it is also the call of the Government, there is some document emanating from the Government, which is an argumentation that we should first seek to build trust.

I would now wish to turn to the content of the Bill. The first Amendment of note seeks to insert after Section 2, a new Section 2(a) - Objects of a Municipality. Mr Speaker, here we are inserting in 2005, objectives into a piece of Legislation which was passed in 1969 - Municipal and District Councils Act No. 24 of 1969. In 2005, we are inserting objects in that Act, which to a large extent suggests that there is no intention to go through the Amendments of that Act as is the general agreement. We are inserting objects as if we are taking a new wine bottle and

seeking to throw into that wine bottle the same old wine, but by virtue of its form to give the impression that it is not only a new wine bottle, but altogether it is new wine.

Mr Speaker, when one looks at those objects for example, *provide good governance, provide services, facilities and other things that, in the opinion of the Council, are necessary or desirable for all or part of the municipality, develop and maintain safe and viable communities*, one would see that if you go through the Act carefully that these objects are not completely incongruent, these objects are not completely in keeping with the provisions of the Act.

But more than that, Mr Speaker, it does not make sense to have objects of this nature, particularly objects which, say, provide services, facilities and other things that, in the opinion of the Council, are necessary or desirable for all or part of the municipality if one does not have the kind of revenue base, the kind of instruments to ensure that one has the finance to realise the objects. That is why, I am saying that these objects are like our new wine bottle with old wine, because we have all accepted by virtue of the Constitution Amendment, by virtue of proposals about revenue raised as insufficient for the Local Authorities and so to put an object like this, not to deal with the revenue issue, it does not make any difference, in fact it makes a mockery of Local Government. And so, Mr Speaker, these objects are highly cosmetic and have no real substantial meaning in terms of Local Government Development.

The Amendment goes on to propose an insertion of Section 8 (a) which the Honourable Minister referred to and in that insertion it seeks to talk about the general duties of City Councillors. He himself admitted, rather contended, that the City Councillors are really doing these duties already. So really, it is much about nothing that we are witnessing in the insertion of Section 8 (a) - much about nothing.

But Mr Speaker, when we come to Section 29, where the amendment proposes in Section 29 (2), that *the number of councillors (including the Mayor and Deputy Mayor) shall be as prescribed by order of the Minister ...* Mr Speaker, one of the outstanding matter is the electoral system and I am of the view that we were going to ... in the course of trying to finalise this, make a determination in relation to the number of seats that each council would have, but those discussions are pre-empted here today by an insertion of a provision which says, the number of councillors shall be prescribed. Mr Speaker, previously the law prescribed the numbers and so we see a retrograde step where the power of prescription on this issue is being taken away from the National Assembly and being vested in the Minister. Mr Speaker, we are moving in the

wrong direction. We cannot be talking about the role of the National Assembly and at the same time taking away from that Assembly powers which were previously vested in it to vest those powers in the Minister. And so Mr Speaker, this is highly unacceptable, not only because it deguts the extant Act, but because it pre-empts the consultative process which was intended to arrive at the number of seats for the various local government organs, the municipalities included.

Mr Speaker, as we go on, we see the insertion of Section 79A, the one which seems to be dear and near to the Honourable Minister. What does it say?

The Minister may give instructions of a general or specific nature, which instructions shall take precedence over any other instructions given to that officer by any other local government officer in the municipality.

Mr Speaker, by virtue of the Amendment before us, the Minister is seeking to acquire ultimate authority, ultimate power, unconditional over the local authorities in this country, but not only is he seeking to do that, but he is doing it in defiance of the Constitution which is so much talked about and heralded as the most progressive in the Caribbean.

Mr Speaker, if you read Article 75 of our Constitution, it unequivocally states:

Parliament shall provide that local democratic organs shall be autonomous and take decisions which are binding upon their agencies and institutions, and upon the communities and citizens of their areas.

