

National Assembly Debates

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE SECOND SESSION (2002-2006) OF THE EIGHTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

92ND SITTING

2.12 PM

Monday, 10 April 2006

MEMBERS OF THE NATIONAL ASSEMBLY (69)

Speaker (1)

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

Members of the Government (38)

(i) People's Progressive Party/Civic (34)

(ii) Non-elected Ministers (3)

(iii) The United Force (1)

The Hon. Samuel A.A. Hinds, M.P.

-Prime Minister and Minister of Public Works and Communications

The Hon. Reepu Daman Persaud, O.R., J.P., M.P.

-Minister of Parliamentary Affairs

The Hon. Clement J. Rohee, M.P.

-Minister of Foreign Trade and International Co-operation

The Hon. Harripersaud Nokta, M.P.

-Minister of Local Government and Regional Development

The Hon. Gail Teixeira, M.P.

-Minister of Home Affairs

The Hon. Dr. Henry B. Jeffrey, M.P.

-Minister of Education

The Hon. Saisnarine Kowlessar, M.P.

-Minister of Finance

The Hon. Shaik K.Z. Baksh, M.P.

-Minister of Housing and Water

The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P.

-Minister of Labour, Human Services and Social Security

The Hon. Clinton C. Collymore, M.P.

-Minister in the Ministry of Local Government and Regional Development

The Hon. Satyadeow Sawh, M.P.

-Minister of Fisheries, Other Crops and Livestock

(Region No. 5 - Mahaica/Berbice)

*The Hon. S. Rudolph Insanally, O.R., C.C.H., M.P.

-Minister in the Office of the President with responsibility for Foreign Affairs (AOL)

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

* *Non-Elected Minister*

** *Elected Member from The United Force*

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Members of the Opposition (30)

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

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

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

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

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

Mr Ravindra Dev, M.P. (Absent)

OFFICERS

Mr Sherlock E. Isaacs, Clerk of the National Assembly

Mrs Lilawtie Coonjah, Deputy Clerk of the National Assembly

Monday, 10 April 2006

PRAYERS

The Clerk reads the Prayer

PRESENTATION OF PAPERS AND REPORTS, ETC.

By the Minister of Health (Chairman of the Special Select Committee on the Needs Assessment of the Guyana National Assembly):

Final Report of the Special Select Committee on the Needs Assessment of the Guyana National Assembly

PUBLIC BUSINESS

BILLS - Second Reading

**ITEM 1 - ELECTION LAWS (AMENDMENT) BILL 2006 -
Bill No. 7/2006**

published on 03-28-2006

Monday, 10 April 2006

A Bill intituled, an Act to amend the Representation of the People Act and the Election Laws (Amendment) Act 2000

Hon Reepu Daman Persaud: Mr Speaker, I have been requested by the Opposition to ask that this Bill be deferred for a further two days so that it can be further discussed. I therefore move that it be deferred to Thursday, 13 April 2006 at 14:00h.

Question put and agreed to.

Bill Deferred

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

BILLS - Reports from Special Select Committees and Third Reading

**ITEM 2 - COMPETITION AND FAIR TRADING BILL 2005
- Bill No 18/2005 published on 09-11-2006**

The Honourable Minister of Tourism, Industry and Commerce

You may now move the Motion for the adoption of the Special Select Committee's Report on the Competition and Fair Trading Bill 2005 -

Bill No. 18/2005.

Hon Manzoor Nadir: Mr Speaker, it is my honour to move the Motion for the adoption of the Report of the Special Select Committee on the Competition and Fair Trading Bill 2005 - Bill No. 18/2005.

Mr Speaker, the Committee met since January after we had first tabled the Bill a few months earlier and worked diligently to complete the Bill so that we can have a Bill that would have been generally favourable to all sides except for one part in the Bill where the Committee was divided. Mr Speaker, on that particular division, I think it was not so much over the content of the particular clause, but it was, what could possibly be an interpretation on the formulation which is in the Bill. So the Members of the Opposition raised their concerns over that particular clause. The Report is self explanatory and I do not intend to go into any further details in the Report, but to ask that the National Assembly move to adopt the Third reading of the Bill. Thank you.

The Speaker: The Honourable Member Mr Murray.

Mr Winston S Murray: Mr Speaker, as said by the Honourable Minister Nadir, the broad thrust of this Bill is wholly supported by we of the People's National Congress/Reform and we believe that the reference of this Bill to the Special Select Committee has indeed led to its improvement. In that regard, I wish to acknowledge the fact that where amendments were proposed, we discussed them in a very amicable and responsible manner and in fact on all, but one occasion, we found unanimity on the recommendations.

There are two particular Clauses that bear this out, to which I believe will be useful to make reference to at this time.

One has to do with the Appointment of the Commission, although the Minister gave us his assurance and we believe him, because he is an honourable person that he would consult before he appoints Members to the Commission. He did agree for us specifically to include in the First Schedule of the Bill that he will consult with relevant organisations in the private sector, in the legal profession and among consumers. Sir, that is a step forward, because it commits the Minister in the law to consult. Of course, he does not have to accept any of the recommendations, but I think that is a step in the right direction. Of course, we would have liked to have gone much further, but I would make no comment at this stage except to recognise that as a step forward. Similarly sir, in the case of the appointment of the Director to the Commission that is to be established under this Bill that is to become an Act, it said that the Commission with the approval of the Minister may terminate the employment of the Director. After discussion among ourselves, it was agreed, unanimously, that we will say that the Commission may after consultation and not necessarily after approval and in fact not with approval, but after consultation with. We believe sir, that this is a concession which we should acknowledge. So I wish to say, by and large, in terms of the Bill as a whole, we have worked well and the amendments I believe that have come out of that Special Select Committee have strengthened the Bill.

There is one area in which we could not see eye to eye at all and which sir, I feel it necessary to bring to the attention of this House and through this House to the wider public. That is in respect to Clauses 20, 21 and 22. Since the Report says that the Clauses 20, 21 and 22 among others were agreed to as presented, I think, I would like to draw attention that that should be taken in conjunction with Page 4 of the Appendix of the Bill, which makes it clear that we of the Opposition did not support these three Clauses.

Sir, I would like to say very briefly what our concerns are. Again, we believe that Clauses 20, 21 and 22 are in their general trust appropriate, because what they seek to do is to prevent abuse of dominant position and to allow the Commission to rule against anti-competitive agreements.

As a general principle that is accepted.

However, that there are two situations that we feel account should be taken of in this Bill.

