

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2012-2014) OF THE TENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

85TH Sitting

Thursday, 15TH May, 2014

The Assembly convened at 2.36 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Delay in Commencement of the Sitting

Mr. Speaker: Good afternoon, Hon. Members. Of course, the first announcement is that I wish to apologise for the delay in the commencement of today's Sitting. This was due to the "soft launch", as I think the phrase had been used earlier today, of our newly developed website along with the e-streaming project and the handing over of a number of electronic tablets to Members as part of our e-Parliament project. On that note, I would just like to say that it may be noted by some that the Alliance For Change's (AFC) Member did not receive a tablet but that was an omission and that is being rectified even as I speak.

Leave Granted to Members

Mr. Speaker: Excuses have been received and, therefore, leave has been granted to two Hon. Members – the Hon. Dr. Bheri Ramsaran, Minister of Health, and the Hon. Ms. Priya Manickchand - from today's Sitting.

Attendance at Overseas Conferences by Members

Mr. Speaker: I wish to state, as well, that over the next few weeks, several Members of this House will be representing the Assembly at various conferences abroad, beginning with the Hon. Member, Bishop Juan Edghill, who will attend the 25th Commonwealth Parliamentary Association (CPA) Annual Parliamentary Seminar in Dar es Salaam, Tanzania, from the 25th to the 31st May, 2014. In fact, he reminded me that it is next week.

Also, the Hon. Member, Mr. Ronald Bulkan, will represent us at the 11th CPA Canadian Parliamentary Seminar in Ottawa, Canada, from the 1st to the 7th June, 2014. Also, our Hon. Members, Mrs. Indranie Chandarpal and Mrs. Catherine Hughes, will represent the Commonwealth Women Parliamentarians (CWP) Special Call Meeting in Nassau, Bahamas, from the 22nd to the 23rd of May, 2014. That is next week as well. Members, I have also issued a letter of invitation to the female Members of Parliament for us to have a meeting on Monday so that we can send our two delegates off in fine style and, hopefully, it will be the beginning of a process that leads to the formalised meeting or the formation of a women's caucus of the CWP of our Parliament.

A delegation is likely to represent the Parliament at the World Summit of Legislators in Mexico also in June of this year.

Parliament to take up Membership in Several Organisations

Mr. Speaker: By agreement of the Parliamentary Management Committee (PMC) and the work done by the Government's Chief Whip, Ms. Gail Teixeira, and Lt. Col (Ret'd) Joseph Harmon, the Parliamentary Management Committee has decided that this Parliament will take up membership in several organisations, the first being the ParlAmericas, the second being the Inter-Parliamentary Union, the third being the Parliamentary Network on the World Bank and International Monetary Fund, and the fourth being the Union of South American Nations (UNASUR).

Mentoring Programme

Mr. Speaker: Members would recall that some time ago, some Members of the House were invited to pair themselves with other Members in other parts of the Commonwealth as part of a mentoring programme. Some Members, we know, have been paired with others from CPA countries and are participating. Those Members we know to be Lt. Col (Ret'd) Joseph Harmon, Mr. Joseph Hamilton, Mr. Desmond Hugh Trotman and Mrs. Catherine Hughes. Those Members are actively involved in the mentoring programme.

Death of Mr. Basil Rodrigues

Mr. Speaker: The last announcement is on a sombre note. Some of you may have seen in today's newspapers that the nation and a Member of this House have lost a relative. We lost Mr. Basil Rodrigues of Moruka, Region 1, and those who have travelled to Moruka would have been entertained, from time to time, by "Uncle Basil" on his little banjo and his Spanish songs. As we learn of the passing of the Hon. Member and, I am told the brother of our own Hon. Minister, Mrs. Carolyn Rodrigues-Birkett... He was a teacher who had a fantastic love of music and people, well respected in his community, loved to entertain all, and a recipient of two national awards – the Medal of Service and the Golden Arrow of Achievement. On behalf of all of us, we extend to the Hon. Minister, the Rodrigues family, all of Region 1 and Moruka, in particular, our sincerest condolences on his passing.

Visit by the Deputy High Commissioner of the British High Commission

Mr. Speaker: Members, this afternoon, in our presence, visiting with us, is the Deputy High Commissioner of the British High Commission, Ms. Sarah Corscaden. We welcome you, and be assured that our debates are as robust as the debates in the House of Commons. Welcome to Guyana and our Parliament.

PRESENTATION OF PAPERS AND REPORTS

The following Papers and Reports were laid:

1. Minutes of Proceedings of the 15th Meeting of the Committee of Selection held on Wednesday, 30th April, 2014. *[Speaker of the National Assembly - Chairman]*
2. Annual Report of the Sugar Industry Labour Welfare Fund Committee for the year 2012. *[Minister of Labour]*
3. Audited Financial Statements of the Guyana Securities Council for the year ended 31st December, 2013.
4. Audited Financial Statements of the Guyana Office for Investment for the year ended 31st December, 2012.
5. Audited Financial Statements of the Integrity Commission for the year ended 31st December, 2012.

6. Audited Financial Statements of the Guyana Energy Agency for the year ended 31st December, 2010.
7. Audited Financial Statements of the Guyana Energy Agency for the year ended 31st December, 2011.
8. Audited Financial Statements of the Guyana Energy Agency for the year ended 31st December, 2012. *[Minister of finance]*

REPORTS FROM COMMITTEES

The following reports were laid:

1. Sixth Periodic Report of the Parliamentary Sectoral Committee on Social Services for the period 16th March, 2012 to 14th March, 2014. *[Mrs. Chandarpal - Chairperson]*

Mr. Speaker: Hon. Member, we thank you for your Report. I know that the Committee has been venturing out. I wish that you could make it as far as Essequibo to the New Opportunity Corps (NOC), but congratulations on your good work. I must say that it has been very impressive.

2. Second Report of the Committee on Appointments in relation to the Appointment of Members of the Public Service Commission. *[Dr. Norton - Chairman]*

Mr. Speaker: Hon. Member, much responsibility is placed on your Committee and I know that you are working assiduously to discharge your mandate, as many of our Commissions require new members. I know that you are working on that. Thank you for your Report.

QUESTIONS ON NOTICE

For Written Replies

1. ESTABLISHMENT OF A LIBRARY AT THE MAHDIA SCHOOL DORMITORIES

Mrs. Garrido-Lowe:

- 1) Whereas the Mahdia School Dormitories do not have a library, hence, students living in these facilities are denied the opportunity of reading for relaxation and enjoyment and for the expansion of their consciousness;

- 2) And whereas it is the duty of the State to create a good study environment for these students.
- 3) Could the Hon. Minister say if her Ministry has any plans of setting up a library in the Mahdia School Dormitories anytime soon and, if so, how soon would that be?

Answer not provided.

2. CONSTRUCTION OF THE PARAMAKATOI PRIMARY SCHOOL

Mrs. Marcello:

- 1) Could the Hon. Minister tell this House why construction of the Paramakatoi Primary School, Region 8, that started in April, 2012, has not been completed?
- 2) Could the Hon. Minister tell this House when construction of the Paramakatoi Primary School would be completed?

Answer not provided.

3. HIRING OF A STEEL BAND TUNER

Mr. Jones:

1. Could the Hon. Minister inform this House why a steel band tuner was contracted/hired by the Culture Department to tune up the state owned steel pan instruments?
2. How much was this individual paid and what are the other costs attached, if any, for travel and accommodations?
3. Are there no tuners attached to the Ministry's Culture Department?

Minister of Culture, Youth and Sport [Dr. Anthony]:

1. It is recommended by the musicians that chording and blending of the instruments be done periodically or especially when preparing for a major performance. Since the major steel band competition is in February of every year turners are recruited to prepare the bands for competition. Over the years Ivan Chapman, Aubrey Bryan, Oliver Pross and Mario Joseph were engaged as tuners.

2. In 2013, Mr. Oliver Pross was recruited and he was paid

- \$300,000 for chording the instruments for the orchestra's participation in CARIFESTA XI.
- \$250,000 for chording the instruments for Independence celebrations.
- \$250,000 for chording and blending for the Mashramani competition.

In 2014, Trinidadian Tuner Mario Joseph was engaged to chord and blend the instruments for the Mashramani competition. He also did a professional tuners workshop for all local tuners. The resort to Mr. Joseph was the unavailability of the local tuners.

- \$260,000 for chording and blending of instruments.
- \$63,000 was spent on airfare.
- \$37,000 was spent on accommodation.

3. No.

4. REPAIRS TO THE NURSING SCHOOL AT EAST STREET AND THE ANNEX TO KINGSTON NURSING HOME

Ms. Ferguson:

Could the Hon. Minister kindly indicate:

- i. Whether works have been completed on the Nursing School at East Street and the Annex to Kingston Nursing Home? If yes, the nature of works completed to date?
- ii. If no, why and what is the timeline to complete works in both areas?
- iii. Provide a breakdown and costing of works completed and the nature of works to be completed at both locations?

Minister of Health [Dr. Ramsaran]:

MINISTRY OF HEALTH

I. CAPITAL PROJECT: Nursing School, East Street, Georgetown, Region #4, 2013/2014

No.	Programme	Name	Scope of Work	Contract sum	% works completed	\$ Payment to date	Remarks
1	475- Health Science Education	Extension of Nursing school building, East Street, Georgetown	Construction of 850 Sq. Ft extension	\$9,078,678	50	\$4,539,339	Work ongoing. Progress delayed to incorporate proposed changes to make suitable for UG Medical School needs.

II. CAPITAL PROJECTS - Georgetown Nursery School Annex, Kingston, Georgetown, Region # 4, 2013/2014

No.	Programme	Name	Scope of Work	Contract sum	% works completed	\$ Payment to date	Remarks
1	475- Health Science Education	Electrical works to ground floor, Georgetown Nursing school ANNEX- Kingston	Electrical works to ground floor of building- upgrading of main switch gear- (installation of new mains & distribution panels & removal of existing & installation of new wiring circuits for lighting & outlets	\$5,344,460	100	\$5,342,600	Works practically completed.

			(120 & 240)				
2	475- Health Science Education	Rehabilitation works to ground floor, Georgetown Nursing school ANNEX, Kingston	1.Tiling of ground floor 2. Painting internal walls and ceiling.	\$2,696,650	100	\$2,696,135	Works practically completed.
	Total					\$12,578,074	

Submitted by: Administration Department

Date: 17-April-2014

5. CENSOR BOARD

Ms. Ferguson:

Could the Hon. Minister explain -

- (i) Whether the Censor Board is still in place?
- (ii) If yes, how effective is the system as it relates to the monitoring of music?
- (iii) If no, what has caused the delay in putting this body in place?
- (iv) Assuming that the censor body is not in place, when citizens need to ventilate an issue regarding local lyrics, to whom and where can they refer their complaints?

Dr. Anthony:

- (i) There is no Censor board in the place at the moment. The former board focused almost exclusively on films so with the disappearance of the cinema it was not deemed necessary to appoint a board in recent times.
- (ii) There is no system for official censoring of music at this time.

- (iii) The caution currently displayed results from the fact that we are dealing with creative licence. Capping of the thought processes is not desirable. Music is art and lyrics are a form of poetry. Censorship could be perceived as an attack on the right to free expression.

There is also a strong school of thought [lobby] that suggests that governments should not be allowed to censor the lyrics of violent or explicit songs, because of the possibility of selective implementation and enforcement.

At this stage I would be more inclined to go after the industry standard demanding that they put a warning on these songs and CDs letting parents know that there is explicit content on the CDs.

The BBC employs a pip to block out what is deemed inappropriate and perhaps local stations can be persuaded to do likewise.

If we are persuaded that there is a sufficient strong demand for censorship of local music we would be prepared to adopt any and all appropriate measures in response to strong public sentiments.

- (iv) The law of the land censors indecent, lewd and explicit language. The Broadcasting Authority is provisioned to treat with lewd and inappropriate language on the air.

Additionally provisions in the postal and Telegraph Act may also be equipped to censure language that is considered gross and unacceptable.

6. THE COMMISSION OF INQUIRY INTO WALTER RODNEY ASSASSINATION

Ms. Ferguson:

In view of the provision of \$48 million dollars approved by the National Assembly, with respect to the Commission of Inquiry into Walter Rodney Assassination; could the Hon. Minister state:

- (i) What constitutes other under Account Code 6294?

- (ii) Give a breakdown what the \$31,400,000.00 was utilised for under Account Code 6249?
- (iii) The percentage of work completed as of to date for the designated area (Supreme Court) to facilitate the Commission of Inquiry into Walter Rodney assassination?
- (iv) Provide a breakdown of the nature of works completed and its costing?

Minister in the Ministry of Finance [Bishop Edghill]:

- i. Miscellaneous expenditure not captured under any other budget line.
- ii. Unable to determine from question which programme, Agency code or budget year is being referred to.
- iii. A wall was erected for the registry and accommodation of the COI at a total cost of \$342,780.00.

7. BITUMEN PLANT OPERATIONS – TRANSPORT AND HARBOURS DEPARTMENT

Ms. Ferguson:

Could the Hon. Minister state:

- (i) For what purpose(s) did the Transport and Harbours Department purchase Bitumen at a cost of \$65,616,830.00?
- (ii) Does the T&HD still operate the Bitumen Plant?
- (iii) If no, what has led to the cessation of the operation of the Bitumen Plant by T&HD?
- (iv) When did the cessation of the operation of the Bitumen Plant operation take place?
- (v) Under whose responsibility the Bitumen Plant falls?

Minister of Public Works [Mr. Benn]:

- i. The Transport and Harbours Department did not purchase bitumen. However, a total sum of \$65,616,830.000 as detailed below was paid by the Ministry of Public Works and six contractors to this department for supply of asphaltic concrete which the department failed to honour.

- ii. No.
- iii. The lack of competent and experienced personnel within this department to manage the Bitumen Plant.
- iv. 31st July, 2013.
- v. Demerara Harbour Bridge Corporation from 1/8/2013- this was a decision of the Cabinet.

8. CONSULTANCY SERVICES FOR ENGINEERING DESIGNS AND SUPERVISION OF WORKS FOR THE PARIKA TO GOSHEN ROAD

Lt. Col. (Ret'd) Harmon:

On the 30th March, 2014, the following notice was published in the Guyana Chronicle Newspaper –

“Guyana Geology and Mines Commission (GGMC) requests for proposals: Consultancy services for engineering designs and supervision of works for the Parika to Goshen Road; Lot 1, Parika to Aliko, Lot 2”, Aliko to Itaka, Lot 3, Itaka to Goshen.”

Could the Hon. Minister state –

- (i) On what basis was it determined that GGMC should be the executing Agency for this proposed road (Parika to Goshen)?
- (ii) On what basis was this project determined to be a mining road, thus qualifying it for GGMC funding?
- (iii) What consultations, if any, have taken place with stakeholders in the mining sector to determine that this is a priority mining sector project, worthy of GGMC funding?
- (iv) What role, if any, has the Ministry of Public Works played in developing the technical scope of works for this project?
- (v) Has the Cabinet formally approved this project and its execution through the GGMC?

Minister of Natural Resources and the Environment [Mr. R. Persaud]:

- (i) Mining is highly dependent on the availability of suitable infrastructure such as roads, bridges and landings to access resources. The design, execution and maintenance of hinterland roads have long been supported by the Ministry's regulatory agency, the Geology and Mines Commission (GGMC). With the fluctuations in gold prices, miners have been forced to find means of reducing cost. Under the Government's programme of support to miners, a number of initiatives have been explored with the relevant stakeholders. One of the measures is the reduction in transportation cost by exploring a more direct route into the main mining communities.
- (ii) Hinterland roads play a pivotal role in the mining sector. To ensure coordination of the Hinterland Road works, a Hinterland Infrastructural Committee (HIC) for mining areas was established since 2012 and is involved in reviewing and making recommendations for improving institutional arrangements for Hinterland infrastructure management and development; reviewing and making recommendations for improving operational and procedural arrangements for the management and development of hinterland infrastructure and developing a national infrastructure plan with specific emphasis on forestry and mining.
- (iii) It should be noted that the Hinterland Infrastructure Committee comprises a number of stakeholders; the Guyana Gold and Diamond Miners Association (GGDMA), Guyana Geology and Mines Commission (GGMC), Guyana Forestry Commission (GFC) and the Ministry of Public Works (MPW).
- (iv) The Ministry of Public Works is involved in every aspect of this project through its representation on the HIC. Additional support is provided by the Ministry of Public Works Service Group.
- (v) The project has been discussed at the level of the Cabinet.

9. OVERSEAS TRIPS MADE BY HIS EXCELLENCY THE PRESIDENT AND DELEGATIONS

Mr. Trotman:

Would the Hon. Prime Minister and Minister of Parliamentary Affairs tell this House:

- (i) The number of official overseas trips made by the President and delegations since taking office in 2011?

- (ii) The total dollar cost of each trip made by the President and delegations individually (destination, accommodation, and transportation) since taking office in 2011?

Answer not provided.

10. BENEFITS GUYANA STANDS TO GAIN FROM OVERSEAS TRIPS UNDERTAKEN BY HIS EXCELLENCY THE PRESIDENT AND DELEGATIONS

Mr. Trotman:

Would the Prime Minister and Minister of Parliamentary Affairs tell this House:

- (i) The immediate and medium term benefits to Guyana associated with each of the trips undertaken by the President and delegations since taking office in 2011 to February, 2014?
- (ii) What benefits Guyana stands to gain in 2014 from each of the overseas trips undertaken by the President and his Delegations in 2012?
- (iii) What benefits Guyana stands to gain in 2016 from each of the overseas visits made by the President and his Delegations in 2012 and 2013?

Answer not provided.

11. BENEFITS FOR THE FORMER PRESIDENT, DR. BHARRAT JAGDEO

Mr. Trotman:

Would the Minister of Finance tell this House:

- (i) What is the electricity charge paid under the Act for former President, Dr. Bharrat Jagdeo, for each month since he demitted office in 2011 up to the end of February, 2014?
- (ii) What is the total health expenses/claims met under the Act for former President, Bharrat Jagdeo and/or his dependents for each month since he demitted office in 2011 to 28th February, 2014?
- (iii) What is the cost of providing transportation (local and overseas) inclusive of cars and drivers, including air cost and road under the Act for former President, Bharrat

Jagdeo and/or his dependents for each month since he demitted office in 2011 to 28th February, 2014?

Answer not provided.

12. LEVELS OF UNEMPLOYMENT IN GUYANA

Mrs. Hughes:

- (i) Can the Hon. Minister say whether his Government or any of its Agencies compiles data on levels of unemployment in Guyana?
- (ii) Can the Hon. Minister provide the National Assembly with data showing the levels of unemployment in Guyana for each of the last ten years?
- (iii) Can the Hon. Minister inform the National Assembly whether his Government's economic policies are aimed at reducing the levels of unemployment in Guyana, and if so, what data is used to assess the impact of those policies on the level of unemployment?
- (iv) What is the monthly cost of providing security for personal and property(s) under the Act for former President, Bharrat Jagdeo since he demitted office in 2011 until 28th February, 2014?

Minister of Finance [Dr. Singh]:

- (i) Data on the levels of unemployment is compiled by the relevant Agency with appropriate periodicity.
- (ii) The most recent available data on unemployment is in relation to 2001, in which year unemployment was measured at 10.7 5.
- (iii) The Government's economic policies are aimed at creating jobs and reducing unemployment. Data used to assess the impact of these policies on the level of unemployment include macro statistics such as the overall unemployment rate in addition to sector-specific and project-specific data.

13. 2012 NATIONAL CENSUS

Mrs. Hughes:

- (i) Can the Hon. Minister say when the results of the 2012 National Census will be released?
- (ii) Can the Hon. Minister also say whether or not his Ministry or any of its officers has been given access to any of the data from the 2012 National Census?

Dr. Singh:

As stated in the 2014 Budget Speech, the Preliminary Report will be available by the end of the first half of 2014. For clarification, let me say that the Preliminary Report will contain *inter alia* the following:

- (1) The Preliminary population count, by the Geographical Area.
- (2) The Preliminary population count, by the Gender Distribution.
- (3) The Population count by Coastal/Hinterland Distribution.
- (4) The Sex Ratio (male/female ratio).
- (5) The Population Density by Region.
- (6) The number of households and average household size by region.
- (7) The current building stock and number of dwelling units by region.
- (8) The number of business places by region.
- (9) The number of occupied, vacant and closed dwelling units by region.
- (10) Regional population growth rates.

The more detailed analyses on such parameters as the age distribution of the population, ethnicity, education, educational levels, economic activities and labour force, migration patterns, fertility patterns (for females 14-54 years), marital/union status, quality-of-life indicators, internet access, to name a few, follow in the larger and final report, which is expected to be completed in December 2015 and completion of all other diverse topics and analyses including Population projections to 2040 by December 2016.

- (i) The Bureau of Statistics is the sole custodian of the database generated from this Census and all previous Censuses. Data from a census is only disseminated in

summarized and aggregated formats (e.g. Total Population by Gender, by Region, etc.) as is required by law. The answer to this question therefore is an unequivocal no.

14. ESTABLISHMENT OF THE REPARATIONS COMMITTEE OF GUYANA

Ms. Kissoon:

- (i) Could the Hon. Minister inform this National Assembly when was the Reparations Committee of Guyana formed?
- (ii) What criteria were used to select the Members of the Guyana Reparations Committee?
- (iii) Could the Hon. Minister inform this House who are the Members of Guyana's Reparation Committee?
- (iv) Could the Hon. Minister tell this House what are the Terms of Reference/Role of the Reparations Committee of Guyana?
- (v) Could the Hon. Minister say what representations have been made to the Caricom Reparations Commission with respect to claims for Africans and Amerindians in Guyana?

Dr. Anthony:

- (i) In Guyana the case for reparations has never been a distant thought. It has been a central theme since the 1970s. Guyana's African Cultural and Development Association has for years requested that President Jagdeo add his voice to their reparations campaign, and for his government to sponsor a resolution in parliament, like Jamaica (lid, calling for reparation.

He subsequently responded in kind when in 2007 while addressing a commemorative ceremony for the bicentenary of the abolition of the transatlantic trade in captive Africans he denounced as mere lip service, recent comments from the metropole condemning slavery. He demanded more from them and therefore suggested that

“Now that some members of the international community have recognised their active role in this despicable system, they need to go one step further and support reparation”

In 2011, President Jagdeo in launching the year of celebratory activities commemorating the International Year for People of African Descent restated his claim for reparations noting that

The international community was quick to recognise the Jewish holocaust, rightfully so. They must also now recognise that there was an African holocaust.

This consistency was reflected in the tone of his successor when in 2013 in launching the UNESCO Slavery Museum in Guyana one of the many events on the yearlong programme to recognize the 250 anniversary of the great 1763 Berbice Slave Revolt President Donald Ramotar ordered the establishment of a National Reparations Committee to collaborate with regional bodies to advance the case for regional reparations.

The National Reparations Committee was formed in February 2014.

(ii) The Committee was conceptualised in October 2013 using the Jamaican model that has been in place for 5 years and which has been recognized as being fairly well represented. The National Committee in Its attempt to be as inclusive as possible includes Pan African Groups, the Rastafarian Community; Historians; the Indigenous community; the Church; Youth; Gender Representatives; the Legal fraternity; an economist and social scientists.

(iii) -Mr. Eric Phillips, Chairman

-Professor Emeritus (Ret) Dr. Winston Mc Cowan. Vice Chairman

-Ras Leon Saul, Guyana Rastafarian Council

-Mr. Noah Yahsharun, Kingdom of the Manumitted Africans of Guyana
Mr. Dimitri Nicholson, Youth Challenge Guyana

-Mr. Jonathan Adams, Linden

-Mr. Royston Peters, Essequibo

-Ms. Jenny Daly, Curator, Museum of African Heritage

-Mr. Eric Welcome, Berbice Reparations Committee

-Mr. Deon Abrahams Pan African Organization, Guyana Branch

-Ms. Ethel Marjorie McCaskey, Land Rights Activist

-The University of Guyana Departments of History, Economics,
Social Sciences/Law)

-Ministry of Amerindian Affairs

-Ms. Jean La Rose, Amerindian Peoples Association

(iv) The Terms of Reference of the national Reparations Committee include:

- To Develop and Implement a National Strategy to pursue Reparations, including the following actions:
- Undertake relevant historical research;
- Undertake legal research to inform case preparation and litigation strategies;
- Coordinate national public education campaigns;
- Coordinate and/or conduct national public consultations on Reparations;
- Develop and recommend diplomatic strategies to advance the case for Reparations in multilateral institutions such as the United Nations, African Union, CELAC and with other supportive governments;
- Identify and recommend the appointment of eminent spokespersons and champions for the cause of Reparations among artists, attorneys, scholars. Indigenous peoples, Rastafarians, youth, women and politicians;
- Engage and partner with national and regional civil society organizations involved in the Reparations Movement, especially the Rastafarian and Pan Africanist formations of the Caribbean;
- Develop and recommend decisive political action at the national and regional levels through Parliamentary debates and resolutions and popular mobilization;
- Conduct consultations to develop proposals on appropriate forms of redress through

reparative programmes and projects;

- Coordinate and/or undertake the preparation of a detailed brief on the cost of the damages and current manifestations of such damage on indigenous people and their descendants and on enslaved Africans and their descendants, in the following and other relevant areas:

- ✓ Economic (including land deprivation)
- ✓ Social, Cultural and Psychological
- ✓ Spiritual and Religious
- ✓ Demographic
- ✓ Medical
- ✓ Educational

Serve as a quick response mechanism to address negative publicity on Reparations that may arise in regional or international media, and develop a pro-active media campaign to raise public awareness and canvas support.

(v) The national Reparations Committee has made no formal representations to the CARICOM Reparations Commission. The Committee is expected to present the Guyana Case for Reparations in June 2014. The Committee is therefore currently engrossed in the preparation of the Guyana case which is to:

1. Create a detailed historical narrative of Indigenous genocide and African slavery.
2. Link past discrimination to present day inequality
3. Define and prove the nature of modern day inequality, and
4. Denote policies adopted by Europe to continue this process

QUESTIONS ON NOTICE

For Oral Reply

15. LINDEN ENTERPRISE NETWORK (LEN) BOARD

Ms. Kissoon: I beg to ask the Minister of Finance question no. 15 standing on the Order Paper in my name:

- (i) What criteria were used to select the Members of the Linden Enterprise Network (LEN) Board?
- (ii) Who were the persons responsible for this selection?

Dr. Singh:

- (i) Amongst the criteria used to identify the members of the board of directors of the Linden Enterprise Network would be the following:
 - Experience and knowledge of the functioning of the precursor programmes: that would have been the Linden Economic Advancement and its subsidiary the Linden Economic Advancement Fund;
 - Knowledge of Linden and its environs, its business and investment opportunities and its economic and social cultural conditions; and
 - The service to the community, availability to be of service to the community and an attempt to identify persons who would be so available.
- (ii) The input was received by my Ministry from my Colleagues in the Cabinet. The approval of the Cabinet was sought and the appointment made, ultimately, by my Ministry.

Ms. Kissoon: Follow-up: Hon. Minister, within the selection, were there any persons from within the region on that committee?

Dr. Singh: I would not be able to say what the basis is for the Hon. Member's conclusion in that regard, but the board does include a number of persons who are Lindeners and/or who would have had a long association...

Ms. Kissoon: Mr. Minister, I was talking about the persons responsible for the selection. I am asking if there was any representative from the region. You said your Ministry and...

Dr. Singh: Well, the appointment was made by my Ministry, ultimately, but, like I said, input and recommendations were received from my Colleagues in the Cabinet, many of whom have, through their respective sectors, a close and intimate involvement and engagement in Linden.

Ms. Kissoon: Mr. Chairman, could the Hon. Minister indicate whether the committee had any meetings so far and, if they have, how many? If not, why not?

Dr. Singh: I would not be able to say how frequently they have been meeting. I will say that the board was formally and publically launched in Linden at a ceremony in which I participated, and my Colleague, Minister Edghill, was also in attendance and there was, in fact, a considerable presence from the Linden business community and, more generally, by Lindeners.

Ms. Kissoon: Could the Hon. Minister say whether the committee conducted any meeting at all? And, secondly, is the board accountable to the Government or the community of Linden?

Dr. Singh: Like I said, Mr. Chairman, I would not be able to say how many meetings the board has had since. In terms of accountability, in the strictest sense, the company is, of course, a publically owned company, meaning a company registered and whose shares are owned by the public sector of Guyana, the Government of Guyana on behalf of the people of Guyana, so the board will have an accountability relationship with the Government of Guyana, which it necessarily must. But because of the mandate of the entity, the entity, itself, will also have an accountability to the people of Linden. The objectives of the entity are rooted in its activity; the objectives of the entity are inextricably linked to the activities that it will be implementing in Linden, so I rather suspect that it is inevitable that we would have accountability to the people of Linden also. But as the board of directors of a registered company that is in the public sector, the board will also have the conventional accountability relationship with the Government.

Ms. Kissoon: This is not a question: just to say to the Hon. Minister that based on my knowledge, there has not been any meetings conducted and I would appreciate if he would investigate and have those meetings going so that the people from Region 10 could benefit from the LEN programme.

Dr. Singh: Thank you very much, Mr. Chairman. I note the Member's comments and I wish to assure the Member, the House and, more generally, the people of Linden and the people of

Guyana that it is this Government's desire that the entity should be functioning and implementing its activities in order to achieve the objectives of contributing to the economic health and wellbeing of Linden. Thank you very much for bringing that to my notice and you can be assured that I will be speaking with them.

STATEMENTS BY MINISTERS, INCLUDING POLICY STATEMENTS

Minister of Human Services and Social Security [Ms. Webster]: Mr. Speaker, the Ministry of Human Services and Social Security, through the National Commission for the Family, wishes to join with the United Nations (UN) in observing today, 15th May, as International Day of Families as declared by the UN in 1993.

For the past 20 years, the United Nations has designated the 15th May as International Day of Families. This year, the theme, which is so aptly identified, makes bold that *Families matter for the achievement of the Millennium Development Goals*.

Such a bold assertion must not be trivialised or dismissed as impracticable. Indeed, the undeniable fact remains that the family is the very foundation of every human society.

The eight Millennium Development Goals (MDGs) are:

MDG 1 - Overcoming Poverty and Hunger

MDG 2 - Universal Primary Education

MDG 3 - Gender Equality

MDG 4 - Child Mortality

MDG 5 - Maternal Health

MDG 6 - Combat HIV/AIDS and Other Diseases

MDG 7 - Environmental Sustainability

MDG 8 - Global Partnerships

The National Commission for the Family in Guyana considers the achievement of these Goals as a national imperative, but contends and concurs that their achievement is contingent on the deliberate and sustainable strengthening of the family.

The achievement of MDG 1 - Overcoming Poverty and Hunger - requires the active involvement of the family. It is the developmental and empowerment opportunities provided to local communities, which, in turn, work towards finding the solutions to their unique problems and challenges that are most effective in overcoming poverty and hunger. It is the empowerment of families through the provision of adequate resources and education that eradicates poverty and sets the socio-economical foundation for future generations.

The achievement of Universal Primary Education is one of the MDGs which Guyana can boast of having virtually achieved. The National Commission for the Family believes that the family plays a very critical role in a child's education. The accomplishment of this goal of primary education for every child depends greatly on the partnership amongst parents, families, governments and educators working together in support of the family unit and the educational development of our children. While the commitment of Government to education delivery is commendable, as evidenced by the significant budgetary allocation to the education sector, nothing is as effective in securing the educational needs of our nation's children like a supportive family environment and parental involvement in the educational wellbeing of our children. Having a stable and empowering home and family environment is critically necessary for the educational development of children.

The MDG 3, Gender Equality, also requires, for its achievement, the active involvement of the family.

