

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2015-2018) OF THE ELEVENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN*

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89<sup>TH</sup> Sitting

Monday, 25<sup>TH</sup> June, 2018

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*Assembly convened at 2.08 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **ANNOUNCEMENTS BY THE SPEAKER**

### **National day of Mourning**

**Mr. Speaker:** Hon. Members, you would have noticed that the flags on all of the Government's buildings are being flown at half-mast. Today is a day of mourning in Guyana. We join with our fellow citizens in observing this day when we pay tribute to the memory of our fellow citizens who lost their lives in such a brutal manner at the hands of pirates. In our observance of this day, I invite you to rise and join me in observing a moment of silence in their memory.

*Minute of silence observed.*

### **Leave to Members**

**Mr. Speaker:** Leave has been granted to the Hon. Member Cornel Damon to be absent from today's sitting.

## **PRESENTATION OF PAPERS AND REPORTS**

The following Reports were laid:

1. Annual Reports of the National Communications Network Inc. for the years 2015 and 2016. [*First Vice-President and Prime Minister*]
2. Annual Review of the Sugar Industry Labour Welfare Fund Committee for the year 2016. [*Minister of Social Protection*]
3. Treasury Memorandum Pursuant to Resolution No. 79/2018 dated March 15, 2018 of the National Assembly on the Public Accounts of Guyana for the years 2012, 2013 and 2014. [*Minister of Finance*]
4. (i) Audited Financial Statement of the Demerara Harbour Bridge Corporation for the year ended 31<sup>st</sup> December, 2014.  
  
(ii) Audited Financial Statement of the Cheddi Jagan International Airport Corporation for the year ended 31<sup>st</sup> December, 2015. [*Minister of Public Infrastructure*]
5. Annual Report of the Public Utilities Commission for the year 2017. [*Minister of Public Telecommunications*]

## **QUESTIONS ON NOTICE**

### **[Written Replies]**

#### **(1) HIRING OF SPECIAL PROSECUTORS**

**Mr. Nandlall:** The Hon. Minister, in response to questions during the estimates of the annual budget debates for the years 2017 and 2018, informed the House that \$109M was allocated in sub-head 6284 under programme 523 Attorney General's Chamber in the Budget 2017 and that in the same sub-head and programme in the Budget 2018, undisclosed funds were also allocated for the hiring of Special Prosecutors, including foreign lawyers.

Could the Hon. Minister provide this House with information on the number of Special Prosecutors that have been hired, their salaries and benefits, travel and hotel costs incurred and the number of cases they are/have been handling for the period January, 2017 — March, 2018?

**Attorney General and Minister of Legal Affairs [Mr. Williams]:**

(1) Number of Prosecutors: Five

(2) Salaries and Benefits: Retainer fee of two million dollars (\$2,000,000.00) to be applied against the Attorney's fees and cost incurred by the client or expenses paid by the attorney on behalf of the client and twenty thousand dollars (\$20,000.00) per hour for legal services rendered in prosecuting matters in court.

(3) Travel and Hotel: No travel and hotel costs have been incurred.

(4) Number of cases January 2017- March 2018: 12 cases

It should be noted that agreement signed by the special prosecutors is dated 7th June, 2017. Therefore, there would be no cases assigned before that date.

**(2) STATUS OF THE LAW REFORM COMMISSION**

**Mr. Nandlall:** Would the Hon. Attorney General and Minister of Legal Affairs provide this National Assembly with the following information with regards to the status of the Law Reform Commission: -

- (i) Is the Law Reform Commission functioning?
- (ii) Who are the persons appointed to the commission?
- (iii) The remuneration package of the persons appointed to the Law Reform Commission? Or, if no one has been appointed as yet what is the anticipated remuneration package?
- (iv) Is the commission provided with staff, and, if so, the number of positions and salaries of those persons?
- (v) What is the address of the Law Reform Commission?
- (vi) If the building in which the Law Reform Commission is accommodated is being rented, could a copy of the rental agreement be provided?

**Mr. Williams:**

- (1) The Law Reform Commission is in the final stage of readiness. Persons have been interviewed for the position of Commissioners. Some staff for the commission have been hired. The Law Reform Commission Building is ready.
- (2) No Commissioners have been appointed however interviews were conducted for Commissioners on the 19<sup>th</sup> and 20<sup>th</sup> June, 2018.
- (3) No remuneration has been approved.
- (4) The following staff have been hired for the Commission-

Position	Number of	Gross Salary
Legal Officer	1	\$700,000.00
Legal Clerk	2	\$150,000.00 (each)
Typists	3	\$130,000.00 (each)
Office Assistant	2	\$100,000.00 (each)
Cleaner	1	\$75,000.00
Driver	1	\$120,000.00

- (5) Lot 59 Robb Street, Bourda, Georgetown, Guyana.
- (6) Rental Agreement attached.

### **Rental Agreement**

### **GUYANA**

### **COUNTY OF DEMERARA**

### **AGREEMENT OF TENANCY**

THIS AGREEMENT OF TENANCY is made and entered into at Georgetown, Guyana, on this 14<sup>th</sup> day of November, 2017, by and between MICHAEL WHARTON and MICHELLE WHARTON, both of 586 Republic Park, Peter's Hall, East Bank Demerara, Guyana, (hereinafter referred to as the "Landlords") of the one part and THE GOVERNMENT OF GUYANA

represented herein by the Permanent Secretary, Ministry of Legal Affairs, whose office is situate at 95 Carmichael Street, North Cummingsburg, Georgetown, Guyana, (hereinafter referred to as “the Tenant”) of the other part, which terms shall include, their heirs, executors, administrators and assigns where the context so permits.

WHEREAS the Landlords are the owners of a three-storey building situate at the east half of lot 59 (fifty-nine) Robb Street, Bourda, Georgetown, Guyana; AND WHEREAS the Tenant is desirous of renting the middle and top floors of the building situate at the east half of lot numbered 59 (fifty-nine) Robb Street, Bourda, Georgetown, Guyana, hereinafter referred to as “the demised premises”;

**NOW THIS AGREEMENT WITNESSETH AS FOLLOWS: -**

1. The Landlord(s) hereby agree to let and the Tenant hereby agrees to rent the demised premises from the 1st day of December, 2017, to the 30th day of November, 2018, inclusive.
2. The rental for the demised premises shall be \$850,000.00 (eight hundred and fifty thousand dollars, per month, payable in advance on or before the 5th day of each and every month.
3. The Tenant agrees to lodge the sum of \$1,700,000.00 (one million seven hundred thousand dollars) as a security deposit for loss or damage to the demised premises, on the signing of this Agreement. The security deposit (less any expenses for damage) is to be refunded to the Tenant at the completion of the tenancy. The Landlords hereby acknowledge receipt of the security deposit as aforementioned.
4. The Tenant agrees to pay the rental for the first two months of the tenancy before going into occupation of the demised premises. The Landlords hereby further acknowledge receipt of the sum of \$1,700,000.00 (one million seven hundred thousand dollars) as aforementioned (i.e. rental for the period of 1st December, 2017, to 31st January, 2018).
5. The Tenant agrees to use the demised premises solely as offices and undertakes not to use them for any unlawful or immoral purpose or in any manner offensive to others.

6. The Tenant agrees to allow the Landlord(s) a monthly inspection of the demised premises at a mutually agreed time.
7. The Tenant agrees not to remodel or make any structured changes, alterations or additions to the demised premises and not to paint, paper or decorate the walls of the demises premises and not to install, attach or exchange appliances or equipment or to drive nails or devices into the walls or woodwork of the demised premises without the prior written consent of the Landlord(s).
8. The Tenant undertakes not to live, cook or smoke, in the demised premises, nor to allow its staff, guests, clients, customers, visitors or agents or any other person(s) to live, cook or smoke, in the demised premises.
9. The Tenant undertakes not to execute or allow any electrical work to be executed in the demised premises without the written authority of the Landlord(s).
10. The Tenant undertakes not to use any electricity generating set, other than the one provided by the Landlords, in, on or around, the demised premises, without the express written consent of the Landlords.
11. The Tenant agrees not to assign this tenancy or to sublet the demised premises or any portion thereof.
12. The Tenant agrees to keep the demised premises in clean and sanitary condition at all times and not to do anything which might interfere with the action of, or cause damage to, the sewerage.
13. The Tenant agrees to pay all charges levied by Guyana Power and Light Inc. for electricity consumed by the Tenant in the demised premises during the existence of the Tenancy.
14. The Tenant undertakes to communicate any loss or damages in or to the demised premises to the Landlord(s) within seven (7) days or such loss or damage.

15. The Tenant undertakes to permit the Landlord(s) or their agent with all necessary workmen and appliances at all reasonable times to enter upon the premises and examine the conditions thereof and to execute all necessary and reasonable repairs.
16. The Tenant undertakes not to do or permit to be done anything which would make void or voidable any policy of insurance on the demised premises against damage by fire or which may cause any increased premium to be payable for such insurance.
17. The Tenant undertakes, upon the termination of the tenancy, to surrender the premises, all fixtures and fittings to the Landlord(s), in good, clean and operating conditions, ordinary wear and tear excepted.
18. The Tenant, upon vacating the premises shall clean the said premises and remove all garbage. If such cleaning and removal of garbage is not accomplished by the tenant then the Landlord(s) shall take such action as is deemed necessary to accomplish the same, and shall recover the expenses from the tenant.
19. Upon vacating the premises the tenant shall deliver all keys to the Landlord(s) within twenty four (24) hours after vacating.
20. The Landlords undertake to pay all of the rates and taxes in respect of the demised premises.
21. The Landlords undertake to pay the charges for the water consumed in the demised premises.
22. The Landlords covenant to keep the demised premises in good and tenantable repair.
23. The Landlords undertakes to permit the Tenant, if it shall punctually pay the rent and observe the stipulations herein on its part contained, to enjoy the premises without disturbances by the Landlord(s) or those claiming under or in trust for them.
24. It is hereby mutually agreed that the tenancy created herein may be determined by either party giving 3 (three) months' notice to the other, in writing.
25. The Tenant agrees to pay 3 (three) months rent in lieu of notice as aforementioned.

**IN WITNESS WHEREOF** of the parties have hereunto set their hands in the presence of subscribing witnesses.

LANDLORD – MICHAEL WHARTON

LANDLORD - MICHELLE WHARTON

TENANT - The GOVERNMENT OF GUYANA represented by the Permanent Secretary in the Ministry of Legal Affairs – Delma Nedd.

### **3. APPOINTMENT OF CORONERS**

**Mr. Nandlall:** Would the Hon. Attorney General and Minister of Legal Affairs inform this National Assembly as to: -

- (i) The number of Coroners who were appointed since the enactment of the Coroners (Amendment) Act — No. 3 of 2016?
- (ii) The names of the Coroners, their qualifications and their dates of appointment?
- (iii) The remuneration package of Coroners?

**Mr. Williams:**

- (1) The appointment of Coroners is the remit of the Judicial Services Commission. (Section 3A of the Coroners Act 2015)
- (2) The appointment of Coroners is the remit of the Judicial Services Commission.
- (3) To be decided by the Judicial Services Commission.

### **4. CONTRACT BETWEEN THE MINISTRY OF PUBLIC HEALTH AND THE LINDEN HOLDINGS INC.'S SUSSEX STREET PROPERTY**

**Mr. Nandlall:** Would the Hon. Minister of Public Health inform this National Assembly as to:-

- (i) The total sums paid to Linden Holding Inc. as rent for the property situated at lot 29 Sussex Street, Albouystown, as of March 31, 2018?



- (ii) What action has been taken with regards to implementing the recommendations that the contract be renegotiated to obtain a lower rate of rental, and, if not possible, that the Lease Agreement be terminated?

**Minister of Public Health [Ms. Lawrence]:**

- (1) The total sum paid for the period July 2016 thru March 2018 is Two hundred and Sixty-four million, five hundred thousand dollars (G \$264,500,000)
- (2) The actions taken were a Notice of Quit dated October 31, 2016 by the Permanent Secretary, Trevor Thomas.

A reminder dated October 3, 2017, was sent by Permanent Secretary, Ms. Colette Adams.

**5. SOCIO-ECONOMIC IMPACT OF THE SUSTAINABLE LIVELIHOOD AND ENTREPRENEURIAL DEVELOPMENT (SLED) INITIATIVE**

**Dr. Persaud:** Could the Hon. Minister provide this National Assembly with the following information: -

- (a) The number of persons employed by each recipient of the grants awarded through the Sustainable Livelihood and Entrepreneurial Development (SLED) Initiative since its establishment in 2015 to December 31, 2017?
- (b) The frequency distribution breakdown of net operating revenues for the entire population of SLED grants recipients from the Initiative's establishment in 2015 to December 31, 2017?
- (c) The date each SLED grant recipient, where applicable, registered under the following: Business Names (Registration) Act, the Companies Act, or the Co-operative Societies Act?
- (d) The disaggregated breakdown of non-programme expenses (i.e., overhead costs) associated with the SLED Initiative since its inception in 2015?
- (e) The operational cost of the Ministry/Unit which manages the SLED Initiative per annum; number of staff, salaries and benefits per annum; other charges?

**Minister of Social Protection [Ms. Ally]:**

**General Comment:**

The Ministry of Social Protection received its first budgetary allocation of one hundred million dollars (\$100) for the Sustainable Livelihoods and Entrepreneurial Development (SLED) Projects in 2017, as recorded in the “**Estimates of the Public Sector, Current and Capital Revenue and Expenditure for the year 2017**”:

**Agency 49:** Ministry of Social Protection

**491** Policy Development and Administration

**Project Code and Title:** 1903700 Sustainable Livelihood and entrepreneurial

Development (SLED) Projects

Thus, responses are provided in respect of 2017.

**(a) Number of Persons employed by Each Recipient of Grants:** In 2017, the Ministry's activities entailed participatory engagements with the beneficiaries to confirm their 'buy-in' and finalise the components of the projects, engage in required procurement processes for the award of contracts for civil works and sourcing of equipment and supplies and oversee the construction and purchase and delivery of items.

The groups are registered under the Cooperatives Act, Chapter 88:01. Cooperatives are member-driven and some members work (worker-type cooperative) with the Cooperative.

**(b)** The groups that received support from the Ministry of Social Protection had not become fully operational by the end of 2017.

**(c) Registration Date of Groups**

The process for registration commenced in 2017. The status is as follows:

No.	Region	Area/Group Name	Date of Registration
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1	1	<b>Koko Co-operative Society Limited</b> Koko, Moruca	6th April, 2018
2	1	<b>Upper Cabrora Co-operative Society Limited</b> Upper Cabrora, Moruca	6th April, 2018
3	2	<b>Lima Sands Women's Development Cooperative Society Limited</b> Lima Sands, Essequibo Coast	26th March, 2018
4	2	<b>Dartmouth/Westbury Community Multipurpose Cooperative Society Limited</b> Dartmouth/Westbury	1st November, 2017
5	2	<b>Queenstown Producers and Multipurpose Cooperative Society Limited</b> Queenstown, Essequibo Coast	6th April, 2018
6	2	<b>Onderneeming Sand Pit Multipurpose Cooperative Society Limited</b> Onderneeming, Essequibo Coast	1st November, 2017
7	3	<b>West Demerara Proactive Women's Producers Cooperative Society Limited</b> Stanleytown, West Bank Demerara	12th July, 2017
8	4	<b>Buxton Flavour and Fragrance Multipurpose Cooperative Society Limited</b> Buxton, East Coast Demerara	Customer due diligence in progress
9	4	<b>Green Life Floral Co-op Society Limited</b> Cummings Park, Sophia	12th October, 2017
10	4	<b>South Georgetown Development Cooperative Society Limited</b> Albouystown, Georgetown	Customer due diligence in progress
11	5	<b>Young Adventurers Cash Crop Farmers' Cooperative Society Limited</b> #8 Village, West Coast Berbice	Customer due diligence in progress

12	5	<b>Women on the Rise Cooperative Society Limited</b> #30 Village, West Coast Berbice	12th July, 2017
13	5	<b>Belladrum Co-operative Society Limited</b> Belladrum, West Coast Berbice	22nd March, 2018
14	7	<b>Potaro Road Multipurpose Co-operative Society Limited</b> Four Miles, Bartica/Potaro Road	1st November, 2017
15	8	<b>Chenapau Multipurpose Cooperative Society Limited</b> Chenapau Village, Rupununi	1st November, 2017
16	9	<b>Hiawa Multi-Purpose Cooperative Society Limited</b> Hiawa Village, Rupununi	17th November, 2017
17	9	<b>Aishalton Multi-Purpose Co-operative Society Limited</b> Aishalton Village, Rupununi	7th August, 2017
18	9	<b>Moco Moco Multi-Purpose Cooperative Society Limited</b> Moco Moco Village, Rupununi	17th November, 2017
19	10	<b>Kara Kara Co-operative Society Limited</b> Kara Kara, Linden	17th October, 2017
20	10	<b>Section "C" Christianburg Cooperative Society Limited</b> Wismar, Linden	Registration as a cooperative in progress. Registered under the Friendly Societies Act on 22nd August, 2016.

**(d) Disaggregated Breakdown of Non-Programme Expenses — Overhead Costs**

For 2017, non-programme costs were met from the budgetary allocation under the Ministry's Current Expenditure allocation to Programme 1: Policy Development and Administration.

The overhead costs include internet, telephone charges, electricity, computer facilities, office space and furniture and stationery and other supplies for the four-member staff of the Special Projects Unit and costs associated with engineering design and preparation of Bills of Quantities for the projects.

The staff is part of Programme 1 and occupies two offices and utilizes facilities at the Lamaha Street location and performs duties relating to other projects and activities of the Ministry. In the circumstances, costs will have to be apportioned to the SLED programme.

The cost associated with engineering design and preparation of Bills of Quantities for projects in 2017 was \$1,557,193.

**(e) Operational Cost of the Ministry/Unit which manages the SLED Initiative per annum**

No.	LAST NAME	FIRST NAME	DESIGNATION	SALARY (G\$) Jan-Dec 2017	GRATUITY (G\$)	VACATION ALLOWANCE (G\$)	DUTY ALLOWANCE (G\$)	TRAVEL ALLOWANCE (G\$)	TOTAL COST (G\$)
1	Sohai	Dhanmattie	Project Coordinator	4,410,000	992,250	367,500	120,000	120,000	6,009,750
2	Nelson	Rhonda	Business Development Officer	2,457,756	552,995	204,813	120,000	120,000	3,455,564
3	Babb	Tiffany	Administrative Assistant	1,001,880	225,423	83,490			1,310,793
4	Hackshaw	Monica	Micro Credit Officer	1,570,944	353,462	130,912			2,055,318
<b>TOTAL</b>									<b>\$12,831,425</b>

**(6) BENEFICIARIES OF THE SUSTAINABLE LIVELIHOOD AND ENTREPRENEURIAL DEVELOPMENT (SLED) INITIATIVE**

**Dr. Persaud:** Could the Hon. Minister provide this National Assembly with information regarding the beneficiaries of the Sustainable Livelihood and Entrepreneurial Development (SLED) Initiative as follows:-

- (a) The name of each recipient of the grants awarded through the Sustainable Livelihood and Entrepreneurial Development (SLED) Initiative since its establishment in 2015 to December 31, 2017?
- (b) The value of the grant awarded to each recipient?
- (c) The date(s) each grant was disbursed to each recipient'?
- (d) The form of business ownership each recipient takes (e.g. sole proprietorship, partnership, company, cooperative)?
- (e) The description of the economic venture undertaken by each of the recipients?
- (f) The location (community and region) of each recipient?
- (g) The total number of applicants received for a SLED grant?
- (h) The criteria used to determine the size of the recipient of the grant?
- (i) The names, qualifications and role of all officials involved in evaluating SLED grant applications and determining whether they will receive funding?
- (j) The total number of applications received for a SLED grant which were rejected?
  - (a) The names and form of ownership of each applicant for a SLED grant who was rejected.
  - (b) The value of the grant requested by each applicant for a SLED grant who was rejected?
  - (c) The description of the economic venture proposed to be undertaken by each of the applicants for a SLED grant who was rejected?

(d) The location (community and region) of each applicant for a SLED grant who was rejected?

**Ms. Ally:** Responses to Questions (a) to (f) are provided on Matrix below:

No.	(a) Name of Recipient	(b) Value of Grant (G\$)	(c) Date of Disbursement of Grant1	(d) Form of Business	(e) Description of Economic Venture	(f) Location
1	Koko Co-operative Society Limited	\$2,694,010	See Footnote	Cooperative	<p><b><u>Poultry rearing (New Jersey Black Giants) with small subsistence farm</u></b></p> <ul style="list-style-type: none"> <li>• Construction of perimeter fence, pen and small storage facility</li> <li>• Purchase of chicks, feed, tools and seed</li> </ul>	Koko, Moruca, Region 1
2	Upper Cabrora Co-operative Society Limited	\$1,902,920	See Footnote	Cooperative	<p><b><u>Farming</u></b></p> <ul style="list-style-type: none"> <li>• Construction of perimeter fence</li> <li>• Purchase of tools, equipment, seeds and fertilizer</li> </ul>	Upper Cabrora, Moruca, Region 1
3	Lima Sands Women's Development Cooperative Society Limited	\$4,148,495	See Footnote	Cooperative	<p><b><u>Baking Centre</u></b></p> <ul style="list-style-type: none"> <li>• Rehabilitation of building</li> <li>• Purchase of equipment and supplies</li> </ul>	Lima Sands, Essequibo Coast, Region 2
4	Dartmouth/Westbury Community Multipurpose Cooperative	\$5,197,767	See Footnote	Cooperative	<p><b><u>Baking Centre</u></b></p> <ul style="list-style-type: none"> <li>• Rehabilitation of building</li> <li>• Purchase of equipment and</li> </ul>	Dartmouth, Essequibo, Region 2

	Society Limited				supplies	
5	Queenstown Producers and Multipurpose Cooperative Society Limited	\$3,048,084	See Footnote	Cooperative	<b><u>Juice Jams &amp; Jellies Centre</u></b> •Rehabilitation of building •Purchase of equipment and supplies	Queenstown, Essequibo Coast, Region 2
6	Onderneeming Sand Pit Multipurpose Cooperative Society Limited	\$2,732,723	See Footnote	Cooperative	<b><u>Garment Construction Centre</u></b> •Rehabilitation of building •Purchase of equipment and supplies	Essequibo Coast, Region 2
7	West Demerara Proactive Producers Cooperative Society Limited (WDPPCS)	\$4,685,789	See Footnote	Cooperative	<b><u>Salted Fish Processing Facility</u></b> •Construction of perimeter fence, fish processing facility and solar dryer •Purchase of fish and salt	Stanleytown, West Bank Demerara, Region 3
8	Buxton Flavour and Fragrance Multipurpose Cooperative Society Limited	\$3,861,349	See Footnote	Cooperative	<b><u>Salted Fish &amp; Preserves Facility</u></b> •Construction of solar dryer, perimeter fence •Purchase of utensils and fish	Buxton, East Coast Demerara, Region 4
9	Green Life Floral Co-op Society Limited	\$3,830,576	See Footnote	Cooperative	<b><u>Shade House Cultivation</u></b> •Construction of shade house, perimeter fence and bridge •Purchase of planting materials	Cummings Park, Sophia, Georgetown, Region 4
10	South	\$4,443,359	See	Cooperative	<b><u>Snackette</u></b>	Albouystow



	Georgetown Development Council		Footnote	ve	<ul style="list-style-type: none"> <li>•Rehabilitation of Structure</li> <li>•Purchase of equipment, utensils and food items</li> </ul>	n, Georgetown, Region 4
11	Young Adventurers Cash Crop Farmers' Cooperative Society Limited	\$3,924,990	See Footnote	Cooperati ve	<p><b><u>Cash Crop Farming</u></b></p> <ul style="list-style-type: none"> <li>•Construction of perimeter fence</li> <li>•Purchase of planting materials</li> </ul>	#8 Village, West Coast Berbice, Region 5
12	Women on the Rise Cooperative Society Limited	\$6,344,200	See Footnote	Cooperati ve	<p><b><u>Chicken Rearing</u></b></p> <ul style="list-style-type: none"> <li>•Rehabilitation of office building, construction of pen, perimeter fence and plucking shed</li> <li>•Purchase of equipment, chicks and feed</li> </ul>	#30 Village, West Coast Berbice, Region 5
13	Belladrum Co-operative Society Limited	\$8,518,974	See Footnote	Cooperati ve	<p><b><u>Pig Rearing</u></b></p> <ul style="list-style-type: none"> <li>•Construction of pen and perimeter fence</li> <li>•Purchase of pigs and feed</li> </ul>	Belladrum, West Coast Berbice, Region 5
14	Bartica/Potaro Road Agricultural Co-operative Society Limited	\$6,015,000	See Footnote	Cooperati ve	<p><b><u>Chicken Rearing</u></b></p> <ul style="list-style-type: none"> <li>•Construction of pen, perimeter fence</li> <li>•Purchase of equipment, chicks and feed</li> </ul>	Four Miles, Bartica/Potaro Road, Region 7
15	Chenapau Multipurpose Cooperative Society Limited	\$5,200,000	See Footnote	Cooperati ve	<p><b><u>Rearing of cross bred chicks and subsistence farming (to supplement</u></b></p>	Chenapau, Pakaraima Mountains, Region 8

					<u>feeding)</u> •Construction of pen, perimeter fence •Purchase of equipment, chicks and feed	
16	Hiawa Multi-Purpose Cooperative Society	\$6,120,080	See Footnote	Cooperative	<u>Sheep Rearing</u> •Construction of pen, perimeter fence •Purchase of sheep	Hiawa Village, Rupununi, Region 9
17	Aishalton Multi-Purpose Co-operative Society	\$8,272,560	See Footnote	Cooperative	<u>Food Preservation, Catering &amp; Hospitality Services</u> •Construction of Multipurpose Building •Purchase of solar dryer, utensils/equipment and supplies	Aishalton Village, Rupununi, Region 9
18	Moco Moco Multi-Purpose Cooperative Society	\$4,333,840	See Footnote	Cooperative	<u>Block Making Establishment</u> •Construction of shed •Block making machine •Purchase of other equipment and materials	Moco Moco Village, Rupununi, Region 9
19	Kara Kara Co-operative Society	\$1,057,584	See Footnote	Cooperative	<u>Buying and selling of Fish</u> •Purchase of fish and other items (scales and freezer, coolers, etc.)	Kara Kara, Linden, Region 10
20	Section "C" Christianburg	\$7,758,335	See Footnote	Cooperative	<u>Pig Rearing</u> •Construction	Section "C" Christianbur

	Cooperative Society				of pig pen and perimeter fence •Purchase of pigs and feed	g, Wismar, Region 10
		\$94,090,635				

**(g) Total Number of applications Received:** Twenty (20) applications were received.

**(h) Criteria Used to Determine Size and Recipient of Grant:** Type of venture, scope of project requested by group, in keeping with improved husbandry practices (for livestock and agricultural projects), minimum package of support that can generate surplus income, location/accessibility

**(i) Evaluation of Grant Applications:** This was done by a team from the Ministry of Social Protection.

**(j) Rejected Applications:** None.

## STATEMENTS BY MINISTERS, INCLUDING POLICY STATEMENTS

### PRESIDENTIAL PROCLAMATION FOR A NATIONAL DAY OF MOURNING FOR FISHERMEN KILLED IN PIRACY ATTACK

**Vice-President and Minister of Public Security [Mr. Ramjattan]:** Mr. Speaker, President Granger by proclamation appointed today, 25<sup>th</sup> June, 2018, to be that day when all of Guyana observes a national day of mourning for the fishermen killed seven weeks ago in Surinamese waters. It is significant, too, that today, in the United Nations' calendar of international days, it is observed as the Day of the Seafarer. I wish to salute all fishermen for their productive work and sacrifices.

The purpose of this presidential proclamation is for today to be a solemn memorial to the victims of the massacre of Guyanese fishermen off of the coast of Surinamese waters between 27<sup>th</sup> April and 3<sup>rd</sup> May, 2018. All authorities, boards, commissions, corporations, public agencies, Ministries and citizens have been called upon to fly the national flag at half-staff and to accord due homage, respect and reverence to the memory of the victims.

As you are all too aware, Mr. Speaker, there was extensive debate on this massacre on a motion for the adjournment of the Assembly on a definite matter of urgent public importance by Hon. Member Ms. Gail Teixeira on 11<sup>th</sup> May, 2018. There is little or no need now to go into details as we did then.

