

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2012-2013) OF THE TENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

37TH Sitting

Thursday, 7TH February, 2013

Assembly convened at 2.24 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Mr. Speaker: Hon. Members I do have a few announcements, some a bit on the macabre side.

Death of a four year old in Linden

Mr. Speaker: First to say that in my own right as Speaker and I believe on behalf of the entire Assembly, I wish to express our sorrow and sympathy on the brutal slaying of a four year old child yesterday in Linden. I believe that we can all agree that that went beyond anything we could have ever imagined in this country. So I know that I speak on behalf of the collective Assembly.

Death of Mr. Aubrey Bishop

Mr. Speaker: I wish to also express my own and I am sure the Assembly, sympathy to the family, relatives and former associates of late Chancellor of the Judiciary, Mr. Aubrey Bishop who later became an esteemed Professor in Law at the University of Guyana. He held other portfolios as a football referee. I remember him well running on the field. We express our sorrow and sympathy to the relatives.

Visit of students from Regma Primary School

Mr. Speaker: On a lighter note, I would like to welcome this afternoon the visiting class, Grade 6 A from Regma Primary School, Region No. 10. I would ask that they stand. They are accompanied by their teacher Mrs. Michelle Mc Intyre. We welcome you. This is the class that will be writing the Grade 6 Assessment in a few weeks. I explained to them this afternoon that they will see, live and in person, the Hon. Prime Minister, the Leader of the Opposition, Ministers of Government, and the mace will be put out. Welcome and thank you. Please be seated.

PRESENTATION OF PAPERS AND REPORTS

The following Papers and Reports were laid:

- The Audited Financial Statements of the Guyana Electricity Corporation Inc. for the year ended 31st December, 2009.
- The Audited Financial Statements of the Guyana Electricity Corporation Inc. for the year ended 31st December, 2010.
- The Audited Financial Statements of the Guyana Electricity Corporation Inc. for the year ended 31st December, 2011.
- Financing Agreement No. 4969 GY dated 30th September, 2012 between the Cooperative Republic of Guyana and the International Development Association for Special Drawing Rights (SDR) \$6.2 million special drawing rights for the University of Guyana Science and Technology Support Project.
- The Dollar Credit Line Agreement dated 30th October, 2012 between the Government of the Cooperative Republic of Guyana and the Export-Import Bank of India for US\$19 million for the purpose of setting up a Multi-Specialty Hospital.
- The Government Concessional Loan Agreement signed on 2nd November, 2012 between the Government of the Republic of Guyana and the Export-Import Bank of China GCL No. (2012)32 Total No. (434) No. 1420203052012112030 for Renminbi Yuan ¥825 million for the Cheddi Jagan International Airport Expansion Project.

- Agreement dated 20th December, 2012 between the Government of the Cooperative Republic of Guyana and the Government of the Russian Federation on releasing the Cooperative Republic of Guyana from the repayment of debt owed to the Russian federation for US\$277,490.24

[Minister of Finance]

ORAL QUESTIONS WITHOUT NOTICE

1. Death of Ms Tirtawattie Shonandeo at the New Amsterdam Hospital

Mr. Speaker: Hon. Members, earlier today two Members of the House indicated to me that they wished to ask questions of Ministers. I considered the matters and viewed them to be important and urgent enough in the context of our sittings to allow them. I call on them in the order in which I was approached. I ask the Hon. Member Ms. Ferguson to rise and ask her questions please.

Ms. Ferguson: Thank you very much Mr. Speaker. The *Stabroek News* of 3rd February, 2013 reported that Ms. Tirtawattie Shoandeo died at the New Amsterdam Hospital while undergoing surgery at the institution on Sunday 20th January, 2013 due to a power failure. The questions are: Could the Hon. Minister of Health or his designate explain to the National Assembly what were the reasons for the malfunctioning of the generator at the New Amsterdam Hospital? Are there alternative systems in place in the event of generator failures? Have disciplinary actions been taken against the porters who reportedly neglected their posts? And what systems are in place to avoid such recurrence?

Mr. Speaker: Hon. Member it is obvious that the Hon. Minister of Health is not here. I know that there is at least one other medical doctor, so I do not know whether that doctor wishes to speak, but I doubt it. In that instance...

Ms. Teixeira: Mr. Speaker, because this is a Question Without Notice there could be no designated person. The Minister is not here and regrettably the question cannot be answered.

Mr. Speaker: I was not about to ask for an answer. I was about to point out that even though there is another medical doctor in the Cabinet, I would not ask that doctor to be designated. I

would ask Ms. Ferguson to submit her questions as she read them out to the Clerk. They would be forwarded immediately, or as is reasonably possible, to the subject Minister for answers. I now invite Ms. Vanessa Kissoon.

2. Payment of Security Services Guards in Region No. 10

Ms. Kissoon: Thank you Mr. Speaker. Permit me before I ask my question to extend deepest condolences to Ms. Nesha Niranjani, the Mother of little four year old, Jamal Nedd, who was brutally murdered yesterday by his stepfather. Also, to bring to the attention of the National Assembly that myself and the Regional Chairman, Mr. Sharma Solomon, visited the victim's home and it was reported to us by eyewitnesses that a seventeen year old was raped by the said young man. It was reported that the attitude of the police officers was... Member of Parliament Pastor Morian was also verbally abused.

Mr. Speaker: Ms. Kissoon if that is so, what we can do is to have that as the subject matter of a separate motion, but we note your condolences and could we have the questions please?

Ms. Kissoon: Thank you Mr. Speaker. Could the Hon. Minister of Labour outline clearly the procedure involved for the paying of security services contracted by Region No. 10 and what arrangements are in place to ensure that these contracted services are paid on time? There was an issue in the newspapers yesterday and I think that the Minister would have noticed that.

Secondly, in concluding these contracts, does the Ministry or Region have in place appropriate arrangements to ensure companies honour their obligations to employees, including wages that were agreed upon - the guards are receiving \$1.20 as against \$1.43 they should receive - uniform benefits and National Insurance Scheme (NIS) contributions?

Minister of Labour [Dr. Gopaul]: Mr. Speaker, I think that those questions should be directed to the Minister of Local Government and not the Minister of Labour.

Ms. Kissoon: Thank you for the correction. Could the Hon. Minister of Local Government...

Mr. Speaker: Do you have a supplemental question?

Ms. Kissoon: No, the question was posed to the Minister of Labour, but I was told that it should be posed to the Minister of Local Government. I am now referring the questions to the Minister of Local Government. Thank you.

Mr. Speaker: Minister, if you are in a position to answer please do so.

Minister of Local Government [Mr. G. Persaud]: Mr. Speaker, forgive me, I did not pay rapt attention when the questions were being asked because the Member named the Minister of Labour. Could the Hon. Member please restate the questions for my benefit? Thank you.

Ms. Kissoon: I will repeat the questions. Could the Hon. Minister of Local Government outline clearly the procedure involved for the paying of security service contracted by Region No. 10 and what arrangements are in place to ensure contracted services are paid on time? There was an issue in the *Stabroek News* newspapers yesterday where the security guards were not paid up to yesterday for January. I am not sure if they received it today either.

Secondly, in concluding these contracts, does the Ministry or Region have in place appropriate arrangements to ensure employees honour their obligations to the employees including wages that are a part of the agreement? The security guards are receiving \$1.20 per hour and they should receive \$1.43 per hour. They have not received any uniforms as yet. And the NIS contributions are they paid.

Mr. G. Persaud: Thank you very much, Mr. Speaker. I wish to thank the Member for raising the questions. Security arrangements are basically done by contract; that is that a company is awarded a contract to provide security. The contractor provides security services in a given geographical area. So with regards to employer and employee relationship, that is negotiated outside of the Ministry. The Ministry's obligation at the contract level is with the service provider. However, with regards to the payment issue, I will endeavour to follow-up with the regional administration with regard to the state of affairs and payments to the contractor.