“Focusing on the family helps us to achieve gender equality and women's empowerment. When we recognize the importance of family for society's survival and well-being, we gain perspective and appreciation for the gender differences and the essential, unique capacities women have as mothers and wives. Research repeatedly confirms that a married partnership of ‘complementarity’ between mothers and fathers is best for women and children. Such a union of reciprocating respect creates the healthiest and happiest marriages. Within such a marriage women are more likely to fulfill their potential as relationship builders and nurturers as wives and mothers – deeply enriching the whole family.”

—Lynn R. Walsh, WSW

MDGs 4 and 5 speak to reduction of child mortality and maternal health. The primary health care needs of children are first met within the context of the family. The National Commission for the Family advocates that stronger partnerships be built between the

family and the neonatal and postnatal health service providers, with a very strong focus on education for families. It is vital that information and education be made available to families through a family-centred approach to reducing child and newborn mortality and morbidity as well as maternal mortality.

MDG 6, the fight against HIV/AIDS, is one which requires the family to be at the very forefront for its success.

“Those who take family life seriously are our greatest allies in the fight against AIDS. Those voluntary organizations, including religious ones, who teach abstinence and family commitment, should be encouraged, not criticized. Moral commitments to family life are fundamental.”

—Terrance D. Olson, Ph.D.

The National Commission for the Family further recognises that the vital care and support required for those living with and affected by HIV/AIDS can best be provided by the family. Hence, an appeal is made to families, within which are members affected by this disease, that education be sought as to how to provide the very critical and necessary support needed by those affected.

Let me take this opportunity to commend the work of the National AIDS Programme Secretariat for the role it has played in the national drive on this issue.

The protection, preservation and sustainability of our environment also depend on the support and active involvement of the family unit. Families are responsible, largely, for the transmitting of values and morals which set the foundation for generations. Some of the basic standards which parents pass on to their children, particularly with regards to respect for the environment, have contributed to a renewed commitment by environmentally conscious individuals to advocate for and champion the cause of ecologically responsible behaviour by individuals.

It is truly an undeniable fact that the role of the family in a nation is pivotal and fundamental to a nation's health and wellbeing. Equally important, therefore, would be the contribution of the family to the achievement of the Millennium Development Goals.

Mr. Speaker, in closing, let me say that family really matters. [*Applause*]

Mr. Speaker: Thank you, Hon. Minister, and I would like to compliment both yourself and your staff for the production of this excellent magazine which, I believe, every Member has just received a copy of. Thank you very much for providing us with copies.

PUBLIC BUSINESS

GOVERNMENT'S BUSINESS

BILLS – Second and Third Readings

MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL 2014 – Bill No. 4/2014

A Bill instituted:

“AN ACT to amend the Motor Vehicles and Road Traffic Act.” [*Attorney General and Minister of Legal Affairs*]

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: This is a Bill of some importance and it seeks to address two broad issues and, indeed, two fundamental issues. Firstly, it seeks to address the difficulties which are invariably encountered in establishing criminal liability where a vehicle that is registered in the name of one person, but is in the possession of another and is being used or has been used by that other person in the commission of a criminal offence or engaged in a criminal enterprise. I have no doubt that Members of this honourable House are aware of the multiplicity of stories published in the newspapers regarding crimes being committed with the use of a motor vehicle which is subsequently abandoned and when the investigations are conducted by the police, those investigations enclose that the vehicles are registered in the name of a particular person, but has been used by another.

3.06 p.m.

The person, whose name appears on the certificate of registration, having divested himself of physical possession and use of that motor vehicle by the instrumentality of power of attorney, of a higher purchase agreement, agreements of sale and such other devices, thereby putting the investigation in a very difficult state in terms of proceeding forward...because, on most occasions, it is, indeed, the fact that the person whose name appears on the registration really has parted use and possession with that vehicle for some considerable time prior to the

impugned act which is the subject of the investigation. As a result of that technicality, many, many investigations have had to come to an abrupt end and many persons, who ordinarily would have attracted criminal liability, escape that liability and there is no basis for the police to even document in their record what role, if any, the person, who last had use and possession of the vehicle, played in relation to any criminal enterprise. This Bill seeks to address that issue and the many consequential problems that arise as a result of that lacuna, if one may call it so, in the Motor Vehicles and Road Traffic Act.

To appreciate the nature of this amendment, perhaps it is important that I consult and read, for the benefit of Members, the current definition of “owner” as it is contained in the definition section of the Motor Vehicles and Road Traffic Act. “Owner” is defined, in section 2 of the Motor Vehicles and Road Traffic Act, Chapter 51:02, as follows:

““owner” means the person in whose name a motor vehicle or trailer is registered, and, in the absence from Guyana of the registered owner, the person in actual charge or possession of the vehicle and, in relation to a vehicle which is the subject of a hiring agreement or a hire purchase agreement, the person in possession of the vehicle under that agreement;”

This definition of owner – and I will go into details at some point as I proceed – is a fictional one in law and was inserted a very long time ago. The Motor Vehicles and Road Traffic Act, the Principal Act, was enacted in 1940. Since then, legislators have created, in the Motor Vehicles and Road Traffic Act, for the purpose of defining who is an owner, a fiction by making the person whose name appears on the certificate of registration as the owner as well as a person who may have use or possession of the vehicle under a hire purchase agreement. I say “fiction” because, under the law of hire purchase, as Your Honour would appreciate, but for the benefit of the non-lawyers in this House, a hire purchase agreement does not confer title until the last instalment is paid. Property in the chattel, which is the subject of the hire, remains in the owner during the currency of the hire until the last instalment is paid and then the option to purchase is exercised. The owner, for example, who sells a motor car on hire purchase or hires a motor car by way of a hire purchase agreement to another person, remains the owner in law. The property in that chattel resides with that auto dealer, but, under the Motor Vehicles and Road Traffic Act, there is a fiction because the Motor Vehicles and Road Traffic Act confers upon the person in possession the title of ownership, at least in the Act, for the purpose of imposing liabilities under the Motor Vehicles and Road Traffic Act. I wish

to respectfully submit that this applies not only under the Motor Vehicles and Road Traffic Act, but also under several pieces of legislation.

I conclude this point by pointing to the way in which our courts, in the past, have interpreted that very section. I want to draw attention, respectfully, Sir, with your kind permission, to two cases. I am going into some depth because of reservations which have been raised by some Members on the other side and I would like to allay whatever concerns they may have. This Bill does not seek to change the civil law in relation to who owns a vehicle. Hire purchase law remains intact. The law in relation to bills of sale remains intact. The law in relation to power of attorney remains intact. But for the purpose of convenience and for the purpose of imposing criminal liabilities under the Motor Vehicles and Road Traffic Act and various pieces of legislation, they have expanded, artificially, the concept of owner. Our Motor Vehicles and Road Traffic Act was interpreted in a local case in 1950, *Boopsingh against David*, reported in 1950 *Law Report of British Guiana* at page 38. The then Justice Ward said this at page 38:

“The effect of this provision in the Motor Vehicles and Road Traffic Ordinance [at that time the Act was an ordinance] is not to establish real ownership of the vehicle, but to make the registered owner liable for any *delicts* under the Ordinance or for any wrongs for which the owner would be liable in damages.”

It is only for liability. Another case in which this issue was visited was a case that was reported under the rubric of Central Garage Limited against S.M. Hassan, 1967 *Guyana Law Report*, page 18, where Justice Van Sertima held that ownership for the purpose of registration under the Motor Vehicles and Road Traffic Act is not necessarily the same as *de facto* or *de jure* ownership for the purpose of ownership of property.

I just want to allay whatever apprehensions may exist in relation to any feeling that these sets of amendments are intended to interfere with the substantive law; it is not intended to do so. In fact, all this amendment does, in terms of expanding the definition of owner, is to include two other categories of ownership.

Recall that I read the substantive Act, and it states:

““owner” means the person in whose name a motor vehicle or trailer is registered, and, in the absence from Guyana of the registered owner, the person in actual charge or possession of the vehicle...”

When a person is outside of Guyana, he who is left in charge or in possession of that vehicle is treated as the owner under the legislation.

“...and, in relation to a vehicle which is the subject of a hiring agreement or a hire purchase agreement, the person in possession of the vehicle under that agreement;”

That is the substantive law as it now stands.

This Bill now seeks to add two additional categories. Firstly, it is in relation to a vehicle which is the subject of a bill of sale, the person in possession of the vehicle under the bill of sale and it is in relation to a motor vehicle that is the subject of a power of attorney, the donee of the power of attorney having possession of the vehicle. This expansion was done in recognition of the abundant use which is made in Guyana of bills of sale. There are certain auto sale dealers who prefer to use the commercial device of a bill of sale as opposed to a hire purchase agreement – there are different commercial instruments which carry with them different procedures and different benefits – in order to secure indebtedness whenever they sell vehicles on credit because these are credit instruments which are designed to secure indebtedness. Some persons use a bill of sale agreement, and, in the current construct of the law, as it stands in the Principal Act, “owner” is not provided for in relation to bills of sale. When, for example, a person buys a vehicle and a bill of sale is executed to secure payment for that chattel or that vehicle, under the terms of the bill of sale, possession is granted to the debtor. However, the law, in its current construct, does not make that person the owner in the same fashion that had he purchased it under a hire purchase agreement, the law would have defined him as an owner. That is all that this Bill seeks to do in relation to that.

In relation to power of attorney - of course, that is an instrument that is popularly used - both when persons are in Guyana as well as outside of Guyana, as they deem convenient, they would execute a power of attorney, in essence assigning away from them possession of the vehicle to a third person. This Bill now makes that third person an owner, as if he were the registered owner. That is simply what the Bill seeks to do. It is to curb, as I said, the issue of the police not being able to associate, for the purpose of liability, persons whose names do not appear on the registration.

Clause 3 of the Bill simply provides that when there is a change of possession, by virtue of any of the instrumentality to which I have made reference, the certificate of registration must be transferred to reflect such a change of possession within seven days. The other

amendments in relation thereto are simply consequential; the ordinary requirement to obtain compliance from the Inland Revenue Department, *et cetera*, are all outlined there for the purpose of completeness, but, significantly, it makes it an offence if this transfer is not done.

Importantly, it provides for, also, where the registered owner is out of the country and wants to effect a transfer, that can be done, but that person who is seeking to effect the transfer on behalf of the registered owner will be required, under the amendment, to provide an affidavit sworn to by the person whose name appears on the registration, if that person is out of the country. The need and the rationale for such a requirement are patent and evident and require no explanation.

The other important aspect of this part of the amendment is the fact that the Bill expressly provides that the fact that there is going to be a new name on the registration does not affect and is, indeed, subject to the terms and conditions of any agreement that may involve the vehicle or the chattel in relation to rights, powers, liabilities, *et cetera*, and, of course, it is subject to whatever conditionalities are imposed in the agreement.

This amendment cannot be used as an instrument by a person to defeat his or her contractual obligations. In other words, a person cannot hold up the certificate of registration with his or her name appearing on it as a basis to deny his or her indebtedness or to deny his or her existence as a hirer and not the owner under a hire purchase agreement. Of course, that can apply in relation to a bill of sale as well. All of the safety mechanisms have been injected into this Bill to ensure that there are no consequential difficulties when it is being implemented.

As I said at the commencement, this Bill deals with two broad issues. I just spoke on the first one. The second one is that the Bill seeks to promulgate, for the first time into the legislative architecture of Guyana, the demerit point system which, essentially, is a system of sanction against errant drivers of motor vehicles. This is a system which has been employed in many jurisdictions with reported success.

I do not think anyone can dispute that we have an unusually high incidence of vehicular accidents and vehicular collisions on our roadways. I do not think anyone can seriously dispute that we have an unusually high rate of road fatality in our country. When one looks at the figures, the fatalities range from children way up to adults and senior citizens. No category of citizens seems to be exempt from the carnage which takes place with alarming frequency on our roadways.

I distinctly recall when I sat on the Disciplined Forces Commission alongside the distinguished Leader of the Opposition that he made a significant contribution to that Commission under the rubric of public safety in which he wrote at length about the importance of creating an environment that is safe for all of our people. Creating an environment that is safe and putting public safety on our national agenda are, indeed, important and, obviously, multifaceted. Safety on our roads, obviously, is an important part of that whole regime of creating a safe environment. I recall, also, sitting on the National Commission for Law and Order, chaired by my Colleague, the Hon. Minister of Home Affairs, and, on that Committee, the major opposition party, as far as I can recall, had representation. I recall sitting a number of years opposite the late Hon. Mrs. Deborah Backer and Ms. Abiola Innis, attorney-at-law, who represented the then People's National Congress (PNC) and we had various outreaches and interactions with members of the public, physically as well as via the media, and the views have always been expressed by members of the public that the demerit point system should be introduced into our legislation. This Bill seeks to introduce that and, in my humble view, it is a measure that is long overdue.

I would respectfully like to direct attention of Members to the Schedule; it is described as the Third Schedule in the Bill, and, in this Schedule, there are three columns. Column one lists the number of offences to which this system will apply; column two identifies the various provisions of the Motor Vehicle and Road Traffic Act that are connected to the offences which are outlined in column one; and column three attributes points to each offence stated in column one. Obviously, the points are not going to be the same and they vary in terms of their number in accordance with and commensurate with the magnitude and gravity of the offence. Clearly, the number of points that one will get for driving an unregistered motor vehicle will be far lower than the number of points one will get for causing death by dangerous driving. Significant to the demerit system and the Bill itself is the Third Schedule, which outlines how the system, essentially, is intended to operate and then the Bill deals with, in writing, what the statistical information is that is contained in the Schedule, and that is all that the rest of the Bill speaks to. It is difficult to explain other than by going through it clause by clause.

I will go through clause 4:

“Where any person is convicted for any offence specified in the Third Schedule, the court shall, in addition to any punishment for that offence, order -

- (a) that the demerit points specified in the Third Schedule in relation to that offence be recorded against the driver's licence of that person; and
- (b) that, if sufficient demerit points are recorded, the person be disqualified for a period..."

This section confers upon the court an additional punitive power. Apart from the power to impose a sanction for the offence, which is in accordance with the law already, the court now has an additional punitive power to award points based upon the Third Schedule and those points have to be recorded on the driver's licence and when they reach a particular limit, there is another regime of consequences that will flow which includes, but is not limited to disqualification for a period and, perhaps, disqualification permanently, depending, of course, on how many repeated offences are committed.

It sets out the appeal process in clause 4 (3):

"Where a person appeals against a conviction for an offence relating to subsection (1), no demerit points shall be recorded in respect of that conviction unless the conviction is confirmed on appeal."

So, the demerit is only applied when there is a conviction. If an appeal is filed, the demerit system is not applied until that appeal is ventilated, presumably through the entire hierarchical structure of the Judiciary and until it reaches the apex, and then, if the conviction still stands and is not overturned in the appellate process, the demerit system will apply.

It deals with where a person is convicted of an offence specified in the Third Schedule, the clerk of the court shall inform the Licensing Authority of the conviction and then the procedure of how the conviction is going to be recorded begins so that at all the relevant agencies, including the Licensing Office, there would be a mass of consistent information regarding a driver at every relevant stage of the process. The process to which I speak relates to the court process and the court system as well as the system that allows for the grant of a driver's licence and that is the revenue authority arm of the State.

It deals with the question of ticketing offences. As Your Honour would be aware and as Members of this honourable House would be aware, we amended our law to create a regime of offences for which persons can be given a ticket and they are required to pay those tickets at a police station. The demerit system is also applicable to those types of offences, as they would have been enumerated in the Third Schedule. Whenever there is a ticketing offence

committed, the police station where the ticket is being paid, in particular, the officer in charge of the station has to go through that same recording process of recording the demerit system on the driver's licence of the person who is guilty of the offence.

The Bill also speaks to the question where there are more than one offences committed out of the same act. It is not unusual, Mr. Speaker – as a lawyer you would know – for there to be several offences committed out of a singular vehicular collision. In such a circumstance, of course, each of those offences may carry individual demerit points. The Bill states that the highest one, and not all, is to be recorded.

3.36 p.m.

Of course, there is, at the end of the Bill, how the points are accumulated. Perhaps, I should read that. Clause 33B:

“Where the demerit points accumulated by a person amounts to -

- (a) ten or more but less than sixteen, the period of disqualification from holding or obtaining a driver's license shall be six months;”

As the gravity of the offences and the points correspondingly increase, the period of disqualification becomes more serious and lengthier.

Then, of course, there is a whole regime of safety mechanisms contained in the Bill which are designed to ensure that the person, against whom this demerit system is applied, has adequate remedies in satisfaction of the rules of fairness and natural justice.

The Licensing Authority, for example, is required to, under the Bill, write to the person beforehand and give him or her an opportunity to show why he or she should not be restrained from holding a driver's licence or why he or she should not be suspended. So there is that whole system in place there. If the person aggrieved is dissatisfied with the penalty imposed, then he or she has a right to file an appeal to the High Court, seeking to appeal that decision which he or she finds so offensive.

Mr. Speaker, the other clauses of the Bill are simply consequential to the main thrust and concepts of it, which I have outlined. I believe that this is a most important Bill and it should win the support of all Members of this National Assembly. It deals with the important question of crime, but, more particularly, it corrects certain lacunas in our statutory

framework in relation to motor vehicles. I think of greater and more fundamental importance is the fact that it introduces a very proven to be effective mechanism and a mechanism that our people have called for a long time, which is the demerit point system into the legislative regime and architecture of our country. I, therefore, commend this Bill to the House.

Thank you very much. [*Applause*]

Deputy Speaker [Mr. B. Williams]: Thank you and if it pleases you, Mr. Speaker. I am surprised that the Hon. Attorney General addressed us for such a lengthy time. The situation is that the Bill has two aspects of it. The demerit system, of course, one would have to compliment, but one must recognise that it comes against a backdrop of these types of statistics. Might I respectfully refer you to the 7th January, 2014 edition of the *Kaieteur News*, captioned, “2013 road fatalities exceed previous year”. The demerit system is just another measure that is sought to address the carnage on our roads. The article states:

“According to statistics from the Guyana Police Force Traffic Headquarters, in 2013, there were 112 deaths from 103 accidents on the country’s roadways; as compared to the 110 that died as a result of 102 road accidents in 2012.

This amounted to an average of nine road deaths each month. The Ministry of Home Affairs, in a statement released last week, stated that the main causes of fatal accidents in 2013 were speeding, inattentiveness and driving under the influence of alcohol.”

It continued:

“During the past year, 10 children; 18 motorcyclists; 13 pedal cyclists; 17 drivers and 22 passengers perished on the country’s roadways.”

It is in this context that we see this attempt being made. For example, on the 23rd March, Phagwah Day, there was an incident which increased the totalities to 25, so far in 2014, at that time, compared to one more in 2013. Sir, we are supposed to have the fifth highest death rate from road accidents among countries in the Americas.

We have heard the former Minister of Health, the Hon. Member, Dr. Ramsammy, giving us serious statistics about the medical cost of dealing with the carnage on our roads. Therefore, one should welcome the demerit system and trust that it is applied in the manner which would

make it very effective. I am not dealing with that demerit system in any detail. The Hon. Member, Mr. Felix, will deal with that in more detail.

I am glad for the explanation given by the Hon. Attorney General because, on a mere visual apprehension of the Bill, I had the impression that it was trying to deal with the civil mischief. That mischief would entail where you have the registered owner being abroad, for example, and someone who is using the vehicle in Guyana gets into an accident. In terms of civil liability, if one wishes to sue the registered owner, who is abroad, one has to seek recourse to the driver. Many times, the drivers of those vehicles are straw men or straw persons, so one would really need to get to the owner of the vehicle.

He has given an explanation and I must say that it is scurious in the realm of criminal law. I must say, first of all, that there is no vicarious liability under the criminal law. Whether a person is the owner or not and he or she has incurred criminal liability under the criminal law, the law acts against him or her. In civil law, there is vicarious liability. If someone drives a vehicle, gets into an accident and you are the owner, they can sue you and the driver. That person will try to establish that the driver was acting as your servant or agent in the circumstances.

Certainly, this new provision in clause 6, which provides for any person who drives or operates a motor vehicle used in the commission of an offence... it is only that person the criminal law can attach. You do not need to have the registered owner for a criminal offence. If you are involved in driving a vehicle to facilitate a criminal offence, you are an aider or abettor or you might have [*inaudible*] and procured it, whatever position it is, they act against you, not the registered owner. That is something we need to address, clearly, in our minds. You do not need to have the owner of any vehicle to incur criminal liability in respect of such criminal offences. You act against the person directly.

In that context, I was scurious that we were going to deem the person who is a hirer under the hire purchase agreement to be the owner. As the Attorney General (AG) indicated, under the hiring agreement, you do not become the owner until you pay the last instalment. Then the Attorney General wanted to deem that hirer to be an owner. A lot of persons come into this country and they hire vehicles and leave within a week or two. A lot of people hire vehicles for short periods. What happens in a case if that person comes into the country, hires a vehicle, gets into an accident, jumps on a plane and returns to wherever he or she came from? What is the relevance of registered ownership in this context? How could you deem the hirer

to be the owner and he is abroad? That is why the civil law, as it is, is relevant. It is because you do not have to worry with the hirer; you move against the registered owner.

It is scurious. I suggest that they might need to have a relook at it. For example, the registered owner is abroad and a member of the household – the member of the household does not fall in either of these categories – picks up the car, drives it and gets into an accident. There is no deeming provision to make the man's son or a friend an owner. In that case, you still have to have recourse to the registered owner. It is something that needs to be looked at again. It has, totally, no relevance in the criminal law because, in a criminal law, the law acts against the person who was suspected of committing that criminal offence.

Mr. Speaker, with those short observations, I will like to say that A Partnership for National Unity (APNU) would not hesitate to support the aspect of the demerit system, but we would also suggest that we should fine-tune the whole question about the need for deeming persons to be the registered owner for the commission of a criminal offence. There is no vicarious liability under the criminal law.

With that, I thank you, Mr. Speaker. [*Applause*]

Mr. Ramjattan: Thank you very much, Mr. Speaker. As we grow as a nation and the various activities become more complicated and complex, we are going to see that the existing law may have difficulties in capturing that which, in a previous time, our law had captured. Indeed, with the complexities of the criminal law advanced here, through various pieces of legislation, trying to get at the culprits and, also, in relation to concepts like hire purchase coming into being, when it matters now, as regards motor vehicles, we need to modernise, advance and refine so that we can, in a sense, take care of that which was unforeseen in the early 1950s and 1960s scenario. I think that that is primarily the purpose here in expanding the ownership definition under the Motor Vehicles and Road Traffic Act so as to get at what the Hon. Attorney General indicated - those who might have invoked certain arguments to escape the application upon them. To that extent then, the purpose of this is something honourable to the extent that the Alliance For Change (AFC) will support.

I want to also say that notwithstanding the creation of this expansion or the expansion of this definition, we are going to have scenarios where our eventualities and people might very well outsmart this piece of legislation. Realising that parliamentarians are not going to be that omniscient to know every scenario which will come into being or where a smart aleck is

going to create some problems with our magistracy and even the Judiciary, we have to state that that being a possibility, the AFC is going to support it as is and hope that when those other scenarios come into being, we will then see an escape out of these provisions and that we are going to come here to amend further so that we can get at them.

We see the point made by Mr. Basil Williams, the Hon. Member. There was another point made just now by my good Friend, Mr. Nagamootoo, indicating in relation to the hirer situation, that we can have the hire purchase arrangement where they transfer the registration to the person after making an initial deposit. Then we have the scenario of having the registration certificate. That hiree then sells the property over to a third party, not having paid off a certain Mr. B.M. Soat, for example. This third party now pays off all the moneys for the car and gets the registration certificate. You have the scenario of Mr. B.M. Soat not being paid by whosoever the hirer was and he now goes and picks the vehicle up saying, "I have not been paid."

I am saying that we should have had also - and this is an observation the Attorney General could have made - an annotation in these registration certificates; this registration - just like in the transport where you put it in red markings, "Subject to a mortgage" - should have an annotation therein that will say, "Subject to a hire purchase agreement that will be cancelled in future" or at least something in red ink there so that a third party could know, be informed and will be a *bona fide* purchaser with notice. He cannot quarrel afterwards if the original proprietor, Mr. B.M. Soat, is owed lots of moneys.

It is a movement forward. On that score, we feel that it is something that ought to be supported and we are going to so support this Bill.

As regards the other aspect, this demerit system, if I may say that, is long incoming. It is an advanced system that can be useful to incentivise better driving on our roads. It is something, though late, we support. It should have been here a long time, as a lot of people have been talking about the demerit system, like in countries in the more advanced democracies. We have it now and so we are going to support it.

Thank you very much, Mr. Speaker. [*Applause*]

Mr. Seeraj: Thank you, Mr. Speaker. The amendment currently before this House is one of a number of other amendments Guyana is currently trying to push ahead with in this era of the modernisation of various pieces of legislation.

This particular Act, itself, has gone through a few amendments in the recent past, among which has to do with the issue of fees. There is also the issue of amendment to cater for the enforcement of the wearing of seatbelts. There is also the most recent one, if my recollection is correct, that has to do with breath analysis to determine the level of alcohol in one's system at the time of driving.

This further amendment, as proposed by the Hon. Attorney General, is also addressing a situation whereby a number of factors would have been contributing to the kind of fatalities that the Hon. Attorney General mentioned. He said, in particular, "the carnage on our roads". I would venture to say that given our population density, we probably have one of the highest, if not the highest, deaths on the road on a per capita basis, which makes it even more important for us to enact legislation and to make changes to existing legislations to cater for the new needs as they arise.

I fully support the amendment, like my Colleagues who spoke before me. I also want to mention that the situation that the Hon. Member, Mr. Ramjattan, raised that has to do with third party, I think the current situation with hire purchase - I have seen one recently because I had to make some representation to someone living in my street as it relates to hire purchase - is that these auto dealers are protecting themselves from this third party arrangement by really keeping the registration in their name until the last instalment is paid. I think the Hon. Attorney General made that comment. Probably, the Hon. Member, Mr. Ramjattan, was not in the House at that time.

Needless to say, there might be some instances where some people are not really up to date with these new things that are coming into place. Given the situation of these various experiences, everyone learns; some learn by the experiences of others, whilst there are also other dealers who would learn from their own experiences in correcting these small flaws. People with bad intentions will always seek to examine any given piece of legislation or agreement to see how they can wriggle out of a situation that really calls upon them to honour their obligations.

There is also a new addition to clause 6, 108A, which also seeks to address this issue of the person who was actually using the vehicle at the time an offence would have been committed or at the time a crime might have been commissioned. I think this new addition into clause 6 has moved some way from the old Act to bring about responsibility to the person who would

have been in possession of the vehicle at that particular point in time and not necessarily the owner. Of course, the legislation has it all laid out there.

I want to close by lending my support to the amendment that is being proposed: the Motor Vehicles and Road Traffic (Amendment Bill) 2014, Bill No. 4/2014. Thank you. [*Applause*]

Mr. Felix: Thank you very much, Mr. Speaker. I do not want to traverse the ground already traversed by three eminent lawyers, in dealing with the legal aspect of the registration, hire purchase and so on of motor vehicles. I have a very special relationship with the demerit point system because I have seen it emerge as a suggestion in the Guyana Police Force during the 1987-1988 period. We were part of a discussion for years. I have seen it in gestation. Mr. Speaker, my pleasure today is that it is in this Parliament I am likely to witness its figurative birth.

I have an issue which I would like to bring before this Parliament. We would like to improve, as the Hon. Attorney General and Hon. Member Mr. Basil Williams have alluded to, on the high accident rates and the high fatal accident rates in this country. That is what we want to correct. The high point of this Bill is about disqualification, either for a six-month or twelve-month period.

My question is: is it the intention that at the end of the period of disqualification, whether six or twelve months, drivers will automatically change from their errant ways to their good ways or to better driving? That is my problem with this Bill.

My suggestion, most respectfully, to the Hon. Member on the other side is that during the period of suspension, we should have remedial training. I do not see drivers being trained. We have some awful drivers on the streets. Therefore, this mechanism, which I am supporting today, I think that within that period, the Government ought to be looking for methods of training. They are all over the world and they are relatively cheap. If we could build a Marriott Hotel, we could buy a couple of the equipment to assist in training drivers.

Mr. Speaker: Maybe the driver, who is errant and is suspended, should pay for the cost of his remedial training, not that the State should pay for that.

Mr. Felix: Mr. Speaker, I am coming to that, too, because nothing goes without a cost. My position is that while we identify these drivers, it could either be a police based operation or private sector based operation, but some mechanism that is credible that at the end of the day,

errant drivers, at their own expense, pay for the cost of remedial training. At the end of that activity, it ought to be determined whether or not they are fit to return to the streets.

We, as a nation, are aiming to save our people from carnage on the roads. We, as a people, are aiming to produce better drivers. While I commend this Bill, which I was associated with in my younger days in the Guyana Police Force, I would most respectfully recommend to the Government that it introduces such training, after identifying the appropriate driving equipment, that would ensure drivers are prepared or made to change their ways through remedial training.

Mr. Speaker, with those few words, on behalf of A Partnership for National Unity, I support this Bill. Thank you. [*Applause*]

Mr. Nandlall (replying): Thank you very much, Mr. Speaker. I would like to thank all my Colleagues, starting with my Colleague on this side, the Hon. Member, Mr. Seeraj, Mr. B. Williams, Mr. Ramjattan, and, last but not least, Mr. Felix, for their support and their contributions to this debate.

I have noted the points which have been made. To Mr. Ramjattan, I would like to say that when a vehicle is sold by way of hire purchase, the hire purchase agreement is normally lodged along with the certificate. It is stapled to a master copy of the certificate of registration and kept at the Licensing Office. On many occasions, the type of case to which you have made reference is where a certificate of registration is unlawfully obtained. It happens a lot, I agree, but this Bill cannot seek to correct that. That is another set of problems.

I agree with the general sentiments expressed that law-making is a continuous exercise. I do not know of any legislator who has the vision that can see all the deficiencies that are contained. As society evolves and we evolve as a people, I am sure that more amendments will come forth.

Mr. Basil Williams raised some issues about vicarious liability and that it does not apply to criminal law; I do not agree with that concept at all. The civil law remains unchanged and the Hon. Member spoke about situations where a person uses a vehicle for a short period of time and then goes overseas. Well, this Bill does not deal with that. The registered owner will remain responsible.

4.06 p.m.

This Bill is dealing with situations where there have been genuine divestments of possession. That is what this Bill deals with. It is not dealing with a man who lends his car to a relative, who is in the country, for a temporary period. This is where instruments have actually been executed – bills of sale, powers of attorney, hire purchase agreements. This is not the lending or rental situation of a motor car. For that motor car, the rental agreement covers liabilities in an adequate way. Those types of scenarios are not applicable to this Bill.

The Hon. Member, Mr. Felix, has raised a very important point about what happens during the interregnum of the suspension and he has advanced the suggestion that there should be some type of remedial training to which the errant driver should be subject. Those are concepts with which I am in absolute agreement. While they are not contained in the legislation, I see no doubt, as a matter of policy, why the relevant authorities, be it the Guyana Police Force or the Licensing Authority cannot do that. A licence, always, is a discretionary instrument. There is no person who is absolutely entitled to a licence. A licence is always discretionary by its very nature and it is always subject to conditions imposed on the licence. Those conditions are rarely made the subject of legislation. So as a matter of policy, additional conditions can be imposed on by the Licensing Authority and be attached to the licence to achieve the important objective identified by the Hon. Member.