Fishermen, like all seafarers, live a dangerous life out in the ocean against the elements and the dangers which lurk in the deep. When the odds of danger are multiplied by bloody hands of pirates and murderers in the high seas, we certainly have to give due respect and reverence to them and solidarity to their families and friends. This we do today.

I wish to name those we mourn today for the record. Those found dead and identified included Tilaknauth Mohabir called 'Kaiman', Mahesh Sarjoo and Gavin Outar called 'Longhair'.

Those who are still missing: Morris, Hemchandra Looknarine called 'Kline', Ramnarine Singh, called 'Bandara', Ramesh Sancharran called 'Brickmouth', Lokesh De Coutie called 'Lokesh', Lalta Sumair called 'Sunil', 'Spanishman', Ganesh Persaud called 'Vicky', Ralph Anthony Couchman called 'Burnham', Glenroy Jones called 'Alkaline' and Hardeo Beechan.

There were two bodies found, not as yet properly identified but suspected to be Bharat Heeralall called 'Record' and Rajkumar Bissessar called 'Palm'.

Sixteen is the toll dead or missing.

May their souls rest in peace.

## **PUBLIC BUSINESS**

### **GOVERNMENT BUSINESS**

#### **BILLS - Second Reading**

#### **LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2018 – Bill No. 5/2018**

A BILL intituled:

“AN ACT to amend the Municipal and District Councils Act, Local Government Act, Local Authorities (Elections) Act, Local Democratic Organs Act, Local Authorities

(Elections) (Amendment) Act 200 in relation to local authorities' elections.” [*Minister of Communities*]

**Mr. Speaker:** Members, today, at 12 noon, I received amendments to the Local Authorities (Elections) (Amendments) Bill – No. 9 of 2018, a number of amendments, under the hand of the Hon. Member Mr. Mustapha and seconded by Mr. Ganga Persaud.

*2.23 p.m.*

These amendments reached me well beyond the time provided, for such amendments, to be presented to the Speaker for consideration by the House on the very day of its presentation. I am wondering is the Hon. Members are fully aware of the requirement. That ruling was provided on 14<sup>th</sup> December, 2006. I have considered that it may be very useful if this amendment is again circulated to Hon. Members as a reminder. However, I am mindful that this matter, that is, the Local Authorities (Elections) (Amendment) Bill 2018, is being considered for second reading today. In the circumstances I will suspend - I ask Hon. Members to accept my suggestion here - the application of the rules as regards the time for receiving amendments to be considered on the same day for this occasion. If Hon. Members agree, we will proceed immediately to the consideration of the Local Authorities (Elections) (Amendment) Bill 2018 and include in that consideration the amendments which I received at 12 noon today in the name of the Hon. Mr. Zulfikar Mustapha and Mr. Ganga Persaud.

**Ms. Teixeira:** Mr. Speaker...

**Mr. Speaker:** You are speaking against my suggestion. Please go ahead.

**Ms. Teixeira:** I am, Sir. There is a rule of eleven o' clock to put in amendments, but it is not in granite, because this House repeatedly, through the years, has made amendments on this floor with nothing written and sometimes going outside, writing and then bringing them in. According to the Standing Orders, an amendment can be moved or seconded at any time during a debate, Sir, when the question is put for the vote.

I would like to know which Standing Order you are wavering or suspending to allow this gesture which is to have our amendments on the floor, because there is no Standing Order you are actually wavering. It is the rule of practice, that it is eleven o' clock is for motions, questions,

definite matters of urgent business and amendments. However, it has never been prevented. Amendments actually come in on the floor and in this case they came two hours before. Sir, are you telling me the Minister's amendments came also before eleven o' clock this morning? I would hope so. I, therefore, say, Mr. Speaker, an amendment to a motion, and in this case of a motion or a Bill, that is used interchangeably, may be moved and seconded at any time after question upon the motion has been proposed by the Speaker or Chairperson.

Therefore, Sir, I respectfully say that the eleven o' clock rule was a guideline, but it was not written in granite because certainly, in any debate, a Minister himself or herself could recognise that there is a mistake in the Bill and bring an amendment to that Bill - *ditto* on this side of the House. In fact, sometimes to reach unanimity the two sides would have met, broken the words and brought that into the House during the midst of the debate. Therefore I am afraid that I have great difficulty with what you are proposing.

**Mr. Speaker:** I believe I will allow myself to say this once. I will read from a ruling provided in the Ninth Parliament by the then Speaker. It is paragraph 5 of that ruling.

“Amendments which will require some study by Members or which is likely to generate discussion, disagreement or debate must be delivered to the Clerk before 10.00 a.m. on the day on which the debate is to take place.”

Hon. Members, if the suggestion, which I made to the House when I began to talk on this matter, continues to find favour with you, we will then proceed to consider the Bill for second reading. Hon. Minister of Communications, you have the floor.

**Mr. Nandlall:** On a different issue, Sir...

**Mr. Speaker:** We would prefer to do a different issue at a different time. I am at the moment speaking on this Bill. We have begun it...

**Mr. Nandlall:** It relates to this Bill, Sir.

**Mr. Speaker:** In due course, you will speak on it, Mr. Nandlall. Please take your seat.

**Mr. Nandlall:** Sir, it is a preliminary point that I wish to draw to Your Honour's attention that may cause us to violate Standing Orders and violate Your Honour's own ruling on several

occasions. The subject matter of this Bill, Your Honour, is the subject matter of cases that are pending in the High Court, six or seven cases. I have the case numbers, if Your Honour wishes, and I have a copy of the notice of motion in one of them. I did not bring all six. I have an Order from a High Court Judge restraining the Minister from acting in a particular manner and all of which has to do with what happens when there is an inability to elect a Chairman at a Neighbourhood Democratic Council (NDC) or a Mayor and Deputy Mayor at a municipality. That narrow issue, the court is seized with in six different key issues. I have them here and I am prepared to lay them over with, Your Honour.

**Mr. Speaker:** Hon. Member Mr. Nandlall, is that the preliminary issue you wish to speak to?

**Mr. Nandlall:** Yes Sir, that the matter is *sub judice* and therefore we will violate Standing Orders, Content of Speeches...

**Mr. Speaker:** I thank the Hon. Member for his...

**Mr. Nandlall:** ...and Standing Order 26 (g) as well.

**Mr. Speaker:** If there is more that you have to say, Mr. Nandlall, you may remain standing. If you sit, the Speaker will say what he has to say.

Now, it is very good that you have brought that to the House, but I know that you know the message by which such information is made available for use here, and that is not the way. The question of *sub judice*, the Speaker makes the determination on that. Unfortunately, the Speaker has nothing to do it, and I will not even attempt to pass on what you point out as this narrow issue and how it affects this. I will not attempt to do it. Unfortunately, we will proceed with the matter.

**Mr. Nandlall:** I am not sure what the contemplated approach is that Your Honour is referring to, but I have the copies of the court proceedings...

**Mr. Speaker:** Hon. Member Mr. Nandlall, let me say this: The Speaker will not consider a document which you are trying to hand to him here, in relation to the work we are doing here. There is a manner in which this is done. You know that manner.

**Mr. Nandlall:** Your Honour...

**Mr. Speaker:** Hon. Member Mr. Nandlall, you will allow me...

**Mr. Nandlall:** Might I be guided, Sir. What is the manner?

**Mr. Speaker:** It is not to hand the Speaker or let the Speaker know here.

**Mr. Nandlall:** Some Members have arisen here without a single piece of paper, spoken to a court proceeding and I have been restrained by Your Honour. I have been asked to leave the precincts of this House by Your Honour and not a single paper was produced. This suggests that there is an existence of a matter. I am here giving Your Honour a copy of the court documents. If it is, Sir, that we oscillate and vacillate, approbate and reprobate, then that is the position, but we must recognise that we must be as flexible as it is convenient.

**Mr. Speaker:** Hon. Members, we will proceed to consider the second reading of the Bill and in doing so, all the amendments before the House will be considered.

**Minister of Communities [Mr. Bulkan]:** I rise to move that the Local Authorities (Elections) (Amendment) Bill 2018 – Bill No. 9 of 2018, published on 25<sup>th</sup> April, 2018 be now read a second time.

This Bill, standing in my name, as you would have recalled, was first read in this honourable House on 26<sup>th</sup> April, 2018, and which seeks to amend six pieces of legislation namely, the Municipal and District Councils Act, Chapter 28:01, the Local Government Act, specifically to section 28, the Local Authorities (Elections) Act, the Local Democratic Organs Act, the Local Authorities (Elections) (Amendment) Act 1990 to section 7 and the Election Laws (Amendment) Act 2000 to section 7 (1).

The Bill is arranged in six substantive sections, namely sections 2 to 7. Section 2 deals with the amendments to Chapter 28:01, section 3 to Chapter 28:02, section 4 to Chapter 28:03, section 5 to chapter 28:09, section 6 to the Local Authorities (Elections) (Amendment) Act 1990 and section 7 to the Election Laws (Amendment) Act 2000.

This Bill must be seen in a broad context, which is about restoring functionality to the local government system, a system that was so damaged and degraded that it had largely become dysfunctional, irrelevant even. However, this process is purely in accordance with existing



constitutional provisions, subsidiary laws and entirely in keeping with pledges made by this administration to the electorate prior to our accession to office. This restoration effort has seen us taking many initiatives over the past three years and this Bill is but another in this regard.

Hon. Members would be aware of the strategic agenda of this administration, which is to entrench local democracy as part of the governance architecture to jettisoning the winner takes all model formula to embrace participatory democracy and people's empowerment. In this regard, it is to honour article 12 of the Constitution which states:

“Local government by freely elected representatives of the people is an integral part of the democratic organisation of the State.”

A mere 20 words, but words that are piercing in their precision.

That is why approximately \$3 billion has been invested in the Budget 2018 to enable the holding of local government elections. The first time in post independent history that successive local government elections are being held as legally due. It is an investment in democratic governance. It is a testament to the sincerity and determination of this administration, an administration that keeps its word.

*2.38 p.m.*

Before addressing the specifics of the Bill, I am aware that the word “elections” evinces or evokes all manner of suspicion. I would, however, like to assure on assuage Hon. Members, particularly those on the opposite side of this House, that this Bill is entirely innocuous and it is merely designed to promote local governance and, in the case of clause 7, to achieve efficiency and considerable cost savings to the treasury.

The key issues and objectives to this Bill are as follows:

- (i) To provide for the resolution of ties in the election of Mayors, Chairmen and Deputy Chairmen.
- (ii) To harmonise the term of office of councillors of municipalities with that for councillors from NDCs. This is captured across session 24 and 33 of Chapter 28:01 at section 22 (3) of Chapter 28:02.

- (ii) To harmonise the term of office of Mayors and Deputy Mayors with that of Chairs and Vice-Chairs and Vice-Chairs of NDCs. These are captured across varying pieces of legislation namely section 10 of Chapter 28:01 and section 28 (1) and (2) of Chapter 28:02.
- (iv) To harmonise the period for elections of councillors of municipalities with that of councillors of NDCs. This affects section 22 (3) of Chapter 28:02 section 7 (a) of Act 10 of 1990, that is the Local Authorities (Elections) (Amendment) Act.
- (v) To provide for a procedure to resolve ties among constituency candidates.
- (vi) To facilitate implementation of continuous registration and the availability of an electoral list which shall always be enforced.

In this regard, Mr. Speaker, allow me to say that we are continuously being exposed to different provisions in various sections in the several Acts relating to local government and that it should come as no surprise to anyone if in the near future we were to discover some conflicting evidence to which we were previously unaware, giving the desperate nature where these provisions are contained. It is why a thorough revision and consolidation of the separate pieces of legislation is an imperative and a process that we hope we could embark upon in the near future.

I would like to give a brief background before I turn to the clauses in the Bill. Following the conduct of the local government elections held in 2016, the events that unfolded, in relation to actions taken by me in my capacity as the Minister of Communities, the subsequent action by the People's Progressive Party/Civic (PPP/C) and the court, events which I believe were being attempted to be related to this honourable House a short while ago, highlighted the fact that there is more than one interpretation to the courses of actions that were permissible consequent upon the situation that developed with the elections of Mayors, Chairmen and their deputies of the local authority areas where ties resulted. It will be recalled that there were ties in six such local authority areas in the municipality of Mabaruma and in five NDCs.

There was also a tie at the constituency level leaving a single winner of the seat unidentified as there was no clearly defined legal pathway for Guyana Elections Commission (GECOM) to

follow to resolve the conundrum. I refer to the tie in constituency number seven in the municipality to Rose Hall, where the independent candidate, Shirley Chisholm and the candidate from the PPP/C, Mr. Chattergoon Ramnauth, each received 166 votes. Additionally, as the time for internal elections for Mayors, Chairmen and their deputies approached, it was established that legislation governing the dates for these elections was not in harmony with the period for the terms of office holders in the towns and these were also found to be not coincident with that for a NDCs. In this regard, it is also noted that the latest version of the revised law, Licence Revenue Office (LRO) 1 of 2012, is deficient in regard to updates required consequent upon some Acts enacted prior to that date. To give an example, Act 10 of 1990, an Act which was assented by then President Hoyte on the 4<sup>th</sup> June, 1990, has not been captured in LRO of 2012.

I now turn to the Bill. First, I would like to apologies to Hon. Members, particularly on the opposite side of the House, for the amendments that have been submitted by me to this Bill and to assure Hon. Members that it was not meant as a sign of either disrespect or to ambush Members. I am assured that amendments of this nature are not unusual in introducing amendments and legislation.

Clause 2A which is contained here in the memorandum, amends section 22 of Chapter 28:02 and it replaces subsection (7) in the principal legislation with subsection (7)(a) and (b). This has to do with the term of office of NDC councillors. Clause 2(a) relates to section 10 of Chapter 28:01 with the substitution that is contained here in the amendment. These clauses now specifies the term of office to be the calendar year as opposed to any 12-month period that is contained in the Principal Act and harmonises that of Mayors and Deputy Mayors with that of Chairs and Vice-Chairs of NDCs as contained in the explanatory memorandum in the first paragraph here.

It would be noted that in the principal legislation this term of office commences on the first day of the month following on those elections. As this Bill allows for the period of elections for municipalities would be harmonised with that of NDCs, that period is the 1<sup>st</sup> of November to the 7<sup>th</sup> December. It requires the clause that is being proposed here in this Bill that allows for that period to commence in the calendar year of the 1<sup>st</sup> of January of the subsequent year.

Clause 2(b) of the Bill is consequential to clause 2(a) and it amends section 12 of the Principal Act, that is Chapter 28:01, with subsection (1)(a), here in the Bill, applying to the subsequent

years, years two and three of the life of these councils and subsection (1)(b), applying to the year of the election. It would be noted that in the existing legislation what is stated here in subsection (1)(b) of the Bill is part of the principal legislation. What is being introduced now is subsection (1)(a) which deals with the subsequent years which is not contained in the original Act.

Subsection 1(c) of the Bill is a safety clause that could be employed so for any reason the elections not be held in the specified period, that is 1<sup>st</sup> November to 7<sup>th</sup> December, but if it is held before the 1<sup>st</sup> October of the following year, it allows for newly elected councillors, Mayors and deputies to take their offices immediately and not have to wait on the subsequent year.

Clauses 2, 3 and 5 of the Bill amend Chapter 28:01, 28:02 and 28:09. It seeks to provide for the utilisation of the number of votes garnered by the councillors elected on the basis of proportional representation (PR) at the elections at which they were elected to resolve ties in the election of Mayors, Chairpersons and Vice-Chairpersons, and the latter relating to both NDCs as well as Regional Democratic Councils (RDCs).

The first question that may be asked, indeed one that has been asked, is rather than employing the procedures outlined in this Bill for the resolution of such ties, it is why not have councils made up of an odd number of councillors and the short answer to this is that the new system in relation to the composition to municipalities and NDCs resulting from the local government reformed process and the 2009 legislation, namely Act 26 of 2009 which brought into being a mixed system of proportional representation and first-pass-the-post, or constituency representation, with each of those having 50% membership that it guarantees that these councils will have an even number of councillors. Hence, the procedure proposed in this Bill, one that I may add that is based on the plurality principle or the democratic formula.

Clause 2(c) of the Bill, therefore, substitutes section 13 of the Principal Act with these subsections 6, 7 and 8 as follows. I am referring here now to 13 2(c), 13 6(a) and (b) which allows for, in the event that there is such a tie, that it goes for a second round of voting. That is subsections 6(a) and (b). If following that second round of voting, there is no change in the status, then subsection 6(c) and (d) would be employed that allows for a third round of voting. If that deadlock still persists, then subsection (7) would be utilised, that is subsection 7(a), (b) and (c). Essentially what this formula allows for, if I may refer to the Bill:

“If there is no election on account of equality of votes of the councillors the third round of voting, the Town Clerk shall record the disposition of each councillor present and voting.

...then compute the numeric seat value apportioned to each of the councillors present and voting who were selected on the basis of the Proportional Representation component of the election...”

This numeric seat value equates to the total number of votes obtained by that list divided by the total number of seats for the respective list.

*2.53 p.m.*

The Town Clerk will then proceed to assign those results to the candidate for whom each councillor voted and the candidate securing the greatest number of votes shall immediately be declared by the Town Clerk to be duly elected as Mayor.

At sub clause (c), it clarifies that, for the purpose of the computation, for which I have just referred, councillors duly elected as a result of a proportional representation (PR) list of candidates shall be deemed to have each received an equal numeric seat value corresponding to the total number of votes received by that list, as I said, divided by the total number of seats allocated to that list of candidates.

If we can refer to what transpired at the last Local Government Elections in 2016, for which there were those six ties, to which I referred. To illustrate that, the Principle of Plurality, to which I referred, would ensure that the contesting party that obtained the plurality would be entitled to the chairmanship of the council, whether it is a mayor in the case of a municipality or a chairperson in the case of a Neighbourhood Democratic Council (NDC). I briefly refer to one example each from a municipality and a NDC.

In the case of Mabaruma, there was a tie of six votes each for the position of Mayor. The total number of votes received by the two parties obtaining the greatest number of votes was 777 by the A Partnership for National Unity/Alliance for Change (APNU/AFC), of course, this refers only to the PR list, and 687 by the People’s Progressive Party (PPP). Under the formula that has been described, the PR seat value or the numeric seat value would be that total number divided

by the number of PR councillors, which was three and which gave a value of 259 each. In the case of the PPP, the total number of votes divided by the number of PR seats would give a numeric seat value of 229. When that was multiplied by the number of councillors, assuming that during this process they had voted in the same manner as they did previously, it would result in the total seat value for the candidate representing the APNU/AFC. In that case Mr. Henry Smith, having the same number of 777 and the candidate representing at the time, the PPP, Mr. Vibert Emmanuel, a lower number of 687. Under the clause in the Bill and under this formula that has been outlined, Mr. Henry Smith would be declared the Mayor of that municipality. In the case of one of the five NDCs, Hon. Member would recall that this offer was made to the Opposition and it was rejected - to utilise the Principle of Plurality.

In the case of the Woodlands, Bel Air, NDC, it was the reverse. The plurality was obtained by the PPP/C in the number of 417 votes, as opposed to 328, which was obtained by the list for the APNU/AFC at 328. Under that principle, the PPP candidate, Mr. Ramesh Jacob, would have been entitled to the chairmanship and it would not have required the intervention of a Minister to make that determination.

The above principle that is outlined in clause 2 of the Bill, which applies to the municipalities, is the identical procedure that is used in clause 3 of this Bill to resolve ties in NDCs. These are captured under the Local Government Act, Chapter 28:02, in particular at section 27. Similarly, clause 5 of the Bill employs the same procedure should they be a tie in the election of a chairperson of the Regional Democratic Council (RDC).

If this Bill is passed, no more will we have a Minister with responsibility for local government having the authority to unilaterally make the determination as to who will be the mayor or NDC chair or vice-chair, and this is provided for under section 13(8) of Chapter 28:01, the Municipal and District Councils Act and section 28 (7) of Chapter 28:02. It is a popular Bill that will prevail. The democratic principle will apply. I repeat that this is evidence of the democratic nature of this coalition administration.

The final option and I am advised that there is a remote statistical possibility that, despite that provision that I have elaborated, it could still result in a tie. In such of an event, the final option

provided for in this Bill is to utilise the procedure under Article 177 (3) of the Constitution, relating to the drawing of lot to resolve the difficulty.

Clause 2 (d) (e) and (f) of the Bill amends sections 24, 33 and 41 of Chapter 28:01 and that is captured here, also, in clause 2 (a) of the amendments. It seeks to harmonise the term of office for councillors of cities and towns with that for councillors of NDCs. That is in clause 2 (d) (e) and (f).

Clause 4 (a) of the Bill amends the Local Authorities (Elections) Act and seeks to harmonise the period for the election of councillors of the Neighbourhood Democratic Councils with that for councillors of cities and towns, as provided for under section 7 (1) of the Local Authorities (Elections) (Amendment) Act 1990. That is the period for elections of councillors of NDCs with that of municipalities.

This Bill now seeks to amend the Local Authorities (Elections) Act, Chapter 28:03 at section 35, by substituting 1 (a) and (b) - I am referring again to clause 4 (a) - for subsection 1. This Bill, at clause 4 (a), (1) (a), (b) and (c), and as I said, it amends Chapter 28:03. The Local Authorities (Elections) Act, substitutes what is currently in Chapter 28:03, which states, at section 35, and this has to do with setting the date for Local Government Elections, it currently reads:

“An election should be held on such day as the Minister may by order appoint.”

That is replaced with subsection 1 (a), (b) and (c), as stated here in the Bill, which states that:

“An election to choose the Members of a Council shall be held once every three years on any date during the period commencing on the first day of November and ending on the 7<sup>th</sup> day of December of the third year.”

‘Council’ here refers to either municipalities or NDCs. By virtue of this amendment and this insertion, it harmonises the period for elections for all of those councils, and it removes what is currently captured in the different pieces of legislation.

Clause 4(b) has the insertion immediately after section 94 (d) (1) of the following new subsection. The said clause (4)(b) provides for the procedure to resolve any ties among constituency candidates which results from elections. I have referred earlier to the tie in

constituency seven in the Municipality of Rose Hall. The Bill provides for the resolution of that difficulty by employing Article 177 (3) of the Constitution. It states that:

“Shall by lot choose one of the candidates and the returning officer shall declare the candidate chosen to be duly elected as the Councillor for that constituency.”

That is clause 4(b) of the Bill.

I have already addressed clause 5 of the Bill. Clause 6 amends section 7 of Act 10 of 1990, to which I earlier referred and which replaces the fixed date for elections in municipalities, which that legislation specifies to be the first Monday in December, to now to be a period between the 1<sup>st</sup> November and 7<sup>th</sup> December. That is an amendment to section 7 of this Act, Act No.10 of 1990, which incidentally was never utilised. Since its enactment in 1990 and it had specified and provided for elections, the first Monday in December 1992, most Hon. Members would recall that was overtaken by events, a general elections that was held in that year. We did not have the next Local Government Elections until 1994. It harmonises the period for elections of municipalities with that of NDCs.

Finally, the final clause of the Bill, clause 7, seeks to amend section 7 (1) of Act 15 of 2000. This clause seeks to facilitate the effective implementation of continuous registration and the availability of an electoral list which shall always be enforced and which shall be routinely updated every six months.

*3.08 p.m.*

It is to enable and to allow for the moving away from cyclical registration to continuous registration. This is consequent to the Guyana Elections Commission's (GECOM's) decision and it will allow for such a list to be used for any election, whether General and Regional Elections or Local Government Elections.

The electoral list that I have referred to, which should always be enforced and which should be valid for six months, will have validity dates, as currently provided for, to be the 1<sup>st</sup> November to the 30<sup>th</sup> April of the following year, and the 1<sup>st</sup> May to the 31<sup>st</sup> October of the same year. It means that the electoral list shall come into force following the enactment of this amendment and legislation. That the list, which will come into being on the 1<sup>st</sup> November, will be valid or will be



used for the Local Government Elections that are scheduled to be held in the period that is specified, between the 1<sup>st</sup> November and the 7<sup>th</sup> December.

It will be recalled that, at the 2016 Local Government Elections, even though General Elections were held within 12 months prior to those Local Government Elections, new lists had to be prepared for all 71 of the local authority areas that had contested those elections. Among other things it required appointments of 71 Electoral Registrars, as well as ancillary staff. It came at a huge cost to the Treasury, and this is why this provision that will allow for continuous registration and the availability of a list that shall always be enforced, will protect the Treasury and it will save our taxpayers a great deal of money. These are the cost implications that will arise from this Bill.

This is a brief explanation of the provisions that are outlined in this Bill and I look forward to the subsequent debate that will ensue. Thank you. [*Applause*]

**Mr. Nandlall:** I have listened to the Hon. Minister as he regaled us on the Bill that is before this House. Essentially, the Minister should have accepted that and credited himself for bringing a Bill to correct the wrongs which he himself committed over the last few years.

The law is not unclear; the law is very clear. Where there is a tie at the level of the Chairman or the Vice-Chairman and there is what the law calls an inability to elect one over the other because of an equality of votes, the law states that the Returning Officer who is the overseer of the NDC, within 10 days must fix a date for by-elections. That is what the law states. We go back to the electorate who voted at the last elections for those by-elections and the two candidates that are going this time, instead of a list of candidates there are only two candidates who are going and they are the two tied candidates. Where is the ambiguity in that? This Hon. Minister, in violation of that law, imposed himself on the overseer and appointed a person of his choice. That is why the honourable judge granted this Order:

“An Order or rule *nisi of certiorari* directed to Mr. Ronald Bulkan, the Minister of Communities, a Public Officer, quashing the decision of the said Mr. Ronald Bulkan, made on or about the 5<sup>th</sup> April, 2016 in selecting Gershon Clarke as Chairman of Woodlands-Farm Neighbourhood Democratic Council, on the grounds that the said decision is contrary to and in violation of the Municipal and District Councils Act Cap.

28:01 and the Local Government Act Cap. 28:02, is in excess of and without jurisdiction, made in bad faith, is unreasonable, arbitrary, capricious, based on irrelevant and in proper considerations, *mala fide*, malicious, vindictive, unlawful, *ultra vires*, null, void and of no legal effect...”

That Order was made on the 26<sup>th</sup> April, 2016 in an application filed by Mr. Zulfikar Mustapha, my Hon. Colleague. This was the Order of the court. He got his decision set aside, as well as the person who he put to act there. That person was restrained from performing any functions of that office on all those same grounds. So, this Minister cannot come here and lecture to us about credentials of democracy - he cannot.

I am the geographic representative for Region 4 and I am assigned specific responsibility to the East Coast Demerara, from Plaisance/Industry all the way to Cane Grove. Under that geographic spread 10 NDCs fall; 70% of those NDCs are controlled by the PPP. I have ready access to them and I have ready access to those councillors. Every single one of them have complained that, whenever they submit the budgets of those NDCs, they are being deliberately stalled and manipulated at the level of the Ministry, preventing thousands of Guyanese from getting the services that the NDCs are there to deliver. There is no reason at all. No good reason is given for the unusual delay and bureaucratic red tapes that are imposed on the processing of these NDCs' budgets. Why do the NDCs' budgets have to be approved by the Minister? That, by itself, is a question that we should examine because these are independent organisations, elected officials appointed by the people to represent the people. Sir, there is a pocket radio across here distracting me.

Hon. Minister, when you come to this House to tell us about local democracy, you must be prepared to tell us on what basis new local authorities and new NDCs are being established in this country. With whom did you consult? Are they created to create wickedness at elections? Are there electoral machineries to give you an advantage at the Local Government Elections which you certainly do not have now under the current structure? The Minister did not tell us that, in the new creations which are popping up all across this country – the new electoral creatures – they are violating the Amerindian Act.

The Amerindian Act establishes its own system of governance. There is a village council; there is a method by which elections are held; there is a chairman; and there is a whole host of internal mechanisms by which those communities are governed. The areas identified for the creation of new local authority organs are within those communities. Therefore, Mr. Minister, please do not let us have to go to the court to declare them contrary to the Amerindian Act because that is the next step. We will have to go to the court to declare them in violation of the Amerindian Act.