Mr Speaker, this is in contradiction to the supreme law of the land and can be nothing short of being unconstitutional. [Applause] We, in our argumentation about the state of this Constitution point to the autonomy of Local Government as one of the strong points of the Constitution and, Mr Speaker, that is not all on this issue of autonomy, but if we turn to the report which encapsulates our discussions and our decisions, you will see that the report is clear on this question of autonomy. It says:

Autonomy for Local Government organs has to be looked at vis-à-vis the functions of the proposed Local Government Commission and the administrative and fiscal relations which obtained among the Local Government Organs and between those organs and central government.

Mr Speaker, there are three aspects to autonomy as it relates to Local Government:

- there is need for *autonomy* and that is achieved by virtue of making these bodies statutory bodies which will have a legal life of their own;
- there is *fiscal autonomy* and this is achieved by virtue of giving them the kind of revenue base to allow them to pursue their tasks unimpeded by the shortage of revenue; and
- there is *administrative autonomy* which requires that they should not be interfered with or have to defer to the Minister or any other body.

What we are seeing is an attempt to erode the gains of the Constitution and the decisions of the joint Task Force. [*Interruption: 'What about the regions?' "I will teach you about the regions later"*]

Mr Speaker, not only did the Task Force seek to define autonomy in that way, but it sought to provide a mechanism to ensure that while on one hand there would be autonomy, on the other hand there would not be lawlessness, that the Local Government body would operate within the law. So it is specified that the Local Government Commission could play a particular role in relation to these bodies.

What does it say, Article 78A of the Constitution?

Parliament shall establish a Local Government Commission, the composition and rules of which empower the Commission to deal with as it deems fit all matters related to the regulation...

I repeat, I emphasize, the regulation...

... and staffing of Local Government Organs ... and with dispute resolution within and between Local Government Organs.

This is the provision ... the Article of the Constitution which seeks to ensure that while on one hand you introduce autonomy, on the other hand you do not allow those bodies to behave whimsically and you create a framework within which they operate. The Local Government Commission is intended to be the regulatory body that will curtail them from operating ultra virus.

Mr Speaker, if one turns to the report on the question of the Local Government Commission, one would see that in the report of the Commission, it is stated as follows:

The Commission has been empowered to monitor the activities of Local Government Organs. Some aspects of this monitoring will include the following:

- *starting matter;*
- *appointment of tribunals;*
- *disciplinary matters;*
- *hiring of personnel;*
- *remuneration matters;*
- *vacation and other matters;*
- *dismissal of personnel;*
- *receiving complaints;*
- *making rules and regulation; and*
- *regulating the operations of the Local Authority*

Those are what we have agreed and they are in keeping with the Constitution, but today Mr Speaker, we do not only have a Bill which seeks to undo this, but a Minister who tells us that this is the one on which there is no compromise. Then we have a lot of rhetoric in the public about democracy, about consultation and about the role of the Parliament, but we are going beyond the Parliament, we are touching the sacred Constitution by virtue of these provisions which are here before us to be passed into law.

Section 84 follows in the same pattern:

Insert after subsection (2), the following subsection as subsection (3) - Power of the Minister to resolve difficulty.

The Minister shall have power by order to resolve any difficulty arising from the implementation of this section.

Mr Speaker, we see clearly the intention of these difficulties that may arise to be resolved by the Local Government Commission. It is no longer a mere service commission, it is a regulatory body, but here we have in the face of the Constitution, in the face of the understanding of the Task Force an attempt to introduce a provision that makes the Minister the arbiter, to determine the alpha and the omega in relation to Local Government.