The first is that where there are property rights that have accrued up to the time of the passage of this Bill that those rights should be safeguarded, especially in circumstances where those rights were accorded by the State. I make a distinction between rights accorded by the State and rights as between private persons and companies. There is a very simple reason why we believe that those rights should be protected. They would have been born out of negotiations between a State and an enterprise and very often, one has to see it in the context of talking with foreigners or private capital and wooing capital into Guyana. These agreements solemnly made should not be subsequently by legislation be undermined or the potential created in such legislation for the abrogation of those rights given by the State. Here sir, I hope and I trust that the Government does not intend to use this legislation to abrogate current rights. I want to be blunt, yes I want to be blunt about it, I believe that this is aimed at abrogating the exclusive licensing rights that GT&T has under current arrangements. These were agreements entered into by a sovereign State and an investor and anything done even by a subsequent government is going to have an effect on the in image of the country and in particular the attitude of that government towards private investment, for no one can be sure that even if he agrees with the Government in good faith about a contractual relationship that the government will not subsequently use a legislative mechanism to undermine that arrangement. Sir, for us, this is extremely important ... *[Interruption]*

The Speaker: Are you talking about Section 22, Mr Murray? Is that the section you are referring to?

Mr Winston S Murray: Clauses 21, 22 and 23 taken together, sir.

The Speaker: Which would be the one in relation to the point you just

mentioned? Is it Clause 22 specifically?

Mr Winston S Murray: Look at Subclause 20 (2), for example, agreements referred to include -

- (a) *agreement directly or indirectly fix to purchase or selling prices or determine any other trading conditions;*
- (b) *limit or control production market or technical development or investment;*
- (c) *provide for the artificial dividing up of markets or sources of supply;*
- (d) *make conclusion of contract subject to acceptance by other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.*

And under Clause 21:

- (1) *No person shall give affect to an exclusionary provision in an agreement.*

The Speaker: *I thought you were referring to Clause 22 which provides that where the Commission determines that any agreement or trade practice referred to in sections 20 and 21 is anticompetitive, it shall serve an order on the parties stating the reasons for the determination and requiring them...*

Mr Winston S Murray: Yes sir.

The Speaker: I am just inquiring for my own edification.

Mr Winston S Murray: You are absolutely right and it is against the background of Clauses 20 and 21. For example, take Clause 21(1) it says there quite clearly:

No person should give affect to an exclusionary provision in any agreement.

Now that is a very pointed statement and then it goes on to say that *where the Commission determines that any agreement referred to in Sections 20 and 21 is anti-competitive, it shall serve and order and to terminate*. So sir, I am saying that I do and I want this to go into public record that we have no objection whatsoever to the Government seeking to modify the exclusivity of the licence, that is not the issue, but an agreement having been solemnly entered into, we believe the route to achieve this as has been done elsewhere is through a negotiating mechanism. Unfortunately, it seems more and more as though this is a matter that is being taken in the public domain and all kinds of statements are made about it, rather than in closed door sessions in an attempt to negotiate. So we cannot support these provisions to the extent that these provision are intended and can be used to abrogate agreements entered into between the State and an investor and in particular a private foreign investor.

The other thing I want to say sir, is that we believe that as drafted this Bill has serious constitutional implications for the abrogation of those rights, for Article 142 of our Constitution very specifically protects those rights and it talks about circumstances in which there may be, if necessary abrogated and it talks about payment of prompt... (let me see exactly what it says sir, so that I am not misquoted or am indulging in a misquote) *... made by a written law requiring prompt payment of adequate compensation*. So I draw these things to the attention of the government and I wish to say sir that all that I have said is mere speculation on my part so I may be totally, absolutely wrong and I hope that that is the case. If that is the case, then Minister and through you, Mr Speaker, I say to the Minister, I apologise. If, however, it is the case that you have such a hidden agenda, which you have not made explicit at this time, I want to say that we do not agree with this backdoor way and the word *backdoor* entry has been in use a lot in recent times, that we do not agree to such a backdoor mechanism for dealing with something that should be negotiated away. So Sir, on Clauses 20, 21 and 22, the

People's National Congress/Reform will be unable to support the Government in respect of this Bill. Thank you, sir. *[Applause]*

The Speaker: Thank you Honourable Member.

The Honourable Minister of Trade, Industry and Commerce

Hon Manzoor Nadir: Mr Speaker, it was on that one occasion dealing collectively with Clauses 20, 21 and 22 that we had to go to a vote and the majority decision prevailed, but with respect to Clauses 20, 21 and 22, I want to assure that in the drafting in this Bill over the last thirty-six months and the final bringing to the National Assembly of the Bill, no sinister motive was behind the crafting of Clauses 20, 21 and 22 especially with respect to GT&T.

In fact Mr Speaker, what we have in the Bill was the experiences of Jamaica that the CARICOM drafts people relied heavily on and we will see, if we look at the Jamaican legislature and the subsequent other Caribbean countries that will move this same piece of legislation that would have been repeated. I understand the fear and the brief that could be possibly held. I am saying *possibly*, I am not saying that he is holding a brief for GT&T, because even last week I noticed GT&T sponsoring programmes for the opposition. So I am not saying that the Honourable Member came in here with a brief from GT&T, but with respect to these particular sections, it is going to be the norm in the competition legislation that will be the model in CARICOM that these three sections are going to be reflected.

There is, for future agreements, Section 35, which will deal with authorisations to provide for the public good for such agreements. In Section 35 new agreements such as the one that signed to an exclusive arrangement like G&T had over land lines that that will be included.

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Also in Section 59 where there could be the possibility of other such agreements coming under the scrutiny of the Competition Commission, those agreements will have a specific timeframe from the coming into the Act of parties coming to the Commission to see if these agreements could be deemed anti-competitive. So I think there are enough safeguards in this Bill to ensure that the fears of the Honourable Member are well put to rest. I also remember when we dealt with one particular section of this Bill, which dealt with the possibility of this Commission could have overlapping functions with the Public Utilities Commission, we made the amendment that where the Public Utilities Commission has jurisdiction, only that should have the rule of law in this case.

Mr Speaker, we have a very good Bill that has been amended in Committee and I now move that the Bill, as amended, be read a Third time. Thank you.

Question put and agreed to.

Bill read the Third time and passed as amended.

**ITEM 3 - MUNICIPAL AND DISTRICT COUNCILS
(AMENDMENT TO BILL 2005 -**

Bill No. 9/2005 published on 2005-06-20

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

You may now move the Motion for the adoption of the Special Select Committee's Report on the Municipal and District Councils Amendment Bill 2005 - Bill No. 9/2005.