The final part of the question with regard to employers maintaining their obligations to employees, I think that that can be better answered by the Ministry of Labour. Thank you very much Mr. Speaker.

Ms. Kissoon: Mr. Speaker, could the Hon. Minister outline clearly the procedure of payment because I spoke to Mr. Kanhai from the Strategic Action Plan and he is saying that the Region is responsible for paying him before he pays the security guards. The region has to wait on the... so we would like the Minister to outline the procedure because it is not clear.

Mr. G. Persaud: Mr. Speaker, let me thank the Member for the question and to say I will inquire with regards to the procedure at the regional administration.

Ms. Kissoon: Mr. Speaker, could I ask the Hon. Minister to give a timeline because most of these persons are single mothers and have not been paid; children are not going to school so it is a very urgent matter.

Mr. Speaker: That is fair. Minister do you have any idea?

Mr. G. Persaud: By the next sitting.

Mr. Speaker: By or before?

Mr. G. Persaud: On or before, Mr. Speaker.

Mr. Speaker: Thank you. Hon. Members I should report as well that I received documents from the Minister of Local Government. He did undertake on the last occasion to provide documents and I have received those. Mr. Clerk are you in receipt of a copy of those? [*The Clerk nodded in affirmative*]

Minister, I think in view of the circumstances described by Ms. Kissoon, I am urging you to have your officers expedite the information. Thank you.

QUESTIONS ON NOTICE

For Written Replies

1. CARIFORUM NEGOTIATORS

Mr. Greenidge: During the course of her closing comments in the debate concerning the ratification of the CARIFORUM Economic Partnership Agreement (EPA) on 10th May, 2012, Minister Rodrigues-Birkett claimed that “we have learned many things from that process,

Caricom in particular. We have learned that we must pay our own negotiators. We must not let people who are negotiating with pay our negotiators. We are now negotiating with Canada and we have taken that decision because there were times when one could not differentiate from (SIC) who is paying and who was negotiating. I must say that I say some of that here today...”

Would the Minister be good enough to say:

- (i) In which particular EPA negotiations she participated, and what evidence she has to support this claim of malfeasance on the part of CARIFORUM negotiators and which other CARIFORUM state has made such a complaint?
- (ii) Attached is the list of Members of the CARIFORUM’s College of Negotiators for the EPA, would the Minister please indicate:
 - (a) Which of these persons was paid for their services?
 - (b) Which were paid by the EU, who requested that they be paid and the mechanism by which they were paid?
- (iii) What proportion of the cost of the EPA negotiations was borne by CARIFORUM member states?
- (iv) How does the funding arrangements for the Canada/CARICOM negotiations differ from that of the EPA in relation to the payment of negotiators and the funding of the workshops and negotiating sessions?

Minister of Foreign Affairs [Mrs. Rodrigues-Birkett]:

- (i) The Minister of Foreign Affairs was involved with the negotiations of the Economic Partnership Agreement (EPA) between CARIFORUM countries and the European Union.

To be clear, as a matter of principle CARICOM decided that following the experience with the EPA negotiations all future negotiation sessions will be paid for by Member States of CARICOM. As a result, the budget of CARICOM’s Office of Trade

- Negotiations (OTN) which replaced the Regional Negotiating Machinery (RNM) includes a specific budget for CARICOM-Canada negotiations which is ongoing.
- (ii) Please refer to Standing Order 17(1). The Honourable Minister of Foreign Affairs is not responsible for the payment of the CARIFORUM College of Negotiators which comprises several CARICOM nationals and therefore cannot provide this information.
 - (iii) Please refer to Standing Order 17(1). The responsibility for payment by all CARIFORUM Member States does not fall within the purview of the Minister of Foreign Affairs.
 - (iv) The budget of the CARICOM Office of Trade Negotiations (OTN) includes a budget for CARICOM-Canada Negotiations. This is paid for by Member States of CARICOM. The Head of the OTN reports to the Secretary General including on matters related to funding. This was not the case with the EPA.

2. ENVIRONMENTAL IMPACT ASSESSMENT – HOPE CANAL CONSTRUCTION

Mr. Ramjattan:

- (i) Since the provisions of the Environmental Protection Act 1996 made it a requirement that environmental impact assessments be done in relation to projects which include dams or constructions designed to hold liquid or store it, why was not an environmental impact assessment (EIA) done on the Hope Canal construction?
- (ii) Was this omission to carry out an environmental impact assessment on the Hope Canal construction, not a violation of the Environmental Protection Act 1996?
- (iii) Did the Developer of the Hope Canal Project submit any data to the Environmental Protection Agency?
- (iv) Did the Environmental Protection Agency publish any information on the Hope Canal Project more particularly as to whether the Project may or may not significantly affect the environment?

- (v) Was an Environmental Authorisation issued by the Environmental Protection Agency? Could a photocopy be issued to the National Assembly?
- (vi) If some alternative called an Environmental Plan was submitted, could a copy of that Plan be shared with the National Assembly?

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

- (i) The Environmental Protection Agency (EPA) received an application for Environmental Authorisation (Environmental Permit) on September 10, 2009, for the proposed construction of the East Demerara Water Conservancy Northern Relief Structure at Hope/Dochfour. The Agency reviewed the information submitted and conducted a site visit of the proposed development on September 11, 2009. Based on findings from the assessment conducted during the site visit and the information submitted, the Agency determined that an Environmental Impact Assessment (EIA) was not required but an Environmental Management Plan would be required for the Project. This decision (EIA not required) was communicated to the Developer. Additionally, it must be noted that from the scope of work to be conducted for the project, the foreseen environmental impacts could be mitigated to a satisfactory level. The EMP submitted was used in identifying feasible and effective measures that should be implemented to reduce the environmental impacts related to the project. Subsequently, an EMP was submitted and a Construction Permit was issued.
- (ii) According to the Environmental Act 1996, Part IV section (11)(2)(b), a project would be required to conduct an EIA, if the potential environmental impacts are unclear and may be significant to the environment. As it relates to construction of the Hope Canal Project, these stipulations were not applicable. The requirement to carry out an EIA was therefore not an omission, nor a violation of the Environmental Protection Act, 1996.
- (iii) The Developer of the construction of Hope Canal Project submitted the following information to the Environmental Protection Agency:
 - Feasibility Study for the Project;

- Guyana Floods – UNDAC- Geotechnical and Hydraulic Assessment of the East Demerara Water Conservancy Dam – February, 2005;
 - NDIA – Hydrological and Hydraulic Modeling Studies – CEMCO/SRKN’gineering/Mott McDonald – June 18, 2009; and
 - GOG Task Force for Infrastructure Recovery – Infrastructure Rehabilitation – Short to Medium Term Plan – 12th July, 2005 – Mott McDonald.
- (iv) The Agency issued four (4) types of Environmental Authorisation (Environmental Guidance for the Development, Implementation and Operation of Projects, August, 2006). These are:
- No Objection Letters;
 - Environmental Permits;
 - Construction Permits; and
 - Operational Permits.

Since the environmental impacts of this project were known, not significant, and were mitigating, the Agency decided that a Construction Permit should be issued. For such Permits, a Public Notice is not required.

- (v) An Environmental Authorisation (Construction Permit) valid for two years was issued on October 2, 2012, by the Environmental Protection Agency. A copy of the Environmental Authorisation issued is attached.
- (vi) See Plan attached (Environmental Impact Assessment – Hope Canal Construction)

3. MEMORANDUM OF UNDERSTANDING FOR THREE (3) LAND FILLING SITES

Ms. Wade: On 28th November, 2012, a Memoranda of Understanding (MOU) was signed for three (3) land filling sites. Could the Honourable Minister say to this Honourable House:

- (a) What criteria were used in identifying these sites?

(b) Were there any consultations with the residents in the various areas?