Mr. Speaker, with those few words, I wish to, again, thank all my Colleagues and request that the Bill be read a second time. Thank you.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

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

Mr. Speaker: Hon. Attorney General, I was really, in my mind, thinking about a known instance where there was an accident and the driver and conductor asked the passengers to come out of the minibus, saying they were taking the person they had struck to the hospital, but they dumped that person, literally, onto the parapet, in the grass, and drove off. Would

that person get a six-month suspension? That person should never be allowed to drive anything again, whether it is six or ten months. I will discuss it with you afterwards.

Hon. Members, we will take the suspension. Before doing so, I would like to remind Members of the Standing Orders Committee that there is a very brief meeting which will be held in the Speaker's Chamber, rather than in Committee Room No. 1, to discuss an amendment to the Standing Orders. Thank you.

Sitting suspended at 4.12 p.m.

Sitting resumed at 5.31 p.m.

GUYANA CRICKET ADMINISTRATION BILL 2012 – BILL NO. 31 of 2012

A Bill intituled:

“An Act to make provisions for the incorporation of autonomous national cricket administrative organisations in Guyana and to provide for other matters connected therewith.” [*Minister of Culture, Youth and Sport*]

Minister of Culture, Youth and Sport [Dr. Anthony]: Thank you, Mr. Speaker. I rise to move that the Guyana Cricket Administration Bill 2012 – Bill No. 31 of 2012, which was referred to a Special Select Committee on the 20th December, 2012, after the first reading, be read for a second time.

I guess everyone knows of the challenges that cricket faces off the field. This would have certainly affected our play on the field. In 2010, there were acute differences that developed among members of the Demerara Cricket Board, resulting in a split with both sides claiming legitimacy. This dispute was then elevated to the higher body, the Guyana Cricket Board (GCB). There were allegations of financial mismanagement, poor administration of county boards and clubs and cases of criminal misconduct.

Mr. Speaker: Were they allegations or findings of?

Dr. Anthony: Allegations.

Mr. Speaker: Please be careful – allegations.

Dr. Anthony: I said “allegations”. It was also noted that the Guyana Cricket Board had two different constitutions and, depending on the circumstances, one or the other was used. This

led to the inevitable, where the Guyana Cricket Board elections, held on the 10th July, 2011, were challenged. The Berbice and part of the Demerara Cricket Boards, wrote the West Indies Cricket Board (WICB) alleging that these elections were fraudulent and asked that an investigation be mounted, but to no avail.

One of the aggrieved Boards, the Berbice Cricket Board, initiated legal action in the High Court. The matter was determined on the 22nd August, 2011 by the Hon. Chief Justice, Mr. Ian Chang. The Hon. Chief Justice, in his written judgement, made several observations. For example, on page 3 of that judgement, he said:

“The GCB is not a board of an association, as the appellation falsely suggests, but is rather the name of an association. It is an unincorporated private organisation, which is comprised of three members. It is not a board of boards for the three county boards.”

He continued on page 4:

“As an unincorporated association, the GCB cannot sue or be sued in its own name. It is not a matter of dispute that the members of the GCB, that is the Berbice Cricket Board, the Demerara Cricket Board and the Essequibo Cricket Board, are themselves all unincorporated associations, not boards, which are also legally incapable of suing or being sued in their own names.

Since the court can give no recognition to the GCB as a legal body, it cannot recognise the election of office bearers within that association.”

Mr. Speaker, on page 5, the Chief Justice then concluded:

“It is difficult to see how these member associations could have sent delegates to vote at the GCB elections since their members were not persons, but rather, legally, non-existent entities.”

Then he went on, on page 7, to say:

“These private unincorporated umbrella associations and their unincorporated membership associations are accountable to no person or authority, except themselves, for the making and the implementation of rules or for the use of finances received, whether from donations or matches played under their auspices.

If moneys are stolen or misappropriated, neither they nor their unincorporated membership associations can be complainants in either civil or criminal proceedings, for lack of legal personality. They make their own rules and procedures for the conduct of their affairs, breach of which cannot be challenged in court for the simple reason that they and their members are legal non-entities.”

Having regard to the level of disagreement among the memberships of these unincorporated umbrella associations, this has led to severe disruptions in the administration of cricket in Guyana. As we all know, cricket is part of our national ethos. The Chief Justice then went on, on page 8, to say:

“The legislature may see it mete to intervene in order to provide a framework for the establishment of committees and sub-committees, at least at the national and regional levels, to assume the functions of the unincorporated umbrella associations and for the appointment and or election of persons to these committees and sub-committees, which as statutory bodies, will be amenable to the jurisdiction of the court.”

He went on to explain:

“Having considered that there is a Ministry in Guyana with responsibility for sports in general, the Hon. Chief Justice concluded that the State has assumed an executive responsibility for the welfare and proper administration of sports in Guyana and the premier sport being cricket.”

Then he said in his judgement, on page 9:

“The laissez-faire system in sports must therefore not be allowed to operate unchecked and unsupervised and the Executive Government has the responsibility of ensuring that the operation of such a system does not threaten the public welfare in the area of national sport. It does appear that a bitter rivalry between or among private unincorporated umbrella bodies now threatens the welfare of cricket as a national sport. The remedy must, of course, lie either in the exercise of the power of the Legislature or of the Executive.

In the present state of affairs, while a legislative structure for the administration of cricket is desirable there may be an immediate need for the Minister responsible for sports to impose his executive will in the national interest until such a time that

Parliament can provide a more permanent welfare structure. The Minister can take immediate, interim remedial action while the Legislature seeks to provide a more permanent solution.”

It is, therefore, against this backdrop of the ruling of the Hon. Chief Justice that the Government held consultations with the previously recognised, unincorporated associations and it was agreed during these meetings that there was need to establish an Interim Management Committee (IMC) to administer cricket in Guyana on a temporary basis.

A number of issues were identified for resolution. Those were:

- To draft a new constitution for the Guyana Cricket Board and its member boards with input of all stakeholders, including county boards, coaches, officials and players;
- Secondly, to draft legislation for Parliament to bestow legal personality to boards, as was recommended by the ruling of the Hon. Chief Justice;
- Thirdly, to investigate allegations of financial impropriety at the GCB by an independent auditor;
- Fourthly, to investigate allegations over unaccountable expenditures or unaccounted for expenditures on the cricket hostels at Lusignan and Anna Regina; and
- Fifthly, to create a comprehensive cricket development plan for Guyana.

On the 23rd December, 2011, the fifteen-member IMC was established: eight from the previously recognised boards, two members each from the geographic county boards - Demerara, Essequibo and Berbice - and two persons from the GCB. We also added seven other persons who were nominated. These persons were Clive Lloyd, Edward Lookhoo, Anthony Xavier, Norman McLean, Harry Parmesar and Alfred King. [Only named six]

While we had agreement with the former members of the GCB, who had previously agreed to participate, they reneged on this agreement and, on the 28th December, 2011, initiated court proceedings to challenge the decision of the Minister to establish an IMC. The matter was heard on the 29th December, 2011 by the Hon. Chief Justice and the case or the application was dismissed. Since then, there are a number of varying court cases that are going on in the courts of Guyana. I am sure when the Hon. Attorney General speaks, he will be able to

address some of those legal issues that are in the courts, which would have been dismissed over this long period of time.

Despite all of these challenges, the IMC headed by Clive Lloyd proceeded to discharge its duty. They had extensive, countrywide consultations on a proposed legislation and constitution. A draft constitution of the GCB was produced with the assistance of Mr. Miles Fitzpatrick and Mr. Edward Lookhoo. After months of further consultations with the previously recognised boards and the various drafts that were done by Mr. Stephen Fraser, all parties finally agreed that they would adopt the constitution in 2012. The new consensus constitution of the GCB is now part of the Bill and that is presented in Schedule 1.

We hope that with the passing of this new constitution, we will lay to rest this issue of the GCB having two constitutions. The one that we have now put in the first Schedule should be the only constitution which they operate by. We hope that it will resolve that problem they had previously experienced.

We then engaged Mr. Stephen Fraser to do an initial draft of the Guyana Cricket Administration Bill. This was then used to do various consultations across this country. In fact, it went through five different iterations before it was finally accepted and laid in this Parliament on the 20th December, 2012.

Prior to laying the Bill and coming here, I spoke with my Colleagues on the Opposition benches and they have asked that instead of us debating the Bill, let us send the Bill to a special select committee on cricket for additional scrutiny. We complied with that request. The Bill was then sent to the Special Select Committee on the Guyana Cricket Administration Bill. The Committee held about 20 meetings from the 20th December, 2012 to the 29th July, 2013.

During these meetings, we also went back out to the public. We asked for oral and written submissions. We received a number of submissions that came to us from the public. We discussed these submissions in our Committee meetings and we used them as recommendations to change the content of the Bill.

Throughout the process of drafting this Bill, a number of issues were under consideration and I will just name a few. The first one was: How do we make the Guyana Cricket Board and the various county boards into legal entities? The second major point we considered was: How do we ensure that the Guyana Cricket Board elections are conducted in an open, free and

transparent manner? Thirdly: How do we eliminate phantom clubs from influencing the elections? Fourthly: How do we ensure that the assets of the Guyana Cricket Board are retained by the Board and not divested to some private entity? Fifthly: How do we make the Guyana Cricket Board more accountable?

I am pleased to report that after lengthy deliberations by all the Members of the Select Committee, we are confident that we have been able to address all of these burning issues in the Report that we presented to the Parliament.

In Part II, clause 3(1), of the Bill, the Guyana Cricket Board is established as a body corporate. In Part III, clause 9(1), the Demerara Cricket Board, the Berbice Cricket Board and the Essequibo Cricket Board are established as bodies corporate. So that addresses the issue that we are now making them corporate entities. I now advise that by doing that, all these bodies will comply as being corporate entities. This then speaks to one of the fundamental issues raised by the Chief Justice's ruling.

Elections at the Guyana Cricket Board and the county Boards are being fraught with various challenges. There have been allegations of keeping on the records or on the books, fictitious clubs. When the consultations were done, this came up routinely in almost all the consultations. When we had the Special Select Committee meeting with members of the public, this was one of the issues that were raised with us. They said we needed to eliminate all these fictitious clubs so that people do not increase their delegate count and, therefore, influence the outcomes of these elections.

To prevent padding and phantom voting, the Select Committee created quite a unique innovation, that is the position of a Cricket Ombudsman. The function of the Cricket Ombudsman is outlined in clause 10(3). It states that the primary task of the Cricket Ombudsman for the duration of his appointment shall be the responsibility for the verification of the register of clubs and for performing the functions of returning officer for the elections of membership of the Guyana Cricket Board.

With the introduction of an impartial arbiter in the form of a Cricket Ombudsman, we believe that he or she will have ample time to verify the register of clubs and to ensure that the persons who are coming to vote are real and not fictitious. If he finds that there are fictitious clubs, he will remove them from the register. We felt that this measure was very important to

eliminate padding of the electoral role. The Ombudsman will also be responsible for the conduct of the elections for members of the Guyana Cricket Board.

There was also an issue: How do you appoint the first Ombudsman? I think when the Bill was originally presented, there were Members who had concerns that the Minister would have a very big role in this Bill. We have worked very hard to minimise the role of the Minister in this Bill. The only role that the Minister would have in this piece of legislation is that which is provided for in Part III, clause 17:

“The Minister, after meaningful consultation with the West Indies Cricket Board, shall be responsible for the appointment of a Cricket Ombudsman, who shall be responsible for the verification of the Register of Clubs and for performing the functions of Returning Officer for the first election of membership of the Guyana Cricket Board.”

After that first election, the role of the Minister ceases, so that fear was liquidated.

Regarding the assets of the Guyana Cricket Board, we learnt, through sworn affidavits to the courts by members of the former GCB, that the assets of the GCB were transferred, since the 29th August, 2011, to a private company, DEB Essential Organisation Inc. We are advised that the assets that were transferred include five bank accounts, a cricket hostel, two practice facilities, a media centre, the Cricket Board’s office with all its furniture, along with a bus and a quantity of cricket gears. We strongly believe that all moveable and immovable assets must remain the property of the Guyana Cricket Board. To this end, we have, in Part II, clause 5 (2), (3), (4), (5) and (6), measures to deal with this matter.

Members were also concerned with financial accountability and the presentation of timely audit reports of the Guyana Cricket Board. We have addressed these matters in Part V, clause 14 (1) and (2). After much deliberation in the Select Committee, clause 14 (3) was added and this requires the Guyana Cricket Board to lay its audited reports before the National Assembly.

5.54 p.m.

It was also reinstated that the Guyana Cricket Board must also send copies of its audited report to the National Sports Commission, as is required by the National Sports Commission

Act. We, the Members of the Committee, feel that with greater scrutiny and oversight of financial records, the allegations of financial impropriety would be reduced.

We have included the county boards' constitutions in the Schedules. The Second Schedule contains the Demerara Cricket Board's Constitution; the Third Schedule has the Berbice Cricket Board's Constitution; and the Fourth Schedule has the Essequibo Cricket Board's Constitution. The Berbice Cricket Board and the Essequibo Cricket Board's Constitutions remain unchanged. We have, however, made an amendment to the Demerara Cricket Board's Constitution, under section 14, Annual General Meeting, at sub-clauses (c) and (d). Sub-clause (c) reads:

“Each new substantive member, including the Upper Demerara Cricket Association, and any other new member formed after the commencement of this Act shall be entitled to three fixed delegates.”

Sub-clause (d) reads:

“The number of fixed delegates allotted to a new association will increase over time once the association becomes developed.”

This amendment was intended to do two things. Firstly, the Special Select Committee has allowed for the formation of an independent sub-association in the Upper Demerara area. We have now formally recognised the Upper Demerara Cricket Association. This is after members of the sub-association came to the Select Committee and made several pleadings to us.

Secondly, we have now established a process through which a new sub-association can become recognised. Therefore, we have amended the Demerara Cricket Board's Constitution to reflect these changes.

Those are some of the remarks I wanted to make, at this point, as I am sure my Colleagues would have other things to say. I thank you very much and now ask that the Bill be read a second time. *[Applause]*

Dr. Roopnarine: Mr. Speaker, I think it is safe to say that among the several contentious issues that have bedevilled us in this House, few have been as vexed and contentious as this issue of cricket administration. The quarrel and I believe the Hon. Minister has alluded to this, has frequently generated, I am afraid, more heat than light; the polemics have been

vituperative; there have been yards of column inches; they have flooded the courts with serial injunctions; and all the while, the two sides have dug in, launching their missiles at each other. One can only reflect, I think, on George Orwell's *War Minus The Shooting* which Mike Marqusee was to take as the title of his book on the first World Cup on the subcontinent in 1996.

Cricket, of course, is no stranger to bitter controversies and hostilities. In the early 1930s, students of the game would remember the bodyline wars when Douglas Jardine decided to unleash Bill Voce and the fearsome Larwood against Bradman, Ponsford and McCabe, who seemed unstoppable by other means. CLR James later was to write in *Beyond The Boundary*:

“Body-line was not an incident, it was not an accident...it was the violence and ferocity of our age expressing itself in cricket.”

Later on, there has been the game-changing Mr. Packer, and all his works - I think with Packer, we saw the opening salvo in what was to become the subjugation of the game to the greed of the financial moguls, a process that most recently culminated in the coup in the International Cricket Council (ICC), about which I will say a few words a bit later. And, of course, we had the notorious umpiring scandals in Pakistan in the 1980s. These are all controversies that rocked the game over the years. We had the ball-tampering affair. So controversies are nothing new to what we think of as the lovely game.

I found a very interesting quotation from an unlikely source. The quote is:

“The very word ‘cricket’ has become a synonym for all that is true and honest. To say ‘that is not cricket’ implies something underhand, something not in keeping with the best ideals.”

I was astonished to discover that, in fact, this remark was made by Sir Pelham Warner, the Trinidad born English cricketer, who, himself, irony of ironies, was the manager of the selection board, and the Manager of the Marylebone Cricket Club (MCC) in Australia during the bodyline series. Sad to say that as we look back at the glory days of Guyanese and West Indian cricket, of which Clem Secharan only so recently and eloquent reminded us of in the recent talks he gave here in Georgetown, and about which he has written prolifically, we can only despair at the doldrums into which the game has sunk. Not without some little experience in my younger and more nimble days on the cricket grounds of the country, I have taken to avoiding coming down Long Road because really I cannot bear the sight of the

condition of the grounds – Transport, Malteenoes, British Guiana Cricket Club (BGCC) and, most painful of all, Queens College, where, once upon a time, three cricket matches could be going on simultaneously.

Who could have imagined that the current West Indies team would not include a single Guyanese? There is not time enough at my disposal to treat, even in a preliminary way, with the many factors that account for the present decline? For those interested in situating the decline in a wider political and social context, I recommend the very recent essay by Dr. David Hinds, *“Darren Sammy’s Captaincy and the Unfinished Quest for the Return of National Purpose.”*

Mr. Hinds argues, in the tradition of CLR James, that to understand what is happening on the field, it is important to go beyond the boundary. For now, suffice it to say that the crisis of Guyanese and West Indian cricket is not unconnected with a crisis in cricket administration. In fact, recent events have shown that the crisis reaches right up to the ICC.

The Bill before us today, I believe, is an attempt, long delayed and much deferred, to grapple with our own local situation. It is my hope that what we are doing in relation to the Cricket Administration Bill will reach into the other territories where there is much to be done in relation to cricket administration. We can neither afford to luxuriate in the nostalgia of glories past nor wring our hands as we bemoan the current decline. It was out of the recognition that something had to be done, and be done urgently, that the Government stepped in, as the Hon. Minister has chronicled, - as had previously been done, if I may say so, in Pakistan and Sri Lanka, without drawing and incurring any sanctions from the ICC, - and installed and established the Interim Management Committee. The installation of the IMC, unfortunately, rather than bringing order to disorder, set alarm bells ringing even in quarters with no vested interest. The hue and cry went up that the Government was intent on seizing control of autonomous sporting bodies. This was the unpromising environment in which the Cricket Administration Bill was born.

It was for good reason that at its first substantive meeting on 14th January, 2013, the Select Committee agreed on the methodology to be applied in the consideration of the Bill. In the Report, on page 4, on the methodology and consultation process, (i) states:

“The Committee would strive to achieve consensus, hence provisions would be made for stakeholders to make written and oral submissions on the Bill.”

In fact, when I checked the Minutes of the meeting, it was a lot more explicit on what we were really looking for. The Minutes actually stated that the Committee, in considering the Bill, should strive to achieve national consensus, not just consensus, because achieving consensus among ourselves is one thing, but we were intent, given the atmosphere, given the entrenched positions being taken by factions, that we should try to achieve national consensus. Hence, provisions were made for stakeholders to make submissions. I will not go into details, but suffice it to say that the submissions we received in the Select Committee amounted to a substantial wheelbarrow full of documents.

Given all that has been said, we cannot over emphasise the attempts that were made for the Committee to be completely transparent and to have a fully consultative process. In all of its 20 meetings, notwithstanding disagreements, notwithstanding differences in emphasis, we were able to achieve consensus decisions throughout. The stakeholders, who were invited, made oral submissions and some of them came to the Committee more than once on the vexed and highly contentious issue of the Demerara Cricket Board, to which the Minister has alluded. The Committee invited both factions to come and state their positions with the hope of effecting reconciliation.

The Report is replete with reports of the meetings we held. The Minutes of the 11th Meeting and the Minutes of the 12th Meeting show that both sides came and we attempted, genuinely in the Select Committee, to find where there could be shared positions.

When it came, for instance, to the very vexed question of phantom clubs – the Minister alluded to this – the charge was being made that the elections could not be fair because clubs were just created for the purpose of elections and so on. We invited both sides in the dispute to submit to us a matrix of their clubs, both sides to put up what, for them, constituted clubs, to let us see where there was agreement and where, in effect, only one side would mention a particular club and the other side would not. The clubs are at the very base of the pyramid, the entire structure that goes up to the Guyana Cricket Board. Under the Guyana Cricket Board, there are the county boards; under the county boards are the cricket associations; and under the cricket associations are the clubs. So we had to ensure that all the way through the process, through the structure, that we had integrity throughout, and the integrity had to begin with the clubs. If you did not begin with the clubs, then you were jeopardising the integrity of the structure.

As far as that is concerned, what I want to say is this: these clubs are at the base of the structure of everything that goes all the way up to the ICC. If you do not regularise the clubs and the cricket associations and the cricket board and then have the cricket board send people to the West Indies Cricket Board - the West Indies Cricket Board is part of the ICC - you would see how important it is to ensure the stability and integrity of the system. We should ensure that the register of clubs is something on which we all agree.

On the issue that emerged with great ferocity at the time of the installation of the IMC, which was the question of Government control, the Committee was very alert to this particular red flag and worked to ensure the minimisation, the virtual elimination, of the powers of the Minister. And I have to say that the Minister, far from resisting, aided and abetted the process of his own elimination. I think that is a tribute to the way in which he ran the Select Committee.

The Minutes of the 5th Meeting give a good sense of the seriousness with which the Committee approached this matter. The matter was raised very frankly, and the Minutes reflect it, talking about what the Minister should do and so on. And the Minister is quite right; the Minister's powers in the Bill are restricted to the holding of the first election because someone was needed to trigger the elections. It could not be triggered in any other way.

When it came to the question of the Ombudsman, after the first Ombudsman is appointed in this particular process, the Bill sets out very clearly how the Ombudsman will be appointed, how he will be chosen. It has nothing to do with the Minister. The Ombudsman is chosen by a majority of the board and there are, in fact, in the Bill, conditions that say, if a particular majority is not reached, how the decision is arrived at and so on. We are very clear that part of the important work that was done in the Select Committee was to curb, minimise and virtually remove all of the powers of the Minister in the Bill.

I would refer Members in possession of the Report to look at the Minutes of the 5th Meeting and the Minutes of the 10th Meeting which deal with the elections to the Executive Committee and with the issue of the Minister. It states quite clearly, in part VII - and this has been previously quoted by the Hon. Minister - that the Minister, after meaningful consultations with the West Indies Cricket Board, shall do various things. I have to say that that was put in there with some hope that reform, which might begin here today in this Guyana Parliament, will reach up into the West Indies Cricket Board because our experience with the West Indies Cricket Board, both under the regime of Mr. Hunte and now the regime

of Mr. Cameron, has not, to my mind, been particularly encouraging. There is a real situation. You may recall that not so long ago the West Indies Cricket Board had the temerity to insult the Prime Minister of Jamaica, and the Government of Guyana had to call on the Cricket Board to apologise. She had raised the issue of the omission of Gayle from the West Indies Cricket Board and received a real slap from the WICB in relation to this.

What then are the key elements of the Bill? The Hon. Minister has outlined some of them. One, the issue of elections to the executive of the GCB: this is at the heart of the issue. There is that of the delegates of the county boards, who have, themselves, been elected by the cricket associations, which, in turn, were elected by the clubs. I have been through some of this already.

A large bone of contention, as I said, is the club itself. How do we deal with the issues of the phantom clubs? Not unrelated to the issue of delegate representation and voting rights was the creation, as has been mentioned, of a new sub-association, the Upper Demerara Cricket Association. We had some serious disagreements at the level of the Committee in relation to the Upper Demerara Cricket Association. And it was felt, listening to both sides again, that one of the ways in which we reached compromise on the Select Committee was to make any new cricket association have only three delegates at the beginning. And as they progress and develop, then the number of fixed delegates can be increased. In that way, we reached a compromise on the inclusion of the Upper Demerara Cricket Association. This matter was raised with us by Mr. Basil Butcher, who was one of the first people to appear before the Select Committee and who argued very strongly for the creation of the Upper Demerara Cricket Association.

[Mr. Scott in the Chair]

The issue of funds and assets have been dealt with. This engaged the Committee at its 10th Meeting. What we decided on was that we would not pronounce on the matter of funds and other assets until we had the opportunity to consult with stakeholders on this matter. It was only then that the decisions and rules governing assets were dealt with.

The question of the auditor was raised. The first recommendation was that this matter be dealt with by the Auditor General. Objections were raised about that. So we removed the Auditor General and talked about an auditor with the requisite qualifications being appointed. There

was always willingness on the part of the Committee to listen to dissenting views and to try to accommodate them as far as it was possible to do so.

Mr. Speaker, I want to say and as I try to argue that the present crisis of West Indian cricket and the current drought of emerging talent in Guyana have much to do with the state of cricket administration in the region and here in Guyana. My own hope is that our newly minted Cricket Administration Act will set a new standard for cricket administration throughout the region. The recent obscene seizure of the ICC by India, England and Australia, effectively establishing themselves as an all-powerful troika to manage everything and diminishing the input of people like the West Indies Cricket Board, to my mind, has been facilitated by the feebleness of the country boards, some of whose early resistance, like South Africa, crumbled the moment that they were thrown some crumbs from the high table. This drew an editorial comment from the *Stabroek News* which talked about a take-over to rule. It was a very pointed editorial that, I think, made the point that what had effectively happened at the ICC was that cricket had been completely subordinated to the financial moguls of the game. And it was no wonder that in the *Hindustan Times* of the period, there was a headline saying, "BCCI Rules the World" - this is the Indian Cricket Board. The Indian Cricket Board, the most well-endowed financially of all the boards, had, in effect, seized control of the ICC in conjunction with Australia and England and relegated everybody else to virtually no status whatsoever.

Finally, Mr. Speaker, notwithstanding the prevailing atmosphere, it is my personal hope that this House will come in time to be infected with the spirit of compromise and consensus building that distinguished the work of the Select Committee on cricket administration. In spite of a few enduring reservations on our side, APNU supports the passage of the Cricket Administration Bill. *[Applause]*

Mr. Lumumba: Mr. Speaker, I had my head down. I am surprised because I thought my Friend and Brother, Mr. Basil Williams, would be up there. This seems to be a coup.

I rise to support this Bill. Today represents a historical moment not only for cricket, but for sports as a whole, especially with the willingness of this National Assembly to work together for the betterment of Guyana.

I believe it is appropriate that I use this opportunity to urge the Opposition to use today's energy and logic to work with us so we can find common ground in the areas of the Anti-

Money Laundering and Countering the Financing of Terrorism Bill and major budget issues such as the Airport, Amaila Hydro, UG Student Loan, Speciality Hospital and other issues of national interest. The National Assembly must not be single-minded.

[Mr. Speaker in the Chair]

Mr. Speaker, I am an optimist and, thus, if we are able to come together on cricket, then certainly, for the good of this country, we can solve the other pressing issues that confront our nation - certainly, Ms. Amna. **[Ms. Ally: Basil said that somebody wrote it for you.]**

Mr. Speaker: Ms. Amna Ally...

Mr. Lumumba: Basil will never say so.

Mr. Speaker: Mr. Williams. Let us refrain from the first name references please or, as we say colloquially, full-mouth.

Mr. Lumumba: Member of Parliament Basil Williams understands my brilliance; he has been confronted with it before.

Mr. Speaker: Say Mr. Williams and Ms. Ally.

Mr. Lumumba: Mr. Speaker, cricket is not the only sport to have had administrative difficulties. Presently, we have difficulties in football, basketball and even volleyball. **[Mrs. Lawrence: Boxing.]** Boxing; all of them have their difficulties. But this activity today will prove to the wider community of Guyana that dreams and aspirations of our youths that are shattered by a few selfish, narrow-minded thinking men can be set aside by this National Assembly.

Leadership and, in particular, ethical leadership, must be the yardstick of any social organisation. It is inappropriate to put a thief, a culprit or a shady character to head any segment of society. And it is more regretful when politicians and men and women of cloth choose to represent characters who have the capacity to paint their path with birthday parties, outrageous fees and complimentary tickets in order to buy favours.

When these things occur, the good of the organisation will often derail the dreams of our young sports men and women and their future is then cast aside. The objective of the organisation then becomes a wealth scheme for the few and the role of the National Assembly can be questioned if we do not act decisively.

This awful cricket tragedy in Guyana has resulted in the undermining of the skills sector of Guyana cricket. The Hon. Dr. Roopnarine spoke well of that issue. The continuous confrontation has resulted in underdevelopment and un-development of a sport that has given so much to this nation. Outside of Chanderpaul, who is on the horizon? I ask again, outside of Chanderpaul, who is on the horizon? Do we have another Clive Lloyd? Do we have another Rohan Kanhai? Where is another Colin Croft, Basil Butcher, Alvin Kallicharran, Roy Fredericks or Joe Solomon? When was the last time a Guyanese captained the West Indies Cricket Team?

Mr. Speaker, can you remember your young days? Mr. Speaker and, in particular, Member of Parliament Scott, do you remember Demerara Cricket Club (DCC) versus Georgetown Cricket Club (GCC) and 200 persons in the pavilion and 500 persons on the road when Clive Lloyd straight drive the ball and there was the shattering sound of Ms. Glasgow's window pane? When was the last time you heard that?

6.24 p.m.

Mr. Speaker, have you heard the story of GCC and Buxton? It was told to us by Mr. George Young, famously known as "Pro", who said that 1,000 strong from the village came to see a black team beat a white team and, according to Mr. Young, when he stroked the ball, all that he saw on the glass was fire as the ball ran to the boundary and, when he rose his head, 1,000 *Buxtonians* were eight feet high.

Today, when DCC plays GCC, not even a cyclist on the road stops, not even an ice block man or a channa man can be found. The bird sits on the pitch as if nothing is happening. Two weeks ago in the pavilion at DCC, the only thing that was there was banga mary fish and channa. Why is this? This is the lack of sound leadership in cricket.

What is tragic is that the leaders are people of no substance and these are the people who are in charge. They are people who lack intellectual capacity and credentials to guide and they seem to be people who know how to distribute little benefits of the game.

We, in this National Assembly, have an obligation to put politics behind us and allow development of the game to be our obligation so that parents could hold their children and take them to GCC, Rose Hall, Lusignan or Linden on a cool, breezy afternoon and watch a proper game of cricket and, at the same time, tell their children that when they get older, they

can be cricketers and can have a career and a future that can represent a sustainable income to sustain their families.

This Bill is the most creative and sound piece of critical legislation in the Caribbean as it relates to cricket and one that will set the stage for growth and development without government interference; not only in Guyana, but this Bill can act as a standard barrier for all sports in the Caribbean.

Let us not believe the critics. There are a few Members in this National Assembly who, sometimes, behave as if they are servants to side with the few to stifle the needs of the many. It is clear that the National Assembly and the Government's role in this activity, in particular, as it relates to the organisation of the cricket board, will come to an abrupt end as soon as the national elections are held. Thus, any call of interference is nothing but hogwash and petty propaganda.

It is a dark day for the leadership of the Alliance For Change (AFC).

On behalf of the People's Progressive Party/Civic (PPP/C) Government, I am proud to support this Bill and I am honoured to support the right of Linden as it earned its right to give us more Basil Butchers. With these few humble words, I support the passing of this Bill which will certainly represent the end to cronyism and mosquito politics in cricket affairs in Guyana. Thank you. [*Applause*]

Mr. Ramjattan: Thank you very much, Mr. Speaker. Let me just state that I really did not want the level and qualities, as put forward by the Attorney General and my good Hon. Friend, Dr. Roopnarine, to have gone the low that it just went. I never wanted that because, in this Parliament, we can have point of differences and one must respect the view of one party as against another and there is absolutely no disrespect even when one faction, as it regards cricket in Guyana, will make strong points against the Bill. Having viewpoints of that nature should not deem them as you did, Hon. Member that last spoke - they are all selfish, narrow-minded men - absolutely not.

We know that, indeed, cricket, of recent times, has had tremendous divisions, probably a microcosm of the politics of the day, but that is no ground to make matters worse by directly sending the innuendo that some are even involved in bribery and criminal activities - no. The trouble with us here is that we simply do not want to be tolerant of the dissenting view. If we want to call this a democracy, we must adhere to that tolerance that enlightens us and that is

what I am going to talk about - the Bill - because, indeed, as was mentioned by the previous speakers, it has tremendous disagreements and one such disagreement is that which I am talking about here; it has to do with a fundamental issue and it is this: there must be a private sphere and a private space in which activities could be conducted that ought not to be interfered with by the politicians.