Hon Clinton C Collymore: Mr Speaker, with your permission, I rise to move that the Report of the Special Select Committee on the Municipal and District Councils (Amendment) Bill 2005 - Bill No. 9/2005 be adopted and that the Bill be read a Third time and passed as amended.

Mr Speaker, I wish to say, at the commencement, that the Special Select Committee, which was set up was very instrumental in making the Bill much more profound than it was when it was introduced. *[Interruption]*

The Speaker: Was that due to Mr Vincent Alexander? *[Laughter]*

Hon Clinton C Collymore: Not really! I want to commend the Members on the Opposition side for being quite forthcoming and positive in the way they approached the Bill. I do not want to give the indication that they cooperated throughout. *[Laughter]* With the Honourable Member Mr Basil Williams being in charge in the absence of Mr Alexander, I had a hard time getting the bill properly considered, but they did well.

Mr Speaker, the Report speaks for itself, but I just want to indicate that the Opposition Members made some heavy weather about certain aspects of the Bill and I want to pinpoint two aspects. One aspect dealt with Section 79 (a) which is a brand new section inserted in the Municipal and District Councils Act and those sections dealing with the Local Government Commission.

Sir, if you will permit me to refresh the minds of the Honourable Members, this is what Section 79 (a) says:

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

This part amends Part V of the Principal Act, which indicates who and who are local government officers and quoting from the Principal Act sir:

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These officers are Town Clerk, Municipal Treasurer, City Engineer, Medical Officer of Health and Clerk of Markets.

Therefore these are the persons to whom instructions may be given according to the amendment, if instructions are necessary. It is not that these instructions will be given regardless; if they are necessary, then they will be given.

Honourable Members on the opposite side at the Special Select Committee said that the Minister is engaging in an act which is not necessary; basically that is what they were saying. Where the Local Government Commission is concerned, sir, there is a Local Government Service Commission in the Principle Act, but that Service Commission was never established. At the joint taskforce for Local Government Reform, we discussed this matter of the Commission and we decided to call it a Local Government Commission, to delete the word Service in the title as obtains now in the Principle Act.

The Act does not make any fundamental changes in the Principle Act. It just updates the Act, because we are trying to reserve any fundamental changes as envisaged by the joint taskforce for a subsequent occasion, but there was heavy weather made of it. What are the changes? At the time when the Principle Act was being passed, the Head of Government was the Prime Minister, now the Head of Government is the President ... *[Interruption: 'Are you sure?']* It is not you ... and the various sections of the Act which pertain or indicate Prime Minister those sections, those very words have been changed to reflect President. Now the members of the opposite side are saying that if you want to make changes make a complete change, do not tinker with it. It is not a matter of tinkering, it is a matter of updating the Act, if the Head of Government is now the President, it should be reflected President. So sir, a lot of sections are envisaged here; Sections 98, 97, 96, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119 and 120. Sir, all these numbers pertain to the Local Government Service Commission. We are not tinkering with it, we are just updating it.

Mr Speaker, let me say for the umpteenth time what is the real source of concern of the opposition members; it is the power which is now vested in the Commission that is being exercised by the Minister, they do not like it. For instance, Sections 116 and 117 deal with disciplinary actions, appointments and things like that, particularly disciplinary actions, they do not want the Minister to have all this authority. They said that the Minister is a dictator. *[Interruption: 'You are a dictator.']* I did not make myself a dictator, they made me a dictator, **[Applause]** because for twenty-eight years they had the Act and they did nothing to it. All the powers of the Act were vested in the then Minister of Local Government, now because the shoe is on the other foot, you are walking with problems. Mr Speaker, basically that is it.

I want to repeat that Special Select Committee dealt with the matter in a very amicable atmosphere, productive atmosphere and these are the two main areas I can discern with which the opposition has a problem. Thank you. *[Applause]*

The Speaker: The Honourable Member Mr Alexander

Mr Vincent L Alexander: Mr Speaker, the position of the People's National Congress/Reform on this Bill - the Municipal and District's Councils (Amendment) Bill 2005 - was well articulated and well represented in the debate in this House. Under normal circumstances, there would be no need for anyone from this side to rise to speak on the Report, because our position has been consistent, has been articulated and has been recorded.

But Mr Speaker, we have been forced to speak to this Report, because notwithstanding the fact that the Committee (I am reliably informed), worked in a very amicable atmosphere, the Report is not altogether a reflection of the conclusions which the Committee arrived at and I am quite sure that my colleague on the other side the Honourable Minister Collymore will concur with me in his usual modest and honest way. So

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Mr Speaker, I am forced to speak the Report.

Mr Speaker, there were two provisions in the in the Bill, already referred to in a pre-emptory manner by my colleague, which the People's National Congress/Reform sought to have its position recorded in a particular way. Those provisions are Sections 79 and 95. When I attended the last meeting of the Special Select Committee, in concurrence with the positions that had been taken by my colleagues at previous meetings, we reiterated our concern in relation to the amendments provided for under Sections 79 and 95 and we specifically asked at that time that our concerns and our disassociation with the amendments be recorded in the Report. We specifically asked for that. And what do we find in the Report? We find that at the 11th provision of this Report, it states:

The Committee decided that the status quo of those sections under Provisions of the Schedule which were deferred by it were to remained as presented in the Bill. It further decided that those issues should be revisited after the reform process on the Electoral System on Local Government.

Now Mr Speaker, we had, as I said earlier, specifically asked that our position on these two provisions be recorded and if my memory bears me right, the Honourable Minister on that occasion did indicate that in fact he would consult with his colleagues and consult with the Cabinet in particular, to determine whether there would be in a position to accommodate the proposals which we were making, and did go on to say that if there was an accommodation, then he would make the necessary amendments to the Report to reflect the accommodation, and if there were no accommodation then the Report would correctly note the position that we would have taken. Unfortunately, I am not casting blame here, the Report has done neither of the two and that problem is also reflected in the Minutes of the meeting, which remained unconfirmed for good reason, because we had no other meeting since, and which will become confirmed in a sense when this Report is adopted. The Minutes there also do not correctly reflect what took place. Paragraph 5.4.2

incorrectly says:

In response to a query ...

They reduced the People's National Congress/Reform's position on important matters to a mere query.

...by Mr. Alexander, the Chairman advised that Sections 79 and 95, in addition to others were deferred, and the Committee has agreed that the status quo of those sections would remain as presented in the Bill under provision of the Schedule.

I have already referred to what in fact was agreed. So Mr Speaker, in that context, I would like to take the opportunity to reiterate our positions on those two provisions. On the question of the amendment proposed by Section 79 (a) which reads:

The Minister may give instruction of a general or specific nature which instruction shall take precedence over any other instructions given to that officer by any Local Government Officer in the Municipality.