Minister of Local Government and Regional Development [Mr. G. Persaud]:

- The process of identification of sites for the purpose of establishing land fill sites commenced in 2004 as part of the IDB/GOG Urban Development Programme (UDP).
- A consultant was appointed in 2004 and several consultations were held across the RDCs, NDCs and Municipalities during 2004 and 2005, involving Chairpersons and Councillors and other stakeholders in each Local Authority Area. Additional consultations were held in those Local Authority Areas, in which the twenty-two (22) possible sites were identified in Regions 1 to 10, excluding Region No. 4.
- Verification and validation exercises were conducted to ensure that the sites identified were land owned by the State. Hence the Guyana Lands and Surveys Commission (GLSC) was actively involved in this process.
- The Environmental Protection Agency (EPA) was paid by the Project to conduct the standard evaluation and necessary tests to determine the suitability of the sites identified.
- Subsequently 15 sites were found to be suitable by the EPA; this was communicated to the UDP in 2005. Three (3) such approved sites were identified in Region No. 5.

Location of sites

- West of Burma Road
- St. John-Firebrace
- Zore-en-hoop
- The EPA subsequently developed a document which clearly outlined the requirements for the operation of the Land Fill sites in the areas identified.
- The signing of the MOU on 28th November, 2012 along with all the others which were signed in 2012 was therefore taking a process which started in 2004 closer to its implementation state.

- I am very happy that in 2013, our country will have Landfill sites across the other nine (9) Administrative Regions in Guyana and those sites will be operated in strict compliance with the EPA's guidelines for such sites.

4. TOLL FOR SCHOOL CHILDREN TO CROSS THE BERBICE RIVER BRIDGE

Ms. Wade: The cost for a school child to cross the Berbice River Bridge is eight hundred (\$800.00) dollars daily. Could the Honourable Minister say to this Honourable House if there are plans to reduce the toll for school children in 2013?

Minister of Public Works [Mr. Benn]: The Berbice Bridge Company Inc. charges toll for the different classes of vehicles, and not for passengers. At present the fare to cross the bridge is \$2,200 for mini buses and cars.

At present there are no plans to reduce the toll in 2013.

However, Transport and Harbours Department of the Ministry of Public Works operates a ferry service across the Berbice River between Rosignol and New Amsterdam. The fare for school children using the ferry is \$60 per return trip if they pay daily or \$200 monthly if they purchase a contract.

5. SYNTHETIC TRACK AT LEONORA

Mr. Adams:

- (i) Could the Honourable Minister say to this Honourable House the status of the synthetic tract at Leonora, West Coast Demerara?
- (ii) How much money has been expended so far on this project?
- (iii) What is the projected date of the completion of this project?

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

- (i) The Project is divided into three phases:
 - (a) Phase 1 – is completed (done) by Courtney Benn Contracting Services Ltd.

(b) Phase 2 – has 6 Lots:

- Lot 1 – Laying synthetic surface – this component has been awarded to Regupol. This is incomplete because the track foundation must be laid before this is done.
- Lot 2 – Completion of Track Foundation and Section “D” – BK International awarded works ongoing schedule date on completion end February, 2013.
- Lot 3 – Construction of inner field and drainage system – Eagle’s Transportation and General Construction awarded works about 90% complete.
- Lot 4 – Construction of Boundary Fence and Ticket Booths – JPM’s General Construction was awarded. Contractor was terminated for non-performance. The remaining work was subdivided into 4 sub-lots and retendered, two new companies Bhola Nauth Ramraj and Andre Howard Construction Services were awarded these contracts. Works are about 26% complete.
- Lot 5 – Construction of Internal Roads and Associated Structures – this contract was awarded to Pioneer General Construction. Works ongoing about 10% complete.
- Lot 6 – Construction of Northern Stands – this contract was awarded to BK International. Work to commence within the next month.

(c) Phase 3 – these projected works would be tendered after budget approval in 2013.

- Lot 1 – Construction of the Southern Stands
- Lot 2 – Construction of Sanitary Facilities
- Lot 3 – Construction of Club House and Pavilion

- Lot 4 – Construction of Eastern Parking lot.
- (ii) The cost of contracts awarded in Phases 1 & 2 is 651 million Guyana dollars. Payment made to various contractors for works completed is 374 million Guyana dollars.
- (iii) Phase 2 projects are projected for completion during 2013. Phase 3 projects are expected to commence in 2013 and be completed by the end of 2014.

6. NO CHILD LEFT BEHIND POLICY

Ms. Kissoon: Could the Honourable Minister inform this Honourable House whether her Ministry will be abolishing the no child left behind policy? If so, how soon?

Minister of Education [Ms. Manickchand]: The Ministry of Education has implemented a “non-repetition and automatic promotion” policy. This policy was introduced because the research has shown that repetition does not automatically translate better performance. Research by the Ministry found:

1. The students at risk for failing would pass some of their subjects but fail others.
2. These students require special attention; they must be identified early, informed early and remedial work done by both teacher and parent.
3. Repetition generally places the burden of underperformance solely on the student and absolves the parents, teachers and school.
4. Teachers sometimes do not complete the curriculum for a given term, so that the examination will cover material that was not taught in school. If the child fails in these circumstances then it is not their fault but that of the system.
5. Repetition is directly linked to dropout rates. Findings in the secondary schools have shown among first repeaters approximately 65% would drop out of school and among second repeaters 90% would drop out of school. This phenomenon is disproportionately affecting boys.

6. Repetition places a psychological burden on the child that is left behind while their peers move ahead. They repeaters are often labeled as failures.

These findings guided the Ministry of education to adopt a more enlighten approach since 2010, this included:

1. Replace repetition with systematic and consistent remediation. The policy emphasizes early diagnosis and intervention. Teachers should consistently measure the competence levels of their students and devise early intervention strategies to prevent problems.
2. Remediation will be done during the July – August vacations and mandatory afterschool remediation programs in all schools throughout the academic year have been implemented.
3. Early intervention to decrease the probability of failure. The Ministry has introduced several strategies for both primary and secondary levels.
4. The Ministry has been reorienting teachers towards adopting a more student-centered, competency –based approach to education. This approach will ensure early detection of problem students and measures would be put in place to prevent them.
5. Parent-teacher conferences and consistent performance updates are now required of all schools to inform parents of their children’s performance so any deficiencies could be collectively addressed. No longer should parents be informed at the end of the term that a student has failed. Imminent failure should be recognized, discussed and effectively addressed by all parties involved.

The Ministry of Education has started a series of consultations on this particular policy since June, 2012. These consultations are ongoing and the feedback received will inform the future direction of this policy.

7. COMPULSORY NURSERY EDUCATION

Ms. Kissoon: Could the Honourable Minister inform this Honourable House whether her Ministry will be:

- (i) Making Nursery Schools in Guyana compulsory?
- (ii) If, yes, how soon and if no, why?

Ms. Manickchand: Nursery Education in Guyana is not compulsory in Guyana. The period of compulsory education is from age 5 years 9 months to 15 years. Recent research has shown the importance of Early Childhood Education. These findings have led many to advocate for compulsory nursery education. Despite this however, no country in CARICOM has implemented this policy as yet.

The Government of Guyana has a draft Education Bill that includes a provision to make Nursery Education compulsory. This Bill is currently under discussion.

8. FIRST YEAR STUDENTS OF THE CYRIL POTTER COLLEGE OF EDUCATION

Ms. Kissoon:

- (i) Could the Honourable Minister inform this Honourable House why the first year students of the Cyril Potter College of Education 2010-2011 have to pay thirty eight thousand (\$38,000.00) dollars for laptops?
- (ii) Could the Honourable Minister inform this Honourable House and the people of Guyana, whether the first year students of the Cyril Potter College of Education 2010-2011 would receive the laptops that were meant for them?