A lot is being said now about the absence of Local Government Elections in this country for a long time. It is a fact that we cannot dispute. But, when we speak on this matter, we must recognise that both sides came to this House annually and caused a postponement to those elections. Those elections could not have been postponed unilaterally by the Government. We came to this honourable House on every occasion and I believe that, on every occasion, the position was unanimous one for the postponement of those elections because both sides were working together in working out an infrastructure for those elections to be held. After the Herdmanston Accord, we had agreed that we would go to Local Government Election under a new system. Then came the 1997 Elections, and the 2001 Elections, and we agreed for that election, the time was not sufficient to go to National as well as Local Government Elections at the same time. A task force was established but that task force was supposed to work to create the foundation that was already laid in the Constitution to create the infrastructure to take us to Local Government Elections. That task force was comprised of Mr. Lance Carberry and a whole host of people on that side, as well as on our side. That task force did not complete the work. So, it is not one side that must be blamed; it is both sides. In fact, it was only after the 2011 Elections that there was this sudden clamour on the other side for Local Government Elections.

I remember when the Hon. Leader of Opposition was President and Mr. Robert Corbin was the Leader of the Opposition, there was a meeting held as to whether we should go to Local Government Elections or National Elections – in 2006. They chose the National Elections instead. All of that - there were joint arrangements made. Minister, you were not in politics and you were not in this House. The elder Statesman next to you, Dr. Rupert Roopnarine, is well aware of these developments. My learned Friend, Mr. Williams, was shadowing Local Government for a very long time. I remember that, every year, he used to begin this speech with, “We have come here with this annual pilgrimage”. He used to say that every year.

The Bill that is before us is a Bill that will set out rules because, apparently, the Hon. Minister finds the current state of the law unacceptable. He has violated them clearly and so, he has changed the rules. I thought that he did not know the right thing. This is because he came up numerically with all the right persons whom he should have installed. He omitted to tell us why he installed the other person - the person who had the lesser number of votes. He said that we would have lost Mabaruma, but we would have won every other one. We would have won the Plaisance and Woodlands NDCs. It is not that we did not have a precedent before. The Hon. Leader of the Opposition just reminded me before I rose to speak of Fryish/Gibraltar, in 1994 there was a tie.

*3.23 p.m.*

Mr. Kenneth Joseph was the PPP/C candidate at the time. He later became the Head of the National Association of Agricultural, Commercial & Industrial Employees (NAACIE). Mr. Nagamootoo, the Hon. Prime Minister, was the Hon. Minister of Local Government at the time. Of course, he will plead amnesia now. It was the Hon. Minister who installed and swore in Mr. Kenneth Joseph, after they went to the electorate, when there was the tie. There was a run-off election pursuant to the law. The PPP/C did that, in compliance with the law. I believe there was another tie at Soesdyke and there was another by-election there. **[Hon. Member:** ...Mabaruma, as well.] Yes, in Mabaruma as well. We went to by-elections again. The law is not unclear. If we wish to change it that is a different matter, but not because we violate it we must claim that it is unfair. The Hon. Minister knew - he must know that he could not have intervened at the time he did. He acted prematurely. There is a role for the Minister, but it is only if one goes to the by-elections and there is a tie, then the Minister has the power. It is stated very clearly in the law. It is after one goes to the by-elections and there is a tie.

Chapter 28:02, Local Government Act:

“(7) Whereby reason an equality of votes cast at the elections by the voters no person is elected chairman, the Minister shall select one of the councillors receiving the greatest number of equal votes, to be chairman.”

Then is when one has the discretion. You *leap-frogged*; you acted prematurely and that is why the Attorney General (AG) could not have helped you in the courts. [Mr. Jagdeo: Who directed him to do that...?] Well, as expected.

We are happy. Our Party would always welcome any piece of legislation that seeks to enhance our democracy. We always play by the rules. That is our record - to always play by the rules. We know that the history of this country... Minister of Foreign Affairs, you are the only one I see here from that era, so you know well what I am talking about. We are not afraid of rules and regulations, we welcome them. The more rules there are the better for us. We always govern ourselves and abide by the rules and regulations at election time. It is the other side. Once there are a set of rules that would ensure that the electorate votes are protected, we will support them. Once the system that we have is crafted to deliver integrity and the results cast by the people, we would support it. Against that backdrop, we will support this piece of legislation because we believe that it enhances the process. It does not leave the way open for there to be a naked, raw and unscrupulous violation, like what existed at previous elections. We are sincerely hoping that the Hon. Minister do all the calculations right because a lot would depend upon them. That would be another worry Sir and we may have to come back here. If the Attorney General is advising him, you know what kind of calculations we will have. We hope that we could have the calculations done properly, so that the most populous candidate, the candidate that would receive the most number of votes, would be the person who will head the local authority area, as that would have been the candidate who would have received the most votes at the elections.

With those few remarks, I add my support to this amendment. Thank you. [*Applause*]

**Mr. Mustapha:** I rise to make my contribution to this Local Authorities (Elections) (Amendment) Bill 2018 – Bill No. 9/2018. We heard from the Hon. Member, my Hon. Colleague, Mr. Anil Nandlall, the laws governing local government. When I listened to the Hon. Minister, he said:

“The local government laws have been damaged over the years.”

I remember vividly, after the Local Government Elections in 2016, I was the applicant in some matters. There were not six matters Minister, there were seven tied NDC areas which we had or local authority areas. We took the matter to the court and you heard the judgement from the Hon.

Member. If anyone has broken the law, it was the Minister of Communities who installed all APNU/AFC people in the NDCs and municipalities.

This piece of legislation, this Bill, will amend a number of clauses and sections in the Principal Act. The Principal Act stated that, after two rounds of internal elections and you do not arrive at a result, then the Clerk of the Council would set a date for a by-election. We have to reiterate this. Although my Colleague Mr. Nandlall has just said that, we want to reiterate so that the Minister could understand the law and will not break it in the future.

There are a number of amendments which we want to put to this Bill. I have listed those amendments which are in circulation. As it relates to the amendment of the Municipal and District Councils Act, section 13 (a), one has to ask, what or who constitutes as member of the public? Is it the entire electorate in that local authority area, or part of the electorate? Who would be responsible for inviting these persons to the hearings whenever they want to draw lots? These amendments are very important. When we say that, from the first time or from the first calling of the internal election to the third calling, we should set time frames. We should set time frames so that we would not have the clerk or the Minister make that decision. We must put it in the legislation.

More importantly, the Minister said, when he spoke, that elections evoke all kinds of suspicion. We have to have our suspicion because of what took place a few days ago. A few days ago, we had seen that the Minister announced a number of new local authority areas. We had seen that the Minister tamper with a number of constituencies within local government areas. I want to say that this Government enjoys putting burdens on Guyanese people. Although the Government has imposed over 200 new taxes, we have seen that thousands of people in different newly created local authority areas would have an additional burden to pay rates and taxes for their properties.

I could speak for my region, Region 6. We have seen the Minister announce the creation of two new local authority areas - those are Kortberaad to Plegt Anker and Caracas to West Canje Sandvoort. It would be seen after the Local Government Elections that those persons will have to pay additional payments and taxes. It is because those communities were dependent on the sugar industry. Many of those persons living in the Sandvoort and Caracas areas were working at the

Rose Hall Estate. Today, that Estate is closed and many of those workers are still waiting to receive their severance pay. Now, this Government is putting an additional burden.

Over the last weekend, I was in Vryheid, Caracas, Sandvoort, Kortberaad and Light Town areas. The Minister is coming here believing that he is so pious and democratic. Did he do any consultations in those communities to see if the people's views would be taken on board? No, with a heavy big stick metal, he went and announced the creation of these new bodies where the residents now would have to pay new taxes. For those new nine local authority areas, the residents there will have additional burdens.

I want to bring back the issue of suspicion. We have seen the Minister, within the constituencies, the NDCs and municipalities, reduce 16 constituencies in 14 local authority areas. Why did the Minister and his Government do this? This is tantamount to gerrymandering. I want to quote here:

“In 2016 the PPP/Civic won 745 seats and the APNU/AFC won 376.”

It gives you a difference of 369 seats which we won by. The Minister and the APNU/AFC want to close this gap. They want to start some mischief. Instead of increasing constituencies, we are seeing that they are reducing the constituencies in various NDCs.

*3.38 p.m.*

Again, I want to speak about an area in Region 6, Number 52 Village/Number 74 Village, the largest NDC areas in this country. That NDC encompasses 25 villages. Instead of the Minister making it smaller, more manageable, the Minister reduced a constituency in that NDC area. Tell me, what is the objective of this Minister and this Government? I want to say that the reduction of these constituencies, the creation of these new bodies, why the Minister did not go to Number 52 Village/Number 74 Village and create two new NDCs or local authority areas? Let us ask ourselves that question. That is the largest NDC in this country. That NDC has 25 villages, still the Minister did not see it wise to go there and create new local authority bodies.

The Minister went to areas such as Evergreen/Paradise in Region 2, Aberdeen/Zorg en Vlygt in Region 2, Malgre Tout/Met en Meerzorg in Region 3, La Grange/Nismes in Region 3. Out of 18 seats the Minister reduced two constituencies' seats. Now that NDC will have 14 seats. This is

real gerrymandering because that was a close NDC where the People's Progressive Party (PPP) had ten seats and A Partnership for National Unity/Alliance For Change (APNU/AFC) had eight. They are doing their gerrymandering and they have reduced the PPP constituency. It would end up with the APNU/AFC having more seats, come the new local government election. This is the democracy that the Minister is talking about. This is the democracy the APNU/AFC is talking about. This is the non-interference that the APNU/AFC is talking about.

I want to say that the Minister and the APNU/AFC Government are trying to create new bodies so that they could manipulate the system. The slaughtering that they had in 2016 was so humiliating that they now have to go back and try to create new areas that they feel that they might win. Let me tell you, Mr. Speaker, now, it is not 2016. It is three years now that they are in Government and people are weary of them, even their own supporters. Come the next local government election we will make a clean sweep across the country.

I want to say, as I had said, that this Bill seeks to amend the Principal Act, but we have an Act that was violated by the Minister. I hope that he is making these laws and when these laws come into force he will not violate them again, come the next election.

With these few words, I want to join with my colleagues in support of the amendments that is in my name. I hope that we could support this piece of legislation and come the new local government election, we will not have the confusion that was created by the Hon. Minister of Communities.

Thank you very much. [*Applause*]

**Mr. G. Persaud:** I rise to make my contribution to Bill No. 9 of 2018 Local Authorities (Elections) (Amendment) Bill 2018. Listening to the Hon. Minister, in introducing this Bill, lots of harmony was used. It is sad that that harmony has not permeated the local government arena in our country. It is sad that instead of harmony, what we have is increasing disharmony, and that is really sad. One would wonder why the Minister would come to address us and give us so much harmonising when there is so much that is happening in local government presently.

We have heard, and as it is stated in the first explanatory note, that the intention of this Bill is to enhance participation and participatory democracy at the local level. These over the past three



years have been empty rhetoric that we have been hearing from the Government side, in particular from the Minister's Ministry. Local Government is crying out for support from the bureaucracy at the central Government and regional Government level. It is because we have some persons who are called Regional Executive Officers (REO) and the high-handed of these people seem to have been laden with lead when it comes to the treatment of issues and granting approval necessary to allow the wheel of local democracy to spin, bringing greater joy, happiness and comfort into the lives of the citizens within these local authority areas. Sad to say, even that hand with lead seem not to be holding on all the local authority areas, selective ones only. There is this sense, even in this state of chaos, further discriminatory practices with regard to dealing with one local authority area from another.

Sir, I have heard the Hon. Minister saying, and maybe it is a conscious issue, that we need to set up mechanism that will remove some degree of generality which, according to him, existed in the system and is existing in the system. Any effort in that direction would be laudable and commendable if those statements and actions reflect commitment, dedication and a will to implement, not only giving lip service to what is stated.

Chapter 28:01, section 34, allows the Minister to do three things with regard to new additional local authority areas being brought into local government elections. The three things: To identify and name those local authority areas; to name the number of councillors that would be seated within that council; to make sure that the boundaries are made known. The Hon. Minister, by Order, did the number one and two and forgot about number three and is lecturing to us about participatory democracy and sticking with the rule of law, and all of that. We got the name of these new additional areas and the number of councillors proposed, but we have not got the boundaries for these areas as yet. It seems that even the existing legislation ... Maybe we would be told that it is the business of the Guyana Elections Commission. Maybe we will be told that. We are bringing new areas into the fold. I do not want to use the word new. I prefer to use the word "additional" because all these areas were demarcated by T. A. Earl since in 1979. These areas are there and all that we are doing is to activate them when we recognise that they have 'a', 'b' and 'c', a number of things in readiness.

I am not sure that many of these new areas, or areas that the Minister is bringing on board, the residents within these areas will be able to meet the requirements to live and exist within a local

authority area. Also there are certain infrastructural readiness that should be in place. I am not sure that these are in place in these areas. In the haste of getting more on the list, which might be a political ploy to try to bring some balance, I could imagine the embarrassment on the Government side. You are holding the seat of power and then at the local government level you are just handling just about 32% of the votes within those areas. It can pinch a little bit and in the quest and haste to really try to bring some balance we ignored what are the requirements for these areas to be brought into a local government arena so that elections can be held.

Right now, the 71 existing areas... Read the *Stabroek News* newspapers today. Cornelia Ida, the roads and streets are in deplorable conditions, playgrounds are in deplorable condition. [Ms.

**Wade:** You left it so.] Well, my friend believes that vegetation is like concrete, it does not grow. Three years and if you do not do anything about it, then certainly it will overtake you, and that is what is happening. Maintenance is lacking. We cannot effectively serve the residents in the 71 areas effectively but we are adding more areas and we are adding them without the people's involvement. Consultation is something that this Government pays lip service too. Participation, they give a different meaning to. They have a dictionary of their own and so when they use these words you cannot search the Oxford dictionary, Sir, because you would be misinformed, in terms of the meaning. Even if we google it, we would not find her interpretation.

Apart from that, the Hon. Member Mr. Zulfikar Mustapha spoke about the change in the number of constituency within local authority areas. Certainly, the Minister has that authority by law, and we want to commend the Minister for exercising that authority, but for doing it in a manner that is extremely dictatorial and high-handed is taking away all the intent, all the powers given to the Minister in the law. Certainly, if you are going to make some adjustments then you should consult the people who are residing within those boundaries. Sir, these are Guyanese people and not foreign people. They are our own people; the people who voted us into this House. Obviously we need to show regard and respect for them. If we are going to collapse these areas, then we need to make sure that we have public awareness systems in place that would cause the residents in the community to be aware of what is happening. These are all missing links. It is because nothing of that nature is in the making. [Mr. Williams: You are reading from me, or what?] Yes Mr. Williams.

3.53 p.m.

The Bill has some serious generalities. I think that the amendments that are coming from this side of the House, the intention of those amendments, should bring some degree of specifics, in terms of time frame and other elements to this Bill, hoping to remove further any ambiguity. I trust that the Hon. Minister, in his wisdom, will embrace these proposed amendments, so that at the end of the day we could have an improved piece of legislation which, in itself, will not put any Minister into uncomfortable situations when they are by whatever force or source asked to act in manner that conflict or feast on the generalities of the legislation.

We are hoping, Sir, that with the inclusion of the amendments into this Bill it would create a stronger local government legal environment. We, on this side of the House, will support any legislation that will seek to provide a vehicle to enhance democracy and transparency. We see in this Bill some aspects of helping to strengthen our system. It is for that reason that we have brought our amendments to support this Bill, so that at the end of the day we could have a much more comprehensive piece of legislation.

Thank you very much. [*Applause*]

**Mr. Speaker:** Hon. Members, it is now a few minutes before the four o' clock hour. I am tempted to continue with the next speaker, but the alternative is to adjourn at this time and to resume at five minutes to five o' clock. I propose that we do that.

*Sitting suspended at 3.55 p.m.*

*Sitting resumed at 5.04 p.m.*

**Attorney General and Minister of Legal Affairs [Mr. Williams]:** Mr. Speaker, I rise to speak in support of the Local Authorities (Elections)(Amendment) Bill. The Hon. Minister of Communities, Mr. Ronald Bulkan, has elaborated on the merits of these amendments, and I wish to concur with him.

The reform of the local government system in any society is of great important. This move by our Government to pay attention to this area demonstrates our commitment to strengthening the democratic process by ensuring free and fair elections, not only at the national level, but at all levels of government.

Simply put, local government is an instrument of democracy. As the first Indian Prime Minister Mr. Jawaharlal Nehru said in 1948, “Self-governance is and should be the basis of any true democratic system. You cannot build a consolidated democracy if you do not build its foundation from below.”

Local government affects the people directly, as it enables them to become responsible for the financial and administrative affairs of their towns, neighbourhoods, communities and villages. It is this level of government that is directly responsible for serving the community through critical functions, such as planning, waste disposal and infrastructure. This is why this Bill is important, as elections are critical to ensuring that the work of local government continues. As such, this Bill ensures that the local government elections process is certain and transparent, so that the will of the people in electing someone of their choice is not thwarted. To this end, I am constrained to clear up a number of misconceptions that have arisen in the presentations of the Hon. Members on the opposite side of this House.

The local government reform system was bolstered by the addition of an entire chapter, Chapter 7 in our Constitution, the chapter on local democracy. It spelt out the principles which would underpin a reformed local government system in Guyana. It was left, therefore, to the then President Mr. Bharrat Jagdeo and Leader of the Opposition, former President Desmond Hoyte, to appoint a special task force - it was called a Joint Task Force on Local Government - to flesh out those constitutional provisions to breathe life into the reformation process for local democracy. I could forgive my honourable friend Mr. Nandlall who said that Mr. Lance Carberry was a member of the Joint Task Force on Local Government. He was not around. He was not around either in this honourable House until latterly. That is why he laboured under certain misconceptions. In fact, he contended that the Hon. Member on this side, the Minister of Communities, Mr. Ronald Bulkan, was new to this House, that he did not know anything. He, himself, was *neophytic*, so he has no idea about the local government process.

When the Hon. Member contended that he had to get an *order* or *rule nisi* from a judge to discharge the actions of the Hon. Minister, Sir, that is what we call in law a half-truth. The Hon. Member did not tell you how that *order nisi* eventuated. In fact, that matter is still pending and is awaiting decision in the courts. The House was practically misled into believing that the *order* or *rule nisi* that was initially ordered was still live and extant. The problem with that application... I

keep saying this to my honourable friend Mr. Mustapha that he must put his foot down at some stage and not be misled by Mr. Nandlall. After those elections which resulted in the ties, what he said to this honourable House ... He did not disclose that he approached the court - Sir, you are a senior lawyer - by the wrong procedure he approached the House. Everyone knows that after an election the only procedure provided in the common law system is by the election petition. The Hon. Member - I told you that he is a senior lawyer - went by way of a prerogative writ by a *certiorari* so whenever this decision is given he would lose miserably. I so predict. He would lose that case miserably.

In the same manner, Mr. Mustapha was again led up the wrong path when Mr. Nandlall told him that it is the Leader of the Opposition who must appoint the Chairman of GECOM. Alas, Mr. Mustapha now knows who the proper person to appoint the Chairman of GECOM is. He is none other than His Excellency President Brigadier David Granger. Again, fortunately for you Mr. Mustapha, he is not in the one where the decision is coming up tomorrow. That is the situation with that. The Hon. Member must not continue to mislead this House.

The fact of the matter is that the Minister in the face of the ties followed the procedure to the letter. After the third tie the Minister acted as was provided for by the legislation. This legislation that is before you today is to make it pellucidly clear how ties in the future ought to be resolved. I am happy that the Hon. Members on the other side have signed on to this Bill that is before us.

The Hon. Member was saying that somebody was buzzing on this side. Whenever the Hon. Member comes up for scrutiny by this side, he becomes uncontrollable. He is running a commentary here in the hope to distract the proceedings in this honourable House. We want to say this: the Hon. Member contended that the budgets of the NDCs are stalled. I do not know what the Hon. Member means by that. We know that we inherited a system where there was no system and no budget. We are familiar with councils being given allotments in November. That is what the Hon. Members on the other side did to the people of Guyana. They would grant the moneys to certain councils in November knowing full well that they could not spend that money by the end of December. They cannot lecture us about undue delay because we shifted our budget process to ensure that you hit the road from January. The fact of the matter is, and it is well known throughout the land, that they are Members for 23 years. We did not come into

office and knock off all the people in this country. We did not jump on a plane and went to visit missions. We did not do that. Unfortunately, we have a lot of resistance in these matters.

*5.16 p.m.*

If a proper examination was done, one would find that the *old heads* in these Government departments are responsible for what is being called stalling, but all good things come to an end. We would have to be vigilant and we would have to be diligent to ensure that the administration of this country proceed softly in the next two years and beyond.

Mr. Mustapha, who has always been misled by the Hon. Member Nandlall, we heard him say that “people are tired of them already”. Three years cannot be equivalent to 23 years. We are not claiming to be Samson and Goliath. We are human beings and we have feelings for the people of this country. We have been slaving three years to move away all mock we inherited from the back of the people of this country. We are beginning to see the light. We promised the people a good life. We are not there yet, but we are on the way, Comrades. Do not come to this honourable hallow House and regale us. There is this other thing, they see inequity in everything. If you practised inequity for 23 years, what else are we to expect?

Suspicious elections, now, a decision is given by the court and all of a sudden we are hearing about, if you rig the elections what is going to happen and all of these things. I do not know what is going on. The President of this country had created capital towns. We have always being fixing this local government system. We have added capital towns. We have not heard anything about it being suspicious. What is suspicious? We are continuing to fix the system that you did not fix, so what is suspicious about that?

Then to come and say that there were consultations, you just stop this thing Mr. Nandlall. The Hon. Minister, on request by the people in these constituencies, consulted with them. You cannot say that the Hon. Minister did not consult. How could it be? It is because we are the Government that introduced consultations in the politics of this country. It is because we are accustomed to what happened on the other side. Bills were introduced in this House and we never see the Bills yet. I do not know what they are saying about consultations.

These language that we are trying to manipulate system, manipulate what? The records are clear. You are going to elections, are the people tired of us? We have a good track record. When you go to elections, you have to look at your track records. That is what you have to look at. You do not have any record. I want to make that statement, and I do not want it to be allocated anywhere else. We are confident that we would continue to fix this reformed local government system in this country and that the people of Guyana would be empowered in their communities. They would make decisions for themselves and their communities. The days of decisions being sent down to them from Freedom House are over.

It is also another misnomer to say that every year we came to this House and we agreed with the Hon. Members who were in office at the time to postpone local government elections. That is not so. They never had intention to hold any local government elections in this country. We had to march. That is our track record. We went in the trenches for them. That is our track record. We go to the courts for them. That is what we had to do. The President of this country was outside the then Office of the President, walking around and around, shook down the walls of Jericho. Nothing was given to us. We took it. The people helped us to take it and they would continue to help us to keep it.

The truth of the matter is when they came for us to agree, we had no choice, because if we had disagreed, the councils would have fallen into desuetude, so that is not correct to say that we are agreed to postpone local government elections. We never did. It was because of the inability of the last Government. It is because of their declared intention not to foster the process and they wanted to punish the councils and they wanted to enlist us in that punishment, but we refused to punish the people of this country any further. What we agreed to was that we would extend the period for winning the elections, for months, at a time to get them to put their house in order and bring the Local Government Elections Bill to the House for passage so that we could have got elections.

One of things we did though when they came was to ask that their elections for Mayors and Deputy Mayors, Chairpersons and Deputy Chairpersons be held, but they never agree to that. Do not come here, Mr. Nandlall... You were not even here at the time. You do not know anything about these matters. You were brand new, so you are not in a position to say anything.

Anyone who knows the elections laws would tell you that whenever there is local government and national elections in confrontation you have to yield. Local government elections have to yield to national elections. Only persons who know the elections law could make a statement such as this. I see the Hon. Member Ganga Persaud, who was no mean practitioner in this area, agrees. It is not true, those representations made by the Hon. Member Anil Nandlall.

There is nothing dictatorial in our actions. We consult when we do things and the public ask us to reconsider them. We are on record on considering things when we are asked for. We considered value added tax (VAT) on education. We will consider the Cybercrime Bill also, because notwithstanding that it was two years in the House and the Hon. Member Anil Nandlall, Hon. Member Gail Teixeira, the Hon. Member Clement Rohee, the top three, and the Hon. Member Gillian Burton-Persaud were in that Committee for two years and they did not see anything wrong with the Bill. We understand that on the eve of the debate in the House when they had to consult with the leader, the leader saw the words, look familiar to the words that had him in court and so he became alarmed, but they saw nothing wrong with those words. Now we have similar words coming out because they fear something about local government elections, so we would have to deal with those issues still because we have to continue to protect this nation and the people of this country.

I wish to congratulate the Hon. Member Ronald Bulkan for coming to this House to ensure that these ties are resolved. I wish to congratulate him, too, for bringing the amendment that would enable continuous registration to be extended to six months, which in effect means that elections could be called at any time because you would always have a list from which you could run your elections on. I wish to congratulate the Hon. Minister for this foresight also.

The Hon. Minister would respond to the various charges made and with that I would like to say that I support the passage of this Bill, the amendments that we have proposed, and I would like to see the safe passage of this Bill through this honourable House.

I thank you Mr. Speaker.

**Mr. Croal:** I rise on behalf of this side of the House to offer some comments and response as well as rebuttals to some of the comments that have been made before. Let me start out from the onset by saying that we do not oppose this Bill in principle, and hence, we are asking that the



amendments that have been proposed that they are taken with sincerity. Having listened to the previous speaker, I was wondering if he was speaking directly to the Bill.

I want to make this comment that we on this side, the PPP, have always been committed to ensuring that we have local government elections. We are committed as part of the process, as announced by the Hon. Minister Ronald Bulkan, that he was indicating, very shortly, that he will be doing same. I need to remind all that the People's Progressive Party has always been in the forefront of local government democracy. We always ensure, that as a country and as a nation, that all races, all creeds and all classes enjoy the universally recognised standard of living. We care and we have always cared.

We need, however, to see the evidence of engagement with the people, whether it is individually or collectively. We need to see the evidence. We, on this side of the House, have always held the view and we share the same that local government legislative reform must be viewed as a continuous process. It implies that the legislative reform that is required is not merely only about local government elections, but it is also about what happens after the local government elections. That is why we need to prepare our people, our potential leaders, the residents and the stakeholders. I reemphasis to say that reform is not merely about elections.

The introduction, the Hon. Attorney General spoke about budget in the local authorities, but it was us who introduced the Fiscal Transfer Act and that alone is a testimony of our commitment for ensuring that the local government system evolves. I pause here to respond because mention was made about budgets and about us, how we implemented budget within the local authority areas. The system that you have now is a similar system that you had then, whereby it was the local authorities which derived their budget.

*5.31 p.m.*

The Hon. Attorney General mentioned November. In fact, it was by the year before, by November 30 and latest by December 15, in-house, that the local authorities had to submit their budget to the then Ministry of Local Government and Regional Development. Despite we may have the national budget being presented, whether it is in March or April, one year in front, at the Ministry level, they knew what the budget was that was being submitted by the local authorities.

I do not know why we are being misled that the NDCs - the direct reference was made to NDCs – were operating in a chaotic manner.

We are aware that good governance is essential to ensuring sustained development, hence public education and awareness must be key. It is critical as part of the ongoing process. We are of the strong view that our people must – I mean as a nation – through local democracy, have a greater involvement in making the decisions with respect to their own development. No informed or open-minded Guyanese would conclude otherwise that the PPP/C, when we were in Government, played a significant and leading role in ensuring that our local government system was reformed. The Hon. Minister of Communities mentioned restoring functionality to local government. I am not aware of when there was not any functionality within the local government system. As I said, from the outset, we welcome this Bill and we even want to improve it, hence our support and seeking of your support for a slight amendment.

It is the Hon. Minister of Communities who mentioned in his speech that, with the respect to the tied local authorities, a formula was put forward by the Government. May I say that it was the reverse. It was the Leader of the Opposition who proposed, first, because there were seven tied local authorities, six NDCs and one municipality, that we probably, as a breaker, apply those who got the plurality that was awarded to the necessary NDC chairperson. In the case of Mabaruma, there was a male. As a second proposal, a rotational leadership was proposed, but before we could have got a response to that proposal, the Hon. Minister of Communities went ahead and – I cannot say enacted – acted and unilaterally appointed his own chairpersons. The Hon. Minister, quite rightly, made reference to the Bel Air/Woodlands Village District. In his explanatory, he gave the Bel Air/Woodlands Village District ... Showing the example whereby if you apply with this clear amendment that the Hon. Minister is bringing, the chairperson would have been coming from the People's Progressive Party's side of the House. Hon. Minister, on what grounds or what methodology would you have unilaterally, in all seven local authorities, appointed chairpersons and Mayors from your side of your party? I share the comment by the Hon. Member Mr. Nandlall that what the Hon. Minister is seeking to do, having recognised what he did, it is to correct his actions.