We would like to make clear that we consider this an attempt on the part of the Government to be able to superimpose decisions on Local Government Authorities. Local Government Authorities are elected bodies and notwithstanding the fact that they may not be the ones who are involved in the exercise of national sovereignty, we feel that in which ever sphere of operations they are empowered to be the Government for, then it should be unfettered and the Minister should not be able to step in at his whim or fancy and to give instructions to statutory officers, because the officers referred to here are statutory officers, who have powers under the same Municipal and District Council Act. So we take objection to this particularly, in the light of recent indications that on simple matters pertaining to demolition offences that there had been this

kind of action, where the Council has not been able to deliberate and collectively instruct his officer on the way forward, but you had purported intervention of Minister to deal with a simple matter of whether someone whose fence, a determination of which could be made within statutory context, should be demolished or not, was demolished on Ministerial instruction. So the writing of the misuse of such a provision is clearly on the wall and we cannot in any way be party to such a provision. Given the fact that when you talk about democracy and you talk about widening the scope of people's involvement, there is where the local authorities are given certain powers and they should be allowed to exercise those powers and not have Ministerial intervention.

Mr Speaker, the other provision that we are concerned about is Section 95. The Honourable Minister has sought to explain why they have tinkered with Section 95, but I attended a session on legal matters only this morning and it was drawn to my attention that legislation may become obsolete on one hand, may be repealed on the other hand or may be in conflict with new legislation and that in all of those instances one should not any longer see that legislation as a source of law. Our Constitution in Article 78A - the amended Constitution of 2001 - has provided for:

Parliament shall establish a Local Government Commission, the composition and rules of which empower the commission to deal with as it deems fit, all matters related to the regulation and staffing of local government organs and with dispute resolution within and between local government organs.

Mr Speaker, I humbly submit that by virtue of this Article that the provision in the Municipal and District Councils Act for a Local Government Service Commission may have been repealed, may be in conflict with and may no longer be applicable in law. Therefore to go back to that same provision and attempt to lift from the Constitution the name of what should be altogether a new Commission and seek to insert that name in the extant but obsolete provision, suggest that we are not quite sure of what we are doing. The Constitution says, *Parliament shall establish a Local Government Commission*. No taskforce did not

decide that the Commission should be called a Local Government Commission, we are so instructed by the Constitution. Therefore I do not understand what it is we are trying to do in the face of this provision in the Constitution by going to the law which has been overtaken by this new provision and tinkering with it as if we are updating it. For what purpose is it being updated? What we should be doing is making sure that we get on with the establishment of the Commission as provided for under the Constitution. We can see no logic and no sense in that amendment and therefore cannot in any way associate our selves with that amendment.

So Mr Speaker, I take my seat by once again making the point that the Committee met in an amicable atmosphere, a number of things were agreed to, but unfortunately, whether by intent or by mission or by neglect or whatever the case might be, the Report does not reflect what the we decided should be reflected in relation to the position the People's National Congress/Reform on the question of Sections 79 and 95. I therefore have no alternative but to ensure that those corrections are placed on the record. I thank you.

The Speaker: Thank you Honourable Member

Honourable Minister Collymore, is there anything you wish to say?

Hon Clinton C Collymore: Yes Mr Speaker. Strange enough, I want to endorse to a large extent what Mr Alexander has said. He came to me earlier before the sitting started and he pointed an omission in the Report. I looked at it and I agreed with his concerns, but I do not want to fault the staff at the Committee section too much for this. If the matters had gone to a subsequent meeting of the Special Select Committee, they would have been corrected. It is a fact that I did say that the concerns raised by Mr Basil Williams and Mr Alexander would have been put in the Report and for some reason this was not done.

So sir, besides that I just want to mention about the Commission, there is a draft of a Local Government Commission in keeping with what is in the

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Constitution and also in keeping with what we discussed at the Taskforce. That draft was partly prepared by Mr Keith Messiah whose credentials no one can fault, so it is there, it is just that it needs some fine tuning, because Mr Messiah did not give us a complete draft and I do not want to go into that sir.

We have to get another person as eminent as Mr Messiah to do further work on the Commission, but the Commission exists in draft and what I have assured Mr Alexander I would do in consulting the Cabinet was to find out how the Commission would be established, if it going to be a Commission by a simple majority of the National Assembly or whether it is going to be a Commission entrenched in the Constitution by a two-thirds majority. Mr Alexander, according to my memory has been indicating that you are an entrenched Constitution. Well I have no such mandate from the Cabinet and at the same time, this matter of the Commission on other things should definitely be taken on board when there is going to be a full scale overhaul for the Local Government system. So Mr Speaker, I agree with the point of Mr Alexander to have his concerns recorded and I therefore move that the Bill be read a Third time and passed as amended.

The Speaker: Thank you Honourable Member

Question put and agreed to

Bill read the Third time and passed as amended.

MOTION

ITEM 4 - FILLING THE VACANT OFFICE OF A MEMBER OF THE PUBLIC SERVICE COMMISSION.

BE IT RESOLVED:

That the National Assembly adopts the Sixth Report of the Standing Committee to address matters relating to the appointment of Members of Commission established under the Constitution, and signifies to the President, the name of Mr Earl Aloysius Welch as the person nominated in accordance with Article 200(1)(b) of the Constitution to be appointed to fill the vacant office of a Member of the Public Service Commission.

The Speaker: The Honourable Minister of Home Affairs.

You will now move the Motion as set out in the Order Paper. You may proceed.

Hon Gail Teixeira: Mr Speaker, I wish to move the Motion standing in my name as Chairperson of the Appointive Committee and read for the House, be it resolved in the National Assembly the Sixth Report of the Standing Committee to address matters relating to the appointment to Members of the Commission established under the Constitution, and signifies to the President, the name of Mr Earl Aloysius Welch as the person nominated in accordance with Article 200 (1) (b) of the Constitution to be appointed to fill the vacant office of a Member of the Public Service Commission.

Mr Speaker, the Report that has been tabled here at the last session of Parliament is very clear on the procedures we followed and it chronicles the events leading up to the decision by the Appointive Committee to support Mr Welch's nomination. It also discusses the procedures that were used. We reverted as a Committee by agreement and it took us until 21 February 2006 to revert to an agreement to use the same mechanism that was originally used in naming the Commission members in 2003.