Ms. Manickchand:

- (i) Government of Guyana and the World Bank is funding the Guyana Improving Teaching Education Project. On page 25 of the Project's Operational Manual it states, "that there will be a cost sharing for the procurement of net-books for the first year DE students, DE Tutors and lecturers at CPCE and UG. IDA will subsidize 50% of the cost of the netbook and the recipient will finance the other 50%." As per agreement netbooks were provided to the batch of students who entered College in September, 2011. The students paid \$38,000, while staff members paid \$40,000.00.

- (ii) The Government of Guyana made available netbooks for the 2010 and 2012 batch of students who graduated from the ADE Programme. Of these 165 teachers have collected their netbooks. The two remaining centers, Linden and Georgetown, were notified, but to date have not collected their netbooks. They will be receiving 11 and 43 netbooks, respectively. These 219 netbooks were provided free of cost.

9. PUBLIC DEBT

Mr. Nagamootoo:

- (i) Can the Hon. Minister say what was the total public debt (both foreign and local) in US and Guyana dollars equivalent, as at September 30, 1992?
- (ii) Can the Hon. Minister say what was the public debt in US and Guyana dollars equivalent, as at March 30, 2012?
- (iii) Can the Hon. Minister confirm that the public debt at 31st December, 2010 was G\$338,432,786,000.00 (three hundred and thirty eight billion, four hundred and thirty two million, seven hundred and eighty six thousand dollars)? If not, what is the accurate amount?
- (iv) Can the Minister confirm that the public debt as at 31st December, 2011 was G\$378,850,385,000.00 (three hundred and seventy eight billion, eight hundred and fifty million, three hundred and eighty five thousand dollars)? If not, what is the accurate amount?

Minister of Finance [Dr. Singh]:

- (i) The total public debt (both external and domestic) as at September 30, 1992 stood at US\$2,087.99 million, equivalent to G\$263,086.5 million (at an exchange rate of G\$126/US\$1).
- (ii) The requested total public debt position as a March 30, 2012 is not readily available since debt stock statistics are typically compiled at the end of each quarter. Accordingly, the closest available date of reporting would be March 31, 2012. The

total public debt as at March 31, 2012 stood at US\$1,743.04 million, equivalent to G\$355,580.39 million (at an exchange rate of G\$204/US\$1).

- (iii) The total public debt stock as at December 31, 2010 stood at G\$312,180.26 million (at an exchange rate of G\$203.5/US\$1). The amount of G\$338,432.786 million cited in the question is sourced from the Central Government Statement of the Public Debt as included in Report of the Auditor General for the year ended December 31, 2010. Because that statement relates to the Central Government, the amount shown would have included debts owed by the Central Government to other public sector agencies, principally debentures issued by the Central Government to the Bank of Guyana, and would have excluded debts owed by public sector entities other than the Central Government, principally debts owed by the Bank of Guyana and other parastatal agencies.
- (iv) The total public debt stock as a December 31, 2011 stood at G\$350,574.81 million (at an exchange rate of G\$203.75/US\$1). The amount of G\$378,850.385 million cited in the question is sourced from the Central Government Statement of the Public Debt as included in the Report of the Auditor General for the year ended December 31, 2011. As before, because that statement relates to the Central Government, the amount shown would have included debts owed by the Central Government to other public sector agencies, principally debentures issued by the Central Government to the Bank of Guyana, and would have excluded debts owed by public sector entities other than the Central Government, principally debts owed by the Bank of Guyana and other parastatal agencies.

For Oral Reply

10. NATIONAL SPORTS POLICY

Mr. Jones: Cde. Speaker, in the *Stabroek News* of Wednesday, 9th January, 2013 it was reported that FIFA and CONCAF would have been visiting Guyana to review the long standing dispute between the Guyana Football Association (GFA) and the Guyana Football federation (GFF). And whereas, the administration of cricket is in a similar state of chaos.

- (i) Could the Hon. Minister please state whether there exists a National Sports Policy and, if so, what is the state of the implementation of this policy?
- (ii) Could the Hon. Minister please confirm that a National Sports Policy document was prepared by a Dr. Hicks from Canada with assistance from the United Nations Development Programme (UNDP) and what has happened to this document?

Mr. Speaker: Hon. Minister, I invite you to give a response.

Minister of Culture, Youth and Sports [Dr. Anthony]: Thank you Mr. Speaker and thank you Mr. Jones for the questions.

The first question which deals with whether there is a National Sports Policy, yes there is a National Sports Policy and we are currently in the process of implementing that policy. The policy was done at the end of 2010. Over the last two years- 2011 and 2012- specific areas of the policy would have already been implemented.

In the policy we have identified five major areas that we are looking at and have labelled them enhanced participation, enhanced excellence, enhanced social development through sports, enhanced capacity and enhanced delivery. To each of these goals we would have done a number of things during 2011 and 2012. The policy would continue for 2013, 2014 and 2015.

In terms of the second part of the question whether or not the document was prepared by Dr. Hicks from Canada with the assistance of UNDP, we had Dr. Colin Hicks who was the consultant we hired. Indeed his consultancy was funded by UNDP and it is this policy that we are implementing.

Mr. Jones: A follow-up question Mr. Speaker: could the Hon. Minister please state if this document was published and, if yes, when?

Dr. Anthony: At the end of 2010 we had a final consultation with all stakeholders and the final document was circulated. We have written copies and that too can be made available.

Mr. Jones: A follow-up question again, Cde. Speaker: is the National Assembly aware of this document?

Mr. Speaker: Mr. Jones that would include you.

Mr. Jones: Rather, Cde. Speaker if it has been laid in the National Assembly.

Mr. Speaker: That is different. I believe the Minister answered just now to say it was not, but it can be made available and will be made available. That was my understanding.

Mr. Jones: It was not laid. It was not made public.

Mr. Speaker: Mr. Jones you could stand.

Mr. Jones: Cde. Speaker, the Hon. Minister said at the end of 2010 it was published, but at the same time it was not laid in the National Assembly. Was it implemented?

Dr. Anthony: The document was completed in 2010 and that is what we have been using to implement various programmes. The new initiatives that you see are emanating from that document, so it is available. We have not formally laid it in the National Assembly, but that is the document that we have been using.

Mr. Jones: Finally, Cde. Speaker, just a clarification: the document has been prepared and aspects of it are being implemented, but it has not been laid in the National Assembly. So could we agree then that it has not been made public, but rather the Ministry is implementing aspects of it?

Mr. Speaker: The question is: would the Minister agree with you that a document which has not been made public is being used for the implementation of projects.

Mr. Jones: Correct Cde. Speaker.

Dr. Anthony: If the Hon. Member Mr. Jones' contention is that a document must come to the National Assembly before it is deemed to be public, then by that definition it is not public. However, what I am saying is that the entire sports fraternity; all the national sports associations, benefitted from the document; they gave us inputs and they have a final copy. We have the written final version of it that can be made available. Since 2011 we have been using that document to implement various policies. In fact, we have put different things in different years – 2011 what we will be doing; 2012, 2013, 2014 and so forth. So those things that we said that we

were going to do in 2011 and 2012, we have done them and will continue using that document as our guide to implement some new initiatives in 2013 and 2014. I do not know if that answers the questions.

Mr. Jones: Thank you.

Mr. Speaker: Hon. Members we have moved somewhat on our Order Paper in terms of the order of business, but I note that the Hon. Minister of Health has joined us. If the Minister is in a position to answer, I seek your leave to have a recommittal to the oral question put by Ms. Ferguson.

Minister, in your absence Ms. Ferguson sought to have answers to the death of a woman, I believe at the New Amsterdam hospital in January. With leave of the House I would like to have a recommittal so that question can be answered. Is there agreement? [*Members nodded their agreement*] Thank you.

ORAL QUESTIONS WITHOUT NOTICE

Death of Ms Tirtawattie Shonandeo at the New Amsterdam Hospital

Mr. Speaker: Ms. Ferguson could you read the questions again now that the Minister is here? Thank you very much.