When it comes to sports and a number of other activities, not because there might be an aggravation of divisions are we then to simply dip our hands and say that at the parliamentary level, we must interfere. I am stating a position that is... This game was run since the 1930s and, probably, even before that by legal nonentities and we produced Kanhai and Lloyd. But we then got an Attorney General or just before the Hon. Member became Attorney General, who took a case to the Hon. Chief Justice and then we got a ruling that an unincorporated association is a legal nonentity. We, lawyers, know that the law of unincorporated associations is but very much a part of our jurisprudence. Then in an *obiter dictum* of the Hon. Chief Justice, he said that because he now deems... [*Interruption*] please with all due respect to the Chief Justice, just as we are criticising his budget cut case, we can also criticise this and state the position that these unincorporated associations – Guyana Cricket Board, Demerara Cricket Board, Berbice and Essequibo Cricket Boards – are still legal entities. He goes on to make the point and that point now stands and, *obiter dictum*, the executive can now utilise its position to sort out the situation.

It is nice to hear Members over there and a couple over there saying that a Bill could solve the problem, but we know what happens with Pakistani cricket. It is law governed and what is happening? Ever so often, they deal with their situation with the politicians knocking off the captain and knocking off so many people. I want to make the point that not because we are going to pass a Bill, we are going to start having Rohan Kanhais and Basil Butchers. [**Mr. Hamilton:** But nobody said so.] Good. But what also makes this Administration feel that there will be a better administration in cricket with this parliamentary Bill being approved?

We have seen, if you want to make mention of it, that we passed a lot of laws. Guyana is a country that has more laws than any other country in the Caribbean. But are they enforced? The Procurement Commission: they say it is my first love; we passed a law and we cannot get it operationalised. We are going to pass so many laws, but are we going to get them operationalised and absolutely getting the purpose being them realised? I do not think so.

This is important because I want to make the distinction that Parliament must not necessarily get into every little vacuum it sees. [Hon. Member: That is a national issue.] Even if you want to say that it is national, then the next time we see any big dispute in football, we are going to come here with a football Bill; then when we get another dispute in basketball, we are going to have a basketball Bill; and then we are going to get a big dispute with dominoes - all of them are legal nonentities - and then we will have a dominoes Bill. Do we know the implications here? [Mr. Nandlall: We have a hopscotch Bill coming.] Well, and then we are going to get, as the Attorney General said, a hopscotch Bill.

We made the point, even in the Select Committee, that this was the genesis of this Bill, that legal nonentities are governing cricket not realising in the history that created all of those great players you talked about, Hon. Member Mr. Lumumba, came out of legal nonentities. How could we have that being so when we are governed by a party which is literally going to be regarded as a legal nonentity - the PPP/C. The PPP/C is unincorporated. By virtue of that reasoning of Mr. Chang, PPP/C is a legal nonentity. So, the travesty here is inherent in what created the origins of this Bill to the extent that we have now a Bill here that is going to have problems, not necessarily solving the cricket problems, but now aggravating them.

Mr. Speaker, let me just make a point before I read this letter from the West Indies Cricket Board Inc. It is, indeed, true that at the very first meeting of the Select Committee, I had indicated that the Alliance For Change's position in the Select Committee is based on the correctness of Chief Justice Chang's decision. I have learnt that there has been, from the Caribbean Court of Justice (CCJ), a certain observation that that may very well be incorrect and I have learnt that there is, indeed, some litigation pending that was brought by the Hon. Attorney General in connection with a matter dealing with a principle of *bona vacantia*, filed in the court by the Hon. Attorney General, Mr. Anil Nandlall, claiming the assets of the GCB. It is important that we understand that since it would appear that the highest court in the land has made this observation that, in a sense, reverses the legal nonentity principle created by the Hon. Chief Justice, that then the entire thing will have to go. The genesis of it is as a result. Now, we know that there are plenty problems with cricket, but we must not now, in view of the fact that this concept of legal nonentity and a throwing out of our jurisprudence of the law of unincorporated associations, have to run here.

There is another big problem and that big problem has to do with the fact that the West Indies Cricket Board has made it quite clear to Guyana, through a letter to Mr. Sherlock Isaacs, dated 24th October, 2013, and it was also sent to me, that:

“Dear Sir,

We refer you to our letter of December 4 [the previous year] 2012 addressed to the Minister of Sports, Dr. Frank Anthony, in which we detailed our contributions to the proposed Bill 2012. We have become aware that a revised draft was tabled at the last sitting of Parliament for its second reading and was deferred to the next reading due to time constraints at the time in which it was last tabled. We have procured a copy of the said draft from the Members of the existing Guyana Cricket Board.

The West Indies Cricket Board repeats its position in our December 4, 2012 letter in relation to the dissolution of the existing GCB. While we note that progress is being made in attempting to curtail Government’s involvement in the administration of the game, we must point out that this lingering issue is critical and dissolution of the GCB and its membership cannot be supported by the West Indies Cricket Board.

The West Indies Cricket Board notes, with appreciation, that the drafters have refrained from classifying the matter as dissolution, but the West Indies Cricket Board takes the view that it is tantamount to one as the new dispensation has not, to the West Indies Cricket Board’s knowledge, been approved by the shareholders and members of the existing GCB. This matter coupled with the pending legal matters leaves us with little option but to reserve our position specifically in respect of the shares in the West Indies Cricket Board which was issued to the existing Guyana Cricket Board.”

That is an important point, but I will continue reading the letter.

“The West Indies Cricket Board also wishes to express its concern related to the proposed Constitution. The West Indies Cricket Board notes that there exists an established process for the dissolution of the GCB and the Constitution and questions why the process has not been followed. We hope nonetheless that the process you envisaged is not simply a means of imposing a process on the GCB without the required support of the members of the said GCB.

The West Indies Cricket Board further observes that the Bill sets the membership of the Demerara Cricket Board without the Demerara Cricket Board's consent. The West Indies Cricket board does not wish to mandate the constitutional requirements of its members so we will refrain from a detailed review of each clause of the document, but we note that unlike the Bill, the Constitution has been inserted with little amendment and is at variance with that already approved by the GCB membership. Our contributions in our December 4 letter are hereby repeated. Allow me, however, to commend you on your work that you have done with the process and trust that the parties will come to a final resolution soonest."

The trouble is that there has not been a final solution soonest. The whole position now is going to be a coming back of this division. That is why, today, at the very beginning, we wanted to ask for a further deferral so that we could speak to the parties, but absolutely not.

What that has are some serious implications. Just like when some people had wanted to interfere with football, there was the Confederation of North, Central American and Caribbean Association Football (CONCACAF), these big hype authorities on the game, who could have come here and, literally, thrown Guyana out, we can see that happening if the West Indies Cricket Board wants to deal with the Guyana Cricket Board, as the new dispensation will make it, and say that they are not going to deal with them. We could end up not having test matches here; we could end up not having a lot of things here. And what are we saying that we are doing for the development of cricket? Cricket is not going to be enhanced if we do not resolve, also, the difficulties we have at the West Indies Cricket Board level. We saw that happening recently with the environmental tax. Yes, we are a sovereign nation and we could pass the tax and then they went to the CCJ and the CCJ has now indicated... [*Interruption*]

Oh my goodness! They want us to believe that once Bills are made here in our National Assembly, it cannot have ramifications and implications internationally. And that is the point I am making because we live not in a regional or local world; we live in an international world, where every state is interdependent and a world that sovereignty is quickly diminishing as a result of that interdependency. I fear, on behalf of the Alliance For Change, that we are going to have a huge amount of difficulties with this Bill because of what the West Indies Cricket Board has indicated. I am hoping that we are not going to have those problems. We might very well have to go speak to them to ensure that we do not. I do not

want it to be explosive here that people are going to get political to the extent of wanting to chastise the AFC for its position. I want to come back because it is being pandered as if the bad grades that our cricketers are having, to the extent only Chanderpaul is now playing for the West Indies, have come simply because of administration. It has not, and I happen to know a little about cricket. Indeed, I was the one who initially made a statement that if we have to incorporate and make entities legal of every body from the base of the pyramid to the very top and the apex of it, we then have to make clubs, also, entities that are legal. I do not know if this Bill does that.

We have made certain boards legal. I do not know if Ghandi Youth or Demerara Cricket Club has now become an entity. [Mr. Nadir: *Inaudible*] will give you a breakdown.] I will say to you that it is important that if the base has not become legal entities, it is going to be a difficult task.

I am stating that the other point should be that our cricket status, as it is, is largely because Government has not been supporting it. We had those great cricketers because Bookers used to support all across the country. That is where Basil Butcher and Kanhai came from. What do you think? The argument is being made that this is the reason and so we have the panacea here; it is going to solve our cricket. It is not going to happen. We are going to have a huge set of problems.

I am saying that, first of all, we must allow space so that our citizenry can do activities without having... That is a fundamental point. There must be a public realm, I agree, but there must also be a private realm in which we ought not to go because once we create this precedent, we are going to have this precedent, also, going towards boxing, football and all of the other sports, and then it will be but a chasing away of that which the citizen can creatively come up with in the organisations that matter for them and their enjoyment.

I also want to state that it is important that in this Bill, in its present form, notwithstanding that I was a Member of the Select Committee, that the Interim Management Committee Constitution finds itself in this Bill rather than the original GCB Constitution. That is the one: one is the IMC Constitution which has found itself as against the original GCB, and the GCB Constitution, as we all know - it was given to us - is a big problem, even though it was refused by its membership. And, of course, this thing about the GCB's assets and the new entity... I could understand the Washington fellow. So, we have, essentially, a collision course. National consensus here will not necessarily make a Bill effectual and that is why I

want us to have the right, in the Alliance For Change, to disagree because, as I have indicated, there are lots of other problems with cricket that we, as, not necessarily parliamentarians, but active citizens in the streets and in the clubs, can help solve - not by coming here with legislation.

I want to say, more or less, with those grounds articulated there, this Bill will not be supported by the Alliance For Change.

Thank you very much. [*Applause*]

Mr. Nandlall: I want to say that the Bill that is before this House marks a very historic moment in the sporting history of our country.

Cricket has been with the people of Guyana and with the people of the Caribbean in excess of 100 years. Originally, it started as a form of recreation and relaxation and has graduated since to become a foundational part of our culture, as a people both in Guyana and the region. It has graduated to become the national sport of Guyana and the Caribbean. It used to be regarded as a gentleman's game and Dr. Roopnarine made copious references using very pleasant adjectives to describe cricket as a game. The world has radically changed and cricket has moved from being a gentleman's game to being a multibillion dollar business.

Today, as I speak, there is ongoing, in India, an Indian Premiere League that is generating millions of United States (US) dollars. Mr. Yuvraj Singh, for example, has been sold or bought, whichever terminology is appropriate, for in excess of US\$3 million just to play for a period of six weeks. With that kind of money floating around, problems, obviously, would arise in any given form of human endeavour, cricket being no exception. The problems began not with the Chief Justice's ruling - and I will deal, at length, with the Chief Justice's ruling as a result of the distortion of the Judge's pronouncements, as we just heard from Mr. Ramjattan - but it started long before that.

6.54 p.m.

There were much litigation in which we were engaged - I was engaged; Mr. Ramjattan, himself, was engaged; Mr. Williams was engaged - representing various factions, representing various organisations, purporting to represent cricket and the interest of cricket in the country. Former Chancellor Bishop played a leading role, some years ago, in resolving what was a major national dispute in the cricket structure of the country. So the problems that

are surfacing now or that have surfaced in recent times and which may have precipitated this Bill being laid in this National Assembly are not very recent vintage; they have been with cricket for a long time and every effort has been made at every level, involving various people of varying influence, trying to bring a resolution to the disputes that have dominated cricket in Guyana. I know of mediation, conciliation, arbitration and every method of reconciling disputes being employed by all manner of persons attempting to bring several parties and the several impasses to an end. They have all failed and that is why we are where we are today.

Much has been said of the Chief Justice's ruling and it is imperative, I believe, in fact, I feel compelled, that I should put on the record what the Chief Justice said because what was reported in this National Assembly as a ruling of the Chief Justice is a complete misreading and misunderstanding of the judgement. I refer to the case of Angela Hanif, in her capacity as Secretary of the Berbice Cricket Board, a constituent member of the Guyana Cricket Board and a delegate of the Berbice Cricket Board, at Annual General Meeting of the Guyana Cricket Board held on the 10th July, 2011, and Ramsey Ali and a whole host of other defendants. Action no. 319W of Demerara: In this action, certain orders were being sought against various organs of the cricket structure, and the Chief Justice refused the orders. In explaining the rationale and the reasons for the refusal of the orders which were played for by the plaintiff, the Chief Justice examined the cricketing structure and provided the reasons for his refusal. He first began at the apex - the Guyana Cricket Board - and he said this:

“The Guyana Cricket Board is not a Board of an association as the appellation falsely suggests, but it is rather the name of an association. The Guyana Cricket Board is an unincorporated private organisation which comprises of three members.”

And this is the part where reason is eluding those who have misinterpreted what the Chief Justice said:

“The three members of the Guyana Cricket Board are: the Berbice Cricket Board, the Demerara Cricket Board and the Essequibo Cricket Board, all themselves being unincorporated organisations.”

Mr. Speaker, we all know what the laws of unincorporated organisations are in this country; we all know that because we are lawyers. The law will recognise an unincorporated body provided that the members of those bodies are legally recognisable persons. So you could

have a name... My Friend quoted a name of his client, B.M. Soat. That name is represented by a man named Bashir Mohammed. So the law of unincorporated associations recognises that; it recognises that you can use a trade name, provided that there is a human being of legal persona behind that name. But when you look at the Guyana Cricket Board, the Guyana Cricket Board is, itself, an unincorporated body, but comprising, as its constituent members, three other unincorporated bodies - the Demerara Cricket Board, the Berbice Cricket Board and the Essequibo Cricket Board. If a lawyer does not understand that, well, I cannot help him. That is what the Chief Justice said is wrong with the structure and that is why none of these bodies can own property. They can sue. They can hold bank accounts wrongly.

The clubs are in a different category. Let us choose a club. Everest Cricket Club is a name but it has members that are legal persons. I see my Friend there. I do not know whether he is a member, whether he goes by trespassing or by invitation, but Everest Cricket Club has members who are human beings and are 18 years and over and, therefore, are legally recognised as persona in law. I do not know how much more I can say this. And that is what is eluding Mr. Ramjattan.

That was the gravamen of the defect identified by the Hon. Chief Justice and he said that with the importance that cricket holds for the people of Guyana - it is our national sport - millions of dollars are generated by this phenomenon called cricket. People make their livelihood out of cricket. He said that you cannot have such an important institution orbiting out of space with no legal persona and no legal personality attached to it. [Mr. Ramjattan: *inaudible* Rohan Kanhai.] That is why it created many great people, but that does not mean that if we recognise that there is a deficiency, we cannot correct it. It could have produced 200 Rohan Kanhais, but it only produced one. So that is the background behind the Chief Justice's advice that Parliament finds a suitable mechanism to clothe the structure with some form of legality and, in the interim, that the Executive which has assumed responsibility for sports, via a ministry bearing that appellation, the Minister should take charge, and it is in giving effect to the Chief Justice's decision that the Minister moved towards the installation of an IMC.

There is another matter I want to put to rest, finally; it is whether the decision of the Chief Justice has been overruled because a whole avalanche of distortion has also been peddled and we are hearing it right here in the highest assembly of the land that this decision has been appealed. This decision came out of a case that was filed by a lawyer bearing the name, as the

record suggests, Mr. Anil Nandlall. Only he can appeal this decision and I did not file any appeal to this decision. So the decision has never been appealed. But let me try to explain, for the purpose of the record and for the edification of others, what has happened. When the Minister of Culture, Youth and Sport attempted to establish and install the IMC, an approach was made to the court to quash the Minister's decision to install the IMC. That application was heard by the Hon. Chief Justice and was refused. The applicant in that matter then went to the Full Court of the High Court to make a similar application as is required by the rules of court. The Full Court comprises two judges who heard that application and refused it as well. The applicant, again, not being satisfied with the decision of the Full Court, then sought leave of the Full Court to appeal the Full Court's refusal to the Court of Appeal. We are going up the vertical structure of the Judiciary. At the Court of Appeal, it ruled that they had no jurisdiction to entertain such an application from the Full Court. The applicant then went to the Caribbean Court of Justice to question the decision of the Court of Appeal. And at the Caribbean Court of Justice, it ruled that the Court of Appeal, in law, had the jurisdiction to hear that application and sent it back to the Court of Appeal for the Court of Appeal to hear it. The Court of Appeal heard it and sent it back to the Chief Justice to hear it. The point in which they did that was purely procedural. It had absolutely nothing to do with this.

Mr. Speaker: Hon. Attorney General, you will agree - and I think the Clerk has brought this to my attention - where there are rulings of courts pertaining to our business, we ought to be seized of it. The Hon. Deputy Speaker has raised a good point: on what point.

Mr. Nandlall: I am going to tell you on what point.

Mr. Speaker: We need copies of the ruling, at least.

Mr. Nandlall: It is a written judgement.

Mr. Speaker: Agreed, but where it touches and concerns our business, I think that we should have... The Clerk has been bringing this to my attention.

Mr. Nandlall: I did not plan, Mr. Speaker, to speak on that because it is irrelevant. [**Mr. B. Williams:** You spoke extensively on it.] I spoke extensively to clear a distortion put on the record by the Hon. Member, Mr. Ramjattan, so that is not part of my presentation. Your Honour, there is a written judgement with which my Friend ought to be familiar if he knew that he was coming here to speak on it. I did not know I was coming here to speak on it.

Mr. Ramjattan: Yes, I do not like what he is... *[inaudible]* He just said that the matter went right up to the CCJ.

Mr. Speaker: Hon. Members, that is the point I am trying to make here. We have different opinions. One is going to say that the other has distorted, but the other Members are bereft of the documentation to which Members are referring to. But I believe the imputation of distortion by the Member is the point of order Mr. Ramjattan is raising. So I ask that you make any kind of imputation of any kind of... If you are deliberately distorting, it does impute that a Member of the House and a member of the Bar of high standing is not being transparent and honest.

Please proceed, Hon. Attorney General.

Mr. Nandlall: Mr. Speaker, I attempted to outline what transpired in the court and to clear the distortions which I heard. There is nothing pending in the court in relation to this Bill and all the statements that have been made in relation to that, I reject. A lot of statements have also been made about aspects of the Bill and clauses of the Bill that my Friend, the Hon. Mr. Ramjattan, found objectionable in his presentation. What is amazing, though, is that Mr. Ramjattan sat in the Committee. That Committee sat 20 times. **[Mr. Nadir:** How many times did he go?] He maintained his usual record - 50%; he attended 10 meetings, Mr. Speaker, and I have the record here. That is where he is unusually regular in appearance. So having attended 50% of the meetings, **[Interruption]** Mr. Speaker, I attended more than 90% of those meetings and I chaired some in the absence of my ministerial Colleague, the Hon. Dr. Frank Anthony. I cannot recall and the record does not reflect Mr. Ramjattan voicing any of the objections that he chronicled, in litany, a few moments ago.

So what was the purpose? It really makes me question the motive and I do not want to do that. It really makes me question what is guiding us in this Parliament. Do we have some type of extraneous, sinister interest that we are pursuing and lobbying for? At the Committee stage, one would have expected that my learned Friend would have used that as the forum, as appropriate as it is, to put his views on the table. Mr. Speaker, this Bill was gone through clause by clause and every clause of this Bill was consensual; every single clause was consensual and the record reflects that. So for my Friend to now come, *ex post facto* to the Committee, and raise countless objections and strong objections, one wants to know if he was conscious in the Committee or whether he was labouring under something. But the record reflects that this Bill came to this Assembly in a consensual way. There was, in fact, some

hiatus after the departure of the Report from the Committee to the time it was laid in the National Assembly, and there was a reason for that. Certain interventions were made and we were told that the Minutes were inaccurate. Dr. Roopnarine volunteered to look at the Minutes and to confirm that the Minutes were accurate and it confirmed with and was consistent with the verbatim records. All of that was done, Mr. Speaker, and that accounted... And then there was another period of time granted for another attempt. We are a committee and we agreed on a Bill, consensually, yet, when the Bill left the Committee, Members are still asking for time - I do not know to convince who. [Mr. Ramjattan: Did you not listen to that letter?]

Mr. Nandlall: That letter was several months ago.

Mr. Speaker: Mr. Nandlall, address the Chair and try not to get into a debate based on crosstalk.

Mr. Nandlall: That letter, Mr. Speaker, which my Friend is making a big fuss about, he had that letter in the Committee. We discussed that letter at length and we took the position that we need to address our situation in Guyana because we requested the assistance of the West Indies Cricket Board at the embryonic stage of this matter and the Board's assistance was not forthcoming and cricket was degenerating in the country. Cricket was being played in the courts and not in the fields. We took a conscious decision to stop that and we invited all the combatants in the cricket arena. We heard from them on more than one occasion in an effort to arrive at compromise. In fact, I do not believe that there is a Bill which has been tabled and passed through this Assembly, in recent time, that has received more consultative input than this Cricket Administration Bill. It went right across the country with all the combatants in the cricketing field. It then went to the Select Committee where it spent several months with all the stakeholders invited again. It received the input of the West Indies Cricket Board. Though it came out of the Committee consensually, it still had to receive the imprimatur of certain special people and that is what this Bill seeks to do - to break those special influences that persons are exhorting over the cricket of this country, strangling cricket to death as they pursue agendas that are unconnected, obviously, with cricket. That is why this Bill was not a first resort. This Bill is an extreme measure that had to have been resorted to, to deal with what was a catastrophic situation in this country. I think my Friend, the Hon. Member, Mr. Odinga Lumumba, pointed out that this Bill will be emulated; it will be emulated by other countries in the Caribbean. And my Friend is speaking about corporatising and criticising us

for trying to bring a corporate structure to the cricket structure. But that exists already in Barbados and Trinidad and Tobago. They have cricket statute. The Trinidad Cricket Board is a statutory body corporate. The Barbados Cricket Board is a statutory body corporate. We are 40 years late in doing this in Guyana. You have to do your research when you speak about these things. [Mr. Ramjattan: The GCB was incorporated. Did you not know that?

The GCB was incorporated all as an effort to thwart this Bill from coming. It first went as a friendly society and when the officer at the friendly society ordered an audit, the very people who registered it as a friendly society went to the court and quashed the registration to prevent the audit from taking place. That is what is going on here. That is why you would see Parliamentarians changing positions.

The Minister spoke about this: you had members who were elected to a body, the Guyana Cricket Board. I am not going to get involved in the allegations surrounding which they were elected, but it was alleged by the other people who felt disenfranchised that the elections were rigged. That aside, what this executive did was to incorporate a private company, making themselves shareholders, not limiting their tenure as shareholders to the extent of their tenure on the board, so they are permanent owners of this private limited company and then transferred all the assets of the Guyana Cricket Board into this company so that they now own it. So even when they depart office from the Guyana Cricket Board, they still own this company; they are shareholders of this company and they own all the assets. And that is a matter of public record. It is filed in the company registry with all the assets that my Friend, the Hon. Minister, listed. The vehicles, buildings, hostel, furniture, staple machine, cricket rollers and a whole list of schedule of properties owned by the Guyana Cricket Board were hijacked away from the Guyana Cricket Board and placed in a private company owned by these persons who are masquerading as cricket officials.

My Friend, the Hon. Mr. Ramjattan, loves to speak about accountability, loves to speak about transparency, and loves to attack corruption. In fact, we should give him an award on his fight against corruption. He finds corruption where corruption does not even exist, but, where corruption exists, he is blind and I am not going to comment more on that.

This Bill has some very important concepts. It speaks to accountability. The books are going to be audited by a reputable chartered accountant at the National Sports Commission and be a part of the public record.

The elections are going to be held by an independent officer who will sanitise the list long beforehand because of the allegation of phantom clubs and fabricated lists. The West Indies Cricket Board will have an oversight role over the elections. The Government's role is completely eliminated. Each county will have a corporate structure and separate bank accounts. They can own properties separately, *et cetera*. There is a transitional provision, as well, to ensure that all properties that are held on trust and elsewhere siphoned off will come back to the Guyana Cricket Board.

The other important thing is that whatever interest and whatever shareholding the Guyana Cricket Board has at the West Indies Cricket Board level, that will be transferred to the Guyana Cricket Board that is created by this Act, so that there is a transition for all properties and, of course, as the other speakers mentioned, we have, for the first time, Upper Demerara having a meaningful role to play at the elections of the Demerara Cricket Board and, by extension, the Guyana Cricket Board; they are no longer part of East Bank. We have created a separate category and there is a clause in the Bill that allows for other regions, other areas, to come. This Bill does not limit cricket to the traditional areas in which it is currently played. We contemplated Rupununi, Region 9, and other parts of Essequibo to join in the cricket structure at different stages.

The criticisms which have been levelled against this Bill are completely unwarranted, completely unfounded, and I say they are advanced to advance an ulterior interest. I urge this House to reject those criticisms and reject that interest. I support this Bill, absolutely.
[Applause]

Mr. Speaker: Hon. Members, we are beyond our scheduled time for our suspension, but I ask that you crave my indulgence to allow us to complete this process and then we will take the suspension. I invite the Hon. Member and mover of the motion, Dr. Frank Anthony, to respond.

Dr. Anthony (replying): Thank you, Mr. Speaker. I think the matter of this Bill has been adequately ventilated. I would just, in summing up, thank all the Members of the Special Select Committee: my Colleague, the Hon. Attorney General, Mr. Nandlall; Mr. Lumumba; and the Director of Sports, Mr. Neendkumar. All of them, in various ways, would have contributed. I think, in the Committee, they brought various perspectives to the debate, so we have enriched the Bill.

7.24 p.m.

I would also like to thank all of the Colleagues on the Opposition benches. Again, in the Select Committee, while, as Dr. Roopnarine would have emphasised, we had differences on how we perceived varying problems, I think by talking to each other and getting over the mistrust sometimes that we had of each other or of the concept we were trying to portray, we were able, once we got over that, to fashion a solution to address the problem that we were confronting.

For all of the different ills which were diagnosed earlier, we have come up with a solution of how we are going to deal with them. I am very optimistic. This Bill would not cure all of the problems we have with cricket and I do not want anybody to leave here thinking that this will happen. This has been a problem that we have had over a long period of time and we have to work together to heal cricket, as it is right now. If we do not do that, we would be destroying something that we have been known for and where we would have produced so many heroes. It is time that the differences, which this whole thing would have generated, be healed: we should try to heal that rift that is there. Without the different grouping we currently have coming together and working as one, cricket would not develop and we should not fool ourselves about that. This Bill is just the step in that direction and, again, I want to thank Dr. Roopnarine, Hon. Member Joseph Harmon, Hon. Member Basil Williams, Hon. Member Christopher Jones and, of course, Hon. Member Mr. Khemraj Ramjattan.

When one recognises the composition of this particular Committee, I think we had a lot of high profile Opposition Members and it shows that they had really strong interest in this matter. I am very grateful that we were able to sit together and fashion the solutions. I would also like to thank the staff of the Parliament Office. In organising all of the consultations and committee meetings, they did a fantastic job and I just want to put the Committee's commendation to the staff.

This has been like a four-year journey. When we started it, we never expected it to be so long. We thought we were going to intervene, fix the problem and move on, but it protracted for such a long time and I thought it would have done so much harm. But there were a lot of legal people who gave advice. We had Mr. Miles Fitzpatrick, Mr. Edward Luckhoo and Mr. Stephen Fraser, who all gave us level advice and helped us with this process. Also, when we were in the Committee stage, we had Mr. Dhurjon, who helped us come up with the right

wording to suit what we were trying to do, and I want to thank him for all that tremendous advice that he would have given us.

When we set up the IMC, we did not expect that we would have had so much animosity. We thought that by having someone of the stature of Clive Lloyd being in charge of this IMC – someone who knows cricket – going out there and talking cricket with people, we would not have generated that kind of animosity that we found along the way. I would say that Mr. Clive Lloyd did a fantastic job of going out there, talking to people, listening to people, and, along the way, we have discovered a whole set of issues that we still need to work together to fix. I hope once we get past this stage of passing this Bill, we would also get together and start seeing how we can assist the clubs because they need assistance.

All of the persons in this Committee, I can sense that they have a passion for cricket; they want to do something about it; they want to make it work. I think that, really, is quite commendable. Sports, on a whole, Mr. Speaker, is something that we should use in this country as a medium not to divide people, but to bring people together. When one goes to the Guyana National Stadium at Providence, when there is a good match there, and one sees the people who sit in the pavilion, it does not matter their colour, their religion, where they are from, or anything, once there is a good Guyanese team or West Indies team playing there, everyone is supportive and one sees unity out there and that is the power of sports. It can bring people together. Regarding this Bill, we should use that kind of power, where we can work together, work in the interest of the sport so that we can go out there and develop it.

I think, so far, we have done a wonderful job and I would like to thank APNU's Dr. Roopnarine who has indicated that they would be supporting this Bill. I am a little bit disappointed by the AFC, but, nevertheless, we respect their opinion. Thank you very much.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Mr. Chairman: This Bill, in its original form, was some 27 pages but there is a very voluminous Report which contains many, many amendments. I had been requested, previously, not to put amendments or clauses *en bloc* but to put each clause. My difficulty is I am not aware of the specific amendments to each clause and I do not know whether Dr.

Anthony is in a position to do so tonight. I see Mr. Dhurjon on his feet already. I would prefer to put it *en bloc*, as per the report of the Committee, because my sense is that there was consensus, but I am concerned that a Member may wish to have a division on a particular clause. I do not know.

Hon. Members: Put it *en bloc*.

Mr. Chairman: Very well. Hon. Members, I have evinced that the Committee is in favour of me putting the clauses *en bloc*, as reported in the Committee's Report of 7th August, 2013.

Bill considered and approved with amendments.

Assembly resumed.

Bill reported with amendments, read the third time and passed as amended.

Mr. Speaker: Hon. Members, that concludes our review, consideration and approval of the Bill. I would like to thank all Members and I join in the hearty congratulations. I know this was not an easy task and it is not, as was said before, the panacea for the woes of cricket, but, perhaps, it will be the start of a longer term solution.

Sitting suspended at 7.33 p.m.

Sitting resumed at 8.18 p.m.

PRIVATE MEMBERS' BUSINESS

BILLS – Second Reading

THE MARRIED PERSONS (PROPERTY) (AMENDMENT) BILL 2013 – BILL No. 9/2013

A Bill intituled:

“An Act to amend the Married Persons (Property) Act.” [*Mrs. Lawrence*]

Mr. Speaker: This Bill was originally tabled by the late Mrs. Deborah Jan Backer and, I believe, when it was tabled, the Government side indicated that it was more than likely going to support it. The last bit of official correspondence I got from the late Mrs. Backer was about this Bill and it was to inform me that her Colleague, Mrs. Volda Lawrence, would take up the mantle and present the Bill on her behalf. It was quite striking that she met her demise days

after. It is against that backdrop that I invite the Hon. Member, Mrs. Lawrence, to move this Bill not only on behalf of Mrs. Backer, but also on behalf of the entire Assembly, I suppose.

Mrs. Lawrence: I rise to propose an amendment to the Married Persons (Property) Act. Sir, as you rightly said, the late Deborah Backer crafted this amendment to address three issues which arise out of the Principal Act. This amendment seeks to have inserted after section 15 another section to be named section 15A which would read:

“An application may be made to a Judge under section 6A and section 15 by either of the parties of the marriage or to the union notwithstanding that their marriage has been dissolved or annulled, or their union ended, if an application is made between three years after the dissolution or annulment of the marriage or the end of the union.”