Mr Speaker, I now turn to the Commission proper. The Minister has advised me that the Legislation for the Commission is forth coming. In the first instance, the difficulty I am having is why are you going to have Legislation dealing specifically with the

Commission as the Constitution provides for, you are starting to tinker with the Service Commission which is found in the Municipal and District Councils Act. What is the objective of tinkering with this Commission when this Commission will be overtaken in time or should be by Legislation which the Minister has advised me is on its way? And what does this tinkering do? In the first instance the tinkering seems to change the name of the Commission. Presently in the Act, it is referred to as the Local Government Service Commission; the Legislation seeks to change that to the Local Government Commission. I can only take that to mean that the intention is to transform this Commission which is found in this Act into the Local Government Commission as envisaged by the Constitution. If that is the case, there are only two things that one could do, you either deal comprehensively with it here or deal with it in the new piece of Legislation which repeals the provisions here, in order to achieve the intended objective. But no, Mr Speaker, we have a slick approach, where I am advised that on one hand you deal with it here by virtue of changing the name, but not only by virtue of that, but by virtue of dealing with other aspects for example the aspect pertaining to its membership. And so what does Section 95 (1) read:

There shall be a Local Government Commission, consisting of a chairman, a deputy chairman and such other members as may be appointed thereto; and the Commission shall have such functions as are vested in it by this Act and any other law.

Mr Speaker, when one looks at the proposal of the Local Government Commission, one immediately sees the difficulty. The Local Government Task Force has very concrete proposals about the composition of this Commission. It first of all says that the Local Government Commission will be so structured, as to affect legal accounting and human resource skills. It specifies the area of expertise one wishes to bring into the Commission. It goes on to say, the interest of rate payers, property owners, Local Government bodies, employees and Amerindians would be represented thereon. It then specifies that the Commission will consist of seven members.

Mr Speaker, we have a piece of legislation here which completely ignores this and talks about a Commission with a chairman, a deputy chairman and such other members that may be appointed thereto.

Mr Speaker, Section 96 goes on to say:

The names of members of the Commission shall be submitted to the National Assembly, after the necessary consultations have taken place with those bodies stipulated in the Act...

... and there is nobody stipulated in the Act - none has been stipulated. And so, Mr Speaker, we see that the Local Government Commission as purported here is in conflict with the intended provisions as outlined in the Task Force. No where here do we see any reference to the functions of the Commission. I am advised that there is some other piece of legislation and I have said my bit on that already.

As I said in the inception that this piece of Legislation represents an *ad hoc* approach to what should be a comprehensive process, this piece of Legislation contradicts the Constitution; this piece of Legislation departs fundamentally from the agreements that the Task Force arrived at.

Mr Speaker, I have taken the time to identify, in the first instance, the fact that Minister who is making this presentation today was the one who told this august House on 11 December that we had agreed to these things, but it is the same Minister who is now bringing a Bill that does not reflect that agreement. But you know, on reflection the Minister may be an innocent party in all of this, because this Bill came under the signature of Minister Nokta, who for reasons unknown to me is absent today. But it is also on record in the Hansard of my good friend Mr Collymore saying that he has principles, that there are people to whom he has to report and there is a limit to which he could make decisions. Well, I am not arguing with that, but I think that is the context in which he has today to represent a piece of Legislation which might be different from agreements that he might have entered into, because they might not have had the blessings of the ones to whom he has to defer. So I sympathise with the Minister. I sense that he is not necessarily at fault, except that he is a part of the system that makes such a fault possible and I daresay a willing part of such a system.

Mr Speaker, in the context of all the flaws, contradictions that I have identified, the People's National Congress/Reform will find it extremely difficult to support these amendments as presented and will prefer to be silent on these amendments. I will have to make, in no uncertain terms, our position clear because we have no doubt that in this

regard we stand on high, unshakable, moral ground and we call upon the members on the other side, if they want to take Guyana forward and to make this Assembly the place it is supposed to be to join us on that high, moral ground. Thank you. *[Applause]*

The Speaker: Thank you Honourable Member.