Therefore the three unions were written to and two of the unions responded the Public Service Union and FUGI. The Committee then dis-

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cussed the matter and on 7 March decided to recommend Mr Welch. We then drafted the Report which was circulated and discussed on two occasions and we then decided as a Committee to table our Report. So we are very happy that we are able to do so today. We know that the process has taken a long time and we wish this House to recognise that the discussions went on for a long time to try and reach unanimity. I thank you very much.

The Speaker: Thank you Honourable Member

The Honourable Member Mr Mc Allister

Mr James K Mc Allister: Mr Speaker, I rise with some measure of concern to speak on the matter of the appointment of a member to fill the vacancy in the Public Service Commission. It is my understanding that when the Appointive Committee was established, the intention was that it was to bring some measure of transparency to the appointment of members of Commission and indeed the establishment of commissions. The Public Service Commission sir, is an important Commission for which we would require a fair measure of transparency as relates to the appointment of members.

Mr Speaker, with your permission, I wish to refer to the circumstances surrounding the first Report from the Committee as relates to the appointment of members of the Public Service Commission. If you can recall sir, on that occasion we had difficulties with the manner in which the Committee or rather the Government side, having the majority on the Committee proceeded on the matter as it relates to the identification of members.

On that occasion we objected to what we perceived to be the creation of a Paper Union, the Public Service Senior Staff Association, sir. A Paper Union which did not exist before and basically we thought then

this union was created solely to ensure that the person selected and identified by the Government side is placed on the Public Service Commission. We thought that that was not in good faith, we thought it was really undermining what was intended with the establishment of the Appointive Committee.

However, I note that in the Report, it is stated that the Committee on that occasion was unanimous as it relates to the submission of the names of Mr Leslie Melville and Dr Kissoon. I wish for the record to say that on that occasion we objected to the procedure used. However, the Government then used its majority and proceeded to appoint the two Members, because as you know sir, the matter of the Public Service Commission merely needs a simple majority. I was informed that the Commission was established and the Commission was functioning. Subsequently, we were informed at the level of the Committee that Mr Leslie Melville had tendered his resignation for personal reasons. Mr Speaker, this resulted in a very, very strange behaviour on the part of the Government's side and we want to put this in the public domain because this is something for the Constitutional Review Committee. Mr Melville by letter indicated that he had resigned.

However, we still had at the level of the Committee members from the Government's side say to us that they do not know that a vacancy exists, and so we have this long debate as to whether a vacancy existed and who should signify that a vacancy exists. We wrote the Office of the President and we got a reply, not confirming that the vacancy existed. I must say this Mr Speaker, it is only on the occasion when the Government's side did not have the majority at the meeting, we were able to have a consensus that we should proceed on the basis of the letter that the Committee had in its possession that a vacancy existed. So this may be something that we would want to look at, because this seems to be a gray area, because on that occasion I sensed that the Government's side had no interest in filling the vacancy, since the union had already indicated who it would like to replace Mr Leslie Melville. Mr Speaker, we then proceeded to consult. On our side, there was a point of view that was put forward that it would appear that Mr Melville having been a

nominee by the Public Service Union ... maybe we should approach the Public Service Union for another nominee. The Government's side disagreed. They said that we should consult with all three unions. We raise the issue then that theoretically we have the situation where both persons could be from the Paper Union, anyway again the Government used its majority to proceed to consult with all three unions and we have nominations from FUGI and from the Guyana Public Service Union. Now it is at this point we encountered serious difficulties.

Mr Speaker, at this point the Government's side proposed and I noticed at the first meeting that the Honourable Minister of Home Affairs said that the matter was delayed in an effort to arrive at consensus. There was no such delay to arrive at consensus as relates to the nominees, because on the deadline date for the submission of the nominees the Committee met and on that very date the Committee proceeded to identify the person in what manner?

It was proposed by one of the members that we go to the vote, we have two nominees, we go to the vote. We found this to be very, very unacceptable, because we said earlier that the Appointive Committee was intended to raise the quality; it was intended to add transparency and we had a similar request. We said to the Government's side, if the Parliament received nominations from two organisations, the minimum the Parliament can do, is to request information about those persons. Let us ask for their CVs, let us investigate their background. In these days of drug lords, the Parliament cannot just take two names and decide that we will vote on the names. So we were saying basically to the Government's side that let us do a simple check, let us look at the credentials of the persons and on the basis of the qualifications, background and competence of the person, the Committee can make an informed decision as to who it will suggest to the National Assembly to be the person to replace Mr Leslie Melville. I thought that that was a reasonable position. However, the Government's side was of the view that the best way to go was to have a vote, so on the very day we received the names, there was a proposal for a vote at the level of the Committee and I wish to say that it was a partisan vote whereby the nominations and the vote on this

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issue was basically only supported by the Government's side.

I note that the Report makes no mention of the fact that this is a partisan proposal. It makes no acknowledgement of the fact that there was a proposal for a different procedure to be used in selecting or in identifying the person.

Now Mr Speaker, I said at the beginning that the establishment of the Appointive Committee was intended to lend transparency and, indeed, to improve the quality of the Parliament in the way in which it goes about its business.

I regret to report that my time as a member of the Appointive Committee has caused me to conclude and as it relates to this Committee, this objective has not been achieved. I must report that it would appear that there is gross abuse of the entire process by the Government's side whereby it would appear that we have an extension of Freedom House sitting under the guise of an Appointive Committee in the Parliament with Members of the Opposition just sitting there to observe. There was no attempt to rationally discuss the nominations. There was no attempt to justify why you want one candidate as against another. There was no attempt to accommodate even a view and when the Opposition Members attempted to raise the issue to have a discussion, so that there can be a general understanding as to why the Government's side would favour one candidate against another. Even that the Government refused to do, even to explain why they would want one candidate as against another. The Government refused to do that and the Honourable Minister of Health in his normal style moved the motion, let us go to a vote. Well the government has voted and they have brought this Report to the National Assembly. I note it is claimed that it is a Report of the Standing Committee to address matters relating to the appointment of members of Commissions. I wish to say Mr Speaker, that in theory it is a report from the Committee, but in reality it is a report from the PPP/C and it could have very well been a document emanating out of Freedom House crafted by the boys down there, because this is the reality and this is the situation.

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Mr Speaker, the PNC/R therefore finds it very difficult to support this Report. We find it very difficult to lend support to the conduct of the Government as relates to the Appointive Committee and we will at the appropriate time make the necessary recommendations to the Constitution Review Committee to have the purposes of the Appointive Committee reviewed, because we believe there are major loopholes and the Appointment Committee is not achieving the objectives it was intended to serve. I thank you. *[Applause]*

The Speaker: Thank you Honourable Member

Honourable Member Mrs Holder

Mrs Sheila VA Holder: Mr Speaker, I rise reluctantly to attempt to clarify some of the misrepresentations that I hear taking in this House this afternoon.