The Hon. Attorney General spoke about the good light within the local authorities and the Hon. Mr. Mustapha spoke about gerrymandering. The truth be told, the whole idea of the tinkering

with the local authorities... Let me give some of the statistics. First of all, we have been told that the municipalities will now increase to ten, with the inclusion of Mahdia, and there will now be an increase of another two NDCs immediately. Hence, there will be a total of 74 local authorities. Then there is also gazetted a number of other areas, for which I am challenging the Hon. Minister to produce the evidence of the consultations that were done for the gazetting of these areas that he has identified - produce the evidence of those consultations.

In fact - I will just state briefly because there are other speakers after me - if you refer to Mahdia and the whole issue of Campbelltown, it was after the fact that they went to the ground and sought a meeting with the persons there. The Hon. Ms. Campbell-Sukhai will probably tell you more. She will tell you more of the process that took place whereby the residents were not even clearly told of the purpose of that meeting, and then it was called a consultation. If I want to give him an example, I can even refer to Mabaruma. Tell us when there was the inclusion of changing Mabaruma into a township. When was that consultation done? When there was the inclusion of two areas that fall under the Amerindian Act? I refer here to Barabina and Kobarimo, tell us, when those consultations were done. We cannot come here and speak with rhetoric. We, as everyone else, welcome change, but there must be meaningful change that comes from the ground.

I just want to make mention of Mr. Ganga Persaud, who clearly showed the three roles that the Hon. Minister of Communities play. You know, the Hon. Mr. Ganga Persaud said that there was an omission on the third aspect, which is the gazetting of the boundaries. You know why. It is because there was a haste to have those areas gazetted that the work on the ground was not done, and hence they could not have gazetted those boundaries and identified the clearly defined boundaries.           **[Mr. Adams: After tomorrow.]**           Yes, I know that it will happen very shortly because the exercise is ongoing.

The Hon. Minister said that we no longer have the authority to involve..., whereby it is left at the level of the Minister. We are happy for that change. While we have no objection to the new proposal, it is to ask the Hon. Minister, in his wrap up, to tell us what was also wrong of the system of having a by-elections or going back to the electorate themselves to determine who should be the person if there is a tie. May I ask the Hon. Minister to respond to that?

There is ongoing currently tampering - I use the word “tampering” - with a number of local authority areas. There is now the removal of 16 constituencies confined within 14 local authority areas. While you may have heard a form of it, you have to hear it again so that it will sink in and you will understand, so that the people of this country must know what the intention is. I want to repeat then that without any consultation, the Hon. Minister has unilaterally created more and new bodies, and hence tampering with some. You know why. Having recognised the results from the last local government elections, they have recognised that at the local authority areas, there have not been changes because our *votership* has increased. That is why, even in the recent election for the toshaos, in the Amerindian villages, there was a hue and cry and a worry. It is because the Ministry of Indigenous People’s Affairs is in an uproar. It is tinkering every day of the upcoming National Tashaos Conference (NTC). How can it tinker with the National Tashaos Council every day? I can tell it now that it will never have a National Tashaos Council that it would have total control over and that it can dictate the arms and the aims to that governance. It is an exercise in futility.

The PPP/C has won 754 of those seats out of the 1,166 seats, with APNU/AFC coalition having 375 seats. Overall, at the last local government elections, the PPP/C won 65% of the electorate. Thirty-two per cent went to the APNU/AFC. Hence, we won 48 of the 71 local authority areas, and then there were seven that were tied. I am asking the Hon. Minister, in his final wrap up, to clearly identify and tell the nation what are – I am saying “are”; I am not saying “is” - the reasons for the tinkering of the local authority areas.

Finally, I ask that the Hon. Minister consider our amendments. Our amendments are clear, by and large, and they are self-explanatory. We are speaking and have clearly identified the amount of days. What we are asking is to basically identify clearly the amount of days when you are going to have different rounds of elections. We have also amended, whereby when we speak about the populace, the role of the populace. The Hon. Member Mr. Zulfikar Mustapha spoke about that.

In my final comment I want to say, as I started, that we support this Bill in principle. We are asking and are urging that we have some amendments at this level, and also that the Hon. Minister ensure that at the local level they do not continue to have interference, especially as was

mentioned by the Hon. Member Ganga Persaud, of the role that is being played by the Regional Executive Officers.

I thank you. [*Applause*]

*5.46 p.m.*

**Mr. Bharrat:** Mr. Speaker, permit me please before I go into my presentation, to say that we are happy to have Minister Amna Ally back with us here in the National Assembly, even though she is not heckling as much as she usually does. Politics aside, we, in the People's Progressive Party, are always concerned about our people's well-being, health, safety, especially at a time such as now when many of our Guyanese brothers and sisters are on the breadline.

I also wish to express my condolences to the families and friends of those fishermen who would have perished in that tragic incident that took place. I am happy that the Government would have been awoken from its slumber because it has been almost two months after and now we are declaring a National Day of Mourning. Nevertheless, it is better late than never.

May their souls rest in peace.

I wish to support my colleagues by making my contribution to the Local Authorities (Elections) (Amendment) Bill – Bill No. 9 of 2018. From the onset, I wish to express my suspicion with the proposed amendments by the Government, which, of course, seek to replace by-elections tiebreakers among local authority areas in our country.

Like us in the Opposition and the majority of Guyanese, we are equally suspicious of every move that the Government makes, anticipating something that will bring further hardship and is aimed to benefit the Government and only a selected few. These amendments, according to the Bill, seek to harmonise - the word "harmonise" seems to be a popular word at this point in time - the terms of office and to adopt a different approach to break the deadlock or tie that exists among local authority areas in the country.

As necessary as it is, these amendments seem tailored for the APNU/AFC to maliciously manipulate the system and take control of local authority areas through a back door method and, of course, against the will of the people as it was illegally done in Mabaruma, Industry/Plaisance

and a few other areas, and much like the manipulation of selected local authority areas, by the reconfiguration or as the use of the popular word “gerrymandering” of seats and constituencies to benefit the Government without speaking to not even the elected officials or any resident within these areas. Yet, the Minister spoke of honouring the people with no consultation.

Craig/Caledonia is one of the largest NDC in the country by geographic area, and maybe second only to Number 52 Village/Number 74 Village NDC, yet the Minister of Communities unilaterally, and through some unknown bias system, decided to reduce the number of seats in the NDC by merging two PPP and one constituency into one, giving the advantage to the APNU/AFC, come the next local government election. This was done without consulting a single person within the Craig/Caledonia area. Again, this lopsided approach is designed obviously to give the advantage to the APNU because we are not sure about the AFC as yet, come next local government election or maybe it is not so lopsided after all, but roguish in nature.

While I am on the subject of consultation, it seems to be the *modus operandi* of the APNU/AFC Government to make decisions without consulting or involving the people who would be affected. The Hon. Attorney General mentioned Samson and Delilah, but it is much more as the pharaoh over his subjects, dictatorial and draconian. Again, the Hon. Attorney General mentioned that there were some amount of consultations done, but mainly the Hon. Minister of Communities in his wrapping up statement can let the House know how many residents in Craig/Caledonia’s NDC were consulted as to this move and in which village.

Again, can I ask the Hon. Minister if any consultation was done in Industry/Plaisance, Mabaruma, Woodlands/Farm, Woodlands/ Bel Air, or any other of the tied local authority areas, to determine whether the residents preferred by-elections as opposed to the amendments of calculating the seat value of the PR councillors or is this just another imposition by the Government? It has become so typical of the Government to ignore the voices of our people. The system of by-elections worked well in 1994 to settle tied NDCs in a democratic manner by involving the electorates, especially in Gibraltar/Fryish and Soesdyke on the East Bank Demerara, and not by the Minister unilaterally appointing Mayor and Chairman of tied NDC as is the case now, or as the Minister explained. Maybe he applied the conditions in this amendment or this Bill before this Bill actually made its way through this National Assembly.

Section 13(8) proposed that a magistrate, the elected councillors and the public will be called upon to draw lots by the Clerk of Council should there be a deadlock after three rounds of voting. However, we wish to seek clarity as to who constitutes the members of the public, how they will be invited, where they will be coming from, in terms of residency and what role will they be playing in this process because the amendment is vague in this respect. We are hoping that the Hon. Minister will bring a bit more clarity as to section 13(8) in his wrapping up.

Further, section 35(1)(b) proposes that the Minister will decide on a date after the declaration of results for the first internal election of all local authority areas. However, no time frame was specified for the Minister to do so. It is in our view, that the Minister should be given no later than ten days to call such elections upon the declaration of results, hence, our proposed amendments to Bill No. 9 of 2018, and in the interest of greater clarity and democracy, since the Bill in its present state allows the Minister to call election at any time based on his discretion. This could pave the way for certain NDCs to be discriminated against and prevent the new councils from immediately taking office after those elections are held.

Again, at section 35, the Bill speaks to drawing lots to decide on a tiebreak. It is in our judgement that specifics and our system of doing so, should be included to prevent the ambiguity of this procedure. Section 35(f) again refers to breaking the tie among constituency candidates. The Bill further expanded to a first step to breaking the tie which seems straightforward, but should that be unsuccessful, then the prerogative is with GECOM to settle the matter. This is what it states:

“(f) Where any difficulties arise in the implementation of these procedures, the Elections Commission may make any provision or issue any instruction which in its view could resolve the difficulties.”

This is not only confusing and vague, but poorly constructed. What provision or instruction are we talking about? Is this Bill giving GECOM the authority to usurp the power of the electorates? Will the Chairman of GECOM decide who he wants, as against half of the voters within that constituency? This clause definitely needs more clarity and need to specify what provisions will be taken by the Guyana Elections Commission, should a tie among candidates in a constituency exist.

We have heard from the Government about the absence of local government elections since 1994. My colleague, the Hon. Member Anil Nandlall would have explained in detail what caused the delay and the return of local democracy. Yet, prior to 2016, the NDCs were functioning in a more harmonious, transparent and accountable manner, and not suppressed and discriminated against because of support for political party, as is happening right now across the country. The poor performance of the local authority areas presently stems from the fact that the APNU/AFC representatives continue to refuse to cooperate with councillors of the PPP, and we can see. The Hon. Member Ms. Wade can tell you what is happening in Region 5, what is happening at Enmore and what is happening at the area of Grove/Diamond on the East Bank Demerara. Added to this, there is the strangling of the PPP controlled NDCs by the regional administrations through their politically appointed officials, and only recently one such official informed the Public Accounts Committee that he will not cooperate with the Office of the Auditor General. Yet, the Government boasts of local democracy, transparency and accountability.

The Hon. Attorney General spoke about subventions, and prior to 2015, subventions were being dispersed late, almost at the ending of the year. However, I wish to remind and bring to the attention the Minister of Communities that the area of Grove/Diamond is still awaiting garbage trucks since 2016 of which the money from the subvention has been put into that project for the purchase of the garbage truck. It is still awaiting the garbage truck since 2016, Hon. Minister.

There is a common saying in Guyana that “everything comes at a price”. The people who voted for the APNU/AFC in New Amsterdam and other areas are paying that price because they are paying 100% increase in rates and taxes. This is a sign of what will happen in the recently established NDCs in the Pomeroon area in Aranaputa, in Lochaber, Sandvoort, Kortberaad area Region 6, Yarowkabra, Hauraruni River on the Linden Highway and in the municipality of Mahdia. Residents of these areas need to start gearing themselves towards paying rates and taxes, and more hardship.

It is a fact that the APNU/AFC was mauled. I prefer to use the word “mauled” and not “thrashed” because they were indeed disseminated and embarrassed at the last local government elections, and a repeat of this is definitely on the cards, come local government elections, this year end, and even more so in 2020. I may remind the House, this was less than a year after the APNU/AFC took office in 2015.



The APNU/AFC failed to contest four local authority areas throughout the country because of lack of support. Of the 71 local authority areas, the People's Progressive Party were victorious in 43 with seven tied. The imposition of illegal local authority areas in poor and sparsely populated Amerindian villages and in Amerindian titled villages and in areas that are supportive of the APNU are aimed towards boosting the statistics because they will fear worse at the next election.

The Hon. Minister of Communities would have mentioned several times, in his opening remarks, that the reason for these amendments is to save the treasury or to save taxpayer's money.

*6.01 p.m.*

What the Minister need to mention to the House, too, is that with the establishment of nine new local authority areas throughout the country, it will cost the treasury almost \$50 million a year in subvention for those additional local authority areas.

In 2016, and my colleague the Hon. Member Collin Croal would have mentioned that the PPP won 66%, two-thirds of the vote at the last election. The establishment of this new NDCs and the municipality in Mahdia is aimed towards saving face and embracement for the Government. However, we wish to put a record that we will contest these areas and we may even spoil the APNU/AFC expectations, because people are fed up of a tax-driven economy run by a visionless Government.

With specific reference to the Bill, it was found to be devoid of any mechanism to replace constituency councillors after elections. This is a common problem which became very relevant after the 2016 Elections which was changed to the hybrid system as we know it, 50% constituency, 50% PR seats. Many of our local authority areas are currently depleted because of this problem, yet the Bill made no proposal or amendment to deal with this which would have been more relevant of such a Bill, especially since the Minister is very concerned about saving the treasury and taxpayers' dollars.

In concluding, we would like this Assembly and the people of Guyana to know the People's Progressive Party cares and we will continue to fight for what is right for all Guyanese across the length and breadth of Guyana, regardless of political affiliation. While the APNU/AFC seeks to separate us with divisive tactics and imposition of system to bring further hardship, we wish to

call on the Government to bring more clarity on certain sections of the Bill that could create controversy in the future and accept the amendments proposed by us on the opposite side. Considering this would be done, we, in the Opposition, would support any Bill that exemplifies the will of the people and foster greater democracy and cooperation.

Thank you. [*Applause*]

**Mr. Charlie:** I rise in support of the amendments for the Local Authorities (Elections) (Amendment) Bill No. 9 of 2018. As alluded to the previous speakers on this side of the House, we support the amendments in principle.

I will take a different path this evening to speak to this amendment from the Indigenous peoples' perspective. In 2016, the Minister of Communities issued an Order declaring Aranaputa a NDC in Region 9. [Ms. Wade: What is wrong with that?] I will tell you what is wrong with it, Hon. Member. This is an area where there is no titled land. However, this was a controversial move as there was little or no consultations done with neither the community nor the surrounding titled community in North Rupununi. The Minister admitted during Budget 2018 debate in this august House that the council had been set up in Aranaputa without GEOM's involvement, and admitted that the chairperson is being paid from the toshaos' budgetary allocation of Region 9. This Government, having recognised, after the haste and my colleague Hon. Member Collin Croal alluded to this, that one NDC has to be comprised more than one people's cooperative unit (PCU). This new order terminates the previous order and increase the territory in the Aranaputa NDC to include two people's cooperative units with a six- member council. It left us to wonder in Region 9, and all the Amerindians in North Rupununi, if this Government knows the make-up, the population of the Amerindians, in Aranaputa. I would like for it to go on records. The Hon. Minister of Indigenous Peoples' Affairs could attest to this, that the make-up of the Amerindians in Aranaputa is over 60%.

Indeed, the Government is aware of this. Why imposed a NDC on poor Amerindian people who live by the day, who hunt and fish and do subsistence farming? It is to impose a NDC on them and now they are calling for the PPP/C intervention because soon they will be objecting to this move. This is an indication that the Amerindians, over 60% in Aranaputa, will not endorse Aranaputa becoming a NDC. No consultation was conducted as I alluded before in keeping with

the international policy of free power and informed consent as included in the Amerindian Act also.

This Order is yet another clear indication of this Government's deliberate and targeted policy, from the inception of its office, to control Amerindians and to undermine their land rights and their own government system as enshrined in the Amerindian Act of 2006. As I speak here, I know I am edifying some of the Government Ministers, almost all of them. Other actions by this Government leave no doubt as to the Government's policy, with regard to Amerindian rights.

One just has to recall the rushed decision in October, 2015 to establish new township and NDCs in Regions 1, 7 and 9, prior to the March 2016 Local Government Elections. It was welcoming but you have sinned. It was wrong. Communities were caught off guard and were not even informed that the boundaries of these new local authority bodies may infringe on their own communities. In some areas, a number of communities have been included within the boundaries of new townships. Examples of these include the communities of Red Hill, Kobarimo, Barabina and Arasika Creek among others in the Mabaruma township at the Port Kaituma NDC, and Dog Point and Agatash in the Bartica township. The areas of extension applied for by Mocomoco, Nappia Parishara in Region 9, for example, now fall within the extended boundaries of the new Lethem municipality. The recent announcement that Mahdia would be declared the township should be monitored, as it is expected that it would include Campbelltown which is an Amerindian community and also Maraikobai.

The PPP/C in 2017 noted in a public statement to the NTC conference that there is a growing concern by a number of communities which had already in possession of communal titled lands that could come under threat with regard to the Government's announcement to establish a new NDC, at the centre, encircling and within titled communities in hinterland regions. With these Orders issued by the Hon. Minister Bulkan, our statements, of this side of the House, have been proven correct. Since there is no statutory provision for Amerindian titled communities being incorporated into a local democratic organ such as municipalities and NDCs, each hold a place in their tier of governance, separate and distinct, and this must be respected by this Government.

Furthermore, this particular and latest act by this Government reinforces the view that this Government has deliberate policy of destroying the Government's structures under the

Amerindian Act. I urge that this Government respect the Amerindian Act, a population in which many areas supported the PPP/C in the 2015 General and Regional Elections and this is illicit.

My take on this amendment, as I said earlier, we fully support it at this side of the House, and our amendments also. We collectively agree in the best interest of democracy.

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

**Mr. Ramjattan:** I rise to support this Bill brought here by Hon. Minister Ronald Bulkan in relation to extraordinarily important matters to full, what you call, the loopholes, that were there, that even the Opposition expressively stated, had to be filled, the lacuna. It is with some measure of surprise that I stand here now not understanding what some of the Members of the Opposition side were saying when they say that they treat this set of amendments with suspicion, as Vickram Bharrat said, others with full support and others with support as a matter of principle. That is a real slippery ground. That is being ambivalent, extraordinarily glacial, they seem not to know where they stand. It does seem clearly from over here that they want to create political mileage out of the fact that, yes, there were some loopholes and these loopholes have to now be certainly filled.

It would be extraordinarily conflicting when we are going to get even the history wrong. A number of Members over there indicated about how they were the ones that brought on local government elections in their 23-year period. They had it once, as far as I recall. After that, knowing how they like to prorogue, they literally prorogue the local government elections for two decades. We did not have it, and what was the reason behind it all? A mystical limb being extended out where they are saying that because it was in collaboration with the Opposition party of the day. We have constantly indicated in this Parliament that anything that was going to be by acceptance and you understand what is constitutional, you still have your duty to make it happen, and you did not. Do not use the pretext that because there is some mechanisms that a Committee was dealing with and because Mr. Lance Carberry was in that Committee. You still had an obligation to ensure that there was local government elections, but you did not. You prorogue it - *de facto*.

6.16 p.m.

You prorogued for 20 years and you come here spouting as though you are the *paragon of virtue* in relation to that. It is making political mileage that you want and then at the end of your speech, “We support it in principle. We support it”. [Ms. Teixeira: Can you ...*[Inaudible]*]

That is what you have been doing all the time. Take for example they go back to the philosophy behind Local Government Elections. It is to participate; it is to ensure greater democracy at a local government tier; it is to ensure that people understand how their affairs are governed. It is part of the deal. If you want an expansion of that democratic process is in and around the community areas; in and around the rural areas; in and around the new urban areas and townships that are going to be created, you need to start disciplining citizenry into tax payment. What is wrong with that? Do you know what? Just as they love this concept of proroguing, they love the concept of bailout. Well let me say this, bailout everyone and just give them the *freeness*. In this country, this Administration is not going to ensure free lunches for everyone. You want a disciplined citizenry... *[Interruption]*

*[Mr. Speaker hit the gavel.]*

Do you want a disciplined citizenry and do you want to build communities? You must start them at least with that very first duty of citizenship. It is called taxation. Do you want a representation? Then you must pay taxes. That is how the great societies of United States of America (USA) and England were built. If we want to get there, that is how we are going to get there. You want to take away a pillar of local democracy and that is to say “No the people are going to pay taxes”. Well we know that plenty of them applaud that the taxation rates are not going to be applicable in a variety of the levels and ranges in accordance with what you are talking. You have to start now ensuring that kind of quality citizenship that appreciates to govern better affairs, to ensure that drains are okay, their environment is okay, that their overseers would be paid and all of that. You must start by at least taking some money to pay because you are a property owner in the community and it is important in that context. *[Interruption]*

They are saying that we are a tax driven economy. One can go all across the world every economy is largely run because of the taxes paid. At the state level, federal level and city level in the United States of America. In the United Kingdom, you go to the borough level; in France and in all of those areas you go to the state, federal or city levels. That is where it is paid. All of you

want to get there to that high quality of life, but you do not want to know how it is going to be done.

We know that we cannot overtax by virtue of the people there not being that rich. We are in the cusp of great things with an oil sector. If we can do the preparation of these communities and citizenry now, then we will evolve a greater expanse of local government in this country and they will be prepared. It is only 18 months away, so do not ever tell this country that we do not have.

I want to make this point.                   **[Ms. Teixeira: *Inaudible*]**                   Then you are going to make a lot more communities also come under NDCs. Hon. Member, Ms. Teixeira, do you want to bet me? Yes, you are going to do that. That is right. Do you remember the value-added tax (VAT), when they had increased it to 16%? They said that they were never going to do it. As soon they won the elections, VAT was applied - interesting. Are you telling me that you did not want to increase it? If you needed the moneys to run the country; if you needed a community in a certain area that was not there before...

I want to make this additional point. The expansion of local Governance must meet more people all across the country. It is vital. We have to ensure that it reaches all over this country so that people in these eight areas, who you are so vexed about, they will know - the new areas. Manage their own affairs - that is it. That is what the local democracy is all about, but they do not want that. They want that they could probably just dole out moneys from Hinterland Employment Youth Service (HEYS) or from where ever and so on. They have not appreciated anything about why then. If you want this philosophy to be applied to Georgetown, New Amsterdam and Anna Regina, why should it not apply, also, to those new towns that soon will have thousands of people in them? It is important and they have said that we are going to tax drive the people. I am saying that you want a drug riddled economy. Well we will get our moneys from taxes that have to be collected, rather than from the drugs that you have indicated through a variety of ways which caused a deformed economy in this country. Now that we are cutting it out they are getting vex. *[Interruption]*

*[Mr. Speaker hit the gavel.]*

I really did not want to come here to talk about it after I heard, at the very end of all these speakers, that they support these amendments. But, you have to rebut some of the *illogicalities* that they mentioned, prior to coming to that conclusion - their approbation and reprobation.

The Local Government Act – the Local Democratic Organs Act - gives the Minister the power to divide Guyana into these NDCs as he sees fit, and that is what he is doing. An exercise of Executive power seems to be a criminal act right now, as if it is something wrong. The Minister can utilise, constrained into taking into account the population, the physical size of the area, geographical characteristics, economic resources and the existing planned and infrastructural works that will be there in these areas - infrastructural works that are planned for these areas.

We have some new areas and townships and we have lots of infrastructural works planned for them.

[**Hon. Member from the Opposition:** Is that so?] Yes. For that reason, you have to start making them municipalities now so at least it will not be from a position of ignorance, but at least they will appreciate, in a year or two, what it is that they have to do. What are some of the obligations and what are their duties. What is wrong with that? They will still be at an infant stage, but the whole point of it is that they will learn. When you *knock off* Local Government Elections for 20 years, the poor people in those areas that were supposed to get local government, they do not know anything about it. This coalition Government has managed to hold it, for a second time in about four years. We are a coalition. It is important that this kind of appreciation is made that we might not get it perfectly right, but we must at least start by doing it now.

[**Hon. Member from the Opposition:** Give them IMCs.] That is right; that is what they want, more Interim Management Committees (IMCs). We want the people to have their rights. We want the people to elect their representatives; we want this to be a representative Government at the level of central and regional and also at the level of local government.

Please do not come here and give the impression as though we do not have the authority to do it. We have the authority to do it. It was the evolution of the British local government system which took 100 of years, but it happened. It grew and it got better. We are getting better here. There are some lacunas and we are now filling those lacunas. We are growing, but after 20 years of literally being still born or of no growth during that 20-year period - stultification of the growth

during that period, in a sense you are going to deform the growth of local governance in Guyana. We want to quickly move forward with it and that is why there are these amendments.

We saw, like life, the whole picture about tied arrangements, and what we do there and better ways to do it. Quite frankly, I am happy that, at least, those who have agreed in principle have said so forthrightly; those who have supported it in full said so forthrightly; and those who would have said otherwise, well, I disagree with them. It just goes to show that you have to throw some mud on a good Bill simply because you are Opposition. I suppose, as they say, when you are in opposition you have to oppose, expose and depose - and we are hearing some talks now about depose, but we will not get anywhere with that. Let me tell you that.

I want to indicate that I should make some remarks about the very last one and that is clause 7, where the Elections Laws Amendment Act 2000 is being amended. More or less to facilitate the effective implementation of continuous registration and the availability of an electoral list, which shall always be enforced and which shall be routinely updated every six months. It is a minor amendment, from three months to six months. It must be understood not only textually, but contextually. In the context of all that have evolved around local government in Guyana, a three-month period, where there will be revision of the lists when going up to the qualifying date that has to be done. It will be out of sync with what has evolved so far. That is why we have to have this six months period so that we are going to have, in this continuous registration regime as against a previous regime, whereby when you are going to elections and you know from some months before that you are going to revise the list to get into that election.

It is knowing all the time that there is some list that exists there that was continuously revised to the extent of putting on those who qualified to vote and those who must be deleted from the list, so that there is a list and that two periods will be created. I think that one period will be 30<sup>th</sup> April to 31<sup>st</sup> October and another six months period that will bring it back to the first again. So, at any time, this also is a continuous exercise that will see that even if in local government areas someone pass away and there is need for a by-election, you can go back to the list very quickly to ensure. Obviously, because of the evolution of the other amendments and all the practices there in local government, that is what it will do. That is why the continuous registration exercise will be that which is for purposes of... [*Interruption*]



*[Mr. Speaker hit the gavel.]*

6.31 p.m.

You can say whatever you want, the whole purpose of this is that, at the level of even the constituency, if there is a by-election that is needed or an election that is needed, you will at least have the list on which to go into that elections to ensure that people can vote for whosoever they want, after people die.

There will always be what is called, a valid list upon which, at any time, elections can be called.

[**An Hon. Member:** Thank you.]            Yes. I am glad that you said thank you.

I am happy to say that, from what I have been informed, this set of amendments started out since 2016. The arrangements to have them placed here was spoken to by Members of the Opposition and spoken in support at the level of GECOM, so that we can get on with continuous registration. We can get on with a list that is always going to be ready and at hand for elections to be done under that list.

The system then is one in which, at any stage, we can carry out elections under both Local Government Elections and General and Regional Elections. This goes for both across the board. With all that has been traded here, this must be supported by all for us to move on. There might not be perfection about it; no Bill is perfected on the very first time it is going to come to Parliament. No amendment will bring perfection because, as we evolve, we are going to get better. As more communities develop, we have to start the process of expanding local democracy into those areas. If the Minister is going to utilise his Executive power to expand those other communities and bring them into NDCs, why should it not be done? Why only local democracy must be enjoyed by a set of areas that are written in stone? No. We have to evolve. And so, I ask that Members present here do support these amendments in the Bill by Mr. Bulkan. I do not support the amendments by the Opposition. [*Applause*]

**Mr. Neendkumar:** I rise to contribute to this discussion on this Local Authorities (Elections) (Amendment) Bill 2018 – Bill No. 9/2018. I think that I must say a few words on what the two Hon. Members, Mr. Basil Williams and Mr. Ramjattan referred to. I would like to remind them that, after 28 years, Local Government Elections were held once. Immediately after the PPP went

into Government in 1992, two years after we had Local Government Elections. What happened? It was an agreed position between the People's National Congress (PNC) and the PPP to set up a task force and we know who frustrated the work of the task force. After that, we had a situation. I am in this Parliament from the Eighth, Ninth, Tenth and now the Eleventh Parliament. In the Ninth and Tenth Parliaments, I sat on the Local Government Special Committee where we were discussing reforms for Local Government Elections. Hon. Members, Ms. Ally and Mr. Williams himself were on that Committee and they know what went on. They know the keen struggle that was led by Ms. Gail Teixeira and company, Hon. Members in that Committee.