The Honourable Member Mr Basil Williams

Mr Basil Williams: I see that our friend the Hon Minister was carrying the load alone over there. This question that proposed Amendments in the said Bill before this august Assembly more particularly Section 2 and also the proposed Section 8 (a) purport us to introduce objects and duties and it is conceivable that they are attempting to do so now in the context of this clamour for the imposition of IMCs, Interim Management Committees because it became clear that really there is no definitive basis for such impositions. No clear basis and so it was felt that they should therefore put in these objects for example these three objects in 2 (a) to define the purposes of the municipality for example to provide good governance, to provide services, to develop and maintain safe and viable communities and, if they wish to remove a councillor on a municipality the Minister could say these objects were not attained or the municipality failed in their duties. The point is, it is really a backhanded attempt to impose strictures on a municipality, without holding up and accepting the responsibilities also. So the question is shouldn't these objects and the duties of 8(a) be justiceable in the court of law? That is the question. Should we allow the Minister to rely on them and say that they are being breached and so we must remove these councils, these duly elected councils in our Local Government Organs and not have enforceable provisions in the proposed Amendments so that there are penalties not only on the municipality but also on councillors and it is very important because when you look at 8(a) they impose all these duties on the City Councillors, they could now come and say we want to move them because they have not conformed or they have not performed in relation to these duties. Yet at the same time if there is any breach a citizen cannot go to the courts, added to, to uphold and enforce the duties or the objects and so we are saying you cannot come through the back door to do that. You must be clear that these objects are intended to have legal consequences and not just leave them open only so that only the Government through the Minister could rely on them and the citizenry cannot.

Now, this question of 79(a)... by the way I wish to put on record that I concur and support the submissions made by my friend and colleague the honourable friend Mr Vincent Alexander in relation to Section 79(a) the one in which the Minister says he is not giving any quarter in this one it really reminded me of the television programme, I saw the other day where more or less the honourable Minister was saying the same thing I think that he was telling the then City Engineer, *I own you*, and so since he had that belief that he owned the City Engineer and other similar officers he has decided that he must give it statutory basis, because he recognises that it was an erroneous statement he was making at that time when he was saying to the senior officer that he is responsible to him. Now this is the context in which these officers work with a statutory body and whose members are duly elected and plebiscite duly elected so who is the Minister to impose himself and the municipality which have a Mayor, a Deputy Mayor and duly elected councillors by telling them that whatever instructions they give to their officers he could countermand and override those instructions. Mr Speaker, this is a recipe for anarchy in this country. I see a deliberate attempt to interfere with the business of Local Government Authorities; it is a deliberate attempt to undermine the morale of the members of those in Municipalities and Local Government Organs. When he is asking, when the Honourable Member is asking us to trust him you would understand Mr Speaker when I look at the power of the Minister to resolve the difficulty, this is another ... you see this is in the context in which we discuss that basically most of these powers should go to the Local Government Commission which he has alluded to that I want to strip him, but the point is why would the Minister have to resolve the difficulties in Local Government Organs when you have a Local Government Commission because the constitution itself says in respect to Article 78 (a) Parliament shall establish a Local Government Commission the composition and rules of which empower the Commission to deal with it as it deems fit, all matters relating to the regulations and staffing of Local Government Organs and that was dealt with by my friend but this, and with dispute resolution within and between Local Government Organs. So the constitution has given the question of resolving difficulties into say Local Government Organs and the individual Local Government Organs to the jurisdiction of the proposed Local Government Commission and so this question of trust is being demanded when with full knowledge if those constitutional requirements, stipulations another attempt is being made to erode that constitutional provisions

and repose the power in the Minister instead of in the Commission and that really has been the difficulty I personally have had with the deliberations in the joint Task Force.

Now there is a next question of independence when you read about the provisions in respect of this Commission. What jumps into your mind is somewhat akin to some of the provisions in the constitution related to commissions generally. So the question is, what is it? Are we or do we intend to give the Local Government Commission the status of a constitutional commission? Or do we intend to leave it as a Statutory Commission. Mr Speaker, I just cited that in the...