This amendment, as I said, seeks to address three issues, which I shall now present to this honourable House. By virtue of section 15, provision is made for an application to be made by either husband or wife for the determination of any question between them as to the title to or possession of property and there is no limitation period for the making of such applications under the said provision. Presently, as a result of there being no timeline under section 15, there have been many injustices by husbands against wives or *vice versa*. One party would approach the courts many years after the annulment of the marriage or union to make claim against assets, knowing that these assets were not acquired during the union, but rather evolved over time, long after the marriage or union had been dissolved. They also know that they did not assist, whatsoever, in the accumulation of these new assets. The many attorneys-at-law who sit in the House can tell many stories of such cases which take place every day in our courts. This Bill seeks to address the issue of time by proposing three years, thereby putting an end to those who use section 15 to make indiscriminate claims against others.

This brings me to the second issue. When I looked at our Caribbean Community (CARICOM) countries to see what provisions have been made in their legislation to address the issue at hand, I found that for Trinidad and Tobago, our next door neighbour, section 15 of their Married Persons Act stipulates three years. The Barbados Family Law, section 23 (3) states that an application shall not be instituted after the expiration of 12 months after the date of the making of the decree, except by leave of the court in which the proceedings are to be instituted. In both legislations, there is a timeline set. Perhaps, we may even wish to address the proposed timeline of three years to that of the statute of limitation regarding contract, which also speaks to three years for the enforcement of contracts. Instituting a timeline of

three years into our own Married Persons (Property) Act will surely address not only the injustices, but would also bring us in line with some of our sister CARICOM countries.

Thirdly, the proposed amendment not only seeks to address married parties but, rather, it addresses union, those parties who live together in what is known as common law relationships. We are a country blessed with persons of various religious beliefs, some of which endorse union relationships and the Equal Rights Act of 1990 gives legal coverage to such unions.

This proposed amendment to the Married Persons (Property) Act seeks to address the timeline, bring Guyana in line with some of its sister CARICOM countries, and provide for parties married or in union. Therefore, it gives me great pleasure to commend this Bill, No. 9 of 2013, titled “Married Persons (Property) (Amendment) Bill 2013”, to this honourable House for its consideration.

I thank you. [*Applause*]

Ms. Shadick: I rise to speak on this amendment which, on the face of it, is a very simple and innocent looking piece of legislation. What it will do, I suppose, will be tested when it comes into being.

There has previously been no period of limitation on bringing applications to the court for division of matrimonial property. Guyana’s law has no limitation. There is, however, as the law and the rules of court allow, something that applies in the procedure of applying to the court for division of matrimonial assets and that is if the application is made during the course of the marriage, then it goes by one procedure, which is somewhat faster. If, however, there is a divorce and the decree absolute is granted, then, to make an application for division of property, one has to go by a completely different procedure, which takes much longer to come to an end in a court, depending on when it is fixed for hearing and all of that. That, some people look at as a type of limitation. I must say that my Colleague and Friend, the Hon. Volda Lawrence, referred to section 16A. It is not 16A. It is 6A and 6A is a section that, I think, Guyana and Guyanese should be proud of.

I remember, growing up, I had an aunt who worked in the house and an uncle who was a tailor who worked outside of the house. He would give her money every week to run the house – wash, cook food and so on. Out of that, she used to save and she used to refer to those savings as her money and I agreed with that. If she saved it up and decided to buy

something with it, then it was hers. But I also remember my uncle saying, “How is it your money? You did not earn it. It is my money. I gave you more than you needed, so it is my money.” That was the argument I heard growing up. However, these are more enlightened times and, as a person who stands up for women’s rights, it is my belief that work, whether it is done in the house or out of the house, should have value.

Section 6A has something that I do not really agree with, but people think it is fair. It states that if one spouse gives to the other spouse moneys to run the matrimonial home and out of those moneys, there are savings and property is acquired or money is put in a bank, then those properties or moneys... I will read the actual wording of 6A. It states:

“Where any question arises as to the right of a husband or wife to money derived from any allowance made by the husband or wife for the expenses of the matrimonial home or for similar purposes, or to any property acquired out of the money, the money or property shall, in the absence of any agreement between them to the contrary, be treated as belonging to the husband and the wife in equal shares.”

That came into being in what was famously called the Equal Rights Act, Act No. 20 of 1990. Act No. 20 of 1990 also gives rights to women, a single man or a single woman living together with a single woman or a single man – ‘single’ meaning have never been married or divorced – the entitlement to property while both parties were alive, not after death. They were living together in a common law union. If such two people lived together for five years, after five years, then either party became entitled to part of the matrimonial property acquired during that union. If the party applying for the division did not work outside the home, that party was entitled to a third. If the party worked outside the home – that is earned wages or salaries – then the party was entitled to half. Section 6A does not make that mathematical distinction. It states that whatever is saved and put there is to be divided half and half or one third if a party did not work outside the home. I remember a lot of men asking how the woman could be entitled to one third when she never worked for a cent. That brought us to a very good place but the essence of that was that one was entitled to property if they separated while they were both alive, but they were not entitled to the same thing on death and that is why we had the law of intestacy and the law we passed, recently, in which a common law spouse became entitled to property on intestacy – where the other party died without leaving a will. All of that was good, but all of those things applied without any time limit being put to

them. Our matrimonial property law, people are happy with it because the Equal Rights Act, having amended the Matrimonial Property Act, seemed just and fair to almost everybody.

Now, not having ever discussed this with my Friend, the late Hon. Mrs. Deborah Backer, I do not know what her thought was and what the mischief she was trying to cure was, by introducing a limitation period during which an application for division of property could be made. I am sure she had to have very good reasons regarding some mischief that she found. I heard what my Friend, Mrs. Lawrence, has said but I am in the courts every day listening to clients all day and there are so many stories I hear. We do not have any problem with the limitation period but I would like to reserve judgement – this is personally – to see how it works because there might be some other mischief which might be created by putting this in now; we know the realities that are going on. People go on a visitor's visa to the United States and leave a husband and cannot return home but they work for money and send and property is acquired in one person's name and then there is a divorce. They come 10 years later and realise that all money which they sent to acquire all the properties is now lost to them...this three years might work against persons in such cases. In Barbados, at least they can go to the courts and ask for whatever.

That notwithstanding, a period of limitation cannot be a bad thing, so, in that vein, I will urge people to support the Bill. Even though I am not privy to all the things that Mrs. Backer was trying to cure with this, I am prepared to accept that what Mrs. Backer was trying to do was for the betterment of the vulnerable and the people who would be taken advantage of.

With those few words, I am saying that I am supporting the Bill. [*Applause*]

Mr. Nagamootoo: I would like this (Amendment) Bill to be referred to as “the Debbie Backer Bill”. The Hon. Member, Bibi Shadick, my learned Friend, said she would have liked to have known what was in the mind of the late Hon. Deborah Backer when she tabled this Amendment in this House. Permit me, Sir, to recount a small incident in the court where I had gone in connection with a matter that was going on for three years under this Act, for a woman who has now become very old and wanted her rights after she had been divorced from her husband. No legal objection had been taken until I went before a particular judge - the late Hon. Deborah Backer was present - and the judge invoked a case law.

8. 37 p.m.

It was a well-known case – I will try not to make this into a legal platform – Mr. Gahendra Narine case in which the former Chancellor of Guyana’s Judiciary and former Judge of the Caribbean Court of Justice. Mdm. Desiree Bernard, had ruled that after a divorce is pronounced and an absolute is granted, one could not go to the court for property division under the Married Persons (Property) Act. It makes sense since there is no marriage. Why would someone, after several years of a marriage having ended in divorce, want to come to the court to invoke that law, which provides for married persons to have a remedy and to have what that person believes justly belongs to her under the law?

This is a great piece of legislation for Guyana - the Married Persons (Property) Act. In particular, I believe it has been a great victory for married women. I say this from experience in the court. My Hon. Friend, Ms. Bibi Shadick, and I had a very small discussion during the break. It may or may not confirm, because people do not say these things openly, that there is a lot of skulduggery in the practice of matrimonial law involving divorces, where people claim that they have been divorced without their knowledge. I speak here as a member of the legal profession of Guyana, licensed to practise my profession in all the courts of Guyana. It is unacceptable, even if it is a perception only that this could happen. So if a divorce absolute is granted and a party to the marriage does not know that the divorce had been granted, then you cannot claim, out of lack of knowledge, that you could have fought for property rights under this law.

Why is this law so important? The section that my learned Friend read, section 16, has many things. [Ms. Shadick: Section 6.] You referred to section 6, but I believe the Hon. Member, Mrs. Volda Lawrence, referred to section 16. Section 16 states many things, but I will only localise within the ambit of this argumentation that section 16 provides a mechanism by which a married person could have justice quickly, if I may use that word, the lawyers would say “summary justice”, where you go by way of a procedure under the law itself and ask the court some questions and ask the court to determine those questions. The questions being, if I am the person: Am I entitled to a share of this property, having been married to this person? While the marriage subsists and while the marriage lasts, could I go and ask the court? If so, what would be my entitlement? I have been married for more than five years, as the case may be, I have not been working or I have been working. Section 16 states what the share should be. The Hon. Member did say what it said. It is a one-third share in one instance and half a share in the next instance. The court could even go beyond that and

determine the issue of matrimonial property and may decide if one or the other party should remain in the house - in the matrimonial property.

Here it is often misconstrued what matrimonial property is because a lot of people, particularly, I would say, the men, would say, "I had this before I came into this marriage." Matrimonial property, really and truly, is the property in which the parties reside at the time of the separation and at the time of the divorce. Some courts interpret this in favour of the party of the woman who has children and needs a shelter. The law is good, as I said, because it permits an aggrieved person, while the marriage lasts, to go to the court to a single judge. The judge looks at the facts and determines in accordance with the law, and the law only, whether the woman should have one-third or one-half of the property or even more.

I will now say also, the single judge, in a summary way, looking only at the papers, even in cases where the other side would take a lawyer...they would file some documents. We call it "affidavits" in court. If there are no conflicts and disputes arising out of the affidavits, the judge would decide, on those documents, the issue in accordance with this law. This is why this law is so important. I am trying to translate this into layman's terms.

But after the divorce is granted, it prevents a party, who would have been entitled to property, from having a trial that is summary - to have this matter speedily expedited. When the divorce is over, it must be the concern, and it was within the contemplation of this good law that you must think about the welfare of the parties outside of marriage. You would want to provide for the party outside of the marriage from or with the assets derived during the marriage.

There are many considerations that go into this because, as we know, it is universal, if I may say so. Women generally give up their careers and their pursuits of higher education to bring up children. When a marriage ends, they are the ones who are left unqualified and unmarketable - mostly so. That is where the enlightenment of this law has to be grasped. It could be otherwise. I am not trying to wage a battle against my fellow men, but I am pointing out to some truisms because we know and I do not want to go back to the genesis, even in biblical days, even in theology, that states that the woman comes from the rib of the man and, therefore, the woman belongs to the man and the woman's property belongs to the man. My good Friends, the pastors here, would very well know that the years of prejudices that have been built up in all these literatures, where the woman has nothing actually and what belongs to her, belongs to the man...

It was the evolution of time and the introduction of all these laws that have now turned the table around. I do not intend to wage a case, as I said, against men. I say this in answer to the question: “What was in the mind of the late Hon. Member, Mrs. Deborah Backer?” It must have been to correct a situation that has placed persons who are divorced, mainly women at a disadvantage. When she spoke with me, she was in the court, and in her familiar language, she had already tabled this motion. She said words to the effect: “Ah boy, we gon correct that soon.”

It was a case where I had to withdraw the case. Mr. Khemraj Ramjattan was there as well. I do not want to call the judge’s name. Mrs. Backer had tabled this, I believe. I was not too sure, at the time, but she felt that this would be remedied, where you were now forced to withdraw a case under the law that gives a person, in a marriage, certain rights. Those rights cannot be enjoyed after the divorce is pronounced. You have to go by way of a procedure, which is called the generally indorsed writ. Some call it a “ten-day writ”, but, in Guyana, it is translated into the “ten-year writ”. You do not have quick hearings by that procedure. Therefore, a person in a marriage - and here I say man or woman - after divorce, having to face this long journey towards justice, would very well expire and not enjoy the fruits of the matrimony or the properties acquired in the course of a marriage.

I think that it is a very commendable effort to correct. I do not see a mischief in the law. I do not think that the law, as was drafted and approved by this House, had contemplated a mischief. It had contemplated a remedy that could be easily accessible. It had never been the intention of the law to make it cumbersome for a party, after a divorce, to access property acquired in the course of the marriage. Therefore, the time limit of three years, which is asked by way of this amendment, would mean that after three years or within three years of the divorce being pronounced, you could take advantage of the rights and protection of this law. You can have your action intituled under the law, which will now be the Married Persons (Property) (Amendment) Act. You could go to court by the procedure that is available in the course of a marriage to have summary judgment, a quick trial of the issues and awards made under this law, as against going under the other procedure, provided for, which would take a longer time.

There are some countries that have already seen how this timeline would disadvantage divorced persons. They have made amendments in Australia. It gives 12 months after a

decree absolute had been pronounced, within which you could file an application to a single judge to arbitrate a property dispute under the Married Persons (Property) (Amendment) Act.

I do not believe I could be of any more help to this Hon. Assembly in relation to this matter, except to say that I commend the late Mrs. Deborah Backer for her foresight. I believe this is one of the pieces of legislation that would make her memory imperishable in the sense that she has advanced a worthy cause. Thank you. [*Applause*]

Mr. Nandlall: Mr. Speaker, my contribution is going to be very brief. Perhaps, it is important that we begin with what happened in the law in 1990. In 1990, the Married Persons (Property) Act was amended to do the following things: to create a level playing field for common law unions, that is, a single man living with a single woman in a common law union for five years and upward and to confer on the parties, to that union, the same entitlements which were then enjoyed only by married couples. That is the first important injection of the law made in 1990.

Secondly, it was to statutorise the way matrimonial property is to be distributed upon the dissolution of a marriage. Matrimonial property is given a wide definition and includes all and any property. Be it cash, real or immovable property, once it is acquired during the union, and from the joint efforts of the parties, it is considered to be matrimonial property. Prior to 1990, particularly in relation to common law unions, judges had to engage in this exercise of determining the contribution of each respective party, to the acquisition of the property, in the absence of a formal marriage.

As a result, rules were developed; for example, there was a rule which judges developed that if a wife or a party to the marriage worked and contributed to the marriage, then that party is entitled to 50% of all the properties of the marriage. If the party did not work, but performed functions at home, that person was entitled to one-third. That half and one-third rule was statutorised in the Married Persons (Property) Act. Those are the important changes which were made in 1990.

The third important change made in 1990 was an amendment which was done to the law to allow for parties to the marriage, either common law or legal, if the parties are going to be separated - if it is a formal marriage, if there is going to be dissolution by way of a divorce or if there is going to be a physical separation when there is no marriage, but when there is a common law union that will enjoy all the benefits of a legal marriage - then parties from

either of these two unions can approach a court in what the legislation describes as a summary way to determine what share each party will get, under the legislation, in relation to properties acquired during the union.

As I said, the legislation described it as a summary process. When one compares that to the High Court rules - because it is an application which is going to be made under a legislation - that summary process meant, was understood to mean and put into practice that summary application was to be made by originating summons.

Importantly, my learned Friend, Mr. Nagamootoo, made reference to the ruling of Justice Bernard. In the case of Gahendra Narine, which came shortly after the enactment of the 1990 amendment, it had to do with a claim for matrimonial property by a person who claimed to be out of a common law union, so the entire legislation came to be reviewed. Madam Desiree Bernard, sitting in the Full Court, ruled – and she had to interpret that section of what does summary mean in the legislation - that so long as the marriage has not been dissolved, the summary process can be used by way of originating summons. And she traced the precursor to this legislation in England. But upon conclusion of the divorce and upon the grant of the order *nisi*, then the summary procedure cannot be used.

What this amendment does is simply to extend a period where the summary process can be used to three years. That is all that it does, so that a litigant can benefit to the summary and quick process of the court, though the divorce is completed. This is all that this seeks to do. It does not mean, though, in my view, that upon the expiration of three years, you cannot approach the court by another method. I do not think that it means that. As Ms. Shadick, who raised the argument, herself, said, it is a matter for interpretation. My view is that it should be interpreted to be inclusionary and not exclusionary. In other words, it should include applications filed within a three year period by allowing those applications to benefit from a summary process, but not to exclude applications beyond three years as a statutory bar. In other words, a person can come by the protracted long writ procedure and file for division of property outside of the three-year period. All that this Bill seeks to do is to expand the period of time that the summary process can be used.

Of course, it is a piece of legislation that will bring great relief to many persons who would like to benefit from matrimonial procedures. Invariably, the casualties of these types of litigation are not the parties that are tugging and warring over the property that forms the subject of the dispute. Those who feel the burden the most during these types of litigation are

the children. The longer those litigation take, the greater the misery to which the children are subject. While these are going on, invariably, there are custody applications as well going on. Each party uses the children as brinkmanship and pawns to increase their particular legal entitlements to properties. People resort to all sorts of things when they are engaged in litigation.

This will benefit all litigants. It will benefit children. It will bring speed to the judicial system. These are the types of amendments that I welcome from my learned friends who are practising at the bar. I see that Mr. Ramjattan is no longer here, but I made a reference, in my earlier presentation, that lawmaking is a continuous exercise.

In 1990, we made fundamental changes to the law in relation to married and unmarried persons. Someone spoke about the Equal Rights Act; we had the Family and Dependents Provision Act. Then we made some changes, recently, where we conferred upon a common law wife the same rights to intestacy as a married wife is entitled to. We are now creating another facility to benefit persons who are estranged in their marital relations to allow for expedient access to the court.

It is an ongoing exercise. We can never contemplate... We are going to err; I have no doubt that some wise judge somewhere down the line may feel that we did not get it right, but, at least, we are sensitive and conscious of the difficulties that our people are facing, both in and outside of the court system. If legislation is a method and a mechanism that we can utilise to bring relief to our people, then we should not shirk from that responsibility.

I want to congratulate Mrs. Volda Lawrence for being so bold to seek to stand in the shoes of our illustrious late Colleague and to present what, obviously, would have been arguments of some difficulty for her, but she did so and she did so admirably.

Mr. Speaker, I have no difficulty in expressing my support for this Bill. Thank you very much. *[Applause]*

Mrs. Lawrence (replying): Mr. Speaker, we have heard from the persons who would use this piece of legislation and use it to represent those persons who need good representation. I believe that this evening our late Colleague is smiling from wherever she is. So, I would like to thank all the Members who spoke to this Amendment and ask that the Married Persons (Property) (Amendment) Bill 2013, be read a second time. Thank you.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

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

BROADCASTING (AMENDMENT) BILL 2013 - BILL NO. 19/2013

A Bill intituled:

“An Act to amend the Broadcasting Act.” [*Lt. Col. (Ret’d) Harmon*]

Lt. Col (Ret’d) Harmon: Mr. Speaker, I rise to propose that the consideration of the Broadcasting (Amendment) Bill 2013, be deferred. This, I believe, has to do with the fact that on the last occasion when this Bill was tabled, I had undertaken to have some consultations with Hon. Member Ms. Gail Teixeira to see if there are areas where we can actually have consensus. We have started that discussion, but we have not concluded it. In the circumstance, I would wish to ask that we postpone this.

Mr. Speaker: Very well, Hon. Member. Thank you. This is postponed to a date to be announced.

Bill deferred.

MOTIONS

BERBICE RIVER BRIDGE

WHEREAS the Berbice Bridge was built with significant investment by the Government of Guyana on behalf of the People of Guyana;

AND WHEREAS the Berbice Bridge is owned and operated by the Berbice Bridge Company Inc (BBCI), a company incorporated under the provisions of the Companies Act No. 29 of 1991 of the Laws of Guyana;

AND WHEREAS the Government of Guyana through National Industrial & Commercial Investments Ltd (NICIL) is a preferential shareholder and a member of the Board of Directors of the Berbice Bridge Company Inc.;

AND WHEREAS since it's commissioning in December, 2008 the Berbice Bridge has facilitated crossing of over 650,000 vehicles (of the Berbice River) resulting in an annual revenue of over \$1,500,000,000 (one billion five hundred million dollars) for the Berbice Bridge Company Inc.;

AND WHEREAS the toll for vehicles crossing the Berbice Bridge presently is:

Category	Present Rates
Motor Cars	\$2200
Mini Buses	\$2200
Motor Cycles	\$200
Four-wheel drive/ SUVs/Pick-ups	\$4000
SUVs and pick-ups pulling a boat for recreational activities	\$4000
Four-wheel drives, SUVs and pick-ups pulling horse buggies	\$4000
Four-wheel drives/ SUVs / pick-ups transporting BBQ Grills, coolers	\$4000
50-seater bus	\$12,800
30-seater bus	\$7,200
Large Trucks	\$13,600

AND WHEREAS the toll for crossing the Berbice River is exceedingly high when compared to a similar crossing of the Demerara River by the Demerara Harbour Bridge and represents a significant devolution of wealth from the people of Berbice in particular to the benefit of a private company;

AND WHEREAS in recognition that the toll was too high the Berbice Bridge Company Inc. for a specific period over August 1, 2013 to August 12, 2013 reduced the toll for the crossing of the Berbice Bridge to the following rates:

Category	Current toll charges/freight charges	Reduced toll charges for the month of August/no freight charge
Four-wheel drive/SUVs/Pick-ups	G\$4000	G\$3000
SUVs/Pick-ups pulling a boat for recreational activities	G\$4000	G\$3000 and no freight charge for tourism and pleasure activity
Four-wheel drive/SUVs/Pick-ups pulling horse buggies	G\$4000	G\$3000 and no freight charge
Four-wheel drive/SUVs/Pick-ups transporting BBQ grills, coolers	G\$4000	G\$3000 and no freight charge for tourism and pleasure activity
50-seater buses	G\$12,800	G\$9,000
30-seater buses	G\$7,200	G\$6,000
Large trucks	G\$13,600	G\$10,000

AND WHEREAS section 3 and section 4 of the Berbice River Bridge Act 2006 - No. 3 of 2006 provides for the Minister responsible for public works to make “Toll Orders”,

BE IT RESOLVED:

That the National Assembly calls on the Government of Guyana to instruct its representative on the Board of Directors of the Berbice Bridge Company Inc. to demand an immediate reduction in tolls charged by the Berbice Bridge Company Inc. for crossing the Berbice River; and

BE IT FURTHER RESOLVED:

That the National Assembly calls upon the Minister responsible for Public Works to make the following Toll Order:

Category	Present Rates	Proposed Rates
Motor Cars	\$2,200	\$1,000
Mini Buses	\$2,200	\$1,000
Motor Cycles	\$200	Free
Four-wheel drive/ SUVs/Pick-ups	\$4,000	\$3,000
SUVs and pick-ups pulling a boat for recreational activities	\$4,000	\$3,000
Four-wheel drives, SUVs and pick-ups pulling horse buggies	\$4,000	\$3,000
Four-wheel drives/ SUVs / pick-ups transporting BBQ Grills, coolers	\$4,000	\$3,000
50-seater bus	\$12,800	\$9,000
30-seater bus	\$7,200	\$6,000
Large Trucks	\$13,600	\$10,000

[*Lt. Col. (Ret'd) Harmon*]

9.07. p.m.

Lt. Col. (Ret'd) Harmon: Thank you very much, Mr. Speaker.

I rise to present to this National Assembly a motion standing in my name and seconded by the Hon. Member, Ms. Amna Ally, titled the “Berbice River Bridge” motion. The people of Guyana, especially the people of Berbice, welcomed the construction of the Berbice River Bridge. It is an asset to Guyana. No one can deny that. Its intangible value is manifested in

the reality that many Berbicians can now travel from Corriverton to the Cheddi Jagan International Airport (CJIA) in about three hours, as compared to the whole day exercise which was previously endured when the Transport and Harbours Department Berbice Ferry was their only choice.

We recall the inconvenience, serious loss of man hours and loss of the value of goods and services when the Berbice River Ferry, for one reason or the other, could not operate on time. We recall the tempers which flared when persons waiting in line had to give way to persons with special passes - priority passes. So we all welcomed the improvement in public service, which will contribute to the social and economic growth in Berbice and the rest of Guyana.

This motion will not focus on the engineering challenges, increased cost in construction, social issues related to the choice of the Bridge site and the impact which that decision had on the final cost of the Bridge to taxpayers. We recognise, as a reality, that the Berbice River Bridge is where it is and we look to the future. In this regard, the full motion reads as follows:

“WHEREAS the Berbice Bridge was built with significant investment by the Government of Guyana on behalf of the People of Guyana;

AND WHEREAS the Berbice Bridge is owned and operated by the Berbice Bridge Company Inc. (BBCI), a company incorporated under the provisions of the Companies Act No. 29 of 1991 of the Laws of Guyana;

AND WHEREAS the Government of Guyana through National Industrial & Commercial Investments Ltd (NICIL) is a preferential shareholder and a member of the Board of Directors of the Berbice Bridge Company Inc.;

AND WHEREAS since it’s commissioning in December, 2008 the Berbice Bridge has facilitated crossing of over 650 thousand vehicles resulting in annual revenue of over \$1.5 billion for the Berbice Bridge Company Inc.;

AND WHEREAS the toll for vehicles crossing the Berbice Bridge presently is:

Category	Present Rates
Motor Cars	\$2200
Mini- Buses	\$2200

Motor Cycles	\$200
Four-wheel drive/ SUVs/Pick-ups	\$4000
SUVs and pick-ups pulling a boat for recreational activities	\$4000
Four-wheel drives, SUVs and pick-ups pulling horse buggies	\$4000
Four-wheel drives/ SUVs / pick-ups transporting BBQ Grills, coolers	\$4000
50-seater bus	\$12,800
30-seater bus	\$7,200
Large Trucks	\$13,600

AND WHEREAS the toll for crossing the Berbice River is exceedingly high when we compare it to a similar crossing of the Demerara River by the Demerara Harbour Bridge and which in fact represents a significant devolution of wealth from the people of Berbice in particular to the benefit of a private company;

AND WHEREAS in recognition that the toll was too high the Berbice Bridge Company Inc. for a specific period over August 1, 2013 to August 12, 2013 reduced the toll for the crossing of the Berbice Bridge to the following rates:”

Mr. Speaker, this had to do with the timing of the PPP/C Congress in Berbice. There was a reduction. [Mr. Neendkumar: That is not true.] You can say what you want. You prove otherwise.

“Category	Current toll charges/freight charges	Reduced toll charges for the month of August/no freight charge
Four-wheel drive/SUVs/Pick-ups	G\$4000	G\$3000

SUVs/Pick-ups pulling a boat for recreational activities	G\$4000	G\$3000 and no freight charge for tourism and pleasure activity
Four-wheel drive/SUVs/Pick-ups pulling horse buggies	G\$4000	G\$3000 and no freight charge
Four-wheel drive/SUVs/Pick-ups transporting BBQ grills, coolers	G\$4000	G\$3000 and no freight charge for tourism and pleasure activity
50-seater buses	G\$12,800	G\$9,000
30-seater buses	G\$7,200	G\$6,000
Large trucks	G\$13,600	G\$10,000”

Mr. Speaker, the motion goes on:

“AND WHEREAS Section 3 and Section 4 of the Berbice River Bridge Act 2006 - No. 3 of 2006 provides for the Minister responsible for public works to make toll orders,

BE IT RESOLVED:

That the National Assembly calls on the Government of Guyana...”

Through the Prime Minister here, the Leader of Government business in the House.

“...to instruct its representative on the Board of Directors of the Berbice Bridge Company Inc. to demand an immediate reduction in tolls charged by the Berbice Bridge Company Inc. for the crossing the Berbice River; in the following manner. Alternatively,

BE IT FURTHER RESOLVED:

That the National Assembly calls upon the Minister responsible for Public Works to make the following Toll Order:

Category	Present Rates	Proposed Rates
Motor Cars	\$2,200	\$1,000
Mini Buses	\$2,200	\$1,000
Motor Cycles	\$200	Free
Four-wheel drive/ SUVs/Pick-ups	\$4,000	\$3,000
SUVs and pick-ups pulling a boat for recreational activities	\$4,000	\$3,000
Four-wheel drives, SUVs and pick-ups pulling horse buggies	\$4,000	\$3,000
Four-wheel drives/ SUVs / pick-ups transporting BBQ Grills, coolers	\$4,000	\$3,000
50-seater bus	\$12,800	\$9,000
30-seater bus	\$7,200	\$6,000
Large Trucks	\$13,600	\$10,000 ⁷⁷

The Berbice River Bridge is a floating pontoon bridge. The cost to build was roughly in the vicinity of US\$40 million. Its lifespan, from the specifications I read, is for about 30 years. It links East Berbice to West Berbice. It was opened on the 23rd December, 2008. It is approximately 1,507 metres long.

The Berbice Bridge Company Inc. was incorporated under the Companies Act, 1991, on Tuesday, 31st January, 2006. The then President Jagdeo assented to the Berbice River Bridge Act, making provisions for a privately financed Berbice River Bridge and conferring regulatory authority over the company to the Minister of Public Works. In the exercise of that power, the Government signed a Concession Agreement with the Berbice Bridge Company Inc. for the construction and operation of the Bridge. By Order No. 42 of 2008, the

Government granted to BBCI, that is the Berbice Bridge Company Inc., among other things, a 21-year concession, beginning on 12th June, 2006 and expiring on 11th June, 2027.

Mr. Speaker, so you see this Bridge is for 30 years and the concession is for 21 years. So, we only have a nine-year period. The concession, which is referred to, contains what is euphemistically called a “Brassington clause”. This clause binds all persons engaged in the design, construction, development, operation and maintenance of the Bridge to deal with all information in the Concession Agreement as secret and confidential. What we are talking about here is a particular environment, particularly at that time, where things were done in a certain manner.

The financial details, as provided by the annual returns of the Berbice Bridge Company Inc. at the end of 2011, set the value of the Bridge at \$8.783 million. It says that the main financiers are: the investors in ordinary share capital of \$400 million, preference shares of \$950 million and various loans amounting to \$7.275 million. The holders of the ordinary shares are the National Insurance Scheme (NIS), the New Guyana Pharmaceutical Corporation (GPC) Inc., Queens Atlantic and Secure International Finance Company, each having \$80 million, and Hand-in-Hand and Demerara Contractors, each holding \$40 million.

Mr. Speaker, as I understand it, the interest of the Government is represented by NICIL, as holders of the \$950 million in preference shares and the single special share. Whether this \$950 million in shares has been transferred to the NIS is unclear because that is a little murky matter.

In addition to the preference shares and the special shares in the BBCI and the Concession Agreement which is very secret, the Berbice River Bridge Act, Part V or Part VI exempts the company from income, corporation, property and withholding taxes. Chartered Accountant Mr. Christopher Ram, in reviewing this article in *Kaieteur News*, calls it an “absurdity”. But this Act goes on further to exempt income, dividends and interest from taxes.

The Guyanese public is also advised that a decision was taken to postpone the payment of dividends to the National Insurance Scheme. This matter we still have to get some clarity on, but we are only provided these details of the financial arrangements when the company files its annual returns with the Registrar of Companies or the BBCI chooses to make a statement. So, by the protection afforded in the Concession Agreement and the Berbice River Bridge Act, the people of Guyana are shut out from information as it relates to the Bridge.

From even a cursory observation of the financial state of affairs, we are seeing an uneven burden heaped on the ordinary Guyanese people, in the exemption from taxes in the foregoing of dividends to NIS, which is now in a serious financial crisis and the terms and conditions of the secrecy in the Concession Agreement. We are forced to ask the question, at what cost does the improvements brought by the Berbice River Bridge come to the toll payer and the taxpayer? Is it not too much to pay for this improvement in public service?