When the Hon. Minister spoke about fairness and what is going on, I would like to ask the Hon. Member Mr. Bulkan to tell us why the Grove/Diamond NDC got the subvention for 2016 and they were pushed around for the whole of 2016 and 2017, and up to now they cannot get the garbage truck, which they paid for? The work is being frustrated by the Regional Executive Officer (REO). The people did not budget to collect garbage and pay the amount of money, but the NDC has to carry that strain.

Further than that, I would like to tell Minister Ramjattan that the Craig/Caledonia NDC had allocated, also, a sum of money to use the subvention of 2016 to purchase an excavator. They got it in 2018 but heaven knows, the Regional Democratic Council (RDC) is not giving them permission to employ an operator and so it is left as a *white elephant*. These are some of the things that are happening. Minister Ramjattan and I go back a far way, and the Comrade is right, the only way we could solve the constituency issue, like the one in Rose Hall that is still pending, we have to go to by-election. **[Mr. Ramjattan: That is right.]** But you did not say that just now, though. You are saying it now. Good, thank you.

The *[Inaudible]*...of this Local Authorities (Elections) (Amendment) Bill 2018 by the Hon. Minister of Communities, Mr. Ronald Bulkan, signals the strong inconsistency and *[Inaudible]*...nature of the coalition Government regarding preparedness for Local Government Elections later this year. On the 8<sup>th</sup> January, 2018, Minister Bulkan spoke at a media briefing which was held at the Herdmanston Lodge, Kingston. He disclosed that the A Partnership for National Unity Government had allocated \$2.9 billion for the holding of Local Government Elections and touted that the elections would be held sometime between November and December, 2018. I want to remind him also that \$500 million came over from the 2017 Budget

for the Local Government Elections. As prescribed by the Local Government Act, it is important to note that, at the briefing, the Hon. Minister also indicated that the preparation for Local Government Elections lies largely with the Guyana Elections Commission (GECOM). The sudden new amendments which the Government has moved to push into law, contradicts the framework which, at the time of the Hon. Minister's statement, is hardly sufficient. It is recalled that, at the time, a Chairman of GECOM had not yet been selected. Of course, one would have recognised that the appointment of a Chairman was indeed critical to advancing the work of GECOM, which was somewhat stagnant and clouded by investigations of procurement procedures and non-transparent practices.

Further, the Hon. Minister was aware of the copious activities by the Leader of the Opposition to recommend a Chairman of GECOM and the subsequent rejections by His Excellency, President Granger, all of which contributed to the unilateral selection of Mr. Patterson. The situation utilised a vital time for the Commission to get critical work done.

It is recalled that since 2015, Chief Executive Officer (CEO), Mr. Lowenfield, had called for legislative amendment to address overlapping housing communities at the municipalities of Corriverton, Anna Regina, and the Bartica Neighbourhood Democratic Council, and now, they have all grown beyond the respective boundaries. While some of the new municipal and NDC local authority areas need to be addressed, the timing of the new amendments at this critical juncture is designed to cause further delays and confused the system of familiarity of which both GECOM and citizens will have to be made acquainted. The proposed suggestions of a lawyer to oversee and the involvement of a designated magistrate to resolve issues of ties in Local Government Elections are lawless and wicked. It merely seeks to camouflage the shameless undemocratic decisions made by the Hon. Member, Mr. Bulkan, which still have the 2016 Elections unfinished. The 2016 Elections is still unfinished.

In 1994, there were ties at the Local Government Elections and GECOM, in keeping with the law, held by-elections to resolve those issues. The Bill before this House manifestly expresses the APNU/AFC's intention to take away the citizen's right to vote and elect their local representatives under the circumstances of ties. Further, the situation absolutely highlights this coalition Government's intention to corrupt this country more. The Judiciary is an independent arm of any good Government and should not be dragged into covering up the inefficiencies of

GECOM not fully covering its role and purpose. It is anticipated that the Parliament will have full debates on all of the matters that come to the National Assembly and then a decision will be taken. The Cabinet is too political and the APNU/AFC Cabinet can take their partisan deep seated party position. However, the Government must recognise that the other two arms of Government are not and must not be allowed to be... [*Inaudible*] to the PNC's fantasy. The Judiciary must be allowed to be independent and not drawn into a conflict of interest position, when legitimate challenges are to be brought from the judgement of the courts.

These amendments to the Municipal and Districts Councils Act, Chapter 28:01, along with the amendment to section 28 of the Local Government Act, 28:02, the amendment of the Local Authorities (Elections) Act, 28:03 and the amendment of section 20 of the Local Democratic Organs Act, 28:09 are not the very important in context. No. However, the Hon. Minister is now trying to remove himself from directly making decisions that he knows will be rightfully challenged and is handing them over to the administrative officers of the local authority areas, whose functions are somewhat under his Ministry, along with a designated magistrate. This is very serious because the APNU/AFC Government is trying to justify their wrongdoing and their partisan appointment with independent judiciary involvement. In principle, this is bad.

With the approach being dragged for the sanction of this honourable House, there are many arising questions. Among these are: who will appoint the overseers and who will decide on the designated magistrate? Who will call the meetings with the public and who will decide the time and place of the meetings? All these issues are relative and knowing the PNC and their thirst for power, the people do not have any confidence – absolutely, no confidence – in such a system which can be easily manipulated. Hence, there are more questions than answers in these proposed amendments.

It is widely recognised that the Hon. Minister of Communities has seriously bungled the local government system. As a consequence, the 2016 Local Government Elections are still incomplete as I said - his highly questionable decision regarding the ties in the local authority areas and, particularly the tie in a constituency at the Rose Hall Municipality area, have been justifiably challenged in the courts.

Though the proposed amendments after two years of glaring undemocratic and dictatorial pronouncements on how the local authority areas should be managed, the Minister is now trying to do some damage control and has shifted his responsibilities to a overseers and in the extremity a magistrate. This must be looked at carefully.

I am worried. I would like an explanation on what is really meant or intended by the inclusion in the Bill of the following:

“...the Town Clerk, acting in the presence of a designated Magistrate, the councillors present and members of the public, shall by lot choose one of the candidates from the third (final) round of voting and declare the candidate chosen to be duly elected as Mayor.”

Who is the public? Which public? How many councillors? Which councillors? This is more of a gamble. It seems like when we are playing six cards poker or *rap*. This is because we have six amendments before us and we will *rap* after three straights. Are we going to push hands in bags? Are we going to spin a coin or are we going to throw a dice? Well, I do not gamble. I believe in the British system and the people must have the final say. We cannot take away the peoples' rights to vote and to elect their leaders; the way of the by-elections must not be put aside.

6.46 p.m.

After the PPP/C devastated the APNU/AFC only months after the 2015 General and Regional Elections, at the Local Government Elections, the APNU/AFC is now putting systems in place to gerrymander the municipalities and to create new NDCs favourable to the APNU/AFC. For the record, this will not work.

For the record, let me inform the thousands of people who are following this debate that, presently, the PPP/C won and controls seven of the 10 Administrative Regions in this country. In the 2016 Local Government Elections, the PPP/C won 48 of the 71 local authority areas, while the APNU/AFC, managed to scrape only 16. There were seven ties. It is very important to note that, of 1160 seats up for grabs, the PPP/C won, handsomely, 744 of those, while the APNU/AFC scraped in a mere 376. The remaining seats went to independent candidates and groups that contested the election. The PPP/C won 65% of the seats, while the APNU and the

now disappearing AFC got 32%. The PPP/C received more than 30,000 votes, leaving out the many areas, where the APNU/AFC did not contest.

The entire episodes of ... [*Inaudible*] to various acts, are out of desperation to find solutions to issues and to find acceptability of clearly violated areas. There has been no meaningful consultation, including the mechanisms, to address the issues of tied local authority areas that would be transparent enough to replace the current legal approach.

Vividly, one has to guard against the manipulations of the system to an extent that the amendments are trampled upon to further the actions of the coalition at the grass root level. There is need for equity and transparency. Thank you very much. [*Applause*]

**Ms. Campbell-Sukhai:** Mr. Speaker, I will be pretty brief. I know that many of my Colleagues before have already provided a degree of support for the Local Authorities (Elections) (Amendment) Bill 2018. That being said, I only want to confine my contribution to the impact of the expected expansion of the townships and also the coming into being of a number of NDCs. I want to say very quickly that, during the last three years, we have seen quite a significant shift by the current Government to enclose, impose, encage maybe and all the words that I may want to say that apply to bringing into the fold of the NDCs and municipalities, Indigenous communities. For example, in 2015, we have seen the boundaries of newly established townships enclosed a number of Indigenous communities. I could give an example of the Mabaruma sub-region where the Mabaruma Township was established. The settlements of Barabina Hill and Kobarimo Hill, without consultations or being encouraged to have their say, or even to explain the significance of their participation of them being part of a township, it was non-existent.

I have heard in the debate, a number of speakers from the Government's side, who have made justifications that it was time for us expand the number of NDCs and to improve and to deliver better services to our people, we have to create townships. When one looks at the examples and experiences of Kobarimo Hill and Barabina Hill in Region 1, they are part of the township. Yet, the services, infrastructural development and all the *goodies* which were promised to them if they were in the townships, they have not received them. I could also cast my mind to what occurred in Region 7, whereby after the establishment of the Bartica Township, we saw that it encapsulated the communities of Agatash and Dog Point. What has happened is that, the promise

and explanation that it is going to be better and that a good life would follow if they were a part of the township – that did not follow. For example, the health and transportation situation and educational services for these communities have not improved. This also includes the major access roads to these communities. In fact, what is happening is that the township is expanding its reach. There have been threats to these Amerindian communities and to residents and villages that they would be confined to lots of 50 by 80. I was at meetings in the two communities, when they inferred and also told us that this was what they were told by the officials of the township.

In the last couple of weeks, we have seen similar advancements that would have negative impacts. The failure of justification of all the glorious good life, if you fall with a NDC and a township, is going to permeate Indigenous communities. I want to posit that any Government *worth its salt* is responsible for improving the lives of people generally across this nation. Any Government *worth its salt* would expend within their affordability, equal and if not equal, they would make attempts to improve lives. It is not merely about being in a township. That justification does not hold because, again, the experiences we have seen did not hold any water. This is two years on with respect to the last Local Government and Municipal Elections.

We have seen that the current Government has continued to disregard the Amerindian Act. We have seen that this Government continues to disrespect the rights of Indigenous people. I understand from many presentations in this House and outside, even as late as last month when we sat at the Parliamentary Sectoral Committee on Natural Resources, the Committee was told that free, prior and informed consent is a sacred principle that the Government would follow as it relates to Indigenous people. Here it is that, a very large community, Annai, has been gazetted without them even understanding, even being consulted or even requesting to be part of an NDC.

We now have the issue whereby the local government is upon us and this Government is proposing to establish a township in Mahdia. **[Ms. Wade: What is wrong with that?]**

Nothing is wrong with establishing townships. However, I want to say in these hollow walls of this honourable Chamber that the residents and villagers of Campbelltown and Micobie have been treated with scantily meetings and after the fact meetings, after they were included in the boundaries of the proposed township of Mahdia. I understand from the residents that there is a letter which had been sent to the RDC and which speaks to the fact. I do not have the letter, but

they were very concerned about the letter which spoke to the fact that, with or without them, the township would go on.

I recently returned from Region 8, Sub-Region 1, and the residents, villagers and the newly elected council, are at a stalemate on this matter. The Ministers have entered into their villages and they have had some deliberation. I do hope that they are going to stand by the commitments that they made to the indigenous community which is to give them time to think of it. My understanding of a direct conversation with the Indigenous people from those two communities is that they are in disagreement with being part of the township. In fact, they were fed with the illusion that if they do not fall within the township, there would be no development. This trap I suppose is not going to hold any water because Indigenous communities are now more empowered, they have a lot more to grow as it relates to the understanding of development. They have survived many hardship, but it is time that any Government, not only the coalition Government, take into consideration the fact that Indigenous communities, which are scattered across the hinterland, would not sit idly by and be held in a gridlock with respect to doing things and accepting certain governmental policies which they do not agree with. It is time that any government, including the coalition Government, realise that Indigenous communities will have their say and it is not unimportant to them, to be part and parcel of what is taking place. It is important; it is significant.

The concern is that they have been following closely what has occurred in many of the communities that were railroaded into the communities. They have even asked me to mention, the community of Four Miles in the Port Kaituma NDC, of which they have followed what happened. The residents were part and parcel of the NDC, without their consent and knowledge. Today, that community has not received any benefit from Central Government and the NDC. In fact, funds are pretty low because, in the hinterland, rates and taxes and royalties are not forthcoming at the same level as it is on the coast whereby many townships pervade this landscape of our country. Therefore, they have followed very closely what is taking place in those townships.

I said that I was going to confine my contribution to the Indigenous aspect of what could happen, but I also want to share an example of what occurred, when the PPP/C Government was in office. There was a community called the Parikaranal Settlement in Region 9. They formed part



of the Region 9, NDC, prior to 2013. When they became a titled village, they were excised out of the NDC because of the fact that they had their own governance system. It would have been more or less super imposing a system of township or NDC, with respect to how the community governed and managed its own affairs. I am not saying that maybe there is no other example of it occurring elsewhere in some other land, but the fact that the Amerindian governance structure is one that is of collective decision-making and they are more or less autonomous in their own, with respect to their space and titled lands. The worry and the concern, of course, are will the Indigenous people, residents and villagers, be subjected to rates and taxes. They fully understand that rates and taxes is the revenue that supports and sustains the structures of the NDCs and townships.

These are some of the concerns which I believe has to be answered, including the responses, when the Ministers were discussing the fact that this whole matter of local government would now impinge on the Indigenous people's governance system. One question asked at Micobie and Campbelltown to the Ministers was, "Would we pay taxes?" Do you know Mr. Speaker what the response provided was?

*7.01 p.m.*

"No, we would not tax you. We would not impinge on the fact that we would impose the laws and so, on you. However, we will tax the Council". If you are going to tax the Council, then the Council's funds are the people's money. If the Government wishes to broaden their revenue base to establish and sustain township, they will have to think very carefully of how and what impact this may have on Indigenous communities.

I would only urge, as all the amendments are being put forward, that the Government of the day, APNU/AFC Government, make good on its commitment to consult and to respect the rights of Indigenous communities, villages, settlements and the Amerindian peoples. We have seen what occurred in many of those areas where the NDCs and townships were imposed and it is not a very good experience for the Indigenous people.

Thank you. *[Applause]*

**Ms. Teixeira:** I wish to thank all my Colleagues before who have spoken on this issue. The issue of local government, our local government system and Local Government Elections is a fundamental component of democracy and the democratic architecture of our country. The issue of the architecture of the local government system is based on law - the Constitution. So, we can be proud as a nation that, particularly from the constitutional reform process, we brought in constitutional reforms and we brought in amendments to the Local Government Bills - all the areas of local government - Local Authorities (Elections) (Amendment) Bills, Local Government Act, Local Government Commission, Local Democratic Organs, Fiscal Transfers, Election Laws, Municipal and District Councils Act, Representation of the People's Act, Amerindian Act, *et cetera*. They have all been amended from 1994 to now, constantly upgrading and bringing in changes, including what was compliance with the Constitution to do with the hybrid systems of First Past the Post (FPP) and Proportional Representation (PR). This has gone through many struggles and I think that it is time that someone like me, maybe, who has been part of this process - and others like Dr. Luncheon, Mr. Rohee, and former Members of Parliament like Mr. Clinton Collymore - who have been part of this long process of bringing us to where we got to in terms of electoral systems, someone needs to write the body because every time we come to the Parliament, someone is trying to prove that they know more, when they were never in any part of the process at all.

The problem is that, local government, and, the democracy that is a fundamental pillar of our nation, has to do with the devolution of power. We cannot have it both ways. You cannot talk about democracy and at the same time, at the level of local democracy and local governance, you are doing things to undermine that democracy. You can talk all you want about why we did not have elections for so many years, when it is written and we have said it a 100 times and I just want to remind some of you who may have forgotten. In 2008, after the house-to-house registration, which was one of the requirements for Local Government Elections on the part of the Opposition, the then PNC, that we had a big activity at the Office of the President, now known as the Ministry of the Presidency, with all of the Diplomatic Corps, international bodies, political parties and GECOM to sign off on the house-to-house registration to create the "Mother of all Lists" in order to have Local Government Elections in 2008. When we came to 2008, we had the then Leader of the Opposition threaten to boycott, unless all five of the Local Government Bills were passed at the same time as a package, not one by one. Therefore, in the

Parliamentary Select Committee, we were successful in getting the Local Authorities (Elections) (Amendment) Act out, which brought in the hybrid system.

However, we could not bring in the Local Government Elections because the Opposition demanded the Fiscal Transfers, and the amendments to the Local Government (Amendment) Bill, the Municipal and District Councils Amendment Bills, the Local Government Commission, *et cetera*. We got all of that done and so you have had, just like you have had with the economy, where they have inherited an economy that was flourishing, a bank that had money in it, and foreign exchange, you have also inherited the architecture and legislative structure for a democratic and modern local government from the People's Progressive Party/Civic (PPP/C).

So, you could talk but you cannot be fickle my dear friends. You are fickle and whimsical when it comes to democracy because you have said "Oh yes, we have had elections and you all did not have it". That is what you say to us. However, how could you explain this aspect of democracy when the law of the country states that where there are tied communities and elections, the Overseer will have a round and if it is still tied, then there would be another round, and when that does not happen, GECOM comes in and hold a by-election? If that then turns out to be tied again, with the two persons having the exact votes, which is rather a bit mathematically improbable, but it is possible, then the Minister comes in to name his person. How do you explain your democracy that you have said you brought in, when the Minister did not allow the matter to go to a by-election or to GECOM, but appointed people? Colleagues of mine have already pointed out the talks between Minister Amna Ally and ourselves, and the options we put and what were rejected and what the Minister did, whether acting alone or in consort with the Cabinet, who knows. It is difficult to understand this Minister half of the time anyway. This Minister has a tendency to be a maverick. Therefore, the Minister went ahead and appointed in the seven NDCs – one, there was an election and the tie was broken, so it left six. That is one municipality and five NDCs. [Ms. Ally: How could you call the Minister a maverick?] Maverick is not a bad word, but it depends on who is using it.

The six NDCs which were leftover as tied, although the seats were exactly the same, the votes were slightly different. In fact, one of the options was to let us have an arrangement where the three where we had the most votes would be given to us and for those they would take the position of Deputy. For the three which they had they more votes would take those three and we

would take the position of Deputy. No. What about let us rotate every year by agreement? No. In the meantime, while these little *chit chats* were going on between Ms. Ally and myself, and I believed that it was in good faith, but maybe I am a silly politician, but I believed that it was in good faith. In the interim, the Minister went ahead and appointed the Mayor and Deputy Mayor, and, by the way, all are from the APNU/AFC. He did not give us one. So do not talk to me about democracy. Please, it is rather nauseating because, in your actions, you defeat what you are talking about. You cannot be fickle about democracy, it is rule based.

We understand what you are coming at with this Bill and that is why Minister Ramjattan is saying that he is confused and I understand that he is confused. Some of our comments said that we support and some said in principle. The point is we have said that we, in principle, support the Bill. However, we have also taken the time to come with amendments. We have also come to say that there are issues that are not clear.

I do not know if the Minister wants us to genuflect to the APNU/AFC because we never will and we never shall. [Mr. Jordan: *[Inaudible]* genuflect to you.] I will genuflect to who I want to and that is my God and that has nothing to do with you. That is none of your business either. That is my right.

On the issue of local government, the Minister said that this Bill has been around since 2016. Well, that is really shocking. I am not surprised, but I am shocked. If this Government had a Bill like this in 2016 to lawfully try to bring in a rule based approach to control a Minister from going out on his own and doing what he wants, and then having this terrible statement by the Judge about him, which was read earlier, then why was this Bill not brought earlier? Why did the Minister not bring it earlier?

**Mr. Speaker:** Hon. Mr. Bulkan, do you rise?

**Mr. Bulkan:** Yes.

**Ms. Teixeira:** What have I done now?

**Mr. Bulkan:** Mr. Speaker, I rise on a Point of Order? Standing Order 38 (b), the Hon. Member is attributing statements to me which are incorrect. In particular, she has said that I have said here, presumably in this House this evening, that this Bill was in gestation –not her words - since

2016. Mr. Speaker, this is not so. This Bill is of very recent vintage. The reference by Minister Ramjattan to 2016 was clause 7 of the Bill, which deals with continuous registration. That is only one of seven clauses of this Bill and it has nothing to do with the other substantive aspects of Local Government Elections. I ask that the statement be withdrawn, please.

**Mr. Speaker:** I thank the Hon. Minister for his statement.

**Ms. Teixeira:** Well, if it is the Minister's wishes to go there then I will withdraw. However, the Attorney General was very kind to share a copy of this quite a while ago for discussion purposes. It is the exact *same* Bill here Minister Bulkan. But I withdraw. The Bill is brand new second-hand in this House.

This Bill is meant to correct a mischief; it is meant to correct an act that was capricious; and it is meant to bring in a rule based approach, and we will support that. We will support to have a rule based approach to prevent and to restrict capricious actions which are unlawful and are against the law. I am not a lawyer, so I will leave it to the Judge and that was read here.

The Government cannot be oblivious to the issue of the lack of trust and confidence. You can put on your bravado - we have been on that side of the House too - and you can say that everything is fine and *honky dory*. The problem is that you cannot be oblivious to the lack of trust and confidence which exists. You have an obligation to try to ensure that the issues of the lack of trust are addressed. When I listened to Minister Ramjattan saying that they reject the amendments that we brought, it was unfortunate. This is because if your approach is to have some kind of accommodation with the Opposition, I do not see that any of our amendments are in any way offensive. In fact, they try to help you because they try to put time periods against the lack of trust. We are not the only ones that do not trust you; the people out there do not trust you. If one is saying within 10 days of the first round; within 10 days of the second or the third round that is putting a timeframe within which a structure, orderliness, rule based that would allow for comfort and people to have predictability on where this process of four options is going.

Just like the question that my Colleagues have asked - the inclusion of the public in the municipality, neighbourhood democratic councils or the council must be given notice of the fourth option, which is when the Town Clerk or the Overseer, in front of a magistrate, pulls a lot from a bag or whatever. It is trying to get a structure that allows for people to know that yes,

when they do option four that there is an obligation for the public to know and for the councillors of that municipality to be invited.

7.16 p.m.

You seem to have blinkers on. It is unfortunate because you are sitting on quick sand or as they say, 'sucking sand'. You are sitting in a situation where seven out of 10 regions the PPP controls. You are sitting in a situation where 68% of the local authorities the PPP have won. You are sitting in a situation where the majority of Amerindian communities support the PPP. Instead of opening your brains in a different way you shut it. You go into total siege mentality.

What did you do with the law again? Let us go to the law again. You brought in Orders No. 16 and 17, where you proclaimed Aranaputa and Annai as Neighbourhood Democratic Councils. Aranaputa was declared last year by you Sir, in our *Official Gazette*, as a NDC. Of course no by-elections or elections were held. The reason why you could not do it was because you declared an NDC with one People's Cooperative Unit (PCU). It would take more than one PCU to make up an NDC. You know in haste "Let us get into action. Let us show those people that we are acting. Let us declare Aranaputa an NDC". Suddenly, like *shucks*, you cannot have an election there, so you then go and bring another PCU in the Upper Burro-Burro area, to make it now look good, that you are actually bringing in a new NDC. Most of the area is swamped anyway. The point is – you want to show that you are modern and that you are doing these things.

Annai is a completely different story, my Friends. This is where, again, we go back to capriciousness and unlawful behaviour. The Amerindian Act of 2006, Schedule II, makes it very clear that the Local Democratic Organs Act 1980 – No. 12 of 1980, section 2(1), passed in the National Assembly on 16<sup>th</sup> February, 2006, signed by Mr. Isaacs and assented to by President Jagdeo on 14<sup>th</sup> March, 2006 -

In the definition of local democratic organs, delete the words:

“...and any Council established under the Amerindian Act.”

It is by law and not by conjecture, it is not an issue of even rights, that no Amerindian council and titled land could come within a NDC or a local democratic organ. You are against the law again Minister. How do we trust you; how do we trust a Government when it keeps doing things

against the very laws of our country? I am appealing to you. You have not consulted Annai. Annai is not one village because, in your own boundaries, which you put out on 1<sup>st</sup> June, 2018 and which you told nobody in Aranaputa and in Annai – you have the boundaries. On 8<sup>th</sup> June you put an Erratum out because No. 16 should have been No. 17 and No. 17 should have been No. 16, the usual confusion at the Ministry.

You then come out with Order No. 19. Order No 19 is extraordinarily interesting, particularly to do with what is coming up in the Local Government Elections. You created a new NDC – Moruka/Phoenix Park. I know Moruka, but I thought it was Moruka. I realised that it was not Moruka. It is swamp. I do not know if you made the same mistake as me. I hope that you did not. Anyway, you cannot do Moruka because it is a titled land. The village is a titled land, so you cannot create an NDC in Moruka.

When I saw Moruka/Phoenix Park, I said no, they are not doing it again. They have done it with Annai, including areas at Port Kaituma, *et cetera* and Bartica and Agatash, I said, “Oh Christ, they are not doing it again”.

Anyway, Moruka/Phoenix is a swampy area when you are going out to the Pomeroon River with a very small number of people. Sir, I do not know if you have the area mixed up or that you are so desperate to win an NDC that you are creating these unsustainable NDCs. How can you, Sir? This is a swampy area. It is a small area. You have to pass it going out into the sea. Seriously, Sir, why are you doing it to the poor people? They are out there and they do not even know that they are going to be part of an NDC. This is because it has not reached them as yet.

Mr. Speaker, you have created more NDCs. You have created Lamaha, Yarowkabra, Hauraruni, Plegt Anker, Waiabo, Caracas, Aranaputa and guess what? The Orders Nos. 16 and 17, which are with Order No. 19, published on the same date in one *Gazette* that is tabled in one *Gazette* and you left out Annai. I tell you that it is confusion. I mean, I am sorry Minister, but you have to get your act together, seriously. Annai includes several villages. You have a total of 70. In fact, there are 71 NDCs according to your things and 10 local governments.

This is making a mockery out of local government. Local government is about the evolution of power to people to be able to do things, to expand. Years ago, I remember when we wanted to create townships all the consultants, specialists and technical experts had said no that a town has

to have the following requirements - certain characteristics and certain facilities. When you want to create an NDC it has to have certain facilities and characteristics. You are now creating NDCs that do not have a lot. They do not have things. We have to take into consideration the population, their economic capacity, the location and their ability to generate. Do they have facilities, offices, a building or schools? What do they have? Moruka and Phoenix Park are swamps. Why would you impose an NDC on these poor people?

Again, to do with law and I am complying with the law, Order No. 19, which is an Order under the Local Authorities (Elections) Act, is supposed to be followed up with the boundaries of each of the new NDCs and the municipalities, like how it was done with Lethem, Mabaruma, Bartica and the extension of Anna Regina and Corriverton. You have to put that. You have listed eight NDCs - you left one out - and one municipality on 8<sup>th</sup> June, 2018. It is now the 25<sup>th</sup> June, 2018. No Order has come out in the *Official Gazette* stating what the boundaries are of these new communities. Is it because there has been re-think? Is it because you are not sure of what you are doing? Is it because you believe that you do not have to do it? What is the reason?

The problem with this Government is that it is very proud that it held Local Government Elections, but it did not expect to lose so badly. The problem now is that it has to fix it in a way. The Minister tried fixing it by appointing people that were not supposed to be appointed. The Government realised that it was not such a good idea and so it is now trying to put in a rule based story.

At the same time, parallel to that is that they are creating parallel structures that are diminishing the powers of elected bodies. Let me give you two examples – the National - Regional Development Consultative Committee and the Regional Development Consultative Committee. These were supposed to be made up, according to the terms of reference, by the Regional Chairman (RC) and the Mayor. These chaps are going to run the show – planning, putting up budgets, talking and stuff like that. Where are the NDCs? You have 70 odd NDCs - well it was 65 at that time - which are excluded completely. Amerindian villages completely excluded. Again, you are super imposing or trying to parallel with the elected bodies in a very *smart-alecky* kind of a way because you think that you are smart, to subvert and diminish the powers of the Regional Democratic Councils and the NDCs as elected bodies.