...give it constitutional status. Why do they want to water down this Local Government Commission so that the Minister could trample upon it and take powers when it feels like from it which he would be able to do with a Constitutional Commission and then the independence when you look at the provisions you will see that relating back to the Principal Act he omitted to deal with Section 110 of the Municipal and District Councils Act, no reference. What does that section deal with? And this is a very important section, Section 110 deals with this

The expenses of the Commission including the remuneration and other allowances of the members of the Commission are for secretary and other staff and shall be paid out of monies provided by Parliament

They did not touch this because this does not guarantee independence of this Local Government Commission. The provision ought to be that they should draw on the Consolidated Fund but you put it back to Parliament. The Minister again has a role to determine how much money this Commission gets and how it should go about its business, and so it has to be deliberate that Section 110 you deal with for example in the order of this proposed Amendment you deal with Sections 107, 108, 109 and you jump 110, then you go to 112 so it is a clear indication that they do not intend for the Local Government Commission to be an independent commission because the yardstick for independence is independence financially, when you do not have to go cap-in-hand to Minister to get your funding. So we need answers to these questions, as my friend has said in Sections 95 and 96 the aim of the Local Government Commission really to observe the erstwhile power that was wielded by the Minister. Look you had the Minister when he determines that Councils or Councillors should be removed. The Minister alone has the power to replace those Councils and he had no criteria telling him look you have to give back PNC the ten they had on this Council or give WPA the five they had on the Council. He could put back an entire council based on considerations of the PPP/C. What we are saying is that that power must

be removed from the Minister and be reposed in the Local Government Commission. Yet we do not see it in the Amendments that have come before us. I do not know what Section 96 is about. It seems that somebody is thinking that it should be a Constitutional Commission and some other pulling the other side I suspect. It is my honourable friend pulling to keep it statutory but this provision in Section 96, Sir, seems to be saying you will get your members in a manner akin to the Constitutional Commission in the Constitution which talks about consulting the relevant NGO's and Civic Society Organisations which seem to enjoy this type of status for the purposes of consultation so what does Section 96 mean by appointment of members. The names of members of the commission shall be submitted to the National Assembly after the necessary consultations have taken place with those bodies stipulated in the Act. Where is this? ... and members of the commission at their first minutes shall do so, so, so, so. The question we have to ask here where are these members coming from that would do on this commission who is going to propose them, who is going to send them on the commission I do not know, I do not know if the paper the draughtsman was using had a section that was dealing with that but then it got lost when he bent down to retrieve something else, this is obviously an ambiguous position in Section 96. We do not know what it is ... So Mr Speaker, when my friend, the honourable Minister, amends a provision which specifically stated so many members shall be on this Council and replaces it with a provision that says that the Minister has the power to identify the amount of persons to go on whatever Council it is and does not stipulate a number I am troubled. I am troubled because why would you remove a provision that says 19 or 20 should be the composition of this council and leave it vacant saying Minister would determine how many members should be on this Committee, *the numbers of Councillors including the mayor and deputy mayor shall be prescribed by the order of the Minister* and the Minister knows that we have deliberated on this question of composition of councils and what a village council should have, what the NDC should have et cetera, yet he does not put it in here so what does this mean? Does this mean that if this forthcoming Bill does not come, the Minister is left with these powers? If this Act is passed to decide what numbers he wants after elections has passed in the various councils but the Minister asked me to trust him. I trust the Minister because I know the problem that the Minister has is that before he can make a decision he has to touch base with the boys in Robb Street, but Robb Street seems to be a long street, Robb Street seems to be some where in Timbuktu because over a year ago the Minister said he has to touch base with the boys

in Robb Street to finalise the electoral system and the Minister has not returned to us yet so the Minister is still travelling to Robb Street and so that is the difficulty we have.