Ms. Ferguson: Thank you again Mr. Speaker. The *Stabroek News* of 3rd February, 2013 reported that Ms. Tirtawattie Shoandeo died at the New Amsterdam Hospital while undergoing surgery at the institution on Sunday 20th January, 2013 due to a power failure. The questions are:

1. Could the Hon. Minister of Health explain to the National Assembly what were the reasons for the malfunctioning of the generator at the New Amsterdam Hospital?
2. Are there alternative systems in place in the event of generator failures?
3. Have disciplinary actions been taken against the porters who reportedly neglected their duty?
4. And what systems are in place to avoid such recurrences?

Minister of Health [Dr. Ramsaran]: Thank you Mr. Speaker for the recommittal; thank you Ms. Ferguson for the questions.

I will comment on the preamble to the question. A patient did die; the patient did not die while undergoing surgery. The record shows the blackout lasted from about 17 to 20 minutes. The patient died several hours after surgery. That is just to put it in the correct perspective. *(Shouts of lie and cover-up)*

Mr. Speaker: Hon. Members you could say the Minister is not forthcoming, but please do not address the Minister by calling him a “liar”, saying that he is “speaking a lie”.

Dr. Ramsaran: Mr. Speaker, the same gentleman was found in that position some time back when the Hansard proved he voted when he said he was not voting. It is a word he likes using.

Mr. Speaker: It is not a word that I am allowing.

Dr. Ramsaran: Mr. Speaker, that is the correction version of the matter and there is no excuse for there being a blackout. It is just putting in perspective the correct version. Further to that, other newspapers did report that she died afterwards. Why I am saying this is because a team that was managing her was able to take certain measures that should have been taken anyhow.

Now the question, which is definitely in place, could we explain what happened. First of all, an immediate investigation was launched; some of the reports are still outstanding. As we understand it, there might have been a difficulty with the automatic change-over switch. We are trying to have more qualified persons from Georgetown also look at it. However, the initial reports indicate that at the crucial moment when it was needed, that subcomponent in the generator, which is fairly new, failed.

Two, are there alternatives systems in place in the event of generator failure? The relevant officers have ensured that there will be an attendant in place in case there is need to throw the switch manually. In the meantime, I have understood that other personnel are being trained even if they might be of a higher or administrative level so that there will be some backup.

Have disciplinary action been taken against the porters who reportedly neglected their posts? This would be preemptive. We have not. The porter is the lowest level in the line of command

and it might very well be unfair to be naming the porter as the culprit, as it were. The investigation is ongoing and I would advise caution as to pointing blame to the lowly porter. We have changed the designation to attendant.

What systems are in place to avoid such recurrence? As I explained, the administration has put in place a person on the spot who can be quickly called and in case there are further difficulties that technical persons knowing about the machine, can also be called. These are some of the things that have been put in place.

2.54 p.m.

Further to that, the Ministry of Health, within 24 hours sent people to look, knowing of the incidence, that is, sent more qualified staff from Georgetown to look at the machine and we have also launched a full investigation under the aegis. Our offices of the Permanent Secretary and the Chief Medical Officer and the Ministry of Health hope to have qualified personnel look at the machine so that we do not have to have Plan B, but that the machine should kick in when it was meant to kick in, after being looked at by qualified persons – the machine from Georgetown.

Mr. Speaker: Do you have a supplemental question? Proceed.

Dr. Norton: Mr. Speaker, referring to the same preamble, the Minister claimed that during a recent walk-around at the New Amsterdam Hospital, he was shocked and sickened that the laxity he encountered could have passed senior officials for such a long time. Could the Hon. Minister say how long that time was? Is he referring to three...?

Mr. Speaker: Once second Dr. Norton, with respect; is it a supplemental to the question surrounding the death of this lady or is this something else?

Dr. Norton: Supplemental to the question of the death.

Mr. Speaker: Oh, these are statements made by the Minister following the death.

Dr. Norton: Following the death.

Mr. Speaker: Oh I see. Okay, thank you. He should remember that.

Dr. Norton: The Minister spoke about the laxity he encountered and how it could have passed senior officials for such a long time. Could the Hon. Minister say to this House, what time he is referring to, whether it is three months, six months, nine months, one year or how long a time?

Mr. Speaker: Minister, I see you looking in the direction of Dr. Anthony.

Dr. Ramsarran: Thank you for the question Hon. Member. You were referring to statements which I made regarding visits prior to the activity sometime back. Indeed, I was showing that the Ministry had already sent in personnel before to look at certain other issues because the Ministry of Health is continuously visiting... [Dr. Norton: Time.] This was some weeks before, probably on the 4th of January. Prior to that, several weeks before, we had visited with the aim of speaking to the staff. I think on the 4th of January, I made a surprise visit and entered the room while the meeting was convening at five minutes past eight o'clock and we joined the meeting.

Subsequently to that meeting, we did a walk around and discovered certain issues. The date was the 4th of January that is what we are speaking about. [Dr. Norton: How long?] Well you can do the calculations; it was the 4th of January this year. What is difficult with that?

Dr. Norton: Mr.

Dr. Ramsarran: No, I am on the floor, I am answering the question.

Mr. Speaker: One second, let us establish some order here. These are oral questions for Ministers, not by Ministers. It is a rhetorical, so if the Minister is still speaking, you can get a supplemental, but Minister proceed please.

Dr. Ramsarran: Thank you for the protection Mr. Speaker. The Ministry is continuously visiting, not only Region No. 6, but other regions where of course we observe some deficiencies and we try to rectify them by cooperating with our fellow Ministers responsible for the regions or by sending personnel when so needed.

We did such a visit in January of this year, early, the 4th of January because we were there a few months in the previous year, so we are doing a follow up. We had a very informative and lengthy meeting with the staff. Apparently, they do have a good practice there and I must congratulate the doctor in charge for having a morning meeting. Every morning they have a meeting to decide

what is going on. I joined that meeting and afterwards we had a walk around when we discovered some things that should not be. Steps were immediately put in place by the centre to have those corrected with the help of the hospital and with central help.

It was before these things could have kicked in that we had this unfortunate incidence. So that is the chronology of it and I think that comprehensively answers that aspect of your question.

Dr. Norton: Mr. Speaker, it certainly does not and I repeat my question. The Minister referred to the long time the laxity he encountered, in his walk-around, could have passed the senior officers. I am asking the Minister if he could say to us if that long time ago was six months, nine months or one year.

Dr. Ramsarran: To follow up on the question, let me repeat the chronology of things and I thank you for your clarification. The death of the patient, as we are saying, was not related to the blackout, she died some hours after. The chronology as to the inefficiencies that I discovered must have been going on for some time before the 4th January visit. I had not established, but it had to be some considerable time, so that will be part of the investigation; how much months, how many weeks, but it had to be some considerable time and that is clearly adumbrated in other articles, in other sections of the media.

So yes, it was time that should have given sufficient notice for action and that is why I said I was not pleased with it. We are being very transparent about this. That is why, if you follow my logic that I sent up, within days, I think it was the very next day after the 4th January, I sent up a team to look at certain things that I was not satisfied with and which I thought should not have been obtaining, having understood that there was some time before that these things existed.

I cannot tell you exactly what time, but from a regular understanding, time enough that it should have been addressed. That was why I intervened and sent, quietly, my people. Unfortunately, their interventions, which were in progress, were overtaken by this event.

Dr. Norton: For simplicity, could the Hon. Minister say if this long time was one year; yes or no?

Dr. Ramsarran: Before the 4th January, we had been having complaints from the public about certain things. We visited on the 4th January and we established that these issues that I sought to

address on the 4th January and just after, had been not of an acute vintage, but had been there for some time. That is what I am saying; I think it is quite clear. To try to tie me down on whether it was...