You are not satisfied with that because it is not working too well. A lot of moneys have been spent on meetings and the Ministers travelling around on chartered flights and so on.

Then you have a new one. You will have on Wednesday, a National Conference on Local Democratic Organs. The National Council of Local Democratic Organs (NCLDO), as some of you may have remembered, was repealed during the constitutional reform process. Minister Roopnaraine was a Member. I remember that well. I remember in the old days the big sessions at the National Cultural Centre where everyone came from everywhere for the NCLDO and all the uses that it was made of at that time.

This seems to be an embryo being created by the Minister to have a new body, a re-emergence of an administrative body called the National Council of Local Democratic Organs made up of the Regional Democratic Councils, Neighbourhood Democratic Councils and Municipal District Councils. There would be meeting on Wednesday. We are waiting for the press reports to tell us what really is going on.

[**Mr. Mustapha:** Are they meeting at the Guyana Marriot Hotel?] They are meeting at the Arthur Chung Convention Centre.

When we talk about local government, we are very clear in our heads that this Government has a serious problem. Instead of letting the law be upheld, you try to go around the law and to create new law, twist the law and bend the law to you. It does not take away the fact that you could not contest at all. You could not put up one name, not even a constituency candidate, in seven local authority areas. It could not be done.

[**An. Hon. Member:** A national coalition.] This is an alliance coalition that had just won Government – you could not contest.

It is rather interesting that, with your new Order No. 19 of 2018 you put the number of seat allocations for the NDCs...

**Mr. Speaker:** Hon. Member, you have five minutes remaining.

**Ms. Teixeira:** Thank you. You have altered the seating, the number of constituencies in 14 of the 16 constituencies. If someone wants to give me a few more minutes, please get up and do that.

**Ms. Campbell-Sukhai:** Mr. Speaker, I beg to ask that the Hon. Member, Ms. Teixeira, be given 10 minutes more to complete her presentation.

**Mr. Speaker:** Thank you. Hon. Member. You have five minutes more to complete.

**Ms. Teixeira:** That really does not bother me because I know my message.

The point that the number of NDCs, the fact that the local authorities ...Why in the name of democracy, why in the name of the Local Authorities (Elections)(Amendment) Bill; why on the eve of that would you come out with a reduction of the constituencies in a number of the areas where the PPP won? Why would you do that? Why would you lose 16 constituencies in 14 local authorities? This means that those boundaries have to be redrawn to be incorporated in the other constituencies. That is not a job for the Minister. That is a job for GECOM.

*7.31 p.m.*

Why would you be doing that when you are saying that it is all democratic and that there is nothing to be worried about? There is vast documentation globally, and even in the United State, about gerrymandering of boundaries. One of the ways of doing that is to change the constituencies - the number of constituencies – the number of seats and we have seen that in the United State, as recently as in the last two years, where people have been disenfranchised as a result. So, we are convinced that Order No. 19 lays the basis for gerrymandering.

The Bill before us also deals with an Elections Law amendment, which the Hon. Minister says that this was GECOM. GECOM did not exist at the time - at least there was no Chairman and no meetings, but that the Election Laws really should not have been coming under this Bill because this is generic. This is not just about local government. This is to the entire electoral process, General Elections, Regional Elections and Local Government Elections, that the amendment in clause seven should have been put as a completely separate Election Law (Amendment) Bill. It has nothing to do specifically and exclusively with Local Government Elections. Therefore, that is one observation to do with that.

We hope that the Hon. Minister will pay attention to what are the amendments that we have brought. We have submitted those amendments and we believe that, if the Government's intentions are real, sincere and honourable, it will pay attention to the amendments that we have brought; there is nothing offensive, nothing that would in any way prevent the Hon. Minister and or the process to elect mayors and deputy mayors, and chairpersons and vice-chairpersons, where

there is a tie. There is nothing in the amendment that we have brought that would hamper, hinder, prevent or stop that - nothing.

Therefore, this is an important indication to. The vote today, and the support or not of our amendments is an important litmus test for our side, as to how sincere, honourable and democratic the Government is in regards to allowing or accepting simple amendments on a Bill that is so important to all Guyanese.

Thank you very much. [*Applause*]

**Mr. Speaker:** Hon. Members, I think this is an appropriate time for us to take the recess. We will return at five minutes past eight.

*Sitting suspended at 7.34 p.m.*

*Sitting resumed at 8.11 p.m.*

**Mr. Bulkan (replying):** I would like to thank all of the Hon. Members who have spoken on this Bill. In particular, I would like to thank my Colleagues on this side of the House for the unqualified support that they have given and for the explanations that have been offered, and in some instances, explanations that actually were in the nature of being edifying, educating and correcting certain misconceptions that were proffered from the other side, or in the words of the Hon. Attorney General, words that in law would be construed as half-truths. Nonetheless, Hon. Members on the opposite side, though they have raised a lot of concerns and issues, in the main, they have made it clear that they are supportive of the intent and general principles in this Bill.

If I may, the debate that we have heard here tonight has strayed far and wide from the Bill before us because this Bill is titled the Local Authorities (Elections) (Amendment) Bill 2018, so it has to do with local authorities elections. It is not a Bill about local democratic organs or of the functioning of the local democratic organs. In fact, the clauses of the Bill, as explained in the Explanatory Memorandum, there are a few narrow objectives, as I sought to point out in my earlier contributions. These being to harmonise the term of office of Mayors and Deputy Mayors with that for the Chairpersons and Vice- Chairpersons of NDCs; to provide a mechanism for the resolution of ties where they exist following elections in Local Authorities Areas; to harmonise the terms of office of Councillors of Municipalities with that of NDCs; to amend the Local

Authorities Elections Act, Chapter 28:03, to provide for the period of elections of councillors of NDCs and Municipalities and to harmonise those. That in the instance, where the procedure that has been outline for the resolution of ties, where they apply, that there is a final option that is provided in the event that the formula results in, what I am told as I said, a minus statistical possibility that you could still have a tie and a mechanism is provided for that. That the Bill provides a mechanism to resolve ties among constituency candidates, should that arise and it specifies how that is done.

In clause six of the Bill, it harmonises the period for the election of councillors of cities and towns, that is the period of elections for councillors, with that of NDCs as provided for under section 35 of Chapter 28:03, the Local Authorities Elections Act.

Finally, with the amendment or the substitution of clause seven in the Election Laws (Amendment) Act 2000, by increasing the period of three months to six months to allow for an electoral list that should always be enforced and allows for continuous registration, instead of cyclical registration, as currently obtains.

There are some very narrow issues in this Bill and I respectfully suggest that what we have been presented and treated with tonight is an excursion that sought to take us back when we are trying to go forward. We have been taken on an expedition and often times a job ride. In fact, one speaker in particular had me wondering which Bill he was actually speaking to, whether it was this Bill before us, but that is all in the past.

We have been, again, going outside of the objectives and the provisions in this Bill. Many accusations were hurled against the Bill itself and the intent and purposes. Among other things, we heard of gerrymandering, of tinkering with existing councils, of creating existing councils and, again, what we were treated to was considerable repetition and regurgitation of those issues, most of which were extraneous to the Bill.

Nonetheless, even though this Bill has detained this House, I believe, way beyond what should have been a substantive discussion of the clauses and the narrow issues in this Bill, while I do not propose to detain the House for much longer because I believe it would be unfair to Hon. Members, I think it is only fair for me to address some of the major inaccuracies that we have heard here tonight.

If I may start with the opening batsman from the other side, the Hon. Member, Anil Nandlall. Among other things, the Hon. Attorney General has already informed and as I said educated this House that what was presented here tonight as a determination by the Courts of the challenge brought by I believe the Hon. Member, Mr. Mustapha, to the actions taken following the ties in those councils that the Court had pronounce in finality. But, we have heard that the Order that was read here by Mr. Nandlall was never made absolute and that, indeed, in the words of the Attorney General, he had approach the Court on the wrong procedure and that he should have been coming by way of election petition and not the mechanism that was employed. This was the nature of the contributions that we have had here tonight.

The very Hon. Member went on to say that he is the constituency representative for his party for the lower East Coast of Demerara... [Ms. Teixeira: Geographic.] ...the Geographic Representative, an area which comprises of 10 NDCs, seven of which he said are from PPP/C. The accusation was made that the Administration, and I rather suspect that the Ministry which I head, was interfering with the budgets of those councils and that we were guilty of an inordinate delay in the approval of those budgets.

The question was asked by the Hon. Member, Mr. Nandlall, why is the Minister's approval needed? I do not wish to lecture the Hon. Members on the other side of the House, but I was disappointed with those pronouncements of that particular Hon. Member and many others. I would like to inform the House that no Minister's approval is needed for the budget of any local democratic organ, whether it is a Municipality or an NDC. That requirement that existed when the Hon. Member sat on this side of the House, when they form the government, it required ministerial approval for budgets for NDCs, but that particular issue was taken care of by this Administration in one of its earliest Acts. I refer to Act 5 of 2015, which I have here with me and which is titled Local Government (Amendment) Act 2015.

“I ascent

David A. Ganger.

President.

August 5, 2015.”

An Act that resulted from a Bill that was passed here in the National Assembly when the Hon. Member was a member of this honourable House on the 30<sup>th</sup> July, 2015, less than one month after this Administration was in office. In particular, I am referring to section 54 (2) of the legislation that the Hon. Member was speaking about - NDCs. Section 54 has to do with the levy of rates in a Council or an NDC. Section 54 (1) states:

“On or before the 31<sup>st</sup> December in every year, or, with the consent of the Minister, before the 15<sup>th</sup> February in any year, the Chairman of the local authority shall submit to the Authority an estimate of the expenditure for the ensuing year...”

8.23 p.m.

It is for the ensuing year, not as we heard from another Hon. Member in this House, for a year in advance, suggesting that it was not the ensuing year that we were dealing with. I will not be detained with it.

“...or, for the current year, as the case may be, the rate and the total appraise values.”

It goes on at section 54(2):

“If, after discussing and, if necessary, altering and amending the estimate and the rate proposed ...”

To the end where it states:

“...shall be transmitted to the Minister for approval, and the Minister may approve them either in their entirety or subject to such changes as he may think fit.”

What Act 5/2015 did was it deleted that final portion of section 54(2) that requires a ministerial approval of a budget of a NDC. The same procedure applies in the amendments to the Municipal and District Councils Act, Chapter 28:01. It is incorrect and erroneous for the Hon. Member to suggest to this House that a Minister is holding up the approval of a NDC.

The very Hon. Member went on to make other points. As I said, many of the points made by each of the speakers were repeated and regurgitated by subsequent speakers. There was repetition practically from every speaker. I am dealing with the first contributor. **[Mr.**

**Ali:** Who is that?] It is an Hon. Member. I already identified him. He asked, new NDCs are being created, on whose authority. I am not sure if I misheard, but I heard the word “wickedness”. He went on to say that these actions were violating the Amerindian Act, councils that were governed by their own regulations.

The Hon. Member went on to speak about the long hiatus between that period when local government elections were not held. He suggested here in the House that the reason for those elections not being held was that it was not the unilateral actions of the administration at the time, but rather that it was consensual and that it was on both sides of the House. I think he said that it was unanimous. That is incorrect, because when I became a Member of this House in January, 2012, I believe the following month, the first Bill for the postponement for the holding of local government elections was debated here in the House. On that occasion, and on every subsequent occasion, the APNU party together with the AFC party opposed the postponement of local government elections. We were advocating for the early holding of local government elections.

We have now heard, earlier today, that there seems to be a sudden clamour. I do not know if the Hon. Member and his colleagues on that side would remember my predecessor, the Hon. Member Norman Whittaker, who was the last Minister of Local Government and Regional Development. He succeeded the Hon. Member Ganga Persaud. One day, we came here and we were just given the information out of the blues that there was a musical chairs. Mr. Whittaker took over the reins of the Ministry, during that period when we were agitating for the holding of local government elections to respect provisions in the Constitution and our laws relating to local democracy and the system of local government. Members may not remember what the Hon. Member Whittaker, the Minister at the time, said. He said that the people were not ready for local government elections. That is what the Minister said publicly. He went to say that if local government elections were held at the time, when we were clamouring for it, less than 35% of the people would turn out to vote, yet in the 2016 Local Government Elections that were held, more than 43% of the people voted at those elections, proving Mr. Whittaker and his colleagues wrong.

The extensive debates that we had here tonight by that long list of speakers from the other side of the House proves to us how important local democracy is and the system of local government.

Credit for that belongs to this administration because local government was considered to be relevant in the pre November, 2011 dispensation. It was considered totally irrelevant. As I said, in my earlier contribution, the pressures that have been placed on the system of local government had so severely damaged and degraded the capacity of the councils that existed, merely formed and were not in substance at the time, that they had become largely dysfunctional. That process of restoration of functionality within those councils and within the system of local government within our country have been adopted and embraced unequivocally by this administration. It is, however, a task that cannot be achieved overnight. It will require a very long period of time.

Nonetheless, I am happy and we on this side of the House are happy that the Hon. Member Mr. Nandlall and many of his other colleagues did say that they are happy to support any legislation that enhances democracy. Even though the accusation was levelled against me, that this Bill merely seeks to correct some mischief that I was responsible for, nonetheless, he was happy to support the provisions in this Bill.

It would not be fair for me, as I said, to address all of the issues that have been raised here tonight, but I certainly would have done so if those issues were related to the clauses and provisions in this Bill. It is only for that reason that I will only selectively address some of the more important points that were raised here tonight, and I will suggest that that wider debates and discussion on the system of local government, the creation of townships, the municipal expansion and the local government expansion can take place at a later stage.

We have heard a lot of making heavy weather of the issue relating to Aranaputa, Annai and Mahdia. When members made their contributions, so far, we had strayed beyond the provisions in the Bill that we heard, among other things, of Barabina, Kobarimo, Red Hill, Four Miles, and many other areas, issues that are not captured in this Bill. We heard in particular, from the final speaker - I will go to the final speaker – the opening remark, about the issue, and I was hoping, at that stage when the honourable Opposition Chief Whip started out to us, that we would indeed finally have a speaker who will address the clauses in this Bill, but sadly, it was not to be. Instead, we heard of the architecture of local government with a system based on law, the Constitution. We heard of the hybrid system and we heard of the 2008 house-to-house registration, from the discussions that ensued.



We were reminded, and I am thankful for this, that the then Leader of the Opposition had threatened to boycott proceedings unless all of the five pieces of legislation that were crafted out of the local government reform process, which arose following the general and regional elections of 1997 when a political crisis had developed in our country that required external intervention at the level of the Caribbean Community (CARICOM). You will recall that the three wise men came here to broker a truce. [Ms. Teixeira: That was before.] No. I am dealing with the constitutional reform process that resulted in changes to the Constitution in 2000, changes in particular to provisions relating to local government, to Chapter 7, and that required the establishment of a Local Government Commission that sought to remove the political administration from the direct management of local government organs. The reform process that created the new electoral system, that hybrid system, of constituencies as well as proportional representation. The Leader of the Opposition at the time had required that all five pieces of the reformed legislation be enacted as a precondition.

We heard of the economy. We heard of the democratic model. We heard of a lack of trust and confidence. We heard of amendments being offensive. We heard of the amendments not being offensive, that is the amendments being proposed by Members on the opposite side. They may not be offensive, but some of them would be inconsistent with the legislation were we to seek to adopt them.

We heard of Orders Nos. 16 and 17, which were overtaken by Orders Nos.19 and 20. On that score, I would like to make a comment that Orders Nos. 16 and 17, which were submitted to be gazetted, the numbers are not given to those Orders. They are given by the Gazette Office. One has to do with the creation and establishment of Aranaputa as an NDC without affecting the status of Annai as an Amerindian village. When those Orders were gazetted, the numbers were given in the reverse Order. It first required the dissolution of five PCU areas, which refers to the NDC of upper Burroburro, which included Aranaputa as well as Annai, and its reconstitution into two new NDC areas, upper Burroburro/Aranaputa and Annai. It allowed for the status of Annai to be unaffected and for it to remain an NDC area, as it always had been since 1980. It is because the numbers were applied to the creation before the dissolution, that is why it necessitated the submission of the very Orders once more to ensure that the dissolutions preceded the creation.

We were told that towns have to have character, implying or suggesting that the decision and determination of this administration to create new towns was somehow a misguided endeavour. What I can say is that if any one of us were to go to any of these new townships in Mabaruma, in Bartica and in Lethem and see the physical transformation that has taken place in those communities, they would not question the wisdom of the creation of those towns. In fact, we are being asked where that policy came from. It was announced here, in this honourable House, at the opening of this Parliament in June of 2015 when His Excellency addressed the opening of this Parliament. He announced in that speech that the areas of Mabaruma, Bartica, Lethem and Mahdia will soon become townships. It is because ...

*8.38 p.m.*

How can we have a region as large as the Upper Takatu-Upper Essequibo region, a region that is with more than 55,000 square kilometres, a region that is larger than Costa Rica, to be managed by a NDC called Ireng/Sawariwau, a NDC that Mr. Whittaker, who I spoke about earlier, went there and dissolved the democratic council that was created and in its place installed an Interim Management Committee (IMC). That was the action of the administration that we took over from, that had comprised many Members on the other side of the honourable House.

Again, the Hon. Member spoke of an imminent conference that would be hosted jointly by the Ministry of Communities and the Ministry of the Presidency, a conference that is titled, “The National Conference of Local Democratic Organs”. The Hon. Member sought to conflate this conference, the NCLDO where the “C” refers to conference with a previous organ that existed in the 1980 Constitution, but which was excised in the 2001 reformed process and which was the National Congress of the Local Democratic Organs (NCLDO). I am glad that the Hon. Member spoke about that conference. It was originally scheduled to be held, this week, on Wednesday, but it has been postponed. As I said, it is being hosted jointly by my Ministry and the Ministry of the Presidency and as a result of the absence from the jurisdiction of His Excellency, it is the reason why this conference has been postponed. It tells us how important the issue of local democracy is.

It is proof of how important this system and the restoration of capacity within councils is with this administration that His Excellency wants to be present when this conference which would

bring together all of 81 local democratic organs, our ten Regional Democratic Councils, our nine municipalities and our 62 NDCs. It would also bring together the Chairpersons and the Vice-Chairpersons, as well as the Mayors and the Deputy Mayors, the Clerks of all of those Councils and it would also have minority representation. It would address issues relating to how the system and the capacity of councils can be increased and improved to be able to offer and provide better service to the residents of their respective jurisdictions. I am glad that the Hon. Member has brought to the public's attention, the NCLDO. As I said, many of the issues, which were raised here tonight, have strayed far and wide from the clauses in this Bill and the provisions of this Bill, but I need to respond to them.

Much had been made by the Hon. Member Charlie and many others about Annai being made into a NDC district. I have here with me the Local Democratic Organs Act, Chapter 28:09. This legislation here, on page 2, has an index of the subsidiary legislation, these being two pieces, the Local Democratic Organs (Regional Democratic Councils Order) Order No. 69 of 1980. It has Local Democratic Organs Neighbourhood Democratic Councils Order, Order No. 51 of 1990 and it refers to Order No. 47 of 1990, titled, "The Local Democratic Organs Areas Order".

One of the Hon. Members, I believe it was the Hon. Member Mr. Ganga Persaud, alluded to the fact that the entire country of Guyana was demarcated in the 1980s into local government areas. It was regions, subregions, districts, communities, neighbourhoods and PCUs. One of the legislation that I referred to, Chapter 28:09, which brought into being the Neighbourhood Democratic Councils, lists extracts from Order No. 47 of 1990 which is a document that is about more than 70 millimetres or, for those who still use the imperial system, three inches. In this legislation it identifies all of the Neighbourhood Democratic Councils. For example, in the Barima - Waini Region, what is listed here are five NDCs of which only two were activated of the five that were demarcated, only Port Kaituma/Matthews Ridge/Arakaka NDC areas as well as the Mabaruma/Kumaka/Hosororo NDC areas. That subsequently became the township of Mabaruma.

If we go to the Upper Takatu - Upper Essequibo Region, commonly referred to as Region 9 or, I believe, more commonly referred to as the Rupununi, what do we find? **[Ms. Teixeira:**

Are you using the LRO 2012?] Yes. It states here LRO 2012. That is correct. It is among the NDCs listed here Burroburro NDC. When we go to the boundaries and the areas that make

up the NDCs of Burroburro we find that it comprises five PCUs. I do not have the names with me but they include the areas of Annai as well as Aranaputa. [Mr. Dharamlall: What about Surama?]

It is not Surama. Do not get confused, Sir. In order to activate one of those areas, namely Aranaputa, in which the residents there have been crying out that they have no official status and that they exist, in their words, “in no man’s land” and they would like to have an official local government recognition and status, without interfering with the desire of the residents of Annai, who incidentally were consulted,...

[Ms. Teixeira: They were not.] Yes. That information can be provided... A team led by the Vice-President Allicock had extensive consultations at the Bina Hill Institute and the villagers of Annai decided that they did not want to be part of the NDC area.

In order to respect that decision and their desire, that is what necessitated the dissolution to the council I referred to, Burroburro, and to dissolve those five NDCs, reconstitute them into two new NDC areas, one that encompasses Aranaputa to allow for its activation, and the other that contains Annai to allow its status to remain undisturbed or as it has been since 1980.

We have heard a lot tonight from many speakers that what we have done is activated Annai as an NDC area. We have done nothing of the sort. What I will confess to at this stage is that perhaps the confusion arose from the fact that in the reconstitution of one of the two new NDC areas, it was given the name Annai. Perhaps, if it was given the name East Burroburro, of which Annai is a part of, then we would not have had this confusion. The three PCU areas that were formerly part of the five PCUs that made up this NDC of Burroburro, the boundaries are the same as currently is.

We have heard of the other areas... [Interruption]

**Mr. Speaker:** Hon. Members, we have been doing this for about almost half of an hour and yet, the Minister is replying to comments made by Hon. Members when this was being considered. I do not believe that even if you do not like what the Minister is saying and we do not agree with it, we should not have allowed the Minister to say it. That is what we are doing. Please proceed, Minister.

**Mr. Bulkan:** We come to the other areas and we have heard, I believe, from practically all of the speakers, the charge of no consultation being levelled or hurled against us is an imposition on the

residents of those areas. Nothing could be further from the truth. In fact, the activation of these areas that were demarcated and that are listed here in this legislation was at the express desire and request of the residents in those areas. [Mr. Dharamlall: Annai...] It is not Annai, I am speaking about. You are not listening.

In the Pomeroon-Supenaam Region, the three new areas that will be activated but that were demarcated are listed here in Chapter 28:09. The very names are Moruca/Phoenix Park, Kitty/Providence and Nile/Cozier. The residents in those communities have said to us incidentally that those are the only three areas in the Pomeroon River, from Kabakaburi to its mouth, of the eight areas that are listed here as NDC areas in the Pomeroon River, that were not activated that will be activated this year. It is at the express request and desire of the residents living in the lower Pomeroon who have been subjected to repeating flooding. In fact they said to us that they are at the cutting edge of climate change and they are receiving inadequate representation from the RDC and that they would like to have a council that they could receive better representation. This is a caring administration. It is as a result of the cries of residents in those areas, that these new areas that were demarcated, the boundaries of which are specified in Order No. 47 of 1990, which I referred to, are now being activated. I think that takes care of the issue relating to Annai and relating to the new NDC areas that I have referred to.

8.53 p.m.

It is the same in the Demerara-Mahaica Region, that the two new NDC areas activated along the Linden/Soesdyke Highway namely, Hauraruni/Yarowkabra and the Lamaha/Yarowkabra areas, the areas that are listed here in the legislation. It was a request from residents of those areas that they would like to have formal local government status. One Hon. Member in the House here is resident in one of those areas that we have made a determination, that finally they would be given this recognition.

It is the same in areas in the East Bank of Berbice. The two areas that have been listed here are Plegt Anker/Kortberaad and the Wyburg/Caracus, as NDC areas. In response to request from the residents to receive formal local government status, they are responsible for these areas being finally demarcated.

We have had municipal expansion with the creation of the three new towns and very shortly the township of Mahdia and we will also have an expansion in NDCs.

With regard to the contention that is being advanced by the Hon. Members in relation to the proposed township of Mahdia, the facts are that Mahdia is the only area that cannot be found in this document. Mahdia, as some of us would know, was considered to be a landing. Nonetheless, it is the administrative centre of the Potaro-Siparuni Region. The policy of this administration is that the administrative centres of particularly our hinterland regions must be managed by a capital town. In fact, all of our ten regions will have capital towns.

Let me say, there are some of the regions on the *coastland* that currently do not have capital towns. Capital towns would be identified for those regions including the Demerara-Mahaica Region because Georgetown is the capital for Guyana. It is not the capital town of this region.

One of the points, as I said, that we were treated to repetition and regurgitation, was an allegation on accusation of gerrymandering and tinkering with existing councils. Let me say this, I will just touch on it briefly, that arose out of a process out of the administration to rationalise the number of councillors of NDCs versus municipalities *vis-à-vis* the responsibilities. What we have had is a first effort and it seeks to address the lack of proportionality between the population, the size of the area and the number of councillors. For example, there is the municipality of Linden that has 16 councillors and yet there are many NDCs that have fewer responsibilities that have a greater number of councillors. It is that process of rationalisation and of restoring the lack of proportionality that we are engaged in. Nonetheless, I was glad to hear Hon. Members say that they are happy to support any legislation that seeks to enhance democracy, because that is what this Bill is about.

We have heard from the Hon. Member Mustapha, that the creation of these local government areas will result in the imposition of new taxes and the inference being additional hardships. I have already referred to the legislation that provides for the levying of rates and of taxes and of the approval of the budget of the NDC to be a determination to be made, not by a central Government, Ministry, but by the respective NDC. Each NDC is empowered under law to make their own decisions and determination as to what level of taxation they would like to garner, what revenues and resources they would like to garner from their jurisdiction to be able to

manage their areas. What we are doing is empowering people. We are giving people the authority so they could manage and develop their own areas. No longer will we have a micromanager, one person who decides that wherever his gaze lands on, that he or she will make determination for the entire country. As I said, this administration is jettisoning the winner takes all model and we are embracing participatory democracy. We are empowering people.

The words were used that I use some “big stick” in this process, but nothing could be further from the truth. There was consultation and we have been merely responding from cries from citizens.

Again, with regard to new local authority areas (LAAs), Hon. Member Ganga Persaud, he said that of the three requirements, two of them were present, namely, the name and the number of councillors but that the boundaries have not been identified. I was a bit disappointed to hear that from the Hon. Member, because I knew held high office and he has occupied the office that I currently do. He, himself, provided the answer because he spoke of those areas being demarcated in 1980 and he give us the name of the gentleman who lead that process, Mr. T. A. Earl and that information is all contained in that Order that I spoke about, Order No. 47 of 1990.

We have heard from another Hon. Member that the party for which he belongs and the Members on that side of the House have always been to having local government elections to having always been in the forefront of local government. Their actions do not bear that out to be truth, but I would not be detained with that. We have spoken extensively about the disregard for the system of local government and the damage that was done to that system as a result of actions over an extended period of time. This is why we are fully committed to this reformed process. This is why, as I said earlier, the local government elections that will be held before the end of this year will mark the first time in host independent Guyana, that successive local government elections are held as legally and constitutionally due. The very Hon. Member to whom I referred to just now spoke about the need for a public education and information programme and I concur. I agree with that. We are embarking on that on a continuous and continual basis.

Most of the points that were made and the contributions were repetitive. They all had to do with the lack of consultation. They spoke of Mabaruma, Barabina and Kobarimo, the hampering of the system, the new LAAs and the reduction in constituencies. We heard of how well the PPP

did at the last local government elections. We are happy about that. This is what we are promoting. We are promoting local democracy where persons in each area make a determination as to which candidates and councillors they want to manage their own affairs. That is the result of the strategic agenda of local democracy, the restoration of this system that this administration is embarked upon. We cannot complain about the results. We have to work harder and that is what we are doing.