APNU has questioned the transparency of many projects undertaken by this PPP/C Administration. This secrecy clause, euphemistically called the “Brassington clause”, underscores the emphasis of the Government of financial rewards over public good and the nation’s development.

This is the formula announced by President Jagdeo when he was talking about how the toll is calculated. The toll is calculated on the basis of a formula intended to secure sufficient revenue to cover all operating and maintenance costs, the return on investment and repayment on financing - nothing about public interest and nothing about public good, only money in that formula.

If we were to make a comparison of the tolls charged for the Berbice River Bridge with similar bridges in the region, this is what our findings would be. I will tell the Berbicians this. I read earlier that the prices they pay to cross a motor car, minibus and motorcycle over the Bridge - I will just use those three examples because those are small people transportation... Over the Demerara Harbour Bridge; it is \$100 for motorcars and \$200 for mini-buses. **[Mr. Nagamootoo:** That is the Burnham Bridge.] And that is the Burnham Bridge.

Let us go a little beyond. My Friends from Region 3 are very excited. **[Interruption]**

Mr. Speaker: Let things settle down a bit. Lt Col. (Ret’d) Harmon, you seem to have dredged up something between Mr. Neendkumar and Mr. Nagamootoo.

Lt. Col. (Ret’d) Harmon: Mr. Speaker, it is a Region 3 thing.

Mr. Speaker: I do not think it is a Region 3 thing. I think it is a Burnham thing.

Lt. Col. (Ret’d) Harmon: Mr. Speaker, now that we have some silence... **[Interruption]**

Mr. Speaker: We may have to ask the Clerk to set up a little boxing ring some part of the building so that people could go and get their stresses out from time to time. Members, let us settle down so the debate can proceed.

Lt. Col. (Ret'd) Harmon: Mr. Speaker, let us just look at the countries around us and the bridges. If we look at Suriname, there is a Jules Wijdenbosch Bridge over the Suriname River. That Bridge is about the same size - 1,504 metres - a massive Bridge that links the city of Paramaribo and Meerzorg in the Commewijne District. Mr. Speaker, do you know what the toll is to cross that Bridge? Zero. Nothing. It is free. The Copename Bridge, over the Copename River, slightly shorter than the Berbice River Bridge, Mr. Speaker, do you know what the toll is? It is free. Mr. Speaker, the Canje Bridge, in Berbice, is free. **[Mr. Greenidge:** Built by whom?] Built by the PNC.

Let us go to Venezuela. In Venezuela, the General Rafael Urdaneta Bridge, which is over Lake Maracaibo, in Venezuela, is 8.7 kilometres. Mr. Speaker, do you know what the toll is for that Bridge? It is less than \$1,000 Guyana dollars.

Mr. Speaker, let us look at the Brazil experience, the Brazil Bridge, the Rio–Niterói Bridge. This is a bridge with eight lanes of roadways. It crosses the Guanabara Bay between Rio de Janeiro and Niterói, Brazil. Mr. Speaker, do you know what the cost is to cross that Bridge, paying only a one-way toll? It is US\$2.40, which is less than \$1,000 and this is a bridge of almost 8.5 miles. This is the Bridge. **[Interruption]**

Mr. Speaker: Hon. Members, please. We are having a very good debate. Could we allow the Member to address the House please?

Lt. Col. (Ret'd) Harmon: Mr. Speaker, let us look at some recent bridges. In Jamaica, the Westmorland Bridge cost \$18 million. It was recently built. Mr. Speaker, do you know what the cost is for crossing that Bridge? It is free. The Rio Grande Bridge was built at the cost of \$28 million. Mr. Speaker, do you know what the cost is of crossing that Bridge? It is free - \$28 million built and opened only last year...

If we were to make a sampling of other bridges, where there are tolls paid, just a rough sampling, in Canada, the Confederation Bridge, first two-axles each, motorcycles CAD\$18 and two-axle vehicles CAD\$45.

Delaware Memorial Bridge, where you like to cross when you go to America, cars cost US\$3, less than \$1,000. In New York, the Bronx-Whitestone Bridge, do you know how much it costs to cross that Bridge? It is US\$7.50. The Henry Hudson Bridge, do you know how much it costs to cross that Bridge? It is US\$5. The Triborough Bridge in New York, do you know how much it costs to cross that Bridge? It is US\$6.50. The Golden Gate Bridge in California, do you know how much it costs for a car and small vehicles to cross that Bridge? It is US\$6. That is in the United States of America.

The Port Mann Bridge, British Columbia, the toll is CAD\$3 for cars, CAD\$1.50 for motorcycles, CAD\$6 for small trucks and CAD\$9 for large trucks.

What is obvious, from this view of all of these bridges where we paid tolls and the view of the bridges in the countries that surround us, is that we are paying far too much for this Bridge. We believe that this motion clearly sets out how Guyana can reduce the economic burden on the poor and working people and continue to unlock and seize the benefits of motivating our people to work harder and share, in an equitable manner, in the patrimony of our country.

We, in APNU, are determined to shift this culture of Government to improve how the nation's treasure is distributed, in keeping with our philosophy of reducing the gap between the rich and the poor and making all our people richer, especially those at the bottom of the economic ladder, the poor and the working class.

There is nothing easy about this transition from a political culture where the PPP/C has grown accustomed to distributing the patrimony of the people of this country in their own manner, without proper consultation with stakeholders, to one which requires transparency, better accountability and trickling down of the resources to those who need it most at the bottom of the economic ladder, like the workers, school children and mothers of Guyana. We are determined to do that on behalf of the people of Guyana.

This toll represents a serious devolution of wealth from the people of Berbice to the shareholders of the Berbice Bridge Company Inc. Some may say that they would support this motion, but, by law, the reduction cannot be done - I have heard that - while others will reject it out of hand or even unconstitutional. We are sure that the majority of the Guyanese people and, more particularly, the people of Berbice would fully support it.

With the manner in which the Berbice Bridge Company Inc. has, from time to time, reduced the toll and rearranged its financial arrangements internally, we say the company can be called upon by our directors and shareholders to reduce the tolls to the limits required in this motion. [Mr. Bulkan: A caring Government.] Yes.

Further, it is clear to us that under the Berbice River Bridge Act, 2006, section 4, the Minister of Public Works may make a toll order. Under this Act, it specifies the payment of tolls by such classes of vehicles. I wish to read that part of the law because this is a very unique piece of legislation. It gives away so many tax concessions and all of these things in an entire paragraph marked 'General', paragraph 6, which I think I would have to refer to later on.

Part III, section 4 of the Act, states that:

“(1) The Minister may by order called the ‘toll order’

(d) specify –

- (i) the classes of vehicles or other conveyances or persons from whom toll may be collected and retained;
- (ii) the payment of tolls by such classes of vessels for whose passage the Bridge is retracted;”

You can actually collect money from vessels passing when the Bridge is retracted.

- (iii) “the maximum amount of the tolls that shall be charged during the Concession period or any part thereof in respect of individual persons or any classes of vehicles.”

This is a power which the Minister has in the Act. The Minister has a lot of powers. He can exempt emergency services, civilians or military law enforcement agencies from the payment of toll when in pursuit of their duties. He has that power and we are asking him to use it. He can provide for the issue, inspection and collection of tickets, tokens, vouchers, permits, *et cetera*, for the purpose of the use of the Bridge. He can make provision for penalties for any breach of a provision of this Order. He can also provide for other matters, as the Minister may believe necessary. So Mr. Speaker, do you see the scope that this Act gives to the Minister? This is a very powerful Minister we have here; he can do all these things.

We are calling upon the Minister to act in accordance with what the law states and to do the right thing. We are asking that the Minister utilises that power given to him in the section and lower or reduce the tolls that are provided in the second Resolution Clause of the motion.

9.37 p.m.

Mr. Speaker, this is my motion and I would respectfully hope and anticipate the support of all Members of this National Assembly. The Berbicians deserve it. Guyanese, on the whole, deserve it, and I am sure that Hon. Member Mr. Jaffarally will support this motion if he has the interest of the Berbice people at heart.

I thank you. [*Applause*]

SUSPENSION OF STANDING ORDER NO. 10(1)

Mr. Speaker: Hon. Prime Minister, perhaps, it would be good to move the motion for us to go beyond 10 o'clock now, rather than interrupt Mr. Irfaan Ali.

Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]: Yes, Mr. Speaker. I move that we suspend Standing Order No. 10 so that we may continue and complete the debate on this motion at this Sitting.

Question put, and agreed to.

Standing Order suspended.

Minister of Housing and Water [Mr. Ali]: Mr. Speaker, it gives me great pleasure to speak on this very important matter, as it relates to the Berbice River Bridge and the motion presented before us. It is because we are committed to the interest of all Guyanese on this side of the House, and we are, indeed, committed to the interest of our brothers and sisters who live in Berbice, that under this PPP/Civic Government, we accomplished the task of building the Berbice River Bridge. Every successive Government since Independence promised the Berbice River Bridge but it is this PPP/Civic Government that delivered that Berbice River Bridge. For 28 years, there was a government and the cost for building the bridge then was far less than it is today. The conditions were far better but the bridge was never built; it was only built under the People's Progressive Party/Civic Government. That fact must not escape us.

It is easy to come here and speak about the fares as it relates to the Berbice River Bridge without analysing the economic context in which the Bridge was built, without explaining the financial mechanism, and, more importantly, without presenting a financial model that will ensure we do not breach an agreement we entered into with so many stakeholders. We do not have to go around the world to see how many free bridges we have. The Abary Bridge is free; the Mahaica Bridge is free; the Mahaicony Bridge is free; the Takatu Bridge is free. The more than 100 bridges we built in Berbice are all free. The Highway on Corentyne is free. But the people in Berbice will not forget that there was a time when there were three toll stations on the Corentyne road - one at No. 63 Village, one at No. 19 Village and one at Adventure. They were paying to drive on a potholed road. Today, that road is free. The PPP/C removed the toll in Berbice and at Linden when we came to Government in 1992.

The Hon. Member, Mr. Nagamootoo, referred to the Demerara Harbour Bridge as the Burnham Bridge. We are saying the Berbice River Bridge is the people's bridge; it is the people of Berbice bridge. We are not going to be so callous as to assign a name to the Bridge.

[Interruption]

Mr. Speaker: Hon. Members, let us settle down. Proceed, please, Hon. Member.

Mr. Ali: Mr. Speaker, when we speak about the White Lane Bridge in the US, we must understand basic economics. One has to calculate the net value based on the volume of traffic that crosses the Bridge. Do you know when that Bridge was built? If we had built the Bridge across the Berbice River the same time those countries invested, the capital cost would have been less, and, with the rate of return, we would have recovered the cost of the Bridge a long time ago. By now, it would have been free - not \$7. It would have been free.

Let us not imagine things. The Hon. Member spoke about the Demerara Harbour Bridge and called it the Burnham Bridge. But the same Burnham Bridge which we inherited, do you know where that Bridge used to be? It used to float away to Land of Canaan down the River. I was a school boy lining up for seven hours to get on the boat to go to school in Georgetown because the Bridge had floated away. That was the Burnham Bridge - no maintenance. Since we came to Government, we have kept that Bridge alive with very limited obstruction to traffic because of the investments we have made.

There was another statement made here that the fares were adjusted because of the PPP/C's Congress. The People's Progressive Party/Civic has no interest in the adjustment of fares at

the Berbice River Bridge because of a congress. The fare was adjusted in August because of the summer vacation period, and the Bridge fare was also adjusted during the Christmas season – two times in the year.

Just a few hours ago, a Member from the AFC had the following to say: “We must be careful about entering the private sphere of things; we must be careful, as a Parliament, not to get into every little vacuum; and politicians must not enter in the private sphere or interfere with the private operations of business”. The Hon. Member, Mr. Ramjattan, said that. He said that we must be careful of entering the private realm. But, of course, this is an Opposition that brushes both sides. This is an Opposition that plays on both sides. You cannot have them coming in a straight manner in terms of what they believe in. They are not straight when it comes to their principles and what they believe in. At one time, do not interfere; the other time, interfere.

The second issue is that the Berbice River Bridge has always been a problem for the Opposition. They have branded this Bridge as the PPP/C Bridge; it is a brand and badge that we accept. When the Hon. Member, Mr. Moses Nagamootoo, was sitting on this side in the Ninth Parliament, a motion was brought to this Assembly. Guess what that motion wanted to do. The motion accused the Government of selecting the wrong location because of politics. That motion sought to stop the construction of the Bridge in the Ninth Parliament. They did not stop there. When the Bridge was completed, they said that the Bridge was ugly – those were the exact words - and it would not last five years. The problem here is a political problem. The Bridge is a political issue for the Opposition. They cannot deal with the fact that this PPP/Civic Government has delivered the Berbice River Bridge to the people.

Mr. Speaker, I want to quote the testimony by Robert Puentes at the Joint Economic Committee meeting in the United States Congress. This is what he had to say on *Transformative Infrastructure to Boost Exports and Manufacturing*:

“Some examples are well known. The Panama Canal, the Transcontinental Railroad, the Interstate Highway System, and rural electrification each helped build our nation and connect it within. The development of Baltimore’s Inner Harbour and the transit (system) in Washington, DC and Portland, Oregon had catalytic effects by inspiring redevelopment of underutilized areas and changing the pattern of physical and economic growth in (their) our regions.

The conversation has new meaning today because the understanding seems to be that (we are too broke) in our broken ways, both financially and in spirit, to make similar investments in our nation's economic future, and we are (too) beset by various political regulatory and institutional barriers to get anything important done.”

This is the problem we face in this country.

Mr. Speaker: Where is that to be found?

Mr. Ali: This is the Joint Economic Committee, United States Congress, *Transformative Infrastructure to Boost Exports and Manufacturing* by Robert Puentes, 16th November.

Mr. Speaker: Is it online or an article? Where?

Mr. Ali: It is a testimony, and you can get the whole testimony.

The underlining thing here is that he spoke to a very important concept, the barriers to national development and transformational thinking. He mentioned political, regulatory and institutional barriers. If we look at what is happening in our country, all the transformational projects – the Marriott Hotel, the hydroelectric project, the Cheddi Jagan International Airport, the speciality hospital – are faced with political barriers. In that testimony, he explained the consequences of these political barriers on national development. What he said finally was that these barriers break national spirit in transforming economies. The entire foundation on which this testimony was given was the role of private and public capital in transformative projects. There is a very important role of private and public capital, and I need to make this point in an international context because I am going to deal with ownership and management of the Berbice River Bridge a bit later.

More recently, Ghana announced a Bill to mobilise private sector for infrastructure projects. Ghana has even gone a step further. It has announced a special Bill to mobilise private sector for infrastructure projects. The Bill was presented at the end of March, 2014. It sought to mobilise private sector support for infrastructure works, including stalled roads, ports and national airlines. The legislation offered a long-term solution to infrastructure challenges without overburdening the Government's budget. This Bill had the support of the World Bank. The underlining principle here is overburdening Government budget.

At the time when we built the Berbice River Bridge, critical investments were required in Drainage and Irrigation (D&I) in Berbice in the main public roads, in community roads, in

education, and in health. We must not forget what whilst that Bridge was being built, we also built the New Amsterdam Hospital. We built the Skeldon Sugar Factory. We built many schools. We built hundreds of roads. We built hundreds of bridges and we spent more than \$3 billion on D&I. So there is the issue of cost of capital and source of funding. The Government strategically invested in areas where the social good and the economic good outweighed the rate of return. Let me give you an example. It is very difficult to mobilise private capital for community roads because private capital operates based on a return. So the Government must intervene in those scenarios to make the investment that is necessary to ensure social development while not stalling the other transformative investment. So when we were mobilising capital for the Berbice River Bridge, we were, at the same time, spending Government resources on other infrastructure in Berbice where the services are free of cost. We have not regained one cent from the D&I investment. We have not regained one cent from the new Hospital in New Amsterdam. We have not regained one cent from the Tain Campus. We have not regained one cent from the hundreds of health centres because those were purely Government investments to develop the social and economic livelihood of our people.

The Berbice River Bridge was developed along a different model. That model was a public-private model. That is the legislation that Ghana has now presented because there is a cost to financing. Most transformative projects across the world - if you go back to the highways of Canada, the highways of Miami - are all developed along a public-private model or purely private model. In all of those models, the return time on investment is less than ten years. It is less than 10 years in those countries because of the volume and population differential. The size of the economy also informs the time in relation to the return on investment. These are the fundamentals of understanding the context in which mobilising and securing finances must be understood.

Let us now come to the issue of ownership and voting rights. I want to make it explicitly clear that the Government has no direct ownership stake in the company. That is the first point. We cannot dispute that. So if the Government is to intervene, it would be a breach of contract. It would also be taking us down back to those dark days when the Government imposed its heavy-handed power on private investment and private capital, and we know where that took us in those days.

The former Aroaima Mining Company (AMC), a subsidiary of NICIL since 2006, had preference shares in BBCI. In 2011, AMC was dissolved and its shares in BBCI were transferred to NICIL, the parent company. NICIL then sold preference, nonvoting shares to NIS par value. So Hon. Member Harmon, the issue here is that the preference share is nonvoting.

Mr. Speaker, I am going to the second point. I have already established that the Government has no ownership.

Mr. Speaker: Hon. Member, I think there is a retort coming. You said you have established, but you are speaking from documents that are not available to other Members of the House. And if they are hidden under some secrecy clause, that may be so, but, in a debate, to say you have established is really in a vacuum.

Mr. Ali: Mr. Speaker, I can assure you that all my analyses come from documents that are available to every single Member of this House.

NICIL also has no ownership stake in the Company and, consequently, no voting rights. So the Government has no voting rights; NIS has no voting rights; and NICIL has no voting rights. NICIL has one share that is termed a golden share, which does not give it any voting rights or influence on any matter in the ordinary course of business, including toll rates. Likewise, NICIL does not have any representation on the BBCI Board. NIS owns only 20% of ordinary shares. No one director can determine or undermine the decision of the full board comprising eight directors.

The governance structure of BBCI: BBCI is directed via the Board of Directors which consists of the following: six directors appointed by the common shareholders, one director appointed by the preferred shareholders and one director appointed by the holder of the subordinate loan stock.

The Berbice Bridge versus the Demerara Bridge: The Demerara Harbour Bridge is owned by the Government and benefits from an annual subsidy from the Ministry of Public Works. In contrast, the Berbice River Bridge is a public-private partnership (PPP) which does not receive any subsidy. Furthermore, like any private company, the Berbice River Bridge is required to generate sufficient returns to sustain its existence and pay investors a minimum return.

The toll structure: the toll order issued by the Minister of Public Works in 2008 has remained unchanged to date. The tolls established in 2008 were determined – and this is important – by a number of variables, including projected number and frequency of vehicular traffic, as well as a “willingness to pay” study conducted by the International Development Bank (IDB) in 2000. The “willingness to pay” survey was not conducted by the PPP/C or the Government; it was conducted by the IDB in 2000. What the study aimed to determine were the following: (1) what persons’ views were on the construction of the Bridge; (2) their willingness to pay; (3) how often they would travel; (4) why they would prefer the Bridge; and (5) problems they encountered using the existing ferry.

Let us clear this myth. Let us examine the present rates versus the ferry rates. The present rate for cars is \$2,200, including all the occupants. The ferry rate of the car with similar occupants was \$2,120. The same car with the same occupants crossing the ferry was \$2,120. The present rate of the pickups is \$2,200. *[Interruption]*

Mr. Speaker, could I be allowed to continue?

Mr. Speaker: Hon. Members.

Proceed, please, Hon. Minister.

Mr. Ali: The present rate for pickups is \$2,200. The same pickup with the occupants using the ferry was \$2,120. For a four-wheel drive, the present rate is \$4,000; the same four-wheel drive with occupants was \$2,120. That is the only category that saw an increase. The four-wheel drive SUVs are not used by the ordinary people.

10.07 p.m.

So, where is this big spike in the increase? Where is the big spike that they are talking about? These are the figures.

Mr. Speaker, if you look at the proposed rates in the motion, and this speaks to... You see, when you are in Government, you cannot be reckless. **[Mr. Nagamootoo:** That is criminal. You go and tell Berbicians that.] Mr. Nagamootoo, stop barking. The existing rate that is proposed in the motion is even below what the ferry charges. **[Lt. Col. (Ret’d) Harmon:** You are wrong.] Without fear of contradiction, the existing rate that is proposed is even below the ferry rates. That is the level of carelessness that went into the preparation of this motion. Let me say this too: apart from the fact that there is a marginal increase between the

current toll rates and the ferry service, there are numerous additional benefits derived from the operation of the Berbice River Bridge. The Bridge has substantially increased the efficiency of the movement of goods, services and people. We cannot put a cost to the expanded market now available to Berbician farmers; we cannot put a cost to the goods that no longer have to spoil, waiting to cross the river. It is also very important to note that, in my humble opinion, because we built the Berbice River Bridge, through the financial mechanism explained, it has definitely stimulated interest in building the bridge across the Corentyne River because of the important link in relation to economic trade and market access - cross border.

The actual toll structure versus the rates as per information memorandum: The projected rates, based on the information memorandum, are marginally different from the actual rates for cars, pickups, four-wheel drive SUVs, small, medium and large trucks. For example, for cars, actual is \$2,200 and projected is \$2,120; pickups is \$4,000 and projected is \$3,960. The actual traffic volume exceeded the projected volume for cars, four-wheel drives and SUVs. It is noteworthy that while actual traffic flow exceeded projection, the difference in total revenue has remained marginal.

If we are to make the retrogressive step as to intervene in this private sector activity, in this private company, there are many macro consequences that we will face. It will harm the prospect of attracting similar investments in the future, with Government having to finance major infrastructure projects. The agreement between Government and the Berbice Bridge Company Inc. guarantees minimum return. Any changes would constitute a breach of agreement. You are making a lot of noise about the environmental tax and the case where we now have to pay damages, but you are not telling the people that the Bill came in this very House and was not supported by the Opposition. As a result of you not supporting that, we are paying US\$1.2 million in damages. The potential litigation and legal implication will impact consequent monetary policy for the Government. Has anyone considered this? What will be the consequential impact in terms of cost and damages as a result of litigation?

If this motion is implemented, it will be tantamount to disrespecting the rights of the private sector. To go down this road, as proposed by the Opposition, would mean that Government would be forcing a company into a loss. This goes counter to efforts to increase investments both locally and foreign.

We do not want a Berbice River Bridge that will float away to Abary. We want a Berbice River Bridge that can be properly maintained and managed, not like the days of the Demerara Harbour Bridge that requires...

Mr. Speaker: Hon. Member, your time is up and you will require an extension.

Mr. Hinds: Mr. Speaker, I move that the Hon. Member be given 15 minutes to conclude his presentation.

Question put, and agreed to.

Mr. Ali: This road that the Opposition is proposing is one that must be considered very carefully. We, in the PPP/C Government, believe that social good must be delivered in an equitable and affordable way and that is why our primary investments would remain in health, education, housing, water and community development. Whilst we make these substantive investments to improve the social and economic welfare of our people, we, at the same time, have to balance how long we are going to allow our people to wait for the transformative things to happen. Whilst we are fixing the existing Guyana Power & Light Inc. (GPL) to ensure we have a reliable supply of electricity, how long would we allow them to wait to enjoy cheaper electricity with hydro? Of course, the Government cannot do all at once. The burden of financing for the Government is enough pressure to maintain the existing system. That is why we have to source funding and capital from other sources to ensure the catalytical projects are built and developed to transform the economy. No one can doubt that the Berbice River Bridge is, indeed, a catalytical project that has expanded the economy of Region 6.

I would stand here and my personal opinion is that if we did not find this financial model of mobilising capital for the Berbice River Bridge, we would have been without a bridge today. We would not have been debating fares; we would have still been wondering at the idea of building a Berbice River Bridge. I am confident that our brothers and sisters in Berbice understand this bigger picture. [Mr. Trotman: You are hoping.] I know that they appreciate the mechanism utilised in giving them the Berbice River Bridge. Mr. Moses Nagamootoo, the Hon. Member, is speaking a lot on this issue but he participated in the process of building the Bridge. He forgot his role as retained counsel to negotiate compensation for the people. At that time, he did not tell the people not to move because we do not want this bridge. He did not say that the bridge will be too expensive to cross. He said

to the people, “We need the bridge. Let us build the bridge. Let us embrace this mechanism.” When he said that, “embrace the mechanism”, what was he talking about? What was the mechanism? The mechanism was the management and the financial architecture that built the Bridge. But at that time, he was functioning as lawyer. Today, he is jumping on a political platform because he believes that this is an issue that can win him political benefit. I promise you this: this Government will never give back to the people in Berbice three tolls. We will never give back to them ‘shut down D&I’. We will never give back to them barren lands. We will never give back to them empty hospitals. We will continue to invest in them whilst we build a strong economy in Berbice and in Guyana.

Thank you very much. [*Applause*]

Ms. Ally: Mr. Speaker and Hon. Members of this House, I rise in support of this motion tabled by my Colleague of the APNU, Mr. Joseph Harmon. Let me set the record straight by acknowledging that I am aware and APNU is fully aware and cognisant that the Berbice River Bridge is a private entity run by a board, as Mr. Irfaan Ali, the Hon. Member, described it - a public-private model. That is why the first three WHEREAS Clauses are inserted in this motion. Let me read those three clauses so that it can be embedded in your heads:

“WHEREAS the Berbice Bridge was built with significant investment by the Government of Guyana on behalf of the People of Guyana;

AND WHEREAS the Berbice Bridge is owned and operated by the Berbice Bridge Company Inc (BBCI), a company incorporated under the provisions of the Companies Act No. 29 of 1991 of the Laws of Guyana;

AND WHEREAS the Government of Guyana through National Industrial & Commercial Investments Ltd (NICIL) is a preferential shareholder and a member of the Board of Directors of the Berbice Bridge Company Inc.,”

We do not have to hide under the cloak of hypocrisy. Guyanese people have been strangulated by this Government. Poverty has become the order of the day and this has a spill off to crime and the many other atrocities.

There are families who can barely afford a meal a day. Many parents stretch their bellies to provide for their kids. Many people also resort to activities that are unacceptable to society to enjoy a living in Guyana.

I do not stand here to make a comparison between the Demerara Harbour Bridge and the Berbice River Bridge, but how can one justify the rates charged by the Berbice River Bridge as against the Demerara Harbour Bridge? Sir, anyone who has a car, probably like mine, pays \$200 at the Demerara Harbour Bridge, but, on the Berbice Bridge, that same car is \$4,000. I wonder what could be the justification for that. Instead of justification, let us examine the spill-offs of the exorbitant cost.

First of all, there is much needed improvement in the education system and so our young children are the ones who are currently affected and deprived. Our children and their parents are put under severe hardships and stress to cope with the high rates of the Berbice River Bridge.

I recall, and that was not very long ago, when I was going to school, I paid \$200 for my contract to cross the ferry to go to high school in New Amsterdam. Today, with the criss-crossing and uncertainty of the ferry, students are forced to take a bus from their home village to their school destination, paying exorbitant transportation cost. **[Mr. Neendkumar:** Ms. Ally, you went to school under the PPP Government. Do not forget that it is the PPP *[inaudible]* No. Your brain is not functioning, Mr. Neendkumar. Could you imagine students paying \$1,000 per day to get to school, poor parents having to pay that kind of money five days per week? Transport cost is \$5,000. And do not forget that parents have to find snacks, meals and other amenities for the child every day. Think of the hardship you create for the parents to educate their children. What about if there is more than one child from a single home?

Government must take note of these:

- A. Government must understand the importance of subsidy for a cause and a genuine cause too.
- B. While one may want to transact business in a business-like fashion, not all aspects of governance will allow for that. Government must not inflict undue hardship to the Berbicians, in particular and, generally, its people.
- C. What good it will be to have a lot of excess moneys with an uneducated population, no opportunities for our young people and neglect for a viable economic life.

I urge the Government to consider our nation's children's future, the future of our young people, and subscribe to the Opposition's motion to reduce the cost of the Berbice River Bridge toll or to advise the company to so comply. Time for excuses has run out.

A few weeks ago, I met a parent from Cotton Tree and I enquired about her daughter who was job hunting after her successes at the Caribbean Examinations Council (CXC) for some time now. The parent said to me, "My daughter was able to get a job on the Corentyne but the transportation cost is so high, she is left with nothing at the end of the month. Rather, I have to supplement her." She also said that it is only because of work experience that her daughter is continuing to work. What a shame that is, Mr. Speaker.

I wish to ask the Government a question: Why was the Bridge toll reduced from 1st to 12th August, 2013? How convenient it was for the company to be influenced to reduce the Bridge toll for that period and for the desired activity. Was it because of the PPP/C's Congress and that the people had to traverse from the West of Berbice to the East of Berbice? How convenient. I contend that if it could have been done then, it could be done now. The situation is grave. Those are only a few examples.

APNU had conducted a wide survey. [Ms. Teixeira: *[inaudible]* Christmas month.] You have your months mixed up, Hon. Chief Whip. You need to find out the difference between August and December. The APNU has conducted a wide survey, enquiring from students, workers, parents, business... [Mr. Ali: Is that the Jagdeo survey?] I certainly will not use his survey... The APNU has conducted a wide survey, enquiring from students, workers, parents, business people, all of whom believe that it is too much pressure on their pockets and a threat to their survival. Why should the Government treat the Berbicians in that fashion?

Sections 3 and 4 of the Berbice River Bridge Act of 2006 provide for the Minister responsible for public works to make toll order. Hence, I call on the Minister to direct his energies to positive and good governance. [Mr. Neendkumar: Which Minister, Ms. Ally?] It certainly would not be you because you can only dream of being a Minister. I call on the Minister to direct his energies to positive and good governance by ensuring that the directors of the Berbice Bridge Company Inc. respond positively to the reduction of the tolls for crossing the Berbice River. [*Interruption due to power outage*]

10. 37 p.m.

I am happy for the return of the lights. Thank you, Mr. Prime Minister; I hope you had something to do with that. But the order of these days is blackout under this Government.

I will continue, Mr. Speaker. As a consequence, we call on the Hon. Minister of Public Works to make the toll order as stipulated in the motion put forward by APNU's Mr. Joseph Harmon. We of the APNU do not want to hear about profits made from bridge toll; \$1.5 billion means nothing. And even though the Hon. Member, Mr. Irfaan Ali, said that Government has no stake in the Berbice River Bridge, we want to make sure that the people who owned that Bridge do not suffer from undue pressure. What is evident is that this Government is pressuring the Berbicians. We advocate that we want a better life for all, hence, we want to ensure that: (a) Our children's education... [Ms. Teixeira: PNC *[inaudible]*] Did you not hear when the Comrade spoke about the Burnham Bridge, unlike your bridge? Our children's education must not be affected by Government's pressure or any entity fronting for the Government; (b) Our young people who have to go out into the world of work are not pressured by the spill offs of exorbitant toll fees; (c) Commuters must find it economically acceptable to use the Berbice River Bridge not as an alternative, but as convenience.

Mr. Speaker, it will be remiss of me if I do not respond to a few things that the Hon. Member, Mr. Irfaan Ali, said when he spoke... *[inaudible]* that the Berbice River Bridge is the people's bridge. Well, if it is the people's bridge, then I say to you, stop pressuring them and give them a good life - a life that they deserve.

Secondly, he spoke of the Demerara Harbour Bridge floating away to Land of Canaan. Maybe he has short memories. I want to remind him that a whole wharf at Charity floated away and do not forget all the mishaps there were with the Supenaam Stelling, which cost the Guyanese people hundreds of millions of dollars in excess of what was budgeted for.

Thirdly, you spoke of a political issue. I say if you consider it a political issue, yes, but we say reduce the toll; we want the Bridge toll to be reduced nothing more and nothing less and if you consider that a political issue, so be it.