Mr. Speaker: Hon. Member, what the Hon. Member is seeking to do is to have that considerable time, as described by you, put into some context. Was it a decade, was it six months or was it a week?

Dr. Ramsarran: It would definitely have been in the duration of months; I do not want to put it down to six or seven months. I am saying, for an administration, it should have been time enough to do something about it. That is the point that I am getting at.

Mr. Speaker: Very well. Thank you.

Dr. Norton: Thank you very much Minister; follow-up. In the light of the fact that the Minister was shocked and sickened, as he said, by the laxity that he encountered for months that was existing there, that have passed senior officials; could the Hon. Minister say to this Hon. House, if those senior officials included the present Permanent Secretary who was the hospital administrator only months ago and the Chief Executive Officer of the Berbice Regional Health Authority, who is now Dr. Mahadeo, here as a Member of the House?

Dr. Ramsarran: Mr. Speaker, I must point out that this is not a supplemental, but it is a very interesting question from the public information point of view. What I would like to do before I come to that is to reinforce, again, directly to the question here that this patient, so that we do not lose the trend of thought while I come to address that, this patient went into the hospital with a very serious condition; went into the theatre after the doctors would have done... [*Interruption*] I want to speak to the good work of our doctors. They have done an interview with the relatives that had spoken to them and definitely the condition was serious. The post-mortem examination which had been reported on indicated that the extent of the intestinal condition and so on. So the patient went in critical, into an unfortunate situation for which we will always be apologetic and painful about; seventeen minutes of a blackout.

In the meantime, if you are honest as a doctor, you would refer to the term “ambu-bag” and what they call “bagging the patient”. The patient was kept alive manually; bagging the patient, in

place of the manual exertion of the machine up and down, it was done by the doctor's caring hands. We must recognise that. So the issue here is about the generator and not that the patient died. That is part of the problem that we discovered.

Mr. Speaker, we are going to be looking thoroughly for example, if we jump to this, we would have been bashing the porter, so we need to look properly so that when actions are taken, they are not pre-emptive or subject to certain other criticisms, so when we do act, when we have all the reports in, including the post-mortem report, we will be looking at these issues and the level of disciplinary actions that should be taken.

You mentioned specifically the Permanent Secretary who had been out of that system for over a year that is why I was specific to tell you that I did not put a timeline on my previous response, but it was enough time for some administration, that will be established. So belabouring this point will not score you any political capital.

Mr. Speaker: Hon. Members the Standing Orders says that two supplemental questions are permitted to a question. I have been lax and I have gone beyond that. I notice Mr. Trotman, do you wish to ask a question on this matter as well?

Mr. Trotman: Yes Mr. Speaker.

Mr. Speaker: What is the question?

Mr. Trotman: Mr. Speaker, I wonder if the Minister can say to what extent the 17 minutes power outage impacted on the demise of the patient. And secondly, there has been several deaths occurring throughout the medical institutions in the country and I am wondering if the Minister can say when an independent investigation into the state of affairs at these medical institutions will take place, bearing in mind that all of the investigations that we have been hearing about, had been carried out by the Minister himself? The public is concerned and wants to know when there will be independent investigations into what is taking place.

Mr. Speaker: One second Minister. Hon. Members I have heard the questions and I would ask that the Hon. Member put them into written form or that they can be part of a substantive motion for debate. If there is an ongoing investigation, it would be perhaps premature or precipitous to have finding of facts stated here this afternoon, if there is an investigation.

I know like you, as a citizen, I too am concern by these deaths. What happens afterwards to the families? Is there compensation? Is there a culpability found? We do not know. I think that it ought to form a substantive motion for debate and further discussion. I do not believe that it is a supplementary or supplemental question flowing naturally out of the question put by Ms. Ferguson this afternoon.

Even though you appear anxious, remember Alexander Pope's words about rushing in, take your time.

Hon. Members... Dr. Ramayya, did you indicate to ask a question?

Dr. Ramayya: Yes, Mr. Speaker, a follow up question to the Minister's reply to Ms. Ferguson's question. [*Interruption*]

Mr. Speaker: Hon. Members, can I get some order and quite so that I can hear. Dr. Ramayya, I have just given a ruling that only two supplemental questions are permitted per Oral Question Without Notice. We have gone beyond the two. In fact, I have no doubt that you have a valid and good question, but if I were to allow your question, I would have to allow Mr. Trotman's as well and we would in fact, be conducting an investigation into the death this afternoon.

Dr. Ramyaya: Thank you Mr. Speaker.

Mr. Speaker: I ask that you submit it in written form or you may and I do not want to be directing, but you may wish to meet with your colleague Mr. Trotman and put together a motion for the Minister.

Mr. Nagamootoo: Mr. Speaker.

Mr. Speaker: Yes, Sir.

Mr. Nagamootoo: In view of your ruling, this is a matter...Dr. Ramayya, a Member of Parliament, is from Whim, where the deceased came from. There is grave concern in that village concerning this death and the massive attempt to cover it up with officials of the Government on television in Berbice. Trying to cover it up in the disparity... [*Interruption*]

Mr. Speaker: Hon. Members...very well. [*Interruption*]

Mr. Nagamootoo: The Regional Member of Parliament from Berbice ought to, in these circumstances your Honour, be allowed to asked a question and to get an answer.

Mr. Speaker: Hon. Member I note... *[Interruption]* Thank you, Mr. Nagamootoo. Hon. Members...*[Interruption]* Hon. Members, I note Mr. Nagamootoo's intervention, I would say that I agree, but perhaps Dr. Ramayya ought to have pre-empted Ms. Ferguson. I have gone beyond what the Standing Orders allow this afternoon; I cannot go further, with respect.

Like all of us, we are pained by the death of anyone at a hospital, especially under those circumstances, but as I said, I do believe that this matter will come up in a substantive way for full debate, a fulsome and frank debate, as soon as Members can get a motion in. It cannot be avoided and I ask that you consider that.

Hon. Members, I had spoken earlier on behalf of the Assembly expressing sympathy in the death of a lad who was plundered, savaged and killed yesterday. I had omitted to say, because I had at two previous meetings held on Wednesday last, expressed the Assembly's sympathy, not on the death, but on the brutalising of Mr. Oscar Clarke, the General Secretary of the People's National Congress Reform (PNC/R). Members at that meeting, in fact, did sign a card. The card was delivered, I did visit Mr. Clarke, as I know other Members have, in hospital and he did say that he got the card and he wished to thank all the Members on both sides of the House for visiting and for expressing their support for his speedy recovery and at the horror and shock at what had happened.

STATEMENTS BY MINISTERS, INCLUDING POLICY STATEMENTS

Reform of the Security Sectors in Guyana

Mr. Speaker: Since we last met, there was a spate of robberies, rape, killings/executions and an accident last Sunday. Yesterday, I believe, one media house described the day as "Bloody Wednesday". On arrival here this afternoon, it was indicated to me that Mr. Rohee wishes to speak to the current situation. I have spoken with Members of the House from both sides and after careful consideration and given all that is happening, I wish to invite Mr. Rohee to address the House on the matter of the current spate of crimes in this country. *[Interruption]*

Minister of Home Affairs [Mr. Rohee]: Mr. Speaker...

Leader of the Opposition [Brigadier (Ret'd) Granger]: On a Point of Order.

Mr. Speaker: There is a Point of Order on the floor.

Brigadier (Ret'd) Granger: Mr. Speaker, I rise on a Point of Order on this matter. There are three armed robberies in this country every day under the stewardship of the present Minister of Home Affairs. If you allow him to speak today, he will be speaking all the time.

Mr. Speaker: The Point of Order please.

Brigadier (Ret'd) Granger: Mr. Speaker, this National Assembly, over the last six months wrestled with this issue. The National Assembly has RESOLVED, the Speaker himself has determined, the courts have deliberated, if we do not stand up for something, we will fall for anything, Mr. Speaker.