The danger in all of this, to wrap up, is that the Hon Minister seems to have no difficulty in pre-empting the joint Task Force in terms of the deliberations and conclusions we have arrived at and bringing them to this august Assembly piecemeal without consulting us and in cases modifying them, those conclusions and agreements, to suit their own purposes so those things, I am sure you would agree, must impact on this element of trust ... what is it? ... and therefore like my predecessor before me on this question, the PNC/R harbours great reservation in allowing this Bill to be passed where is, as is, at this time, and maybe the pro-posers should reconsider and go back to the drawing board with some of these Amendments. We do not have any problems with those first three Amendments relating to increase in sums that really seem to be attempts to distract us from the real meat of the matter and so we say that we cannot support this Bill in its present form. Thank you Mr Speaker. *[Applause]*

The Speaker: Thank you Honourable Member

The Honourable Member Mrs Sheila Holder

Mrs Sheila VA Holder: I rise to put on the record that fact that we are greatly alarmed by the Bill being considered by the House this evening and to express our hope that the Government Benches would see the wisdom in not proceeding with the Bill in its present form. The main purpose of this Bill as stated in the explanatory memorandum claimed to Amend the Municipal and District Councils Act of 1969 and when you look at sections of the Bill as it pertains to the updating of fees and various fines it appears on the surface to be very reasonable and acceptable, however as I have to say as I listen to honourable members on this side of the House Mr Vincent Alexander and Mr Basil Williams I have to agree with most of the concerns they have expressed in so far as the process of revision clearly fails to achieve the objectives.

The purpose of revising any Legislation would be from my perspective a holistic task and not the piecemeal manner in which this Bill approaches that task. It should also take onboard the very important aspect of introducing best practices. The Bill does not do that. What the Bill does and what causes this great concern it appears on the one hand to be engaged in the process of devolving power from the Minister but in actual fact erodes the independence and the

significance in the authority of the Municipal and District Councils Act. We cannot support that; in fact we are extremely worried that this is the process of the pro-posers in this Bill. So if the honourable Minister does not accede to the wishes of the opposition to desist from proceeding with the Bill in its current form I would strongly recommend that it be sent to a Select Committee where opportunity, hopefully, would exist for the concerns of the opposition representatives of the people to be taken seriously on the advisement. I thank you. *[Applause]*

The Speaker: Thank you Honourable Member

The Honourable Member Mrs Melville

Mrs Shirley J Melville: Mr Speaker, I rise to give my contribution to the Bill before this honourable House this evening. Indeed there is need to increase the various fees but, Mr Speaker, I am indeed very shocked about coming from a Region, Region 9 and that the Authority and the governing body within the region which is a Regional Democratic Council would be treated in this manner as is seen in this summary of the Bill.

Mr Speaker, I would like to read

Provision is also made for the dissolution of powers from the Minister onto the various Town Councils and for the Town Councils to report directly to the Minister rather than through the relevant Regional Democratic Council.

Mr Speaker, we are fully aware that there are issues within the NDCs across our country. This was clearly spelt out in 2001 when consultations were done in the various Regions. Mr Speaker, we were supposed to be looking at enhancing the capacity of our citizens in the various Regions. This certainly is not seen in this Bill before us tonight. I would like to support our colleagues on this side of the House that the form of this Bill definitely needs to be looked at.

Mr Speaker, I come from Region 9, the Rupununi. We do not have the provision within our community. They are on one point where villages were being encouraged to be part of the NDC but this is not a very good indicator.

Mr Speaker, this is my short contribution to this Bill before the House this evening and I strongly support my colleagues from this side of the House. Thank you *[Applause]*

The Speaker: Thank you Honourable Member.