Finally, the Hon. Member spoke about the toll stations on the Corentyne Highway. I want to say very clearly to him that we put it on, yes; we put on the toll and we took it off. And we have no apologies because we did it when it was necessary.

Mr. Speaker, in conclusion, let us make life... **[Interruption]**

Mr. Speaker: Okay, Hon. Members, it is going on to 11 o'clock.

Ms. Ally: Mr. Speaker, let us make life one iota less stressful for the Guyanese population and, particularly, the Berbicians. I call on all of you responsible Members of this National Assembly to support this motion to reduce the Berbice River Bridge toll to an acceptable sum, as proposed by APNU. I thank you. [*Applause*]

Mr. Jaffarally: Mr. Speaker, our Guyanese and our Berbicians, in particular, will see the motion in front of us as an attack on the private sector of Guyana and an attack of direct local private investment in Berbice. The private sector in Guyana had been very vocal in condemning certain actions and positions taken by the Opposition in this House and was very supportive of many of the Government programmes. For example, the Opposition was very vocal in condemning the cuts of the Budget in this National Assembly. The private sector supported the Marriott Hotel, the expansion of the Cheddi Jagan International Airport, the Amaila Falls Project and the Specialty Hospital, and condemned the street protest organised by the Opposition. Berbicians see this Bill in that light. It is like telling the private sector to behave or else we will be obstacles to its investment.

The Berbice River Bridge has seen a greater movement of people, goods and services in Region 6 and because of this movement of people, goods and services, the local private sector in Berbice has benefitted tremendously, where we see an expansion of businesses in Region 6 and new and additional jobs being created in Region 6. Some of the local businesses in Berbice, for example, A. Ally and Sons, before the Berbice River Bridge, had one store with 21 employees. Today, that very establishment has six stores with 125 employees. Jay Supermarket, before the Berbice River Bridge, had one supermarket and, today, they have two. They started with 19 employees and, today, they have 101 employees. Arjune Poultry Supply, before the Berbice River Bridge, had one outlet with 16 employees. Today, they have three locations with 117 employees. Ayube Furniture Store, before the Berbice River Bridge, had one outlet. Today, they have three outlets. They started with 37 employees at one outlet. Today, they have 147 employees. Mr. Speaker, I could go on and on.

In any given day, we can see dozens of trucks coming from Black Bush Polder, Crabwood Creek, with fresh fruits and vegetables crossing the Berbice River Bridge, bringing those produces to Georgetown. Because of the Berbice River Bridge, the farmers at Mara, Black Bush Polder and Crabwood Creek are given better prices for their fruits and vegetables. The very trucks, on their return, will take provision from Parika to Berbice; hence, we have a

sustainable price for produce in Berbice. Poultry suppliers in Berbice benefit significantly because of the transportation usage of the Berbice River Bridge by our poultry suppliers.

The PPP/C Government has always valued a contribution made by the private sector of our country. It is our desire to have the private sector realise its potential and become the engine of growth as we work to develop our country. This partnership has evolved over the years and the private sector in Guyana has worked with us to achieve an open market oriented system that has already given rise to the economic revival. The private sector has played a pivotal role in the recovery in accordance with the activities and structures outlined in our National Development Strategy. Our private sector in Guyana is involved in a wide variety of businesses: agriculture, fishing, forestry, mining quarry, manufacturing, engineering, construction, transportation, communication, commerce, business service, rentals and finance.

In Guyana, the PPP/Civic Government has always worked with the private sector to develop strategies which would not only realise the initiative and entrepreneurial skills of its members, but will also permit it to optimise the contribution to the country's development. The Berbice River Bridge is one such project.

Private sector partnership endeavour: When no one was able or willing to invest in the construction of the Berbice River Bridge, the private sector of Guyana stepped up to the plate and assumed the risk and responsibility in realising the dreams of all Berbicians and Guyanese. They invested at a time when the Opposition saw the Berbice River Bridge as risky and an unviable proposal. This is the nature of business. Those who invest their money should be entitled to a fair and reasonable return to their investment. The Government of Guyana welcomes the private sector with open arms and continues to encourage it to invest in the development of Guyana and to evolve in the engine of growth for all Guyanese. The Opposition in this House cannot claim the same sentiment.

We are here, today, to debate the issue of the very Berbice River Bridge. When we in the People's Progressive Party/Civic Government welcome the participation and encourage the private sector to participate in the development of Guyana, our Opposition condemns it for making the investment which opened the roadway to and fro Berbice. While we in the People's Progressive Party/Civic want to work with the private sector, the Opposition condemns it as inaccurate, malicious, vexatious and disrespectful. Our Opposition refused even to listen...

Lt. Col (Ret'd) Harmon: Mr. Speaker, I rise on a point of order. Nowhere in any of our presentations tonight did the Opposition condemn the private sector for its investment in the Bridge. It is a totally inaccurate statement and I respectfully ask that the Member be asked to withdraw that statement.

Mr. Jaffarally: Mr. Speaker, I never said that anyone of the Opposition said that tonight. I said inside and outside of the House.

Mr. Speaker: Could you repeat what it is you said, Hon. Member?

Mr. Jaffarally: While we, in the People's Progressive Party/Civic, want to work with the private sector, our Opposition, in and out of the House, condemns it as inaccurate, malicious, vexatious and disrespectful. Our Opposition refused to even listen...

Mr. Speaker: The objection came to the reference of in and out the House. Let us not try that. We are dealing with a debate on this motion. I will not concern myself with what happens outside this Chamber, but, indeed, during this debate, I have not heard any condemnation. We are dealing with this motion and Mr. Jaffarally, you may say, if you wish, outside of the House. But, in terms of this motion...

Mr. Jaffarally: Mr. Speaker, I would reframe myself to say during the Tenth Parliament.

Mr. Speaker: No. We are saying that you are going to confine your comments to if you would like to say "outside of the House" but not in the House.

Mr. Jaffarally: Mr. Speaker, I take your guidance.

Mr. Speaker: Thank you.

Mr. Jaffarally: The Opposition in this House, in this National Assembly, even refused to listen to the petition of the private sector in this Parliament. They sought to muzzle it and restrict its return on investments through the use of the one-seat majority, with effect of unreasonable regulations. This is an affront to the very free enterprise system which we have chosen as the path of our economic liberation. While we, in the People's Progressive Party/Civic Government, understand the needs of the private sector to earn a reasonable return on the investment, our Opposition in this House would like to restrict the private sector's earnings through regulation and this move contradicts the spirit of our free enterprise system.

Mr. Ali: Mr. Speaker, on a point of order, in the back row of the Opposition benches are persons waving a portrait of one of our late colleagues who was brutally murdered. I do not know, Mr. Speaker...

Mr. Speaker: What is the point of order?

Mr. Ali: Mr. Speaker, I am coming to my point of order, the conduct in the House.

Mr. Speaker: When you saw that portrait, what did it convey to you?

Mr. Ali: It conveyed to me a threat. Mr. Speaker, you know the circumstances and when they raised that photograph, it conveyed to me a threat as a Minister.

Mr. Speaker: Very well.

Ms. Teixeira: Mr. Speaker, when the pictures were shown just now, I asked and they kept showing the picture and pointing to me. So I said, "Do you want to kill me next?" And they kept laughing and saying, "Yes."

Mr. Speaker: I did not hear that.

Ms. Teixeira: That is different from me holding up a picture of Walter Rodney.

Mr. Speaker: Hon. Members, I would say that not less than 10 minutes ago, I saw the Government Chief Whip hold up a photograph of Walter Rodney.

Ms. Teixeira: Mr. Speaker, there is a...

Mr. Speaker: Hear me out. I am not finished. I did hear you say, "You will answer for this."

Ms. Teixeira: I did not say anything.

Mr. Speaker: I thought I heard you say, "You will answer for this." It is not a threat. The point is that photographs have been popping up, Hon. Member. Both photographs we have exposed this evening really conjured up terrible images of the past of Guyana and I would ask that we not do so. What might appear to be mirth and merriment for some will affect others and so, with respect to each other's sensitivities, let us refrain from exposing photographs of persons who have been brutally murdered or otherwise killed by other devices. Please, like I said, neither photograph bothered me but that is not to say it did not affect the sensitivity of another Member. So let us please agree not to do so.

Ms. Teixeira: This is what I held up to do with the Walter Rodney assassination. Mr. Speaker, the reason I did it was because the Hon. Member... *[Interruption]* Maybe the Government cannot speak in this House anymore or some of us cannot speak in this House anymore.

Mr. Speaker: Hon. Member, we are dealing with something that is not even a proper point of order.

Ms. Teixeira: Mr. Speaker, I would like to explain to you because the Hon. Member, Ms. Ally, was talking about Berbice in the days under the PNC regime and I held this up and said, "You will have to explain this." The issue, Mr. Speaker, is the difference with that because this is the subject of an inquiry now. The issue with that, Mr. Speaker, is that they were threatening me and I did not threaten anybody with Walter Rodney's death.

Mr. Speaker: Two things I would like to say: one is that there is a motion in this House, calling for an inquiry into the death of Minister Sawh; secondly, I am now constrained because I must invite Ms. Kissoon to indicate why it was - as you have been given the opportunity for an explanation - that she showed the photograph that she did. Was it meant as a threat or not? Did you intend to threaten anyone with the photograph?

Ms. Kissoon: No, Mr. Speaker. It was not meant to threaten anyone.

Mr. Speaker: Very well. Let us put aside those childish things. Put aside those things, please.

I would like to invite the Hon. Member to continue with the debate, please.

Mr. Jaffarally: We must encourage all Guyanese to support the effort of the private sector and to condemn the Opposition for the anti-business approach which it has consistently displayed from the times of the PNC dictatorship.

Mr. Speaker and Hon. Members, we do not want to return to those dark days. We want to work with the private sector and will not entertain the manoeuvre to deny them their dues and return to the dark days of dictatorship. My very good Friend, the Hon. Dr. Ramayya, and his Colleagues, on his weekly television programme will lament about workers having to travel across the Berbice River Bridge every day to come to work. What are the facts? Banks DIH, New Amsterdam, has 75 employees; one employee crosses the Berbice River Bridge to get to work. Oldendorff Carriers Inc., New Amsterdam, has 231 employees; five workers cross the

Berbice River Bridge. New Building Society has 36 employees; none of them cross the Berbice River Bridge on a daily basis. Scotia Bank has 17 employees; none of them cross the Berbice River Bridge on a daily basis. Republic Bank has 75 employees; none of them cross the Berbice River Bridge on a daily basis. Hasser Ally Store, GuySuCo Estate - 2,346... From Rose Hall Estate, two employees cross the Berbice River Bridge on a daily basis. Department of Education, from Borlam to Edinburgh, has a total of 532 teachers; not a single one of them cross the Berbice River Bridge on a daily basis. Those are the facts, and I can go on.

The Hon. Member, Ms. Amna Ally, spoke about hypocrisy. What could be more hypocritical than when the PNC Government imposed on Berbicians three toll stations in a distance of 60 miles, discriminating against Berbicians? What could be more hypocritical than when the political Opposition in this Parliament refuses to allow the people of Linden to pay the same electricity charges as the people in Berbice? That is discriminating against Berbice.

The Hon. Member talked about education and the children and how it is stressful. What can be more stressful than going to school and not having stairs, chalkboards, roof and teachers?

The Hon. Member talked about poverty. It was the days of the PNC when malnutrition was the highest in the country - white mouth was at the highest level...

Mr. Speaker: Hon. Member, let us confine ourselves to a motion on the Bridge.

Mr. Jaffarally: Mr. Speaker, she referred to those things.

Mr. Speaker: Let us confine ourselves to a motion on the Bridge.

Mr. Jaffarally: It was the days of the PNC when instead of teachers teaching in the classrooms, they were busy selling sugar cake and fudge to the students. It was this PNC Government which discriminated against the people of Canefield where the GPL power plant was built in Canefield and the 5,000 people across the road could not get electricity, but the line was run straight to Manchester and Liverpool. That is discriminating. Berbicians will remember those things. They will remember the attempt to close the sugar industry by not wanting to provide subvention to the sugar industry.

The Berbice River Bridge has brought tremendous progress to Berbice. It was like the days of the founder and father of this nation, Dr. Cheddi Jagan, when he had his vision of building farm to market roads in Black Bush Polder. He thought of building the Berbice River Bridge,

unlike the PNC which destroyed the farming community at Mara and Black Bush Polder, and Mr. Moses Nagamootoo knows that. Mr. Nagamootoo, do you not know that?

Berbicians have seen through this motion. It is an attack on the private sector because the private sector has been very supportive of a number of major projects by the People's Progressive Party/Civic Government and I am certain that Berbicians will not want to support this motion. As a representative of Berbicians, I cannot.

Thank you very much. [*Applause*]

Dr. Ramayya: Mr. Speaker, I am very much surprised, this evening, that on this motion of discussing the fare of the Berbice River Bridge, there is attacking of political parties and the Opposition.

11.07 p.m.

I want to remind my Colleague, Mr. Jaffarally, that we, the Members of the AFC, and I can speak on behalf of APNU, as well, do not stop the private sector in this country from development. This motion on this Bridge has nothing to do with the private sector. All we are asking for in this House is for the fare to be reduced for the working-class people.

When Mr. Irfaan Ali, my good Friend and Hon. Minister, started to fret himself, I thought his blood pressure would have gone up. He reminded me of the days when we had to cross with the ferry. People used to go by the gates and become very frustrated. We welcome the Bridge. There is no question about the Bridge and its impact on the development for the nation. I can remember the days of the imposition of the three tolls on the roads, but that is the function of a government. It is to provide for its people. It is not only to come here, sit and extract votes from them. I am surprised this evening. This Bill should be applauded by the PPP/C to regain the one seat it lost in 2011. The Bridge is in Berbice and all the votes they lost in Berbice could have been reclaimed by reducing the fares. That was not done. I thought there would have been no discussion on this matter of reducing the fare for the Berbice Bridge. I thought this would have given them incentive to win the confidence of their supporters in West Coast Berbice and in the Upper Corentyne area.

As I recall, Mr. Speaker, the Hon. Mr. Nagamootoo, in his budget debate speech, asked this House to consider subsidising the cost of the Berbice River Bridge, as the Government is doing with the Demerara Harbour Bridge, but the Government has refused. It has become

very reluctant to accommodate the very supporters that it received all of the credit from during the course of the election and in all the previous years.

When I looked at the toll of the Berbice River Bridge, we are paying 22 times more than what the people are paying to cross the Demerara Harbour Bridge and that should be recorded. It is taking a toll on the life of the working-class people, especially those on the West Coast of Berbice, where they have to pay \$1,000 per day and their wage for a week does not exceed \$25,000 which they get from cutting canes. It is very costly to support two children who have to travel from the West Coast to cross the Bridge to get to Berbice to go to high school. This is the stress that we should talk about and not to talk about private investors, whom we welcome in this country.

Our money is being invested into that Bridge and, as the Hon. Minister said, 20% of the money from the NIS was involved but we do not have a say in the use of the people's money. I want to know what type of system we have. If 20% of the NIS money is in the Bridge and Clico...today, NIS does not have money to pay the benefits to the pensioners or people who were disabled at work, but money was invested into the Bridge and so much was lost in Clico. I ask a simple question to this honourable House: Why is it that the people of Guyana do not have any representation to make a decision pertaining to that Bridge? That question would need to be answered in this House because we, the people in Guyana, are supposed to know the amount of money invested and who the people representing that money on behalf of the people of Guyana are. This has not been done.

We, in this honourable House, are asking the Government if it has no intention of reducing the fare for the Bridge, to provide buses to transport school children, the children of working-class people, back and forth without any cost. That is the recommendation we have made to the people for many, many years now.

I am asking my good Friend, Mr. Jaffarally, where he got his record from to say workers are not travelling from West Coast to New Amsterdam to work. There is no one who is working at the toll gate who can provide that record. When people come to this House, their records are not straight. When one goes into one's car and crosses the Bridge, the people collecting the money never ask one where they are going or coming from. Let him show this House where he got the record that he provided for this House.

I listened to the Hon. Minister when he talked about the cost; the cost of operating the ferry is more than that of operating the Bridge for the entire week. The number of employees for one ferry – and we have two – and the cost that he indicated to this House... I crossed with that ferry actually every day of the week and it was less than \$600 every time I crossed. It was \$60 for a singular passenger. The figure that he computed is not the correct figure, as well. How can he take the expense of the ferry and apply it to the Bridge? The rationale is not there. The cost of the ferry is more because one person can operate the toll gate when about 20 persons are needed to operate one ferry. They put the cost of what happens on the ferry from New Amsterdam to Rosignol to the Bridge to increase the cost of crossing the Bridge.

Mr. Speaker, this left me wondering at this stage. One goes for 15 years and studies medicine and when one comes back to one's country, one wants the 15 years' money in one week. This is exactly what is happening here. The money that was invested, they want to regain that money within 10 years. Mr. Christopher Ram indicated that with a feasibility plan, within 10 years, they will make the money back. Over the long term, if they are given 30 years to reclaim their money, the fare could have been \$800 for the crossing and not \$2,200. That was the rationale, but they made the term short to recover the money quickly. What will happen, Mr. Speaker? At the end of their journey, if they are private investors, that Bridge will actually need servicing. After 20 years, that Bridge will need servicing. If they had gotten 30 years, that fare could have been less than what we are paying today. This is the issue for this House. This is the issue for us to decide. I am surprised that the opposing side, which is the PPP/C, is not in agreement with grabbing this opportunity since somebody – Mr. Harmon – is talking on behalf of them. Their own supporters have been suffering. We are asking questions and being told that we are opposing everything that is contributing to the development of this country. We are not opposing development in this country, as the last speaker said. We are not.

Many times, I spoke to people of Berbice and parents who are going through hardships. We are talking of promoting education. If a survey is done, it will reveal that many children, today, on the West Coast of Berbice are not going to school because their parents cannot afford to send their children to school because of the cost. Yet, we are talking about promoting education in this country.

People will have to be funded or they will have to get good jobs. One of the speakers said a child had to work just for the experience but, yet, had to be subsidised with the travelling

expenses just to get to New Amsterdam to work just for the experience. What direction are we going in? Because of a simple Bridge, a child is deprived...because over the River, there are very few jobs. The city has the jobs and people have to transport themselves back and forth each day before they can find jobs. Jobs are not being provided.

We are talking about infrastructure development. How many jobs are being created? Children who are coming out of schools, where will they find jobs? We have to facilitate those children with a proper education by ensuring they do not drop out.

On behalf of the AFC – and thanks to Mr. Harmon for his great concern in bringing this motion to this House – I believe strongly that this House, without any doubt or question, should pass this motion to benefit the people of Guyana. Thank you. [*Applause*]

Minister of Public Works [Mr. Benn]: This motion with respect to a toll reduction on the Berbice River Bridge is really ill-advised. It is not the type of resort that is available for the National Assembly to deal with in respect of the Berbice River Bridge. The Berbice River Bridge, as we all know, is a successful project as a public-private partnership. It has been built, despite many attacks and criticisms. It is being operated properly. It is a signal achievement in Guyana for the public-private partnership method for bringing the liquidity in the economy, held by private investors together with the facilitation of Government to achieve such a project. Our private sector went along in this model with the Government of Guyana, facilitated by Acts in the National Assembly, to create this wondrous thing for Berbicians and for us, called the Berbice River Bridge as a public-private partnership method.

I find the motion strange because there is a resort under the Berbice River Bridge Act. And I felt resentful when I heard the comment about a “Brassington clause”, about issues with regard to things being secret and confidential in section 5 of the Act. It states clearly in the Berbice River Bridge Act of 2006, which was passed in this National Assembly by many people here:

“...provided that any information requested by the Parliamentary Sectoral Committee on Economic Services related to the Bridge Project shall be promptly supplied.”

It is here in the Act which was passed by the National Assembly. Ms. Amna Ally, in her opening, said she is aware and she wanted to set the record straight that, in fact, the Bridge is, indeed, owned by the Berbice Bridge Company Incorporated, which is a private company.

[**Ms. Ally:** I said we are aware of that.] I am glad that you are aware of it. Therefore,

since you are aware of it, I would like you to advise me on how we, as a Government, can interfere directly in the private business of a company.

I am being asked to do certain things in this motion. The Board of Directors of the Berbice River Bridge Company nor its Chairman has not advised or requested of me to make any interventions with respect to the issue of the tolls on the Berbice River Bridge. [Lt. Col. (Ret'd) Harmon: We are asking you to do it now.] Yes, and I am dealing with that. There are certain requests. The WHEREAS clauses seem to suggest things which are not correct.

“Whereas the Berbice Bridge was built with significant investment by the Government of Guyana on behalf of the People of Guyana;”

This is not really true. The Berbice River Bridge was built and invested in by private corporations, mostly. The Berbice River Bridge is a private facility and a concession arrangement for 21 years, inclusive of the years being spent to build the Bridge, with a private company. So, in 16 years or so, the Berbice River Bridge will belong to Guyana. In 16 years, according to the concession agreement, the Berbice River Bridge will belong to Guyana. We cannot interfere in a private contract between private parties.

Secondly, in the second WHEREAS clause, it states:

“AND WHEREAS the Berbice Bridge is owned and operated by the Berbice Bridge Company Inc (BBCI), a company incorporated under the provisions of the Companies Act No. 29 of 1991 of the Laws of Guyana;”

It also states that NICIL is a preferential shareholder and a member of the Board of Directors of the Berbice Bridge Company Inc. This is practically untrue and the Hon. Member, Mr. Harmon, is aware that this is untrue. He is aware that NICIL is not a shareholder in the Berbice Bridge Company.

The fourth WHEREAS clause states that the Berbice Bridge Company has annual revenue of over \$1.5 billion. The information that we have is that the highest moneys available in any year, thus far, to the Berbice Bridge Company Inc. is \$1,259,265,357. That is the highest amount that we have. [Lt. Col. (Ret'd) Harmon: Check the 2011 statement filed at the Deeds Registry. You will see a higher figure than that.] I am reading the figures I have at hand with regards to the revenues of the Berbice Bridge Company Inc. Hon. Member Harmon is now speaking of things which are filed at the Deeds Registry. Therefore, he is

aware of what the shareholding is in the company and who the Directors are too. [Lt. Col. (Ret'd) Harmon: You all did not put everything. You all are hiding it.] If you do not know, I will tell you now, since you are saying you did not see it at the Registrar of Companies, which is publicly filed.

After the sale of Clico shares in 2012 and in relation to the preference shares, the Chairman of the company is Mr. Keith Evelyn for the Hand-in-Hand Group of Companies; for the National Insurance Scheme, Ms. Gillian Burton – one Director, appointed via preference shares; for the Demerara Contractors and Engineers Limited, Mr. Egbert Carter; for Secure International Finance, Mr. Paul Chung; for New GPC Inc., Mr. Ravi Ramcharitar; for Queens Atlantic, Avalon Jagnandnan; there is also Mr. Cecil Kennard as an appointee and Mr. Morris Solomon. Those are the Directors of the Company. This Chairman and these Directors have not advised us of any situation where they think that based on market forces, demand and supply, a lowering of the tolls would result in such a growth in the use of the Bridge that it would actually bring in more money. They have not advised us of such a situation and they have been analysing and studying this problem. I would point out that there is no incentive on the face of it for increasing the tolls on the Bridge simply because in the five years of its operations, up to last year, there has been a 30% growth in the number of vehicles crossing the Bridge. On the face of it, despite the complaints and the noises about the tolls, there has been a 30% growth in the usage of the Bridge.

The appeal for the reduction in tolls for the Berbice River Bridge is an emotive one. More so, it is a populist appeal, perhaps designed to garner votes, garner interest to make a short-term change in an arrangement, a change, if not carefully considered, worked out and put in place, may bring catastrophic results with respect to the operation of the facility. The investment in the Berbice River Bridge has to guarantee rates of return for the investors of the Bridge, including the National Insurance Scheme which is even now in receipt of over \$200 million a year as a result of their preference shares in the Bridge, a good investment for the National Insurance Scheme. The Hon. Member Harmon said that this year, there would have to be a repayment of the interest on the loans and this matter has been deferred for some time and this is why the owners of common shares have not been benefitting from any dividends as yet. [Lt. Col. (Ret'd) Harmon: Why?] Because the financial model in the income related to the Bridge is not yet as sufficient to pay the common shares dividend. [Lt. Col. (Ret'd) Harmon: The model is wrong then.] If you are suggesting that the model is wrong, how do you suppose that a reduction in the revenue to the Bridge will result in it getting any

better? [Lt. Col. (Ret'd) Harmon: You negotiate.] Thank you, Mr. Harmon. I am glad you are getting into the field of economics. I know that Mr. Greenidge is the leading authority on that side in respect to these matters and, perhaps, it is passing strange that Mr. Greenidge is not speaking on this matter. Perhaps, it is passing strange that Mr. Greenidge, the leading economist on that side of the House, is not speaking on this matter.

The Hon. Member, Mr. Harmon, is making an emotive, populist appeal and the appeals and representations in support of this motion from that side come from the same mould. This effort, unfortunately, sends a very bad signal from the National Assembly, again, with respect to how we mobilise funds for investment, with respect to how we invite investment and people to come and work and partnership with us in Guyana because it says that if...and I would say that there was a time when we nationalised in Guyana; we nationalised and then we privatised back some and then Guyana said we will go back to a mixed model – public-private – PPPs all of those things – and the Guyana private sector, the banks... I will call some of them. Maybe we will recognise some of them – Republic Bank, Guyana Bank for Trade and Industry (GBTI), Scotia Bank, Demerara Bank, Citizen's Bank, NIS and New Building Society (NBS). All of those companies are basically Guyanese-owned companies. The depositors in those banks have an interest in the investment in the Bridge. The people who lost their money in Clico, which was sold off to bring the financial liquidity of it, have an interest in investment in the Bridge and this motion imperils their interests and their investments.

11.37 p.m.

Secondly, I return to the point that this is a shot fired across the bows of all those persons who want to continue to invest in our country. This is an attempt to make a *de facto* expropriation and nationalisation of a private investment. This is what it is. This is what the motion is. This time, Mr. Speaker, we would not be expropriating or nationalising what was owned by foreigners who we said exploited us and beat us and did all the bad things before and we worked and we paid back for those things that we took and that is why we took them. This time, we will be nationalising and taking away from our own people, from the small depositors. It is not your money. You better check on how much money you have in these banks. This time, the very people you are proposing that you want to help, in a short-sighted way, by reducing the toll... There is not enough money to maintain the facility.

I make the point, again, that this would be the worst thing that would ever happen in Guyana. This is when we will be expropriating, taking away the money and the hard-earned cash and interest and investment from our own people! Unheard of! This is what it is. This is what will result. It is unfortunate that this would presage what is and what would be, otherwise, an act of bad faith with respect to the PPP model and the build–own–operate–transfer (BOOT) model for the development for the mobilisation of capital to invest in infrastructure and businesses in Guyana, in our country.

What is next? Will it be next, perhaps, the Ogle Airport investment, where we also made a PPP project? We mobilised private sector people with their moneys; we got an Ogle regional airport set up; we can now fly off to Grenada, Barbados and those places in seven or 10 minutes from Georgetown. What next? Which is the next project? Why should we be discussing, in this House, how we could further the mobilisation of the resources of our people held in private hands along with the facilitation of Government to build more things and to do more things for our people? Why is it that we are not discussing that? That is what we should be discussing.

It puts into question what would be the approach for the new Demerara Harbour Bridge. The new Demerara Harbour Bridge, which we all want, which we all fret about, for which we have received expressions of interest and we have to shortlist just now... Unfortunately or fortunately otherwise, if you invest in something and the investment has to be recovered, it has to be paid for. All the excursions the Hon. Member, Mr. Harmon, made to Canada, Brazil... All those places he went. He went to Suriname too. Yes, he went to all of those places without putting into context the issues related in those countries with respect to those infrastructure developments - completely irrelevant to the issue.

The Berbice River Bridge came in a specific context. Before the Berbice River Bridge came, we were taking three or more hours to get across the River, sometimes six. Now, with the Bridge, you take three minutes to drive across. Three minutes to drive across, compared to crossing with the ferry, is 60 times more efficient and functional than the ferry system, which was maxed out. It was maxed out. And so these contentions and these excursions, which were made, cannot stand any scrutiny any place. You have to relate it to what is here, the situation in which we found ourselves, where the money came from and how it has to be paid. Hon. Members here, perhaps, pay mortgages too. You pay mortgages; you have car payments; you have all these issues. Things have to be paid for to realise the value of them.

The context in Suriname with its Bridges: Suriname has been quite lucky over the last few years in terms of its economy. Let me talk about a few things that they have that we do not have. It has hydropower, something which we do not seem to appear to want to have. It still has a bauxite industry. It has an alumina plant. I think the pipelines for aluminium are down at the moment, but it has those things. It has oil - 20,000 barrels a day. It has a gold industry now. When we had the Omai investment, we were unlucky, perhaps, and the results ran out and we went through a time when the prices were the lowest on the world market for gold. Suriname has got gold and the reserves in the development and many Guyanese are working there now, too, at a time when the prices have been highest over the last 20 or more years. So, it has money. It has money to do investments. It has made, somehow, the appropriate investments at the right timing. Perhaps, it had a supportive opposition and so it was able to realise its projects, technicians, engineers and economists, and got the right impetus to put their natural projects in place.

Mr. Chairman, I want to point out that in comparison with vehicle movements, our Demerara Harbour Bridge, both ways, moves 17,000 persons' vehicles per day, 510,000 per month and 6,205,000 per year. The Berbice River Bridge moves, both ways, 1,828, to average, 54,840 a month and 658,000 a year. In comparison, the Transport and Harbours Department ferries, when they were in operation and they were maxed out, admittedly, the Torani and the Makouria, moved 690 cars a day, 20,000 a month and 258,000 a year. The Berbice River Bridge is doubling that movement, making it more efficient, synergising and energising the economy not only out there, but over the entire country. People do not recognise it yet, but the opportunity we have had is we have been able, in terms of logistics, to move the two large ferries from the Berbice passage to Essequibo to take up the enormous growth in rice and other produce which come from Essequibo. It has had a tremendous synergising and transformative effect. **[Mr. Nagamootoo: Nobody denies that, but reduce the toll!]** I am sorry, Mr. Nagamootoo. I am sorry. It is easy to shout, "Reduce the toll!" in a populist way, to get some votes, like we said at some time, to reduce the Value Added Tax (VAT). They said at the last elections, reduce the VAT. They forgot the reductions which were made in respect to bringing the VAT into place. They forgot that you have to keep paying for things to always have them working and going. They forgot about responsible management of the economy, and I see Mr. Greenidge now holding his head.

We will not go back to the days of irresponsible management of the economy. We will not! If the Economic Services Committee of the Parliament requests information in respect of this

matter, we will sit with them and we will provide information and discuss it rationally. But these proposals here cannot fly. These proposals here I cannot accede to. These proposals here will result in the destruction of the operation in a few years, a closure of the Bridge. Well, there is another way and the other way is if we say we are giving away a big subsidy in Linden, maybe we could trade off some of the subsidy on the Bridge and subsidise. [Lt. Col. (Ret'd) Harmon: There are other ways to get the Minister to make the argument.] I know you can remove me physically or otherwise, but, I am telling you, it would not make a difference on the operations of the Bridge. You can change it any day you want to, but the people of Guyana and the people of Berbice need and desire the Bridge in the form that it is. They need and desire a sustainable operation of the Berbice River Bridge and these proposals will not allow for a sustainable, financial and efficient operation of that public-private partnership.

Mr. Speaker, I would be the first person to go out there and tell the Berbicians that this is the reality with respect to the Bridge. I am speaking now to the Berbicians.