We are all aware of the security situation in this country and we ask you today, Mr. Speaker, to stand by your own ruling and to stand by the Resolution of this National Assembly. And, if there is a question, it should be put to this National Assembly. Thank you.

Mr. Speaker: Hon. Members, I did give a ruling which I followed up with a letter to leaders of the House which was to the effect that I thought that the issues surrounding the powers of this Assembly to sanction or to prevent a Member, whether he or she be a Minister or not, from speaking should be referred to the Committee of Privileges. During that time, I canvas the views of experts, constitutional and parliamentary, the world over, I also had legal advice and counsel given to me and I exercise my own deliberate considerations and judgements on the matter.

During that time as well, there was a ruling by the Chief Justice of Guyana on the issue. I thereafter, believing that the issues have been sufficiently crystallised, convened a meeting of the Privileges Committee, at which meeting Members of both sides of the House said that they wish not to have this issue deliberated, but let the courts continue. That is all well and good. I am still the Speaker of the National Assembly of Guyana and I believe that if the person, who is a Member, wishes to speak on the spate of crimes, I will be allowing it this afternoon. Go ahead.

Mr. B. Williams: Mr. Speaker, if it pleases you, on a Point of Order. Mr. Speaker, we will respect your authority, but we recognise, even you Sir, your authority and you know that too Sir,

must be exercised judiciously. But we want to be able Sir, when you make a decision to guide us, that we can rest assured that you will not overnight, recede from your decision. What I am saying Mr. Speaker, I do not wish to use language that you could interpret that I am being disrespectful, because I have no wish to be disrespectful.

Mr. Speaker: Mr. Williams, what is your Point of Order though?

Mr. B. Williams: I just wish to say this Mr. Speaker; subsequent to your meeting with us in that Committee, with respect to... [*Interruption*] Sir, I do not know if I can be protected.

Mr. Speaker: Yes. I would like to hear Mr. Williams please.

Mr. B. Williams: Subsequent to our meeting with you Sir, in the Committee room, I wish to inform this court you would recall... [**Mr. Neendkumar:** Court, this is the Parliament.] This is the highest court in the land, for you who do not know the “A-B-C” of Parliament. You would recall that the Hon. Attorney General told you that in his opinion, the Chief Justice’s decision ungagged Mr. Rohee. I wish to inform this Hon. House that I receive the notice this week for that matter to be continued on Monday the 13th at 1.30 pm, where the Hon. Attorney General has agreed that he is not satisfied with the decision of the Hon. Chief Justice and that he would continue the hearing before him of the motion he had filed on that limited kitschy point that was left after our summons struck out the motion.

Mr. Speaker: Alright, the Point of Order Mr. Williams.

Mr. B. Williams: What I am saying your Honour is that, Mr. Speaker, you could not rely on the intimation made to you by the Hon. Attorney General at that meeting weeks ago because he is not satisfied with the decision of the Chief Justice and he has asked the Hon. Chief Justice to continue hearing his motion. So we are saying in that light, Sir, that you would have been deceived and misled weeks ago. The fact that he is asking to continue the hearing on the matter before the Hon. Chief Justice means that he is not satisfied with his decision.

We are asking you, Sir, in that light, to stick with your decision that you would abide the ruling of this matter in the courts of law.

Mr. Speaker: Hon. Members, I would not entertain any more Points of Order, my decision stands. My decision is not overnight, but in the peculiar circumstances, I invite Mr. Rohee to speak. [*Interruption*]

(Opposition withdrew from Chamber)

Mr. Rohee: Mr. Speaker, I thank you for giving me the floor and allowing me to break the silence and to assert my Constitutional right, to speak in this Hon. House. I do agree with you, Mr. Speaker, that over the past few days, there have been indeed certain events that impact on the crime situation in Guyana.

I will like to recall that on the 31st December 2012, I announced a series of reforms with respect to the Guyana Police Force, the Guyana Prison Service, the Guyana Fire Service and the Ministry of Home Affairs. These reforms are based on the passage in Cabinet of strategic and implementation plans for the Guyana Police Force, the Guyana Prison Service and the Ministry of Home Affairs. The strategic plan for the Guyana Fire Service is currently being formulated.

Mr. Speaker, immediately after the announcement was made, the Ministry posted the three Strategic Plans on its website for all to see and study. Thus far, in keeping with the Strategic Plan for the Guyana Police Force, advertisements have been placed in the media for the ten positions for the establishment a Strategic Management Unit at the Headquarters of the Guyana Police Force. The Ministry of Home Affairs has received several applications. A panel is to be established to examine and select the most suitably qualified persons to these positions.

In addition, the United Kingdom based Capita Simon's Consultancy is currently in our country engaging in a scoping exercise in respect of the four areas for which they have been contracted, namely: the Administration of the Police Force, Succession Planning within the Force, Integrity and Probity within the Force and Public Relations and Communications. We have already received an Inception Report, which has been accepted, save for a few amendments. The acceptance of the Inception Report will see the commencement of work to determine the specific areas of activities to be implemented in the aforementioned areas.

The name change for the Guyana Police Force to the Guyana Police Service will consummate all the reforms envisaged effectively, making the name change a matter of substance, rather than one of cosmetic and superficial nature.

As regards the Ministry of Home Affairs, steps are now underway to implement the Strategic Plan with the establishment of a Strategic Implementation Unit, whose responsibility will be to oversee, monitor and evaluate the implementation of the Ministry's Strategic Plan. The same *modus operandi* will apply in respect to the Guyana Prison Service. However, in this case a Strategic Planning Committee will be established to perform similar functions *vis-a-vis* the implementation of the Strategic Plan for the Prison Service. Discussions in respect to a name change for the Guyana Prison Service to a correctional service are ongoing.

Last but not least, the Guyana Fire Service will undergo fundamental changes with the formulation of a new strategic plan that will see one of its principle features, the effective transformation to a fire and rescue service. It is apposite to note that in the meanwhile, the Guyana Fire Service has already rolled out its Hinterland Fire and Rescue Service Strategy with the establishment of branches and auxiliaries services at Mahadia and Lethem and in a few months similar services will be established at Kakawani, Mabaruma and Port Kaituma.

In the meantime, since the announcement, the Strategic Plans have been welcomed by the Private Sector Commission, the Georgetown Chamber of Commerce, the Mining Community, the Federation of Independent Trade Unions, as well as members of the Diplomatic Community. Also, since the disclosure of the plans, there have been favourable press reviews and letters to the editor of the local print and social media.

3.24 p.m.

Thus far, Mr. Speaker, the plan has received nationwide support. The challenge is with its implementation. We are confident, however, that with the support of the Central Government, the stakeholders and civil society and the donor community that in the final analysis this plan will be successfully implemented as the Guyanese people will be the principle and ultimate beneficiaries of the peace and security dividend. I thank you, Mr. Speaker. [*Applause*]

PUBLIC BUSINESS

GOVERNMENT'S BUSINESS

BILLS – SECOND READINGS

CUSTOMS (AMENDMENT) BILL 2013 – Bill No. 2/2013

A BILL intituled:

“An ACT to amend the Customs Act.” [*Minister of Finance*]

Minister of Finance [Dr. Singh]: Mr. Speaker, with your permission, I would like to ask that consideration of this Bill be deferred to a future occasion.

Bill deferred.

LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2013 – Bill No. 3/2013

A BILL intituled:

“AN ACT to amend the Local Authorities (Elections) Act to provide for the postponement of elections of councillors of local democratic organs.” [*Minister of Local Government and Regional Development*]

Mr. G. Persaud: Thank you very much, Mr. Speaker. I rise to move that the Local Authorities Elections Amendment Bill 2013, Bill No. 3 of 2013 be now read for a second time.