The Honourable Minister in the Ministry of Local Government and Regional Development

Hon Clinton C Collymore: Mr. Speaker, the comments made by the honourable members are taken in good faith but they would appear to be labouring under grave misconceptions. The minister has a supervisory role to play, all the Local Government Acts give the minister a supervisory role to play ... you have the Amerindian Act which is now in place; it is going to be amended but the Minister of Local Government has the supervision in that Act. There are going to be changes. The Local Democratic Organs Act, the Local Government Act, the Municipal District Councils Act give the Ministers certain supervisory powers. There is a move afoot by my two friends there to completely remove the Minister from the picture and devolve all these powers onto a Local Government Commission. I do not know whether that is going to solve the problem. Local Government Commission has certain things to do, regulatory things dealing with staff. It is a Commission. As service commission it is not a political organization; it cannot supervise the municipalities; that is not its job.

Mr. Speaker, Mr. Alexander articulated one of the planks of the Task Force and that is to have a comprehensive Local Government Act, one consolidated Act, to take care of all the various Acts. I have had discussions with him at Task Force level and I told him that this is a very good idea. For the immediacy it cannot apply. So we have to bring these pieces, these bits and pieces, to the National Assembly until we can go to a consolidated Act, one book. Mr. Alexander is saying that some of the Amendments stand in the face of the constitution, where he has been playing that CD for all the while for some years. It hasn't got scratched it to a scratch because you are playing a steady he is playing that CD all the time. We are not violating the constitution; that is only perception on his part, Mr. Speaker. And he says it does not make sense to have objects as these spelt out in certain sections. These sections were proposed to us and the ministry and transferred to legal draughtsman. My stake holders, and as I said at the very beginning the Bill is the product of certain inputs by various people, including the PEU of the urban development programme, the IDB and the Ministry of Local Government and to some extent the Task Force so it is an amalgam of proposals ... to some extent ... you want me to say to all extent. Mr. Speaker Mr. Alexander said the usual thing, talking about insufficient revenue for Local Authorities, and he is saying that this is going to make a mockery of local government. He described the entire proposal as highly cosmetic and having no real substance. I do not share his

view. Let us go to Section 29(1) and (2) as to what he said. Section 29(1) and (2) dealing with the Minister fixing the number of seats ...29 (1) says.

The town council shall consist of the Mayor, the Deputy Mayor and other counsellors and shall have such functions that are vested in the council by or under this act or any other law.

It does not confine to this book any other law, this is one of the other laws, then it goes on to say at (2),

The number of counsellors including the Mayor and the Deputy Mayor shall be not less than twelve and not more than fifteen as being prescribed by order of the Minister.

Whatever you have done the Minister comes in ... somebody has to exercise the order, somebody has to have the authority ... authority has to lie somewhere ... political authority has to lie with the Minister. So I do not know why they are making a song and dance over this thing. In our discussions at Task Force level we said that various organs particularly the NDCs will vary in size and therefore if you pin yourself down to this particular number of seats you may be doing a disservice to yourself; it is best to leave it open to negotiation. In any case then Minister as advised will fix the seats. That is not the commission job to fix seats; that is a political thing. This is for discussion with the political parties not a commission.

Section 79(a) - the honourable member said that the Local Democratic Organs shall be autonomous. I agree with that but being autonomous does not mean that you are a sovereign state and I have been telling that to the taskforce members, all along from the day the task force met and some people are saying that the Minister should divulge or divest himself of all necessary authority. I do not know whether they want to make the Minister a eunuch. Those are not my qualifications; I will never be a eunuch. *[Laughter]*

It is not true to say that we have transgressed the constitution. If the members mean that this Bill contravenes the constitution you have remedies. Now they have made a song and dance out of Section 84(2). Mr Speaker, the Amendment was proposed by one of the Municipalities but I do not want to mention the name; it may cause a problem but it is a very important Municipality and this is what the Amendment connotes. You have to listen and read what it says because they will take it out of context.

Section 84(1) says

A sum equal to 4 percent of its annual remuneration shall in each and every year be deducted by the town clerk by equal instalments from the remuneration of every Local Government Officer to whom Section 81 applies and the whole amount so deducted shall be applied as nearly as maybe in payment of the annual premium on the insurance to be so affected.