Mr. Speaker: I am sorry. Your time is up. You will require an extension.

Mr. Hinds: Mr. Speaker, I move that the Hon. Minister be given 15 minutes to conclude his presentation.

Question put, and agreed to.

Mr. Benn: Thank you, Mr. Speaker. We have other bridges. We spent some US\$9 million in doing a Bridges I project, a Bridges II project, a Bridges III project. You see them on the East Bank Demerara; you see them on the West Coast; you see them going all the way to the West Coast Berbice. I do not know that anybody is paying for them. I do not know. I have not seen a toll station on any of those bridges. People do not even know there is a bridge, perhaps; they just fly over them.

I would like to point out that the Transport and Harbours Department still maintains a river crossing barge, moving from Rosignol to New Amsterdam on a daily basis - several runs carrying school children, carrying nurses, carrying policemen, carrying workers and all of that. Hundreds of people are carried everyday on that and maybe we do not know that if we are in a contract using that thing, it is \$17 to cross it, fully subsidised by the Government of Guyana, through the Transport and Harbours Department. These people, who suggest that they are regional representatives, know the place and know everything about it, seem to be

unaware of these things. The question in relation to the cost of crossing the Bridge, the toll structure on the Bridge, is the same as when you were crossing with the Berbice River Ferry. It is the same.

Let me say, further, that the last time the fare structure was changed at the Berbice passage was 2005. The prices are still held at that same amount and the Berbice Bridge tolls are related to that price, for that year, 2005, irrespective of inflation. So if inflation was 5% a year for nine years, maybe one would suggest that the price of crossing the Bridge should have increased by 45%. It has not been adjusted for inflation, and so this superficial, facile, bringing and discussing of this matter here is really... [*Interruption*] It is superficial! Unfortunately, Mr. Harmon, I do not want to scold you. I want to leave that to Mr. Greenidge. Mr. Speaker, it could not be that Lt. Col. (Ret'd) Joseph Harmon intended to unleash some kind of economic warfare on the transformative projects that Guyana has. These projects are not simply People's Progressive Party/Civic projects. These projects are Guyana's projects.

The Hon. Member, Brigadier (Ret'd) Granger, is leading what he calls "A Partnership for National Unity", and this concept of partnership has to extend not only, perhaps, in the House in terms of our counterbalancing and criticising each other to find the best way, the most optimised way to develop our country, but it also has to extend to the private sector.

This matter has been extensively discussed in the press by the private sector. Mr. Ronald Webster, the recently deceased Chairman of the Private Sector Commission, discussed, in the *Guyana Times* of 23rd December, 2013, "Ram dead wrong on govt's interest in BBCI...reiterates objection to any state interference in toll reduction". The private sector said that. In a discussion in relation to the motion which was then there, "APNU/AFC position on the Berbice Bridge amounts to nationalisation, violates Investment Act", Monday, 23rd December, 2013, *Guyana Times*... The *Kaieteur News* of 12th December, 2013, "PSC defends position on Berbice Bridge toll reduction"... We had a discussion where NICIL transferred its shares in the Berbice Bridge Company. So, the information in response to this issue has been fully ventilated in the press.

The Hon. Members talk about a reduction in the toll. They suggest that there was a reduction in the toll for a number of days, I think back in August. The information that I have from the company - because it is not authorised to reduce tolls; only I could, after discussion with them, reduce the tolls - is that it was doing a promotional event during the August holidays...

[Ms. Ally: PPP/C Congress.] I am doing the explanation from the company, Ma'am. During the August holidays and also during the Christmas... [Hon. Member: You should discipline them.] I am prepared to. I have told them already that they had no authority to waive the toll, for any reason whatsoever, without the signature of the Minister of Public Works. They have been advised thereof. [Ms. Ally: Mr. Benn, do not fool me. You told the people to do it.] I am telling you that for no reason will I do any such thing. I will not reduce the toll. I will not. I will not reduce it for any person in Guyana until, by economic modelling and defining, we can determine that it would be a benefit to the Bridge Company, the shareholders and the people of Guyana, as a result. It could not be done any other way. I did say that it was reduced for a few days in August and for a couple days in December. The company said it did it as a promotional thing. I criticised the company privately on this matter and I told them that it cannot be done and that it was illegal.

All these issues, the comparison of tolls and all of these things they have about calling upon the Minister responsible for Public works to make the following toll order... The Minister cannot make such an order. Unfortunately, this Minister cannot and will not make such an order. [Hon. Member: He will not reduce the toll!] I am saying that. I will not reduce the toll at the whims and fancies of the Hon Member, Lt. Col. (Ret'd) Harmon. It cannot be done like this. It has to be done by careful consideration, by examining the question of market demand and supply, and the response of lowering of price to revenue, and the overall sustainability of the Bridge operation and its efficiency. So, I am sorry, Hon. Members and Mr. Harmon.

I say, again, that the WHEREAS clauses are faulty. The numbers they have in respect of their revenue are incorrect. The numbers they have with respect to the pricing and its real effect are incorrect. The questions with respect to the comparisons with the Demerara Harbour Bridge are erroneous. The Demerara Harbour Bridge is subsidised by the Government. If we have to build a new bridge, we will certainly have to pay higher tolls for more efficiency, comfort and safety of crossing. The feasibility studies which we have done in respect to that new Bridge suggests prices of \$180 million to \$300 million or more. Those are the kinds of moneys the pre-feasibility studies, the ballpark you are looking at...so do not believe every newspaper headline you read, Mr. Harmon. [Lt. Col. (Ret'd) Harmon: *[Inaudible]* print what you say!] Yes, they can print what I say.

Again, it could not be that Hon. Member Joseph Harmon is leading a new effort which would result in the dismantling of our economy. All of the transformative projects... this is a new effort; this is Harmon's effort now. There is the anti-money laundering legislation. Something must be wrong with Guyana. We cannot get it signed yet in spite of all the information and the risks it poses to Guyana. We have noises about the Marriott Hotel; we have noises about the Speciality Hospital; we have noises about cost cutting for the Amaila Hydropower; we do not want hydropower, apparently. So, I am worried that there is, indeed, a conspiracy to make this economy grind to a halt. If there is a conspiracy to make this economy grind to a halt and to destroy any confidence in investing in Guyana's economy not only by foreigners and our foreign partners, but also by the Guyanese who live in Guyana and who have money and liquidity in banks and in corporations here in Guyana...I am wondering.

Mr. Speaker, I want to appeal, in closing, to APNU and also to the AFC to take a moment to consider our information and to consider the information which is out in the press, to speak with the Private Sector Commission, to speak with the investors in this public-private facility, to speak with these people who also have money to invest in other public-private partnerships in our country, to speak to those people who have understanding of how our economy will be developed and to find themselves in the proper place with respect to this problem. We need to find ourselves in the proper place. It is no use we try to run out there and share out sweets, make the people happy for a while, and then everything collapses, everything free, reduce everything and then you cannot pay for it. If you have a mortgage to pay, you have a responsibility to pay it. If you have a car payment to pay, you have a responsibility to pay. Perhaps, you have a child going to a school that you pay for and you have to buy the books, you have to do those things. And so it is with the Government and with the Parliament and the people. It could not be any other way.

12.07 a.m.

I had thought that Lt. Col. (Ret'd) Harmon would have withdrawn and deferred this motion for consultation discussion so that he would have had a better approach and presentation on this matter, but he did not. He rushed into the matter this evening without any consultation. He, perhaps, has adopted an entrenched position with respect to the public-private partnership model. This type of populist economics, which has no basis in reality, will result in ruin, again. Again I say, this time we will not be expropriating the foreigners who wiped us out,

almost, who enslaved us, indentured us and did all the bad things; this time, we will be taking it from ourselves. We will be expropriating ourselves.

Mr. Speaker: Please wrap up, Hon. Member.

Mr. Benn: Again, I appeal to the Hon. Members to take a step back from this position, from carrying this motion in this form, and to discuss it in a careful, considered way to take the advice – perhaps it is available from Mr. Greenidge and some others - as to what the best position is on this matter, after good consultations also with the public-private partners in the project.

I thank you. [*Applause*]

Lt. Col. (Ret'd) Harmon (replying): I wish to thank the Members of this side, Dr. Ramayya and Ms. Amna Ally, for their support on the motion and the sort of criticisms which came from the other side.

Mr. Speaker, I just would wish to address three issues because there is a lot of vituperation in this matter that came from the last speaker about facile and puerile recommendations. The motion was filed on the 10th December, 2013.

Mr. Speaker: There is a point of order. Go ahead, please, Hon. Minister.

Mr. Benn: Mr. Speaker, I have not used the word “puerile” until now. I do not know from which hat the Hon. Member is pulling that word. I would like him to, at least, be accurate.

Mr. Speaker: Hon. Member, the Hon. Minister never used the word “puerile”; that is true.

Lt. Col. (Ret'd) Harmon: I will take that back. He said “facile”.

Mr. Speaker: He did say “facile”, but not “puerile”.

Lt. Col. (Ret'd) Harmon: Similar coinage. Mr. Speaker, this is a motion that was filed since the 10th December, 2013. So when the Hon. Minister is saying that we should have time to talk about this and so on, we are in May of 2014. A lot of time has passed.

Further, this is a matter that was a part of our budget discussions at the Office of the President in 2012. This was one of the things we spoke about - the reduction of the Berbice River Bridge toll. This is nothing new. If the Hon. Minister does not know, he must say that. He must speak to the other members of the Government’s team who were present and understand

that this was part of our demands since then. This is not something new that we just pulled out of the hat. It has always been there.

I am very disappointed that the Minister, to whom the final RESOLVED clause is addressed, would take this position, even before the motion is decided upon, that he will not reduce the toll. That is a certain level of arrogance; it smacks of arrogance of this Minister. He has no regards for Resolutions of this National Assembly and no regards for the people of Berbice.

Mr. Speaker, I believe that enough has been said on this matter. I believe a very powerful case has been made by us for the reduction of this toll. In that regard, I will respectfully put that the motion, which requires that the Minister responsible for Public Works make the following toll order, that we proceed on that portion of the motion. I respectfully ask that the motion now be put for its passage in the National Assembly. Thank you very much, Sir.

Mr. Speaker: Do you wish to say something, Hon. Prime Minister?

Mr. Hinds: Mr. Speaker, the last Hon. Member said something which I would like to respond to. He said that the subject of this motion was introduced in discussions at the Office of the President on budget discussions since 2012. I would like to say that we made a move in 2012. If you really wanted to proceed in this way, in discussing these things, you should have kept your side of the bargain and should have dealt with the issue of introducing a reform under the electricity provision in the Linden area. That would release money we could use for other things.

The other thing is that there is a feeling from the other side that the Ministers in the laws can act whimsically. This is not so and, in this particular case, the Minister is constrained to act to maintain the viability of the Berbice Bridge Company Inc. He cannot act in a way that is whimsical and that threatens the survivability of that Bridge.

Mr. Speaker: Very well. Thank you, Prime Minister. The motion has to be seconded. I know that it was signed by Ms. Ally, but, when she rose, she did not formally second the motion.

Ms. Ally: Do I have to do that now?

Mr. Speaker: Please.

Ms. Ally: Mr. Speaker, I rise to formally second the motion moved by Lt. Col. (Ret'd) Harmon.

Motion seconded by Ms. Ally.

Question put, and agreed to.

Motion carried.

COMMITTEES BUSINESS

MOTIONS

ADOPTION OF THE SIXTH PERIODIC REPORT OF THE PARLIAMENTARY SECTORAL COMMITTEE ON SOCIAL SERVICES

“BE IT RESOLVED:

That the Sixth Periodic Report of the Parliamentary Sectoral Committee on Social Services be adopted.” [Mrs. Lawrence]

Mrs. Lawrence: Mr. Speaker, I rise to present to the Parliament the Sixth Periodic Report of the Social Services Committee. The sector reviewed several agencies. We looked at issues pertaining to noise nuisance, the National Insurance Scheme and several hospitals and medical centres.

This Report highlights many deficiencies in these various agencies. But more than anything else, the Committee sought to ensure that it made recommendations. It is those recommendations that I would prefer the House to look at and have the Ministers responsible for the various portfolios act on. So many times reports like these come to the House and, after a lot of work has been, nothing happens. Sir, I can assure you and this House that the Committee, under the Chairperson at that time, the Hon. Indranie Chandarpal, has done a lot of work. I hope that the Ministers would truly give credit to this Report. All we seek to do is ensure that the services which are offered to the people of Guyana be given to them with the highest quality.

I now support this Report laid in the House. [Applause]

Mrs. Chandarpal: Thank you, Mr. Speaker. Firstly, I would like to thank all the Members of the Committee, who, together, have worked very well, as we have done in the past, for, I would say, a very good job done once again.

As is normal with committees such as this one, like the other Sectoral Committees, we usually operate with a work programme and, as was stated before, we identified a few areas for discussion. Those had to deal with our visits to hospitals. We talked about the noise nuisance, the NIS problems and problems related to schools.

I know it is late, but I still would like to make some comments. I want to start off by looking at the first issue we dealt with and this had to do with noise nuisance. I think all of us in Parliament will agree that this is, indeed, a big problem affecting citizens right across the country, that we have been bombarded by all types of noise and that it is now becoming a public health issue, I consider. We talked, at length, about this issue and invited the Guyana Police Force, the Guyana Fire Service and the Mayor and City Council. As a matter of fact, when we had the first discussion, the late Derrick Josiah, Assistant Commissioner, Commander, A Division, was present in these discussions. There were a number of issues which we talked about. For example, we questioned the definition of public nuisance, the legal position of granting music and dancing licences, common law powers of enforcement, statutory powers of enforcement and the Guyana Police Force Standing Order 83 and recommendations.

I just want to quote something Mr. Josiah said. Mr. Josiah explained:

“Some persons in society were of the view that it is their constitutional right to entertain themselves and others, even at the expense of other people.:

He posited:

“My right to do something must not infringe on another man’s right to do what he or she has to do. For instance, my right to play music and to be merry should not infringe on a person’s right to enjoy peace and tranquillity. I wish more people would take heed to this because, ever so often, all over the country, it is normal to have people playing music.”

We have a new trend with those small carts. Also, while we have the problem with the minibuses where they tend to tone their music down, we have a situation where the private cars are upping their decibel levels and it is something we should all be concerned about.

We have had two sessions in which we discussed this issue. We also had the Guyana Fire Service and the Mayor and City Council. Out of these discussions, we made some recommendations. These are as follows:

- The City Engineer pointed out that reviews were done before the granting of permits for social events. The Committee recommended that the criteria used, when issuing permits to persons for activities within close proximity, be reviewed. That was the first recommendation.
- The City Engineer should consider conducting a survey on the issue of businesses, bars, liquor shops, opening at close proximity to the Parliament Office and forward the findings and recommendations to the Central Housing and Planning Authority (CH&PA) for review.
- The need for the Music and Dancing Licence Act to be updated. I think that is the most important one.

With respect to the visits to the hospitals, we visited the Leonora Diagnostic Centre and the West Demerara Regional Hospital in Region 3 and we did the follow-up as well. What was interesting in the first sets of visits that we made to the Leonora Diagnostic Centre and West Demerara Regional Hospital was that for most of the observations and recommendations made, we were pleasantly surprised when we gave them one month to rectify. We were very surprised to see that many of the things were done when we returned.

I think it is important for us to recognise that sometimes all of this has to do with the management of the various facilities, as we had seen at the Leonora Diagnostic Centre and the West Demerara Regional Hospital.

We also visited the East Bank Regional Hospital as well as the Mahaicony Diagnostic Centre. While we recognise there were problems at the East Bank Regional Hospital and made recommendations, we were unable to do a follow-up visit because of the changes there. It was our decision in the Committee that we will give the new people the opportunity to improve or to follow-up on the recommendations that we made, then we would follow-up with another visit.

We were pleasantly surprised when we visited the Mahaicony Diagnostic Centre. As a matter of fact, we all joked and said that this should be the model hospital because of the totality of the ambiance and everything else that was there. Sometimes, we keep harping about the

negative things and things that are not happening at some of the health centres and hospitals, it is good when you can go to some of these hospitals, as we have done and see that there are positive developments and there are people out there who are prepared to work very hard to make a difference in the places in which they are working.

The other issues that were of concern for us have to do with the problem of school dropouts and also the NIS. With respect to the NIS, we have had, prior to this year, many visits, meetings and discussions with the NIS. We are a little disturbed that up to this moment, NIS is unable to get its act together. Even though we made recommendations to ensure that all persons, who are recipients of NIS, be able to have, from time to time, the opportunity to know their status, so to speak, until now. NIS is unable to put that right. We, ourselves, are surprised. If you are dealing with about 100 persons, how come it is so difficult? And you are always getting all kinds of excuses. So that is an area where we definitely ought to put more attention, in terms of the problems with the NIS, and try to see what some of the problems are so that we could resolve the issues there.

Also, we dealt with a problem relating to the school dropouts. We talked about the need for a relook at the technical and vocational education. We had a long discussion on this matter and we believe that we need to do an assessment and come up with some new proposals. I suspect this time around, when we will be discussing our annual work programme, that will come up for discussions. We have made some suggestions, all of which will form part of the new discourse.

Mr. Speaker, I want to say that it is a pity that members of the public are unable to see the way we operate at the meeting. Of course, while it is open, you find that the press does not find these types of meetings very interesting. We worked very well; we worked in a very consensual way. Even when we went on the visits in the different places, there was total agreement, observation and concern.

I want to say that we need to continue this trend. I only hope that some of the recommendations which have been made will be looked into very seriously with a view to rectifying some of these problems.

I thank you. [*Applause*]

Mr. Speaker: And we thank you very much, Hon. Member. We know that chairmanship of this Committee has, in fact, passed and much of the work that Mrs. Chandarpal spoke about,

which was recognised by Mrs. Lawrence, occurred under her tenure. I have no doubt that Mrs. Lawrence will continue in similar vein. I did kind of *sotto voce* this afternoon's speech about the New Opportunity Corps. I hope that the Committee will find its way there at some time in the near future.

Mr. Nandlall: Yesterday afternoon.

Mr. Speaker: Did the Committee go there yesterday afternoon?

Mr. Nandlall: No, you mentioned that yesterday afternoon.

Mr. Speaker: You are right – yesterday afternoon.

Question put, and agreed to.

Report adopted.

ADOPTION OF THE SECOND REPORT OF THE COMMITTEE ON APPOINTMENTS IN RELATION TO THE APPOINTMENT OF MEMBERS OF THE PUBLIC SERVICE COMMISSION

“BE IT RESOLVED:

That this National Assembly adopts the Second Report of the Standing Committee to address matters relating to the Appointment of Members of Commissions established under the Constitution, and signifies to the President that the following persons:

- (i) Mr. Patrick M. Yarde; and
- (ii) Ms. Patricia Went

have been nominated in accordance with Article 200 (1)(b) of the Constitution, to be appointed Members of the Public Service Commission.” [Dr. Norton]

Dr. Norton: I rise to present the motion for the adoption of the Second Report of the Committee on Appointments in relation to the appointment of members of the Public Service Commission.

Just to note that there was a change in the membership of this Committee. The late Hon. Mrs. Deborah Backer resigned as a Member of the National Assembly with effect from Friday, 7th

February, 2014. Subsequently, the Committee of Selection met on Thursday, 20th February, 2014, and Mrs. Backer was replaced by Hon. Dr. Karen Cummings on the Committee.

The Public Service Commission was appointed on 22nd October, 2011 and expired on 21st October, 2013. The Committee on Appointments, in keeping with article 200 of the Constitution, was mandated to re-establish this Commission. According to paragraph (1)(b) of that article 200, the President shall appoint two members of the Public Service Commission upon nomination by the National Assembly, after it has consulted such bodies as appeared to it to represent public officers.

The National Assembly, in a motion passed at its Ninth Sitting on 8th May, 2003, entrusted the following functions to the Standing Committee on Appointments, established by article 119C of the Constitution, identifying the appropriate bodies for consultation, conducting the necessary consultation with them and receiving nomination or nominations from them, in accordance with article 200 (1) (b).

The Committee held a total of 20 meetings. At its 16th Meeting held on Wednesday, 13th November, 2013, the Committee decided that it would consult with the same entities, as was previously consulted in the 2010 nomination process. As a result, it was agreed that the following trade unions that represented public officers and classes of public officers in Guyana be invited to submit nominations for the appointment, in accordance with article 200 (1) (b) of the Constitution: the Guyana Public Service Union (GPSU), the Guyana Labour Union (GLU), the Public Service Senior Staff Association (PSSSA), the Federation of Unions of Government Employees (FUGE) and the National Union of Public Service Employees (NUPSE).

On 14th November, 2013, the Committee dispatched letters addressed to the General Secretaries of the respective trade unions, stating that their organisations have been identified as entities to be consulted to make nominations in accordance with article 119C, 8 of 2001, of the Constitution and that they should advise the Committee, through the Clerk of the Committee, whether their organisations were still functioning.

The 22nd November, 2014 was given as the deadline for responses. Letters confirming the functionality of the respective trade unions were received as follows:

Ms. Deborah Murphy - General Secretary, Guyana Public Service Union – 19th November, 2013;

Dr. Dindyal Permaul – President, Public Service Senior Staff Association – 20th November, 2013;

Mr. Carvil Duncan – General Secretary, Guyana Labour Union – 20th November, 2013; and

Mr. Vincent Bowman – General Secretary (ag) – National Union of Public Service Employees – 20th November, 2013.

Mr. Speaker, the General Secretary of the Federation of Unions of Government Employees did not send a reply, but he was written to on 14th November, 2013, requesting him to advise the Committee if the union was functioning. However, in response, the Committee received a correspondence dated 25th November, 2013 from Mr. Kenneth Joseph, the General Secretary of the Federation of Independent Trade Unions of Guyana (FITUG), stating that that federation was functioning. That correspondence was mistakenly identified as a response from FUGE. In this regard, the General Secretary of FITUG was contacted by the Clerk of the Committee for clarification on this correspondence. The Clerk was informed that the correspondence was sent in error and asked that it be withdrawn.

Efforts were made to ascertain the existence and whereabouts of FUGE, that is, this union. Accordingly, telephone calls were made to the Guyana Trade Union Congress and the Federation of Trade Unions of Guyana, seeking information on FUGE. Both trade union bodies have stated that FUGE was not affiliated to their bodies and had indicated that it was non-existent.

At the 17th Meeting held on 27th November, 2013, the Committee agreed to write to the four mentioned organisations and unions, inviting them to submit to the Committee their nominations by 20th December, 2013. The copies of the relevant sections of the Constitution were included to guide them in making their decisions. The unions were also encouraged to consult with each other to arrive at such nominations.

On the 19th November, the Guyana Public Service Union submitted the names of Mr. Patrick Yarde and Ms. Patricia Went as its nominees. On 3rd December, 2013, the Guyana Labour Union submitted the name of Mr. Carvil Duncan as its nominee. On 4th December, 2013, the National Union of Public Service Employees submitted the name of Mr. Vincent Bowman as its nominee.

At the 18th Meeting that was held on 11th December, 2013, the Committee proceeded to nominate members to the Public Service Commission. Mr. Cecil Seepersaud of the Public Service Senior Staff Association and Mr. Vincent Bowman of the National Union of Public Service Employees were shortlisted for nomination, as well as Mr. Cecil Seepersaud, again, and Mr. Carvil Duncan. We had a common nominee in the name of Mr. Cecil Seepersaud, then the names of Mr. Vincent Bowman of NUPSE and Mr. Carvil Duncan of GLU were put to a vote.

In the end, Mr. Cecil Seepersaud of the Public Service Senior Staff Association and Mr. Vincent Bowman of the National Union of Public Service Employee were shortlisted as nominees for the committee to be presented to the National Assembly for appointment to the Public Service Commission.

12.37 p.m.

Subsequent to this nomination on 18th December, the Public Service Senior Staff Association submitted the name of Dr. Dindyal Permaul as its nominee. On 20th February, 2014, this same union withdrew the name of its nominee for consideration to be appointed to the Public Service Commission, without any reason.

Mr. Speaker: Hon. Member, I did not mean to interrupt but I think I should. Are you reading from the Report that has been circulated to us?

Dr. Norton: To some extent.

Mr. Speaker: Maybe you can précis because we all have it. There is no need to read verbatim, everything that is in the Report. Just let us know the outcome.

Dr. Norton: Okay.

Mr. Speaker: Thank you.

Dr. Norton: We had to recommit our nomination process because of two issues that were brought to the Committee. One was that Mr. Cecil Seepersaud was not a nominee from the PSSSA. The response we got in the Committee from that Union stated that he was a serving member from that Union and, as a result, it showed they were functioning. We took that as their nominee.

The second issue that was brought to our attention was that we had information from one of our Members that we had a problem with the NUPSE existing as a union. It was expressed that NUPSE had lost its status to represent workers to that of the GLU. So we made efforts to find out from the affiliate body of NUPSE, the Guyana Trade Union Congress, about the status of NUPSE. We got a letter that stated yes, they are affiliated to them, and they stated the group of workers they represent. We also got a letter from NUPSE itself, giving us the office bearers. For this reason, we had some difference in opinion with respect to whether we should give the PSSSA the opportunity to provide us or remind them that they did not send a nominee because they did send one but then they withdrew, and whether we should go to the Trade Union Recognition Board rather than use the methods we use to see if NUPSE was indeed existing.

We, however, decided to go along with the nominees we had. We had Mr. Patrick Yarde and Ms. Patricia Went from the Guyana Public Service Union. They were shortlisted nominees by Ms. Anna Ally and seconded by Mrs. Valarie Garrido-Lowe. At that meeting, Bishop Juan Edghill, who was the only Government Member present, declined to vote. As a result of that, the Committee, therefore, reports to the National Assembly that it has meaningfully consulted with the Guyana Public Service Union, the Public Service Senior Staff Association, the National Union of Public Service Employees and the Guyana Labour Union, bodies that appeared to it to represent public officers or classes of public officers. The Committee further recommends that Mr. Patrick Yarde and Ms. Patricia Went be signified as the National Assembly's choice to the President for appointment as members of the Public Service Commission, in accordance with article 200(1)(b) of the Constitution.

Minister of Agriculture [Dr. Ramsammy]: Mr. Speaker, I will not be long, but I do want to put some things on the record. I want to clarify one of the points that the Hon. Member, Dr. Norton, stated on NUPSE; it has lost its recognition as a union or something like that. In fact, it was discovered it no longer represented public servants.

This Committee has been in existence for a while. I was one of the Members of the first Committee on Appointments and remained there. One of the things I can say about this Committee on Appointments is that we have bent backwards in being as exhaustive as we can in order to consult and in order to ensure we have as broad representation as possible.

The process ended up as we did. We selected two persons from the same union, but have never done that. We have always tried to have representatives from more than one union. I

believe we were not as exhaustive this time around. I need to say that. I am not pointing fingers at anybody, but I thought we could have been a little more exhaustive. And I do want to say that the result we ended up with was because of a misunderstanding, an error. Indeed, when the Public Service Senior Staff Association responded, it indicated that it is a legitimate union and that Mr. Cecil Seepersaud had served two terms; it was its language. It intended for Mr. Seepersaud to be its representative. It then received another letter. Dr. Dindyal Permaul indicated to me that he took that further invitation to mean that having served two terms that Mr. Seepersaud was no longer eligible, and that is why he submitted his name as the nominee. He subsequently discovered that Mr. Seepersaud was still eligible, and, since that name was already in consideration, he then responded with another letter that, unfortunately, arrived after the Committee had voted. I think I need to put in the record that another letter did come to say that his withdrawal, subsequently, was on the assumption that Mr. Seepersaud will be the nominee. So we had an opportunity, but a vote was already taken. I think we missed an opportunity to be exhaustive in the process and we missed an opportunity to have representation on the Public Service Commission that would have brought broader perspective.

Unfortunately, we ended up with an anomaly, with two persons from the same union. The anomaly actually is even more than that because, in the past, we have allowed unions to submit one name. In this case, unions submitted two names and we ended up with both persons from the same union being on the Commission.

I think, in addition to that, in the past - I have been there - we have allowed the opportunity for as many Members of the Committee on Appointments to participate. I called Dr. Norton, before the meeting when the vote was taken, to say that the Government representatives were all engaged. I think Dr. Anthony was out of the country. Ms. Teixeira was in Washington, I believe, and I was occupied. Bishop Edghill was occupied too. I called Dr. Norton and asked if we could defer the meeting. Dr. Norton did consider it and told me he would call me back. But I did not get a call back and the meeting went on. Bishop Edghill was asked to leave his other event to go to the meeting. By the time he arrived at the meeting, the process had already ensued. At the subsequent meeting, the vote was taken and this was done.

There is a process and I believe that, in this instance, we broke our own tradition and practice of being as exhaustive as we can to ensure broad representation. In the process, we will end up with a Commission that would not have had as wide representation as this process is

intended to do. So I am disappointed that this is how we ended up after working so many years and maintaining the tradition in spite of huge difficulties. I think this was a far simpler case and we could have spent a little more time to ensure that we have a broader representation.

Mr. Speaker, thank you.

Dr. Norton: Mr. Speaker, all the unions that were earmarked would have received a letter from the Committee stating, in the paragraph before the last:

“After the selection of the nominee or nominees (not more than two)...”

So it is not accurate to say that they must only send one nominee. That is what was said in the letter. That would be the reason why they would have sent two nominees.

The second thing is that the Hon. Minister should have said it was not only that occasion that the Government Members might not have been present. We had actually suspended a meeting before because none of the Government Members were able to attend. In this case, one was still able to attend. We listened to the Budget debate and fingers were being pointed as to who was responsible for the Commissions not being formed. We had correspondence moving from the President to the Leader of the Opposition about the formation of this Commission. In once such correspondence, there was even the case of him saying that yes, the Public Service Commission has already been formed. So I do not know if we had the luxury to wait again and to have that continually.

The other thing is that while the Hon. Minister might have had this information from Dr. Permaul, it was not privy to us. He did withdraw without any reason. Until so many weeks after, then he explained to us that it was his understanding, but that had already happened. So we had no nominee from them. And for the other nominee, there was some issue with respect to whether his union represents public service workers or not. We have the two letters from them, one from the Guyana Trade Union Congress and the other from the National Union of Public Service Employees, confirming that that union is extant. While it might be against tradition, there was nothing in the Constitution that states we could not take the two nominees from one union, and we went ahead and did that with the consensus mechanism that we use.

Thank you.

Question put, and agreed to.

Report adopted.

Mr. Speaker: Members, I omitted to indicate, because I had not been informed, that two other motions on the Order Paper have been deferred. I just want to confirm that, as it was my information. Those motions will be deferred.

Before I invite the Prime Minister to move the motion, as I know he is anxious, I will like to report on two matters. The first is - and this information came to me after my Announcements today - that the late Basil Rodrigues was also the grandfather of our very own Hon. Member, Ms. Rennita Williams. My sincere condolences to you. And, I believe, he was a cousin to Mrs. Garrido-Lowe as well. So the Assembly extends its condolences to your families.

The second matter I wish to raise is one of some concern. It has come to my attention that not all Ministers who, during the budget debates, had given undertakings to this House to provide information to Members have done so. I have received from some Ministers and those would have been passed on. Today, something came from the Guyana Elections Commission (GECOM). The Clerk and I will work on going through the list to ensure that every Minister who gave an undertaking will be contacted to make good on those undertakings. Those are the two matters I wished to raise.

ADJOURNMENT

Mr. Hinds: I move that the House be adjourned to next Wednesday, 21st May, 2014 at two o'clock.

Mr. Speaker: Hon. Members, we stand adjourned to Wednesday, 21st May, 2014 at 2.00 p.m. Have a good night everyone.

Thank you.

Adjourned accordingly at 12.53 a.m.