We have heard of the suspicion to remove by-elections. It translates into not respecting the popular will and what the reason is for doing away with the by-elections. The simple reason is that the provisions in this Bill do not disrespect the popular Bill. In the areas where there are tied councils, instead of going to a by-election which would be a far more expensive process, we are adopting the plurality principle that the party that obtains the greater number of votes on the PR list would be appointed to the chairmanship. It is a much simpler process. It will be less costly. It would result in considerable savings and it will achieve the same purpose which is respecting the popular Bill.

Again, we have strayed far and wide. I do not know how we could link this Bill with disrespecting the Indigenous people. Nothing could be further from the truth and I have explained the situation that relates to Annai. Again, we were treated to Dog Point to Agatash to Mocomoco and those are all extraneous and irrelevant to this Bill.

I do not think it is fear to our Hon. Members for me to go into all of the points, but save and except to say in closing, finally, that despite all of the noise and the expected rhetoric on the other side that it is undeniable that the trajectory of local democracy in Guyana is changing. Whilst as is the legislative framework of this system has been in existence for decades, it took the political fortitude and the political will of this administration to operationalise this system given its importance and to return power to where it belongs – in the hands of the people.

We have by no means contending that the system is foolproof or where it ought to be or it is where it ought to be. The truth is, however, that local democracy has now been given the opportunity to be applied meaningfully since its reorganisation in 1980. Hence, it is not surprising that issues will emerge and the lacuna is some of which have been addressed in this Bill in the legislation framework will surface. This administration, as part of our unambiguous



and unwavering commitment to introducing meaningful local democracy, will frontally confront and address these issues guided by the Constitution. This political commitment stands, I daresay, in stark contradiction to the PPP/C infamous track record on local government.

This administration has never and will never dissolve a democratically elected council and be replaced it with hand-picked individuals, those notorious IMCs. In putting these proposed amendments in context, it took this administration to return to the people after a hiatus of more than two decades to write their rights to democratically elect who they wish to govern their affairs of their community. It is, therefore, somewhat ironic or perhaps even hypocritical that we can be accused a lot of the acquisitions that were made against us tonight.

Finally, the amendments that have been submitted in the name of the Hon. Member Mustapha and Hon. Member Mr. Ganga Persaud, let me say this: Had it been submitted to us in ample time that we would have had the opportunity to meaningfully address... [Ms. Teixeira: You did not read everything.]

*9.08 p.m.*

Madam, as you know, the making of laws is not something that can be done in a rush. Nonetheless, we have looked at it and we have considered it and we are of the considered opinion that the provisions in the Bill before this House, together with the amendments, satisfactorily address all of the issues that are being presented here and that we see no need to adopt any of the amendments that are being proposed by the other side. We have given it careful consideration and the time is not opportune to consider some of these. As I have said, we are satisfied. So, with these few words, I ask Members of this honourable House to give their unanimous support to this Bill that will allow for its enactment and passage.

I thank you. [*Applause*]

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

**Mr. Chairman:** Hon. Members, before we commence the consideration, there are two sets of amendments to the document that we are considering. The amendments proposed – one is by the Hon. Minister of Communities and the other is under the name of the Hon. Zulfikar Mustapha and the Hon. Ganga Persaud. The amendments were received at the Parliament Office and we had our usual practice of receiving, stamping, dating and placing on the stamp the time of the reception. The amendments under the Minister were received at 8.20 a.m. on 25<sup>th</sup> June, 2018. The amendments which were proposed by Mr. Mustapha and seconded by the Hon. Ganga Persaud were received at 12.00 p.m. on 25<sup>th</sup> June, 2018. I propose to put for us to consider the amendments first in the order in which they were received so that I will place the amendments first which were received from the Hon. Minister Bulkan and then we will move to the other one. All Members would have their copies of the amendments before them. The Assembly is in Committee and we will proceed to consider the amendments now. Members, I beg your pardon. One moment please.

**PROPOSED AMENDMENTS TO THE LOCAL AUTHORITIES (ELECTION)  
(AMENDMENT) BILL, NO. 9 OF 2018**

**Clause 2(b)**

**Mr. Chairman:** Hon. Members, our first consideration will be with clause 2 (b) as set out on the list of amendments proposed by the Hon. Minister. Clause 2 (b),

“In section 12 (1) being substituted in paragraph (c) immediately before the words ‘Mayor and’ inserts the word ‘Councillors.’”

**Mr. Chairman:** I will invite the Minister, whose amendment is first, in time to speak to that amendment.

**Mr. Bulkan:** Mr. Chairman, this amendment seeks to amend section 12 (1), “in paragraph (c) immediately before the words “Mayor and” insert the word “Councillors”. This is to Chapter 28:01.

**Mr. Chairman:** Hon. Members, you have just heard the amendment to clause 2(b) being read.

*Amendment to clause 2(b) put and agreed to.*

**Clause 2 (c)(6)(b)**

**Mr. Chairman:** The next amendment to be considered is the amendment to clause 2(c)(6)(b). That amendment is proposed by the Hon. Zulfikar Mustapha and seconded by the Hon. Ganga Persaud.

**Mr. Mustapha:** This amendment seeks to give a time frame for when the second rounds of voting should commence and it reads:

“Insert the following words ‘Within ten (10) days of the first round of voting and with proper notice to the councillors, the Town Clerk shall proceed to hold the second round of voting...’”

**Mr. Chairman:** I thank you Hon. Member. Hon. Members, you have heard the amendment to clause 2(c)(6)(b) being proposed, if there is no other amendment to clause 2 (6) (b) being proposed.

*Amendment to clause 2 (c)(6)(b) put and negatived.*

**Clause 2(c)(6)(d)**

**Mr. Chairman:** This is an amendment is proposed by the Hon. Zulfikar Mustapha and is seconded by the Hon. Ganga Persaud. Hon. Mr. Mustapha, you have the floor.

**Mr. Mustapha:** Here Mr. Chairman, this amendment seeks to put a timeframe to this clause and it reads insert the following words:

“Within 10 days of the second rounds of voting and with proper notice to councillors, the Town Clerk shall proceed to hold the third round of voting...”

That is the amendment to this clause.

**Mr. Chairman:** Thank you. Hon. Members, you have heard the amendment being proposed to clause 2 (c) (6) (d) by the Hon. Member, Mr. Zulfikar Mustapha.

*Amendment put and negatived.*

**Clause 2 (c)(8)**

**Mr. Chairman:** That amendment stands under the hand of the Hon. Zulfikar Mustapha.

**Mr. Mustapha:** This amendment seeks to inform the public.

“In the third line after the word ‘Town Clerk’ and before the word ‘acting’ insert the following words, ‘shall inform the members of the public in that municipality and councillors and within 10 days,...’”

**Mr. Chairman:** I thank you Hon. Member. Hon. Members, you have heard the amendment being proposed to clause 2 (c)(8) by the Hon. Zulfikar Mustapha.

*Amendment put and negatived.*

9.23 p.m.

**Clause 2 (e)**

**Mr. Chairman:** Hon. Members, we will now consider clause 2(e) which is contained in the amendments.

*[Interruption]*

*[Mr. Chairman hit the gavel.]*

**Mr. Chairman:** Hon. Members, you should allow this part of the business of the House to continue uninterruptedly.

Clause 2 (e) is an amendment proposed by the Hon. Minister.

**Mr. Bulkan:** This amendment seeks to replace the word “city” which appears at that clause in the Bill, and refers to section 33 in the Principle Act, to replace the word “city” with the word ‘town’.

If I may, in the previous section, section 24, the word “city” appears. But in this one, section 33, it should have been ‘town’ and inadvertently, “city” was repeated instead of the word ‘town’.

**Mr. Chairman:** Thank you.

Hon. Members, you have heard the amendment being proposed to clause 2 (e) by the Hon. Minister.

*Amendment put and agreed to.*

**Clause 2(f)**

**Mr. Chairman:** The next clause, which is also clause 2(f), is entered under the hand of the Minister. Minister, would you wish to present this clause and give a clear indication of what is meant by the words which are under clause 2(f), so that it would be of assistance to the House at large? Please proceed.

**Mr. Bulkan:** The amendment seeks to amend Chapter 28:03, at section 35. In effect, it is to, as stated, harmonise the term of office of the Town Councillors with that of NDCs. So, it is part of the harmonisation process.

**Mr. Chairman:** Hon. Members, you have heard the presentation and the explanation.

*Amendment put and agreed to.*

**Clause 2(a)**

**Mr. Chairman:** Hon. Members that would conclude our consideration of clause 2, as presented. There is a provision which deals with clause 2 (a). I invite the Minister to present that.

**Mr. Bulkan:** This one amends Chapter 28:02 at section 22. It is to specify the term of office of NDC Councillors to be the first day of January to the last day of December and to harmonise the term of office of Mayors and Deputies with those of Chairs and Vice-Chairs.

**Mr. Chairman:** Clause 2 (a) which is in the amendments proposed by the Hon. Minister has just been explained.

*Amendment put and agreed to.*

**Mr. Chairman:** Hon. Members, we would have completed thereby the consideration of clause 2.

**Clause 2 (7) (b)**

**Mr. Bulkan:** I am sorry but there is also clause 2 (7) (b). This provides that if an election is held outside of the period specified in the legislation, but before the 1<sup>st</sup> October, it will allow for Councillors to take up their office, prior to the new calendar year.

**Mr. Chairman:** I thank the Hon. Minister. That is the final amendment proposed under the hand of the Hon. Minister.

*Amendment put and agreed to.*

*Clause 2, as amended, agreed to and ordered to stand part of the Bill.*

## **CONSIDERATION OF THE LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2018**

### **Clause 1**

**Mr. Chairman:** I would ask you Hon. Members to return with me to clause 1 of the amendments proposed. Clause 1 is the first clause in the list of amendments which we have and that clause I would take it as having been read. There are no amendments to that clause.

*Clause 1 agreed to and ordered to stand part of the Bill.*

### **Clause 2**

**Mr. Chairman:** We now return to clause 2 and I propose that we consider clause 2 as amended.

*Clause 2, as amended, agreed to and ordered to stand part of the Bill.*

### **Clause 3**

**Mr. Chairman:** We will now return to the amendments under the hand of the Hon. Zulfikar Mustapha. We are looking at clause 3(6) (c).

### **Clause 3(6) (c)**

**Mr. Mustapha:** Thank you, Mr. Chairman.

These amendments also seek to put a timeframe to this clause and it states:

“Delete the words, ‘At the second round of voting, the Overseer shall proceed’

Insert the following words ‘Within ten (10) days of the first round of voting and with proper notice to councillors, the Overseer shall proceed to hold the second round of voting and’.

**Mr. Chairman:** Hon. Members, you have heard the presentation of clause 3(6)(c).

*Amendment put and negatived.*

### **Clause 3 (6)(e)**

**Mr. Mustapha:** Again, this amendment seeks to put a timeframe to this clause and it states:

“Delete the words, “At the third round of voting, the Overseer shall proceed”

Insert the following words ‘Within ten (10) days of the second round of voting and with proper notice to councillors, the Overseer shall proceed to hold the third round of voting and’.

**Mr. Chairman:** Hon. Members, you have heard the amendments being presented to clause 3 (6)(e) by the Hon. Zulfikar Mustapha.

*Amendment put and negatived.*

### **Clause 3 (7)**

**Mr. Mustapha:** This amendment also seeks to put a timeframe to this clause and it reads:

“In the third line after the word ‘the Overseer’ and before the word “acting” insert the following words, ‘shall inform the members of the public in the neighbourhood democratic council and councillors and within 10 days, ...’

**Mr. Chairman:** Hon. Members, you have heard the amendment being presented by the Hon. Zulfikar Mustapha.

*Amendment put and negatived.*

**Mr. Chairman:** That concludes our consideration of clause 3 and the list of amendments.

*Clause 3, as printed, agreed to and ordered to stand part of the Bill.*

[*Interruption*]

[*Mr. Chairman hit the gavel.*]

**Mr. Chairman:** Hon. Members, we are now considering clause 3, as printed. The amendments which were proposed to clause 3 have all been lost. So, what remains is the amendment as printed. I, therefore, ask again.

*Clause 3, as printed, agreed to and ordered to stand part of the Bill.*

#### **Clause 4**

**Mr. Chairman:** Clause 4 (b), there is an amendment under the hand of the Hon. Zulfikar Mustapha.

#### **Clause 4(b)**

**Mr. Mustapha:** I want to just make this amendment.

“After the words, ‘the Minister by Order but’ delete the rest of the paragraph and replace it with the words,

‘the following election shall be held as specified in paragraph (a)’,

Add a new paragraph (c), which reads as follows:

In each year which is a year of election of a council, after the declaration under section 101 of this Act of the result of that council, a meeting of that council shall be held not later than the tenth day after the declaration of the person elected to be councillor for the purpose of electing the Mayor and the Deputy Mayor or the Chairperson and Vice-Chairperson for the ensuing year.”

9.38 p.m.

**Mr. Chairman:** I thank the Hon. Member. Hon. Members, you have heard the amendment proposed to clause 4 (b).



**Mr. Bulkan:** In actual fact, the first portion of the amendments which request the inclusion of the words, “the following elections should be held as specified in paragraph (a)” is actually a part of the Bill. Perhaps, the Hon. Member did not see it, but it is here in the Bill.

**Mr. Chairman:** I thank the Hon. Minister. Hon. Member, Mr. Mustapha...

**Mr. Mustapha:** This amendment proposes to:

“Remove the word ‘or’ after the word ‘tie’ at the end of clause 4(b)(1A)(c)(i) and replace it with the word ‘and.’

Delete clause 4 (b)(1A)(c)(ii) and substitute with a new (ii) which reads ‘within five days conduct the procedure as provided for in 94 D(1A)(a).’”

**Mr. Chairman:** Hon. Member, Mr. Mustapha, you have clause 4 (b) and then you have another clause 4(b)(1A)(c).

**Mr. Mustapha:** (c).

**Mr. Chairman:** We are dealing with clause 4 (b).

**Mr. Mustapha:** Okay.

**Mr. Chairman:** Hon. Minister, is that the clause to which you made reference just now?

**Mr. Bulkan:** It was clause 4(b), Mr. Chairman. The Hon. Member went on to 4(b)(1A)(c)(i), the subsequent one.

**Mr. Chairman:** Hon. Minister, we are treating with clause 4 (b).

**Mr. Bulkan:** Yes. That is correct, Mr. Chairman.

**Mr. Chairman:** Is that the clause to which you made the comment?

**Mr. Bulkan:** It is in two parts. My reference was to the first part, not the second.

**Mr. Chairman:** Thank you. Hon. Mr. Zulfikar Mustapha, in light of the comment made by the Minister that what you proposed is already contained in the Bill...

**Mr. Mustapha:** Let them vote on it then.

**Mr. Chairman:** Do you still insist on it?

**Mr. Mustapha:** Yes, Mr. Chairman.

**Mr. Chairman:** If that is already contained in the Bill, may I enquire from you what your intention is in doing so?

**Ms. Teixeira:** Mr. Chairman, could I assist?

**Mr. Chairman:** Hon. Ms. Teixeira, Mr. Mustapha, will speak to me now. Afterwards, I will entertain anyone else.

**Mr. Mustapha:** I am proposing:

“Remove the word ‘or’ after the word ‘tie’ at the end of Clause 4(b)(1A)(c)(i) and replace it with the word ‘and.’”

That is the amendment.

**Mr. Chairman:** Hon. Member, I will try once again. The amendment, at which I am looking, contains two references to clause 4 (b). One is plain clause 4 (b) and it states:

“Amend Clause 4 (a) (1) (b) as follows:-”

There is a second one, lower down which also speaks of clause 4 (b)(1A), to which are you referring? I am speaking and asking questions about clause 4 (b) that reads under it:

“Amend Clause 4 (a) (1) (b) as follows:-”

That is what we are dealing with now please. I understood from the Hon. Minister that the provision which you seek to insert through your amendment is already contained in the Bill.

**Mr. Bulkan:** Save and except that it has two parts and it goes on to request the addition of a new paragraph (c), which, of course, we are not in agreement with.

**Mr. Chairman:** Hon. Member, Mr. Mustapha?

**Mr. Mustapha:** Mr. Chairman, I am proposing:

“After the words, ‘Minister by order but,’ delete the rest of the paragraph and replace with the words, ‘the following elections should be held as specified in paragraph (a)’”

The rest of the words that I am trying to delete here are, “After the words, ‘the Minister by Order but,’” It has to be:

“the second election shall be held on the same date as the next following election for previously existing councils..”

Those are the words that I am asking to be deleted and replaced with:

“the following elections shall be held as specified in paragraph (a)”

**Mr. Chairman:** Hon. Members, this has to be clear to the Chairman. It is possible that it is clear to every other Hon. Member on the floor, but I am taking a little longer to understand what is being proposed. I will say to Members, if we vote, we are voting to remove what is already in the Bill. That would be the consequence of it. We will need to be clear. There is an Amendment being proposed for clause 4(b).

Hon. Members, we are considering clause 4 (b). The clause 4 (b) that I am putting to you, the heading reads:

“Amend Clause 4 (a)(1)(b) as follows:-”

Then follows what is being proposed. The second part of it is:

“Remove the word ‘or’ after the word ‘tie’.”

That is the other one, 4(b)(1A)(c)(i) and (ii). All of those are a part of clause 4. I am putting to Hon Members, clause 4 (a)(1)(b) and 4(b)(1A)(c)(i) and (ii), as set out in the amendments. Those amendments are proposed under the hands of the Hon. Member, Mr. Zulfikar Mustapha. Those in favour of the amendment as proposed, please say aye. Hon. Member, the vote has started I will not... [*Inaudible*]

**Ms. Teixeira:** There are two different clauses on two different pages.

*Amendment put and negatived.*

*Clause 4, as printed, agreed to and ordered to stand part of the Bill.*

**Clause 5**

**Mr. Chairman:** Clause 5 (6)(b) is an amendment proposed by the Hon. Mr. Zulfikar Mustapha. You have the floor, Sir.

**Clause 5(6)(b)**

**Mr. Mustapha:** This amendment again, tried to put time to this clause. It states:

“Delete the words ‘At the second round of voting, the Clerk shall proceed.’

Insert the following words, ‘within ten (10) days of the first round of voting and with proper notice to the councillors, the Clerk shall proceed to hold the second round of voting and.’”

**Mr. Chairman:** I thank the Hon. Member. The amendment being proposed to clause 5 (6) (b), you have heard it presented by, Hon. Mr. Zulfikar Mustapha.

*Amendment put and negatived.*

**Clause 5 (6) (d)**

**Mr. Chairman:** On the next page, there is Clause 5 (6) (d). Hon Mr. Zulfikar Mustapha...

**Mr. Mustapha:** Again, we are trying to put an amendment that deals with time for this clause. It states:

“Delete the words ‘At the third round of voting, the Clerk shall proceed’

Insert the following words ‘within ten (10) days of the second round of voting and with proper notice to the councillors, the Clerk shall proceed to hold the third round of voting and.’”

**Mr. Chairman:** I thank you. Hon. Members, you have heard the amendment being proposed to clause 5 (6)(d).

*Amendment put and negatived.*

9.53 p.m.

**Clause 5 (6)(h)**

**Mr. Mustapha:** Mr. Chairman, again, we are asking for a timeframe for this clause and it reads:

“In the third line after the words ‘the Clerk’ and before the word ‘acting’ insert the following words, ‘shall inform the members of the public in that council and councillors and within 10 days,...’”

**Mr. Chairman:** Thank you. Hon. Members, you have heard the amendment being proposed to clause 5 (6)(h).

*Amendment put and negatived.*

*Clause 5, as printed, agreed to and ordered to stand part of the Bill.*

**Clause 6**

**Mr. Chairman:** There are no amendments proposed to clause 6. Hon. Members, I beg your pardon there is an amendment to clause 6 under your hand, Mr. Mustapha.

**Mr. Mustapha:** Mr. Chairman, I am asking that we delete this entire clause because it is already provided in clause 4.

**Mr. Chairman:** Hon. Members, you have heard the amendment being proposed to clause 6 by the Hon. Zulfikar Mustapha.

*Amendment put and negatived.*

*Clause 6, as printed, agreed to and ordered to stand part of the Bill.*

**Mr. Chairman:** Hon. Members that concludes the amendments with which we must treat from. Both were provided by the Hon. Minister and the Hon. Zulfikar Mustapha.

**Clause 7**

**Mr. Chairman:** I proposed that clause 7 be taken as read.

*Clause 7, as printed, agreed to and ordered to stand part of the Bill.*

#### **SUSPENSION OF STANDING ORDER NO. 10(1)**

**First Vice-President and Prime Minister [Mr. Nagamootoo]:** Mr. Chairman, I move that the Assembly continues its work until we finish matters on the agenda.

**Mr. Speaker:** I thank the Hon. Prime Minister.

*Question put, and agreed to.*

*Standing Order suspended.*

**Mr. Chairman:** Hon. Members, clause 7 is the last clause of the amendments. I now invite us to consider the Bill No.9 of 2018, as amended.

*Bill considered and approved.*

*Assembly resumed.*

**Mr. Bulkan:** Mr. Speaker, I rise to report that the Local Authorities (Elections) Amendment Bill 2018-Bill No.9/2018 was considered in Committee clause by clause and was passed with amendments.

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

#### **COMMITTEES BUSINESS**

#### **MOTIONS**

#### **ADOPTION OF THE ELEVENTH REPORT OF THE COMMITTEE ON APPOINTMENTS TO ADDRESS MATTERS RELATING TO THE APPOINTMENT OF MEMBERS OF THE POLICE SERVICE COMMISSION**

**BE IT RESOLVED:**

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

- (i) Mr. Paul Esmond Slowe, D.S.M., Retired Assistant Commissioner of Police;
- (ii) Mr. Clinton Andrew Conway, Retired Assistant Commissioner of Police;
- (iii) Ms. Vesta Geneva Adams, Retired Woman Assistant Commissioner of Police;  
and
- (iv) Ms. Claire Alexis Jarvis, Retired Woman Assistant Commissioner of Police.

who have been nominated in accordance with article 210 (1)(c) of the Constitution, be appointed members of the Police Service Commission. [*Minister of Social Cohesion with responsibilities for Culture, Youth and Sport - Chairperson of the Committee on Appointments*]

**Mr. Speaker:** Hon. Members, I crave your indulgence for a few minutes. The Hon. Minister of Social Cohesion with responsibilities for Culture, Youth and Sport - Chairperson of the Committee on Appointments - will move the following motion. Minister, you may proceed.

**Minister of Social Cohesion with responsibility for Culture, Youth and Sport [Dr. Norton]:** Mr. Speaker, I rise to move the motion for the “Adoption of the Eleventh Report of the Committee on Appointments to address matters relating to the Appointment of Members of the Police Service Commission”.

The Committee held 31 meetings and at its 27<sup>th</sup> meeting, the Committee decided that it would consult with the same entities as were previously consulted with in the Tenth Parliament. Those entities were the Police Association, the Association of Former Members of the Guyana Police Force, the National Commission on Law and Order and the National Community Policing Executive. The Committee agreed that we should enquire from the Minister of Public Security whether these entities were functioning. At the 29<sup>th</sup> meeting, the Committee was informed that the Hon. Minister of Public Security, in relation to the functioning of the four entities, informed that only three were functioning - the Police Association, the Association of Former Members of the Guyana Police Force and the National Community Policing Executive.

We sent out letters asking those three entities to submit one nominee. When we recognised that only those three entities were functioning and we wanted one nominee from each, we agreed to include the Association of Professional Social Workers in keeping with Article 210 (1)(c) of the Constitution which states that:

“Four members appointed by the President upon nomination by the National Assembly after it has consulted such bodies as appear to it to represent the majority of the members of the Police Force and any such body it deems fit.”

After exhausting the process of notification, the Committee agreed to proceed with appointment of members of the Commission since it only receive nominations from the Association of Former Members of the Guyana Police Force and the Guyana Police Association. From the Association of Former Members of the Guyana Police Force, we received the names of Mr. Paul Esmond Slowe, D.S.M and Ms. Vesta Geneva Adams, Retired Assistant Commissioner of Police, as its nominees. From the Guyana Police Association, we receive the names Mr. Paul Esmond Slowe, D.S.M., Retired Assistant Commissioner of Police, Mr. Clinton Andrew Conway, Retired Assistant Commissioner of Police, Ms. Vesta Geneva Adams, Retired Woman Assistant Commissioner of Police and Ms. Claire Alexis Jarvis, Retired Woman Assistant Commissioner of Police as its nominees.

The Committee agreed to proceed with the appointment of members of the Commission. Thereafter, the members present at the meeting unanimously agreed that the following persons would be nominated for appointment to the Police Service Commission.

- (i) Mr. Paul Esmond Slowe, D.S.M., Retired Assistant Commissioner
- (ii) Mr. Clinton Andrew Conway, Retired Assistant Commissioner
- (iii) Ms. Vesta Geneva Adams, Retired Woman Assistant Commissioner of Police
- (iv) Ms. Claire Alexis Jarvis, Retired Woman Assistant Commissioner of Police

At the 31<sup>st</sup> meeting of the Committee held on Wednesday, 11<sup>th</sup> April, 2018, members present unanimously adopted the Eleventh Report on the Appointment of Members of the Police Service Commission. The Committee recommends that Mr. Paul Esmond Slowe, Mr. Clinton Andrew Conway and Ms. Vesta Geneva Adams and Ms. Claire Alexis Jarvis as the National Assembly’s choices to the President for appointment as members of the Police Service Commission.



Thank you. [*Applause*]

*10.08 p.m.*

**Mr. Rohee:** Having read the report, I have to say that I consider this a very damaging report. I will explain why I have come to the conclusion.

In the first case, this report reflects the incompetence of the Government. The incompetence rests not only with the Government but in treating with the constitutional bodies of the type that we are discussing here tonight or the reconstituting of constitutional bodies of the nature that we are talking about here tonight.

In November, 2017, the Hon. Member, Mr. Harmon, Minister of State, stated that nominees for the Police Service Commission were being considered. That was in November, 2017. The last Commission came to an end in August, 2017. It was four months after that we were told that nominees for this Commission were being considered by the APNU/AFC Administration.

In August of the same year, Minister Harmon claimed that the Government had launched an investigation into “Accusations of Abuse and Malpractices within the Police Service Commission” and that they were investigating, what was described as “mounting complaints” by police ranks, which was drawn to the attention of the Executive.

The question that arose at that time was – if indeed there were complaints, *bonafide* and legitimate complaints from police ranks, why would it have gone to the Executive, dealt with by the Executive and not by the then existing Police Service Commission. This was indeed a dramatic intervention by the Executive to put on hold promotions and other actions of a constitutional body such as the Police Service Commission.

We hear quite often about intrusiveness in constitutional bodies. Here was indeed a glaring example of intrusiveness by the Executive in a constitutional body. This was not the only example, we have heard of cases before. As a prelude to events that were to unfold to bring us to where we are tonight, a Commission of Inquiry was established to investigate these alleged malpractices within the Guyana Police Force. More than that, these malpractices were transformed or morphed, I should say, into an investigation into an attempt to assassinate the President of this country. All of this was happening in the meantime while the then Police

Service Commission was in existence and was functioning. That investigation went beyond its mandate to the extent that apart from making recommendations, actual steps were taken to remove senior ranks from the Guyana Police Force which indeed was a responsibility of the Police Service Commission that existed at that time and not the Executive. Here we found, again, intrusion in the work of a duly constituted body namely the Police Service Commission and being usurped by the Executive Branch of Government.

When the Executive usurp the authority and the functions of a Constitutional body we have a serious problem in terms of governance in the country. That is why so often the Hon. Member, Mr. Nandlall, has to be going to the Courts to seek remedies to these intrusiveness on the part of the Government. In fact, the Hon. Member did approach the Court on this question of the intrusiveness of the Government - the Executive - in respect to the Police Service Commission which ought to have been acting on these matters – putting promotions on hold, *et cetera*.

I am raising these questions because we are now considering the reconstitution of a new Police Service Commission. What took place in the past does not forego well or does not hold well for this new Commission with respect to what went on in the past. The Chief Justice ruled saying in part that the Government flagrantly disregarded the Constitution and pointed out that a similar transgression was committed two years earlier. In other words, we saw a pattern. Who is to say that this pattern would not continue with the establishment of this new Commission? Where are the guarantees that this will not continue?

On 31<sup>st</sup> January, 2018 the Committee on Appointments began its deliberations on the so-called “way forward” as if there was no way forward. The Constitution spells out, the Police Act spells out, what is the way forward in terms of constituting these bodies. It was three months after all of this action that had taken place that this Committee on Appointments began deliberating on the subject.