As a member of this Committee, I have to say unequivocally that the Honourable Minister, Chairperson of the Committee has on many occasions exhibited a great deal of patience and willingness to ventilate the issues. It is for this reason that I am extremely surprised to hear my Honourable colleague, sitting a stone's throw away from me, make the kind of presentation that he did a while ago. For that reason, I believe that I have no other choice but to dissociate myself from his comments, *[Applause]* because I have no association with the People's National Congress/Reform and I resent the idea; I resent the comments that there is a member of that Committee that I have taken instructions from Freedom House. *[Noisy Interruption]*

The Speaker: Allow the Honourable Member to speak please. Honourable Members, you are interrupting the Member on the floor, can I ask you to please show some courtesy to the Honourable Member and allow her to speak.

Mrs Sheila VA Holder: Mr Speaker, first of all, I would like to deal with the issue of the Public Service Union, writing the Appointive Com-

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mittee to inform us that a Commissioner Mr Melville had rendered his resignation.

The Honourable Member Mr Mc Allister, appeared to conclude that the Appointive Committee should have taken instructions from the Public Service Union and I disagree.

I thought that we did the proper thing by writing officially to the Public Service Commission to ascertain the accuracy of that notification from the Public Service Union. It is the normal procedure, it is the proper procedure and I do not see the occasion to create a contention over such a procedure.

The second point that he made relates to the appointment of a gentleman that I consider to be a decent gentleman in this society in which we operate. Mr Aloysius Welch was one of the two nominees presented to the Appointive Committee and contrary to the Member's comments, I ascertained the nature of the gentleman's character and I can find nothing that will cause me to be alarmed. In addition to that, the gentleman was also nominated the first time the Appointive Committee sat to consider appointing members to the Commission.

Mr Speaker, I know that we are in the silly season of electioneering, but it is very clear to me that the one opportunity that the members here had to secure the appointment of their favoured member was lost. What the Honourable Member did not say is, on the occasion on which he referred that the decision was taken, there was only one member from the PNC/R present out of four. If they were there, their votes alone could have gotten their favoured member appointed, but they were not present. In addition to that the Honourable Member walked out.

Mr Speaker, I believe that the work of the Appointive Committee has been conducted in the appropriate manner. Mr Speaker, I can find no fault with the process and I participated virtually in every meeting, and I can say nothing is wrong with the process. So on that reason, Mr Speaker, I support the appointment and the Report. I thank you. *[Applause]*

The Speaker: The Honourable Member Mr Williams

Mr Basil Williams: If it pleases you, Mr Speaker, unfortunately I rise to disagree with the Honourable Member who just spoke.

As to the procedure adopted by the Committee, as a newly appointed member to that Committee, I found that the approach in appointing and filling the vacancy in the Public Service Commission atrocious, to say the least. I am simply disappointed in the process used and in the indecent haste which attended the appointment. *[Interruption]*

The Speaker: Honourable Member, please be careful with your language, this is a different place to any place else, words like *atrocious* and *indecent* are not words that are used in this place. We have children, we have students, we have all sorts of people listening to the debate. I am sure you would not want any of the children in school to be following this type of language. I thank you.

Mr Basil Williams: My humble apologies. Mr Speaker, just to illustrate and to add on what the Honourable Member Mr McAllister said on this side. The entire regime that was adopted in the case of these appointments really was geared towards more or less arriving at consensus in determining membership to these commissions, so that if one has recourse to Article 200 relating to the Public Service Commission. The Public Service Commission inter alia should consist of six members to be appointed in the following ways and we go to:

Article 200 (1) (b)

two members appointed by the President upon nomination by the National Assembly after it has consulted such bodies as appear to it to represent public officers or classes of public officers.

Mr Speaker, you just had a historical account as to what happened on

the last occasion in Constituting the Commission, but I have with me here Form 3 of the Trade Union Certification of Recognition Regulations 1999 and what purpose the certificate issued to the recognised majority union and this was issued on the 16 May 2000 to the Guyana Public Service Union as the recognised majority union in respect of workers employed by the Government of Guyana Public Service Management to which workers in the Public Service appointed by the Public Service Commission. So Mr Speaker, there is no doubt as to the standing of the Guyana Public Service Union in terms of the Public Service workers. It is the pre-eminent union and it is the contemplation of the framers of this Constitution that such a union should have a representative on the Public Service Commission, because they have thousands of workers. Now why do I say that Mr Speaker? If you look at the correspondence issued at the last occasion and even now in relation to the filling of this vacancy ... If I might respectfully refer to this Honourable House to a letter dated 24 February 2006 to the General Secretary (Acting) of the Guyana Public Service Union and penned by our own Maurice B Henry, Head of the Committees Division, captioned *Filling of the vacant office of the member of the Public Service Commission* and in this letter inter alia it was said, the Committee wishes to advise you that it has involved the Federation of Unions of Government Employees and the Public Senior Staff Association in this process. It therefore encourages the Guyana Public Service Union to collaborate if and where possible with these two bodies on the selection of the persons. The Committee's encouragement of collaboration among the three bodies will also be conveyed to the Public Service Senior Staff Association and the Federation of Unions of Government Employees. Let us, for example, cancel out the Senior Staff Association Mr Speaker, because at Page 4 of the Report Paragraph 4.3 says, the Public Service Senior Staff Association did not respond to the Committee's request to submit a nominee. So there is no question of any collaboration in that regard, but Mr Speaker, what I wish to show you is the time span that was adopted by this Committee to fill a vacancy so important in the context of our society.

Let us begin with the first letter on 9 April 2005. That letter was the letter

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sent by the General Secretary of the Public Service Union when the Appointive Committee purporting to inform them of the vacancy. The Honourable Member Mr McAllister told you what happened there and how long that dragged out.

Then on the 31 May 2005, another reminder was sent to our Committee speaking to the filling of the vacancy.

It was on 24 February 2006 that this letter was then sent by the Committee to the Union, inviting them to nominate a person to fill the vacancy.