Subsection (2)

The City Council may advance to any Local Government Officer to whom Section 81 applies the whole or any part of the annual premium on its policy to be repaid by the monthly deduction from its remuneration specified in Subsection (1) and if the arbiter dies, retires, resigns or is removed from office that part of the advance which is due to the cessation of the service to the council shall be deducted from any remuneration then due to him.

They have indicated in many cases that they have difficulties meeting with this and they said that therefore put another Subsection (3) saying that the Minister shall resolve the difficulty and Mr Speaker it says that the difficulties are to be resolved in a particular section. This particular Section 84 and no other section ... you are making a federal case out of nothing. Mr Alexander has gone again talking about Local Government Commission. There is a Local Government Service Commission ... yes I am telling you and you do not believe me that we have a Bill. The Bill was prepared by the eminent Mr Keith Messiah, right, the Local Government Commission Bill and it is going to be presented in the House but I want to give Mr Alexander a copy first because he said that he did not receive a copy. I think that I sent him copies but, if he says that they have no copies I will send him new copies and I am going to send Mr Williams new copies so when the constitution, when this commission Bill comes then we will see what it entails and we will be able to make suggestions, proposals and if Amendments are to be made they will be made. This particular... Mr Speaker, do you know what is bothering my friends on the opposite side this act which now obtains in the absence and that is Section 95 of the Act, that in the absence of the Local Government Commission all the powers reside in the Minister, that is me and that is what is bothering them. As long as there is no Commission all the powers of the Commission reside with the Minister, Section 326(4) that is what is worrying them but the time is going to come that the powers of a Minister will go to a commission because it is just a lot of headache. Mr Williams repeated what Mr Alexander had said. I must repeat what either has

stolen so he goes on to talk about Section 2(a), and 8(a) has nothing to do with IMCs. Interim Management Committees are already set up in the statute in 307 and 305 in particular. This does not have to deal with IMCs. Section 305 of the Municipal and District Councils Act indicates several things including dissolution and Interim Management Committees and he is saying that ... I will not take you on now; he is saying that the object should be justiceable. Well I do not know what he means I think that everything in particular is justiceable. People go to court for anything; ask any lawyer. That is how lawyers exist. With all due respect to present company that is how lawyers exist. Everything you take to court and make a federal case out of everything. With all due respect to the AG and other aspiring barristers.

Mr Speaker, Section 79 here is trying to ensure good governance. It is not that I will be overbearing. There are certain people who do strange things and they need to be reigned back, so Mrs Holder says that she is greatly alarmed by the Bill and she has asked that the government should not proceed with it in its present form, and Mrs Melville says that she reflected the same view that the Bill should not be proceeded with in this manner and it should be ... You see Mr Speaker, I do not want to keep members long in this House, I just want to say that I appreciate all the views that have been expressed and that the government on this side is not opposed to proceeding to have some of these concerns dealt with and we are prepared to go to a select committee to deal with this matter. Mr Speaker with all due respect I propose that this matter be referred to a Special Select Committee.

The Speaker: Thank you Honourable Members.

Question put and agreed to

Bill read the Second time

The Speaker: The proposal is that the matter be referred to... *[Interruption]*

Honourable Member, are you moving that the Bill be referred to a Special Select Committee?

Hon Clinton C Collymore: I move that the Bill be referred to a Special Select Committee.

Question put and agreed to

Motion carried

Bill committed to a Special Select Committee

The Speaker: Honourable Members this brings us to the end of our business for today.

The Honourable Minister of Parliamentary Affairs

Hon Reepu Daman Persaud: I wish to move that the National Assembly stands adjourned to 14 July 2005 at 14:00h

The Speaker: The meeting is adjourned.

Adjourned Accordingly at 19:52H