By 13<sup>th</sup> February, 2018 a deadline was established by the Committee to respond to an invitation which called on those institutions or those entities that were mentioned to submit nominees to serve on the Police Service Commission. The Hon. Member, Dr. Norton, was to enquire from his Colleague, who I suppose sits with him in the Cabinet, whether these bodies, that is, the

Police Association, the Association of Former Police Ranks, the National Commission for Law and Order and the National Commission of Police and Executives were functioning.

Surprisingly, it took 45 days for the Hon. Member, Dr. Norton, to find out from his Colleague Mr. Ramjattan whether these entities were functioning. Total incompetence! These two gentlemen are sitting in the Cabinet, they are supposed to be communicating with each and it took 45 days before the Minister could come back to the Committee to inform it that he was unable to communicate with his Colleague on the matter. More than that, the Committee then took a decision to write Minister Ramjattan. Since the two men were not able to communicate with each other, steps were then taken for official letters to be written to Minister Ramjattan asking the same question.

This is almost unbelievable of a Government to say that it cares about constitutional matters and to say that it is efficient and effective. It took Minister Ramjattan three weeks to respond. What kind of serious Government is this that it took three weeks to respond to the Parliament which had solicited a question from it on whether these entities were existing and functioning? As though that was not enough with respect to the inefficiency and incompetence of the Government, we were told that the National Community Policing Executive was consulted. It was never consulted. If it was consulted where is the evidence that it was? I want to submit that in future, when reports like this comes to this House, we must have as addendum the correspondence that were sent out to the Ministers responsible, so that we could see the dates and the responses in respect to the specific matter. We must be able to see that – what is called ‘full disclosure’ and not to hide the evidence.

Mr. Speaker, it .... [*Interruption*]

[*Mr. Speaker hit the gavel*]

It took three weeks before the Hon. Member, Mr. Ramjattan, could reply to this House as to the functioning of the National Community Policing Executive. The matter did not end there - the saga did not end there. We were subsequently told that the National Commission for Law and Order was abandoned. It was disbanded. If we were to go back to the history books, it would reflect that this is a body that was set up by the Heads of Government of CARICOM in each

Member State of the Community. It was not just established like that. They abandoned it when they got into Government. That is one of the bodies that should have been consulted.

In an effort to find another entity to consult with they went and found some organisation that was hidden away somewhere which was called the Association of Professional Social Workers.

*10.23 p.m.*

What is the *locus standi* of this association? What is this association? This is an association that receives a subvention from the Government. And, you know the usual thing is *the hand that feeds is the one that gets the benefit*. This organisation has absolutely, and I could say this without fear of contradiction, no relationship with law enforcement. In fact, none of its seven mandates has anything to do with law enforcement or the Guyana Police Force, nor is the Guyana Police Force, as an entity, associated with this body. I come back to the question: What is the *locus standi* of this association in this society? They sought this body and then came to the Committee on Appointments suggesting that, instead of consulting with the National Commission for Law and Order, they consult with this rather shady organisation, but waiting for weeks and months in order to arrive at where we are today.

Traditionally, each of these organisations are written to inviting them to submit ‘a name’ or ‘one name’, but instead they wrote to these organisations... [Ms. Broomes: *Inaudible*]

That is why you need to see the correspondence. Whether they wrote them or asked them, the fact of the matter is, we got two names. Instead of one, we got two names for each organisation.

We got two names from the Association of Former Members of the Guyana Police Force and we got two names from the Guyana Police Association... [Ms. Broomes: How did the story

end?] That is how the story ended; that is how you got the four names. The National Commission for Law and Order was knocked out and went into oblivion. The National Community Policing Executive was not consulted or ignored and that is how they got the four persons. There was no meaningful consultation as called for in the Constitution to constitute this new body.

By the way, what is resentful in respect to the composition that we are now considering, there is not one civilian. Traditionally, the last Police Service Commission had at least one civilian. The previous ones, in 2002 and 2003, also had a civilian. The previous Police Service Commission,

when the laws were changed, had a civilian by the name of Mr. Dennis Morgan, and then the last Commission had a civilian, Mr. Satyanand.

I am saying that, since the amendment to the Constitution in respect to the reconstituting of service commissions, such as this one, efforts were always made, especially, under the last Administration, to ensure that at least one civilian or someone from civil society sat on the Commission and not only all polices or retired police ranks. This is the kind of mixture that we should have - the private sector and the business community. You find that all these people meet with the police and make recommendations, yet, not a single person from civil society or a Non-Governmental Organisation (NGO) is represented on this body.

We also have the burning question in respect to the ethnic composition of these constitutional bodies. Here we have a police force which has 20% to 25% of its ranks of non-African Guyanese descent, yet, this Commission lacks the colours of the Golden Arrowhead. It does not reflect the colours of the Golden Arrowhead... [Mr. Adams: How do you know that?]

Well, you are supposed to have more than five ethnic groups in the country. Why do we have a Commission that is dominated by one set? This has been a question that has been with this country since the colonial days.

In the Commission of Inquiry Report on the Disciplinary Forces, a commission on which the former Opposition Leader, now President, sat. It has several recommendations on how to address the racial imbalance in the Guyana Police Force - how to address that. [Mr. Williams: What is the year of that report?] Ask your leader and he would tell you, I did not come here to tell you that.

*[Mr. Speaker hit the gavel.]*

There are several recommendations in this report on how to address this question.

**Mr. Speaker:** Hon. Member, Mr. Rohee, you will avoid answering Hon. Members across from you.

**Mr. Rohee:** Yes, that is why I turned my attention to the south.

**Mr. Speaker:** And I would like to keep you turned this way.

**Mr. Rohee:** Yes. The Report states, Recommendation 29:

“Efforts should be made to remove the misperception that the GPF is the preserve of any one ethnic group and to promote instead the concept of a unitary national Force.”

[**Mr. Williams:** Why did you not do it?] Well, you are there now, you do it. In addition to that, Recommendation 38 states:

“It should be an aim to achieve a Force representative of the ethnic diversity of the nation without employing a quota system, which would be constitutionally offensive.”

Next, Recommendation 40 states:

“Ethnically diverse recruitment and promotion panels should be employed as openly and extensively as possible.”

Recommendation 41:

“A policy, distinct from that for recruitment, should be employed to provide inducements, such as better conditions of work, for all ethnic groups to remain in the GPF.”

Recommendation 42:

“Inter-racial teamwork should be fostered to engender inter-racial cohesiveness.”

Recommendation 43:

“The rules and practices of the GPF should be adapted to cater for the needs of an ethnically-diverse workforce, especially as regards religious beliefs, meals and racial equality.”

And finally, Recommendation 44:

“The membership of the GPF should be augmented, especially as regards Indo-Guyanese, without introducing conscription.”

I made reference to these recommendations because the then Opposition made hay out of these recommendations while they were in the Opposition. They kept asking the then Minister of Home Affairs what he was doing about this. Well, we are asking you now, what are you going to do about it? [Ms. Ally: You did nothing.] To say that I did nothing, this is a report from the Guyana Police Force, 28<sup>th</sup> February, 2014 to show the progress they had made in these areas, so you could take it up from here.

I mentioned this report because we are at very important juncture in discussing this newly constituted Police Service Commission and what it should be doing and what it ought to be doing in order to ensure that these recommendations are taken into account, when it comes to promotions and recruitment in the Guyana Police Force. The Hon. Prime Minister, I am sorry he is not here. I do not have to be sorry he is not here. Unfortunately, he is not here. He said at a speech he made at the National Cultural Centre, soon before he departed. This was what he said and this was on the 9<sup>th</sup> December:

“Guyana is not only multi-ethnic, multicultural and multi-religious that social cohesion is best promoted in societies where leadership and inclusivity with such broad leadership help to encourage the willingness of members of society.”

That was your Prime Minister speaking. Put this in the context of the mandate of the newly constituted Police Service Commission. If these thoughts, as well as the recommendations in the Disciplinary Forces Commission Report, are taken into account by this newly constituted Police Service Commission, this country would be a better one. Let us see. You are going to be put to the test in the next few months.

This Commission that is going to be established has a number of very important responsibilities. We fear...

**Mr. Speaker:** Hon. Member, Mr. Rohee, you have three minutes more.

**Mr. Rohee:** Thank you. We fear that with its present composition, there are some people who are likely to be targeted - there are certain ranks who are likely to be targeted. We know that and we would not be surprised when we see what happens subsequently. We have seen in the

newspapers already that there is one police rank who is already targeted. I would not call the name because there may be some problems.

There are number of vacancies that are to be filled. We have five Assistant Commissioners; seven Senior Superintendents; seven Superintendents; 32 Cadets who are to be promoted as Assistant Superintendents and 34 Inspectors.

*10.38 p.m.*

All of these vacancies have to be filled by this commission. We shall watch carefully, every move you make. Every move you make we will be watching you to see how it will unfold.

Some names that have been mentioned here certainly have a lot bright ideas. They are writing every day in the newspapers. **[Ms. Lawrence: So what?]** When they were in the force they never wrote, but they are writing now, these wonderful ideas. “So what?” Watch, you will see “so what”.

I want to conclude by saying that we will, from this side of the House, be watching very carefully and exercising bare scrutiny on this newly constituted Police Service Commission.  
*[Applause]*

**Mr. Speaker:** Before I give the floor and invite the next speaker, I will make an observation that sometimes we do harm when we make comments which persons who cannot speak and cannot defend themselves here hear things that are alleged that they have done or have not done, when the opposite is the case. I say that only in the context that all commissions are serviced by officers of the Parliament Office. Any correspondence is prepared and dispatched by officers of the Parliament Office. They cannot, and are not allowed, speak in this House. Perhaps when we make comments, as Members who have the privilege of speaking here, we appear sometimes unmindful about where the truth lies. I say that, and that is what I want to say about this.

**Ms. Teixeira:** Mr. Speaker, I wish to be very brief because my colleague has spoken extensively and well on the issues and the concerns that we have on this side of the House, with the Police Service Commission. I just want to make a few points additionally, and that is that this Parliament, not this Eleventh Parliament, by resolution in 2014 approved the names of the entities to be consulted. These were the Guyana Police Association, the Association of Former



Members of the Guyana Police Force, the National Commission on Law and Order and the National Community Policing Executive. This was coming from the decision in 2010 as well.

I must say that we have not been attending the Committee since October, based on our protest to do with the appointment of the Chairman of the GECOM being in violation, as far as we are concerned, of the Constitution. We have not been attending. The issue, though, is that when the Committee decided to amend the four entities and add in another, it should have either come back to the House or should have got the approval. The reason why the four entities came to this House was because, in the Committee, we were having differences. The House ruled on that and made a decision. The four entities should have been consulted. That is one observation.

The second is that I have been on this Committee since 2003 through different Parliaments. The issue is of the manner in which we have done things. I have noticed in a couple of reports – since we were not there, and that may be coincidental, they do not need us there – that we normally make great efforts in the Committee, normally, sometimes extensive efforts, to make sure that the entities, which we are consulting, are contacted, not only by letter but by phone, by follow-up, and so on. We have gone to great lengths and sometimes with great delays in the Committee, over the years, by trying to ensure, regarding any entity we have agreed to as a Committee, that we make contact with them. What is unusual in this report is that although the Committee started in December, when the Police Service Commission expired in September, 2017, the Committee did not deal with that or put it on the agenda until sometime in December, I guess after budget or during budget. It was only on March 8 that the entities were written to, having clarified between the two Ministers on the status of the National Commission on Law and Order. I have never seen this happen before. We have gotten a response in a matter of six days from one of the entities. In a week, all four names that happened to be on this report were nominated from another entity.

I am not here to chase down who has been invited. You invited, so therefore it is your responsibility to make sure that great efforts are made with the organisations and that we are not found at fault, or, that it is our fault for not chasing after them; it must be that they abnegated their responsibility, not us. It is important that the National Community Policing Executive, which has been on the Police Service Commission from 2010 to 2014 and 2014 to now, is no longer consulted. If they were consulted, the time frame in which it was done - as I said, this is not to criticise any staff member – is an issue of the Committee. The Committee has to take

responsibility for the decisions it makes and the staff is there to execute the decisions of it. Therefore, if the Committee is rushing through and it is not pausing, because it has an agenda, to get particular people through, then it will not be bothered with following up with the other entities such as the National Community Policing Executive. By the way, its office at one time used to be at Eve Leary's Headquarters, so I do not think it is hard to reach it. Also, the Guyana Association of Professional Social Workers (GAPSW), if you wished to change that group, you should have come back to the House to amend what was a resolution in the House before. You did not do that.

There are Members on the Committee. You can talk about me being there for a long time, but Minister Ally has been there for as long as I have. She is highly well versed on these issues, probably better than I am because she is the longest serving female Member of Parliament in this House, not me. Therefore I would expect that the Minister would have given the right guidance. Dr. Norton has been on that Committee, too, from 2003 with me. Some of the *old heads* of the Committee have been for a long time, so we know the procedures. We know the efforts we go through.

Therefore the issue of what the Committee appears to have done is at stake. What is at stake is: One, the broad representation. I will say this: the Medical Council of Guyana and other professional bodies of Guyana try to make sure that there is at least a civilian type on their boards, not just professionals. The Police Service Commission has to do with police and officers of the police force, therefore, it is always wise to make sure that there is a civilian representative on this commission. At this point, there is none. This is also a Police Service Commission that is also an ex-officers' commission, and not the voice that is needed, sometimes on the civilian end, particularly when it comes to some of the accusations that have been made, even in the commission's reports that have been done.

I found the report deficient. It is unfortunate that it states in paragraph 10.4 states that the Committee has "meaningfully consulted with National Community Policing Executive". There is no indication that you have. You send a letter on March 8 and you made the decision on March 22, that is the shortest period ever in this Committee that such a decision has been taken on a service commission or any commission that we have had to do. Certainly, you are willing to

sacrifice the issue of the breadth and diversity of representation on what is a constitutional body. This is a constitutional body that is independent of anybody and everybody.

Thank you. [*Applause*]

**Dr. Norton (replying):** I really just hope that I can wrap up, as I am being asked to do. Just to place on the record, whatever it is - I would just like to let you know - that this Committee is made up of the following Members: Minister Ally, Minister Patterson, Minister Hughes and Minister Ferguson. Along with those four members of the Government, there are, of the Opposition, Member of Parliament Gail Teixeira, Member of Parliament Juan Edghill, Member of Parliament Ganga Persaud and Member of Parliament Bhagmattie Veerasammy. It is good that a Member of this Committee should stand up and say “we” instead of “you”, that “we did this and we did the other”, rather than “you did this”. This Committee functions without any intervention on the part of the Government, so it is the Committee that should be deemed as being inefficient.

We are being asked about the time in which we were supposed to form this Committee and, on the other hand, we are being blamed for not waiting for entities to respond. We have had situations where entities on other commissions, for instance, the Federation of Independent Trade Unions of Guyana (FITUG) did not respond to us. Should we then wait? Should we keep writing? Should we go after them? We did, it did not respond.

I can tell you that we statutorily meet twice a month, so 34 days or 48 days will only mean meeting for three hours the most, two or three times. It is not a true reflection, if you are going to talk about weeks and months, to measure how the Committee functions. We are given a mandate and the mandate speaks for itself. It states that it is “to represent majority of members of the police force and any other such body it deems fit” who we should consult. It states nothing about civil organisations. For instance, on the question of the Guyana Medical Council, that refers specifically to a civilian personnel. This does not. It states nothing about the ethnicity about any person who is here on this commission. What it states carefully is “to represent the majority of members of the police force”. These four entities that we had, the Guyana Police Association, the Association of Former Members of the Guyana Police Force, the National Commission on Law and Order and the National Community Policing Executive were written to. Those are the

persons who decide who they are going to send. We, in no way, could decide for them. They chose those persons that they sent. Fortunately they sent two males and two females. We had nothing to do with that. We could not say to them to send a civilian or to send somebody of Amerindian ethnicity, of Portuguese extraction, or whatever it is. They sent who they sent. Those were the entities that we decided on.

When we could not get the entities to respond, and it states in the report that after making all the efforts, we decided to include the Guyana Association of Professional Social Workers. There should not be a problem with that if you are calling for a civilian person, because that person would have been the civilian whom you are claiming to be in there.

We are here to form a Police Service Commission and not a Guyana Police Force, so that report had nothing to do with this commission that is being formed. That commission has a mandate that is different from the Guyana Police Force, but we definitely did come up with the conclusion. We know that it seems as though it was a rush. I do not know if this is the first time, that is still there, in which we got a response and decided that we should go forward. I can tell this House that there is a verbatim report of all that took place in the Committee, of all the letters that we write and when we get them back. We are not supposed to put all of that in this report, if it was that then we would never be finished here.

*10.53 p.m.*

If you needed an addendum, it was never done before. We just cannot come here tonight and make rules to satisfy ourselves.

It states here that the Committee came to a unanimous decision. We expect that when we come here to the National Assembly that the unanimous decision that we made there would have had the input from all of us. We are finding it strange to hear this from a Member of the Committee in spite of all of the experiences that she has expressed before.

The Committee recommended that Mr. Paul Esmond Slowe, that Mr. Clinton Andrew Conway, Ms. Vesta Geneva Adams and Ms. Claire Alexis Jarvis be signified as the National Assembly's choice to the President for appointment as Members of the Public Service Commission.

**Mr. Speaker:** I believe that you meant the Police Service Commission. Perhaps you would want that to be recorded, Hon. Minister.

**Dr. Norton:** I beg your pardon, Mr. Speaker. I meant the Police Service Commission.

*Question put, and agreed to.*

*Report adopted.*

**ADOPTION OF EIGHTH REPORT OF THE STANDING COMMITTEE ON APPOINTMENTS TO ADDRESS MATTERS RELATING TO THE APPOINTMENT OF MEMBERS OF THE PUBLIC SERVICE COMMISSION**

BE IT RESOLVED:

That this National Assembly adopts the Eighth Report of the Standing Committee on Appointments 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. Vincent Bowman; and
- (ii) Mr. Mortimer Livan;

have been nominated in accordance with Article 200 (1)(b) of the Constitution, to be appointed Members of the Public Service Commission. [*Minister of Social Cohesion with responsibilities for Culture, Youth and Sport – Chairman of the Committee on Appointments.*]

**Dr. Norton:** I rise to move the motion for the adoption of the “Eight Report on the Standing Committee on Appointments to address matters relating to the Appointment of Members of the Public Service Commission.”

This Committee on Appointments had 29 meetings. At its 26<sup>th</sup> Meeting held on Wednesday, December 15, 2017, the Committee agreed and requested that the Chief Labour Officer at the Ministry of Social Protection should be written to requesting a list of the unions that represent public officers and classes of public officers in Guyana. At the 27<sup>th</sup> Meeting held on Wednesday, January 31, 2018, the Committee was provided with the names of the following unions that represent public officers and classes of public officers in Guyana, one, the Guyana Public

Service Union (GPSU) and, two, the National Union of Public Service Employees (NUPSE). The Committee then agreed that the above trade unions would be invited to submit nominees for appointment to the Public Service Commission in accordance with article 201(b) of the Constitution. Nominations received on February 5, 2018, name of Mr. Vincent Bowman as its nominee. On February 13, 2018, the Guyana Public Service Union submitted the names of Mr. Mortimer Livan and Ms. Patricia Went as its nominees. At the 29<sup>th</sup> Meeting of the Committee on Appointments held on Wednesday, March 7, 2018, the Members present unanimously adopted the Eight Report on the appointment of Members of the Public Service Commission.

The Committee now, therefore, reports to the National Assembly that it has meaningfully consulted with the Guyana Public Service Union and the National Union of Public Service Employees that appear to it to represent public officers or classes of public officers in Guyana. The Committee recommends that Mr. Mortimer Livan and Mr. Vincent Bowman be signified as the National Assembly's choice to the President for appointment as Members of the Public Service Commission.

We thank you. [*Applause*]

**Ms. Burton-Persaud:** As it relates to the nominations of persons to the Public Service Commission, the Chairman of that Committee did give the names of Mr. Mortimer Livan and Mr. Vincent Bowman. From my knowledge, Mr. Livan, the current organising secretary of the executive council of the Guyana Public Service Union, started his career way back in 1976. He has 42 years of experience as a trade unionist. The next person is Mr. Vincent Bowman, who is part of NUPSE, I am told he is the current President, is also a veteran trade unionist.

Having to speak on this nomination, I did some checks, and as much as I will want to wholeheartedly endorse and embrace this, I still have a bit of questions and reservations in my mind based on some of the information that I have. One of the information is that Mr. Bowman had his membership reduced by way of a poll that was held and the Guyana Labour Union (GLU) won 200 members from that poll, and Mr. Bowman's union was left with approximately 20 members. The choice that I am looking at here is that I listened to the Hon. Minister and he said in consultation with the Chief Labour Officer he was told that they are the two unions that represented public servants, which I knew were NUPSE and the GPSU. However, I am

wondering now, based on the information I received, if the Chief Labour Officer is aware that GLU represents public servants. I am told, and the Hon. Minister of Public Infrastructure is here, that those persons came from that Ministry. I queried how the dues were paid and I was told that it was being done by way of a check off system, so that raised some 'light bulbs' in my mind. Why I am saying this is because our Constitution states in article 200(1)(b) that two members appointed by the President acting after he has consulted such bodies as appear to him to represent public officers or classes of public officers. Based on the process of consultation, that is where my reservation comes in and I would be more than happy that if there was broader consultation and if the information was given correctly, that he would have been able to do a wider consultation with a third union.

The other aspect is that I had persons from the union who gave me their reservations of this election and they said that when they checked it was a unanimous nomination which was done, but when I checked with my Members on this side of the House of that Committee, they were not a part of that meeting when the nomination was done.

The next concerns the fact of what we are looking for, that is, gender balance, and gender balance in the sense that there were three persons whose names were put forward, one being a female and two men. I know we talked in this National Assembly about balancing our genders and balancing when we try to get our female leaders into higher forms of the decision making process. This would be a very important Committee with a very important function to perform because they would have to look at issues that come to them as it relates to public servants. Again, so much for gender balance and gender equity because we would have two males coming forward and a female left behind. I am saying that , myself, as a female who had as much dedicated service and long outstanding service in the public service and as a trade unionist.

As much as I love the fact that persons would be appointed to the commission and the commission could get up and started, that is where my reservations lie as it relates to those two nominees. [*Applause*]

**Ms. Teixeira:** The Public Service Commission in the previous round and the report of that body made it very clear, that it was by resolution of who were to be consulted - the Guyana Public Service Union, the Guyana Labour Union, the Public Service Senior Staff Association, the

Federation of Unions of Government Employees and the National Union of Public Service Employees. That was what we had agreed on in 2013 and which was the process we went through. What is interesting is when you see that report, it was a recommitment, because it was done by a majority of the then Opposition in the body to elect Mr. Bowman for NUPSE. It was a tie between Mr. Bowman of NUPSE and the three Ministers of... Government people present voted for Mr. Carvil Duncan and the then Chairman, Dr. Norton, casted his vote. This was in the report for 2014. However, the report 2014 stated very clearly that based on a letter I wrote, subsequent to the vote on January 7, 2014, pointed out that NUPSE had lost its representation status for the public servants it once represented to the Guyana Labour Union. At such, I asked for the nomination process to be reopened, which was done and, of course, it went to the vote, again, and the majority...Remember the Parliamentary Committees in the last Parliament, the Opposition demanded to change the Standing Orders so that it would have a majority in the Committees, but now in Government it has the majority in the Committees. We have been a minority for two Parliaments on the Committee, both as Opposition and Government.

This is the report for 2014 which was adopted in this House and now we come to the new Public Service Commission which had expired on September 1, 2014 and began consultations again in December as with the Police Service Commission. What is interesting about the report for 2014 is that it gives us an idea of the letters that were sent out and the responses. The report for 2018 does not do that. There was a precedent set in the earlier reports. What is interesting in this report is that the Committee went to only the Public Service Union and the National Union of Public Service Employees. As I said earlier, regarding the Police Service Commission is that there was a resolution of Parliament which the Committee on Appointments brought, in relation to the composition and the entities to be invited to be on the Police Service Commission. I read out those names from the report of 2014. What is interesting in this report is that the Committee excluded a number of the entities. Clearly, as it was said with the National Commission on Law and Order, it was not functioning. Just as with the Police Service Commission, the Public Service Senior Staff Association is not functioning; there were the Federation of Unions of Government Employees and the National Union of Public Service Employees and then there was GLU were not functioning. That was in 2014. For some reason the Committee appeared to not remember or not go back to the report of 2014 to show that in fact NUPSE had no longer represented public servants, and, that, in fact, it was the Guyana Labour Union.



*11.08 p.m.*

There is no record in the report that the Guyana Labour Union was ever included, ever written too. Yet, again it is a repeat of the earlier decision in 2014 which had to go to a re-committal which the then Opposition won in those days to have NUPSE. Guyana Labour Union is omitted as one of the unions that do represent our public servants. Therefore this is a serious omission on the part of Committee. Why would you leave out the GLU workers who went to the poll several years ago, won the representation and still holds it up to today. It has not lost it due to another poll.

I believe that the Committee has made a serious error by omitting one of the three unions involved in the public service. In addition to that, the Guyana Public Service Union proposed two representatives of which one was selected and went back to the same gentleman from a union that is no longer representing, has lost its bargaining status for workers in the public service. Does that really make sense? The Public Service Commission is a constitutional body. It represents the public servants; it makes decisions on behalf of the public servants.

By the way, there are two names that come from the National Assembly through the Committee of Appointment. Of course, the President and the Leader of the Opposition have to look at other names and to reach some concurrence, I think meaningful consultation, to do with the chairperson.

The Police Service Commission, of course, has a similar formula, except that the Leader of Opposition and the President have to have meaningful consultation on the chairperson who will be taking from the four names you have just approved in the House.

The Public Service Commission is slightly different and there are different representatives that the President has his own discretion to bring into the Public Service Commission. It is unfortunate that this Committee, knowing - I cannot believe that the Members of the Committee are unaware or forgetful of the fact - that we have always had the GLU, the GPSU, always have NUPSE and Federation of Unions of Government Employees (FUGE) to be on this Committee.

Again, I believe that this Committee, unlike our previous times have gone very rapidly forward and in haste, if not for any other reasons, to ensure that a person who does not represent the

union but has a union, does not represent the public servants...The Constitution again states that it is the organisations representing the public servants. Why would you leave out the GLU? I just cannot comprehend why the Government would do that. It is unthinkable.

I raise this. Although I was not attending the meeting, I have been writing my concerns about what I read in the Minutes, what I read from the correspondence. The fact is that when you are there or not there, it does not really matter. Does it? You have the majority, ramrod yourself through, just as you did in this Parliament earlier, and it does not matter. You are left now with a key and I want it to be publicly known that you have left out the GLU. It is a union historically that has been very close to the party, that is the largest party in the APNU, traditionally. In fact, it was headed by Mr. Forbes Burnham. It was headed by Mr. Hoyte. Why would you leave GLU out? It is just because you do not like the man who is now heading the union? Is that how vindictive things are now? [Mr. Jordan: Yes.] Well, it is unfortunate. It will go down on record that the GPSU representative nominated from this House, for us on this side, is not genuinely representative of the Unions that represent the public service of this country.

Thank you. [Applause]

**Dr. Norton (replying):** Just to bring to the attention of the general Assembly that the Committee agreed and requested the Chief Labour Officer, the Ministry of Social Protection, for a list of all the unions that represent public officers and classes of public officers in Guyana. The Chief Labour Officer said these two unions, the Guyana Public Service Union and the National Union of Public Service Employees. The Committee now reports to the National Assembly that it has meaningfully consulted with the Guyana Public Service Union and the National Union of Public Service Employees, unions that appear to represent public officers and classes of public servants in Guyana. The Committee represents that Mr. Mortman Livan and Mr. Vincent Bowman be signified as the National Assembly choice to the President for appointment as Members of the Public Service Commission.

Thank you.

*Question put, and agreed to.*

*Report adopted.*

## **ADJOURNMENT**

**Mr. Speaker:** Hon. Members, this concludes our business for today. Hon. First Vice-President and Prime Minister, please move the adjournment.

**Mr. Nagamootoo:** Mr. Speaker, I move that this House be adjourned until Thursday 12, July, 2018 at 2 p.m.

**Mr. Speaker:** The Assembly now stands adjourned to Thursday 12, July, 2018.

*Adjourned accordingly at 11.15p.m.*