On 3 March 2006, the Union submitted Mr Yarde's name. Mr Yarde's name was submitted since 9 April 2005 and that name had met with all kinds of problems on the Government's side. There were all kinds of queries as to whether as head of the Union Mr Yarde could possibly sit on the Public Service Commission and all of that, but there was no limitation stated in the Constitution as to which member a union could nominate to fill a vacancy to sit on the Public Service Commission. There is no limitation and no disqualification. So the union again in response submitted Mr Yarde's name and this was on 3 March. So we are talking about a turnaround of a week. The letter of invitation sent to the Union, GPSU responded by 3 March. Mr. Speaker, that letter which could encourage collaboration certainly must recognise that three Unions are involved they would need to talk to each other and also that the Committee would need to see any evidence of any collaboration. Nothing whatsoever about collaboration was submitted to the Committee, so what I want to say is, on 7 March the decision was made to appoint Mr Welch in circumstances where the PNC/R's representative had walked out; in circumstances where it was only a two-week span; it took a two-week span to fill this vacancy in the Public Service Commission. That could not be right Mr Speaker, because why would you on one hand speak to collaboration and on the other you did not afford the parties the time to consult and collaborate as to who should fill the vacancy. But then you go to the very next meeting, because it was the very next meeting after the letter was sent, you decided that you are going to select Mr

Welch.

Now the Honourable Member spoke of Mr Welch as being a decent man, et cetera. I do not know anything indecent about Mr Welch and I do not want to get into problems with you again, Mr Speaker, with the word *indecent*. What is relevant about that statement is what is found in this letter of 24 February 2006. These two paragraphs do not inhere in the very first letters in this connection in 2003. This is what the Head of the Committees Division is admonishing the Public Service Union to address inter alia, the process, the procedure used to select the person must be demonstrated to be unbiased and transparent and it is important that the Committee be informed of the process procedure actually used for the selection. That is what our Committee purported to tell the PSU, that they must inform the Committee of the process of procedure used to select the person and that it must be demonstrated to be unbiased. I do not know how we could go into the internal affairs of a private individual union.

In the next paragraph, the person selected by the union must be a person who is competent to contribute positively to the work of the Commission and who is committed to ensuring that he discharges all his functions. He or she should have earned public respect and be of unquestioned, unblemished, honest integrity.

Now if the Honourable Member who voted for Mr Welch is saying that Mr Welch is a decent man sir, by implication could it not be said that the other contender Mr Yarde was not considered to be in that category? In the first place, what accounts for this departure from the very first set of letters sent in the previous process that never had anything? So what is important is this, when the first letter was sent in 2003 no nominee was known, now this letter on the 24 February 2006 was sent, a nominee was known. So it was unfair, so Mr Yarde was not given a chance to have his name properly considered by our Committee and I do not know if this word would also be rejected Mr Speaker, but I consider it respectfully a travesty of the process. It is a great travesty of the process. There was no proper deliberation, the whole process took two weeks

when the last one took almost a year and one half, there was no evidence of receiving any evidence of collaboration on the part of the unions. In fact, one union clearly said they were disinterested and the result is that the pre-eminent union in the Public Service, who with thousand of members, is unrepresented.

Mr Speaker, respectfully, I am contented that this is just another window, another insight into the attitude of the Government towards the Trade Union Movement; its attitude towards unions whose views do not necessarily coincide with theirs and who are not necessarily malleable.

For example, you look at the Trade Union Recognition Bill that had been proposed, this type of arrogance that is coming out and the attitude towards the Unions is not in keeping in what is contemplated by the Constitution. How could you now justify not having the pre-eminent union represented on the Public Service Commission?

Mr Speaker, it is in this context that the People's National Congress/ Reform will find itself both unable and unwilling to support this Report that is being presented in Parliament today. Thank you, Mr Speaker.
[Applause]

The Speaker: Thank you Honourable Member

The Honourable Minister of Health

Hon Dr Leslie S Ramsammy: Mr Speaker, like the Honourable Member Mrs Sheila Holder, I also reluctantly stand up this afternoon to speak on this Motion. Certainly, Mr Speaker, I support the Motion as presented by my colleague the Minister of Home Affairs, Minister Teixeira.

I stand here to also clarify a number of issues raised. Mr Speaker, this Committee, like other Committees, is restricted in a sense, because there

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are few of us serving in many Committees and there is difficulty in attending all the meetings that we have to attend.

This Committee perhaps more than any other Committee suffers from attendances and I am glad this afternoon that the Honourable Members Mr Basil Williams and Mr McAllister stood up to speak, because I think this Honourable House and the public should have an opportunity to look at who is representing their interests. And if you look at attendances, you would see, for most of the meetings the PNC/R's Members on this Committee are either absent or one of them would show up. Very rarely would you have more than one member, very rarely.

Mr Speaker, I want to refer to the meeting of 7 April, because I chaired that meeting of the Special Select Committee. At that meeting, the one PNC/R's member that showed up was Mr Mc Allister, who showed up late and promptly informed the meeting that he has to leave and at 3:30 p.m. and he did leave. As Chairman, I was not aware whether he was leaving as announced or he was walking out of the meeting and that is the God's truth as to what happened at that meeting.

Mr Speaker, this Committee has suffered through its life from the fact that members are absent and then they show up and they want to revisit decisions that were taken previously. I think it is unethical and I accept that not all of us can attend all of the meetings, but I can vouch that like other members I am a very busy person. But there are few meetings of this Committee or any other Committee that I have been absent from, because I take my work seriously. All of us represent the people of this country in this Assembly and we need to take it seriously. And when we cannot attend a meeting, we must allow those who are present to carry on the work. It is absolutely unfair, not only on the members who attend, but for the people of this country that their interests are deferred, because people don't find it convenient to attend.

The Standing Orders are quite clear that meetings can be carried on as long as there is a quorum. The decisions of the Appointive Committee have been done at meetings at which there have been quorums. I think

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that it is only ethical, it is also legal that people should respect the decisions that our Committees make. We sit collectively and we make decisions collectively, when members are absent then they abrogate their responsibilities to this House and to the people of this country. *[Applause]* And they must not come to this House and self-righteously speak as if they are being railroaded. They abrogated their rights to participate and I want to commend all those persons, who took the time to come out and participate, giving of all of the efforts that they can in order to serve this House and in order to serve the people of our country. Mr Speaker, I would like to address other Committees too, but at an appropriate time. I can say this that if we do an attendance of every Committee in this House all that I have served on I would rank on the very top of those who attend meetings, any one of them and I challenge any member of this house to look at attendance of Committees.

Mr Speaker, we had a process to follow, the same process we followed the first time around and it came to this House and was unanimously supported. It is the same process that we followed. I am happy today that we can fill the vacancy. Before I take my seat Mr Speaker, I was the one on the Appointive Committee the first time around that nominated Mr Melville and he was unanimously supported. I want to publicly, on behalf of the colleagues on this side of the House express our gratitude to Mr Melville for the work he did and wish him well. I want to also publicly, if this House is to approve the Appointment of Mr Welch, to wish him well. Thank you, Mr Speaker. *[Applause]*

The Speaker: Honourable Minister of Home Affairs.

Hon Gail Teixeira: Mr Speaker, it would have been nice if maybe our friends from the other side, from the PNC/R had not tried to get into detail, because the evidence of the Committee is there for all to see and anyone to see are the minutes. I believe, it is very dishonourable to call it

Freedom House Committee or a Committee that is controlled by the Government. This is dishonourable.

The Honourable Member Mrs Holder has been one of the most consistent and helpful member of the Appointive Committee and therefore I think this type of approach is wrong.

However, let me just say a couple of things. The Report is there as other speakers have said and the accusation of transparency and haste and all these other things used. How can the Committee be accused of haste, when this issue was before it from 5 April by the letter generated by the Public Service Union on 4 April 2006? In other words, almost a year to the date, because 9 April the Union wrote us in 2005 and 4 April 2006 was the final decision amended report was presented in this house, on entire year. And if the Committee were to be criticized of anything, it is not of haste, but of taking an awful long time to deal with this issue. In fact, I expected the criticism that we were slothful on it; in fact what we are being accused of is a certain type of speed.

Mr Speaker one of the problems in the Appointive Committee, which my colleagues Hon Dr Ramsammy and the Honourable Member Mrs Holder on the opposition side have also made. One of the problems for the Committee that we have been having with the representatives of the PNC/R is that of very poor attendance and when a person attends and agrees to the decision, at the next meeting another member comes and challenges that decision of a member of his own party has agreed to in the Committee. Mr Speaker, we have been going round in circles, when the poor Honourable Member Mr Allen, at a meeting on the Women and Gender Equity Commission, agreed to ask for the report, agreed to table it, and then afterward the whole issue had to be reversed and then we came to this laudable House and we lost the vote, because it required two-thirds majority, to great confusion to the women of this country to set up a Constitutional Commission.

So too on the issue of the Public Service Union, on the issue of the filling of the vacancy in the Public Service Commission, this Committee, as the

Honourable Member Mrs Holder correctly pointed out, could not act on a letter from the Union. It had to get information from the Public Service Commission that a vacancy existed. The decision ... in December we discussed this issue between June/July and then we broke for recess, we came back in December and met and the whole issue was ... we only met in December ... [Interruption: 'Why?'] I am on the floor ... the discussion took place where we tried to find the solution on it. It had been going on June/July/ December. We decided that there were different proposals that were made in terms of reverting back to the other persons who were nominated in the 2003 process, because the alternate with Mr Harmon for the PSU and Mr Welch who was the representative of FUGE. So Mr Welch's name was also in the 2003 selection process. When we finally took the decision after much discussion in which the Honourable Member Mr Williams said that he would study the matter and come back with an opinion and all of these things of which we waited several meetings for. On 21 February 2006, this body - the Appointive Committee - made the following decision and I quote from the Minutes of 21 February:

Mr Williams informed the Committee that he had since reviewed the process and was satisfied that the Committee should adopt its original process which was to go back to the original mechanism, go back and consult all three unions.

At that meeting, the decision was taken to write all three unions, PSU, FUGE and the Senior Public Servants Staff Association - 21 February - the deadline was given in March. We met in 28 February and we waited for the meeting of 7 March, where two nominees came in, they were Mr Yarde from the PSU and Mr Welch from FUGE. The Senior Staff Association's letter came in after the deadline declining to name anybody, declining and that letter was received and discussed by the Committee on 4 April meeting. So there was no attempt to throw all sorts of confusion in by my Honourable Colleague Mr Mc Allister across the floor, that somehow this mystical illusion was influencing the decision, was not a factor at all.

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We had asked for bio data, Mr Welch's bio data was already in the Committee's possession from 2003. Mr Yarde's submission from the union did not include his bio data.

Mr Speaker, this Committee cannot be held to ransom in terms of its inability to make decisions. On the issue of filling a vacancy, it is put to this House for a decision. The Committee sat and took after 7 March, the meetings of 21 March, 28 March and 4 April.

Again, our colleagues, the absentee rate of the first speaker on the PNC/R's side Mr McAllister is something that he and his party may wish to address. But Mr McAllister out of 1, 2, 3, 4, 5, 6, 7 meetings from December last year to now has attended only one meeting. Mr Williams has attended some meetings. Mr Ivor Allen on 7 March, the date decided upon for us to make the decision, poor Mr Ivor Allen alone was there for his party. [*Interruption: 'Why are you calling Mr Allen poor?'*], because he was there alone fighting your battle and then you have other members counteracting what he does in the meeting. The 7 March meeting had three members of the PPP/C, one for PNC/R and one for GAP/WPA. The decision from the Minutes was taken and the Minutes were not corrected subsequently. The Minutes read as follows:

the nominations were raised for Mr. Welch, Mr. McAllister did not make a counter nomination, he did not even nominate Ms De Haarte.

He then left the meeting ... it is now called the walk-out, it was left the meeting ... and at that point the Committee declared Mr Welch nominated and duly nominated.

I do not mind criticisms, but let the criticisms deal with the process and the matter be an ethical point of view.

This Committee cannot function in this unwieldy manner. Mr Speaker, we have tried our best I wish to assure you as a Committee to overcome differences and in some times really, really stretch the patience of everybody. We have tried our best, we have tried to meet the concerns, the

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Committee by a majority decision, we have never had a meeting when there was never a quorum. I wish to assure you Mr, Speaker, we would never dare do such things, but as Committee, we have to move on. We have other business in the Appointive Committee which we are trying to conclude in time, but they are caught up in the same problem that we are going around in circles. We think we have made a decision and then we come back and repeat to go over it again. We are regurgitating the same thing over and over again.

So Mr Speaker, I ask your indulgence to allow us to proceed on the issue of this Motion on the Sixth Report before the House and the support of the nomination of Mr Welch to the Public Service Commission. I thank you. *[Applause]*

The Speaker: Thank you Honourable Members.

Question put and agreed to.

Motion carried.

YOU MAN NABI GREETINGS

I wish to express good wishes to all out Islamic Members of the National Assembly and I am sure on your behalf, you would like me to express the National Assembly's good wishes to all Muslims of Guyana. Thank you very much.

Honourable Members, this brings us to an end of our business for today.

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The Honourable Minister of Parliamentary Affairs

Hon Reepu Daman Persaud: Mr Speaker, I wish to move that the National Assembly be adjourned to Thursday, 13 April at 14:00h.

The Speaker: The National Assembly is so adjourned.

Adjourned Accordingly at 15:55h