When I brought last February, to this House, a similar Bill I thought then, based on the sentiments expressed, that that would have been the last time that such a Bill would have been presented for discourse here. However, subsequent events would have proven me wrong so I am here again requesting a very simple amendment and that is to substitute “15 years” with “16 years” so that we can have the necessary legal framework which is presently at the level of our Select Committee in Parliament be concluded and decided upon to facilitate the holding of Local Government Elections.

I do not envisage any difficulty in the House's approval for this amendment because we are fully aware there as to why this amendment is here with us again. I wish to assure you, Mr. Speaker, that the Ministry of Local Government, on behalf of the People's Progressive Party/Civic

(PPP/Civic) Government, is anxiously awaiting the deliberations and the outcome of the four Bills that are at the level of the Select Committee so that we can have, at the level of all 71 Local Democratic Organs, elections that can once again facilitate and allow our citizenship that opportunity to elect leadership at the local level.

We have heard many reasons being advanced about us not being able to have Local Government Elections which were constitutionally due in 1997 and still due as of today's date, so I do not wish to repeat the statements that would have been made annually from then to now but just to urge that we should all seek to endeavor to complete the business with regards to these pieces of legislation so that the year 2013 will see the holding of Local Government Elections. I therefore wish to urge my colleagues on all sides of the House to let us give our assent to this amendment and let the work continue at the level of the Select Committee. Thank you, Mr. Speaker.
[Applause]

Mr. Speaker: Thank you, Hon. Members. I invite Members who may wish to speak to this Bill to do so.

Mr. Bulkan: Thank you, Mr. Speaker. I rise in relation to the Bill before us, Bill No. 3 of 2013, standing in the name of the Hon. Minister of Local Government and Regional Development; a Bill that seeks the postponement of Local Government Elections yet again. I note that in his remarks a few moments ago the Hon. Minister did say that when he spoke on a similar Bill last year he felt that he would have been speaking on this issue for the last time but, as he said, subsequent events have proven him wrong. The Minister did not choose a moment ago to explain what some of these subsequent events might be but I trust that when the Minister speaks again, at the conclusion of this Bill he will favour us with an explanation, of sorts.

I note as well that the Hon. Minister has said that he does not envisage any difficulty in the deliberations on this Bill and for its passage and I beg to state that I am sorry to disappoint the Minister, but there are many issues that need to be ventilated with regards to the necessity and the cause of this Bill here before us. This Bill which seeks the postponement of Local Government Elections yet again, in its explanatory memorandum says:

“This Bill seeks to extend the date on which Local Government Elections may be held.”

I stress and I note the use of the word “may”. Personally, I would have much preferred if the word “will” was used with an escape clause or a clause for extenuating circumstances, but no; what we have is the word “may”. It tells me that the Government and the Minister are seeking, yet again, another blank cheque from this Hon. House to allow them to continue doing what has been going on for the past year which is to ride roughshod over local authorities, local democracy and local democratic organs and, as well, to be going around the country like “headless chickens” dismembering and dissolving duly constituted and elected Local Government and Local Democratic Organs and replacing them with appointed bodies in a handpicked and partisan manner. That gives us an idea of what local democracy means to the Government.

This Bill before us has two characteristics, disdain and disrespect; disdain for this Hon. House and disrespect for the citizens of this country. This Bill which is before us which, as the Hon. Minister said, was laid in this House in January 2013, which seeks for the postponement of elections of Councilors of Local Democratic Organs opens by stating in Paragraph 1:

“It shall be deemed to have come into operation on the 1st November, 2012.”

I consulted the Oxford English Dictionary and I was able to learn the definition and the meaning of the word “deemed” and it tells me that it means that it must be so considered. I alluded a moment ago and I will say again that I look forward to an explanation from the Hon. Minister and perhaps his colleagues as to why more respect could not have been shown to this National Assembly to have brought this request in a timely manner to be able to receive the *imprimatur* of this Hon. House. I look forward with much interest to that explanation, Mr. Speaker.

What I do know is that while that timely request was not done what we witnessed during the last year was many excursions on the part of the Government, on the part of colleagues of the Hon. Minister and in particular the learned Attorney General with his many excursions to the court seeking to undermine the authority, the independence and the sovereignty of this House.

I come again and I refer to the word that appears in this Bill, the word “deemed”, and I will say that implicit in it, is sought the treating of this House as a rubberstamp. I wish, however, to remind the Hon. Minister and his colleagues that there is a new dispensation in this 10th

Parliament and it differs significantly from the 7th, 8th and 9th Parliament where Bills could have routinely been brought here and deemed to have been laid at a much earlier time.

I do know though that the Hon. Minister and his junior, the Hon. Member, Mr. Whittaker, as I have alluded, have been going around the country in 2012 in an active demolition campaign and to which I will return. Much time, energies and state resources were engaged in that campaign and I would have much preferred if those resources and those energies were directed instead to not necessitating this Bill here before us today. In other words, for those energies to have been directed to ensure that the steps and mechanisms that were necessary would have been performed to have allowed for the holding of these long overdue Local Government Elections. We learned an early lesson in life that it is better to do one's work than to have to explain why it was not done. Of greater importance, however, is the disrespect to citizens of this country who are being deprived of their fundamental and constitutional right to elect Councilors to manage community affairs. The results of which are evident to every Guyanese, man, woman and child, wherever they reside. The results constitute a blight and an eyesore.

This Bill informs us that this proposed amendment to the Principal Act which it seeks is for the 16th year; not 6th but 16th. Again I say that I await with keen anticipation to learn from the Hon. Minister and his colleagues as to the reasons that may have prevented them from honouring the many pledges that they give in this honourable House because I believe that words spoken here represent a solemn undertaking.

I believe that the citizens of this country as well will be paying keen attention to learning what may have been the reasons that prevented the Government from holding those elections. I also believe that the "A-B-C" countries would have an equal interest in learning from the Government. **[Mr. Granger: Which "A-B-C" countries?]** Thank you, Mr. Leader of the Opposition. I refer to the real "A-B-C" countries and while I know that our continental neighbours and our MERCOSUR allies would have an interest, I do meant the real "A-B-C" countries, Mr. Speaker.

It is important that we remind ourselves of the words that the Hon. Minister and his colleagues have uttered in this Hon. House. I will not go back over the many years and decade that this debate took place in this National Assembly, but rather I will confine myself to the words of the

Minister and his colleagues uttered last year. When the Hon. Minister Mr. Ganga Persaud led off this debate last year in this National Assembly on the second reading, his presentation was short, but it was very informative and it was instructive. I have the words of the Hon. Minister contained here in the debate on the 15th March, 2012- the 4th Sitting, Part 3. This is what the Hon. Minister said:

“Local Government Elections could not take place during the year 2011 because of the constitutional requirement of holding general and regional elections.”

The Hon. Minister went on to say:

“Notwithstanding this delay, the People’s Progressive Party/Civic remains committed to aggressively pursuing the holding of Local Government Elections in order to produce a more effective local administration with a replenishment of the leadership of the NDCs and municipalities under the local government system.”

The Hon. Minister further said:

“The ruling party would like to restate the importance of Local Government Elections as is stated in the PPP/C’s Manifesto...”

Which he quoted and he said that those words were to ensure that within one year of the 2011, General Elections that Local Government Elections are held to bring much needed reinvigoration into local government entities.

Finally, the Minister said:

“This, Hon. Members, is a true reflection of the PPP/C’s desire to empower the ordinary people of Guyana and to enhance the promotion of grassroots democracy further.”

Mr. Speaker, those are not my words or words from Members on this side of the House. Those were the words of the Minister; no less a person than the Minister who I know to be an honourable man. I say again that I believe that words spoken in this House constitute a solemn undertaking and whilst indeed those pledges were not kept, even the Bill seeking for the extension of the holding of Local Government Elections was not tabled, as I said, in a timely manner. The Hon. Minister was followed last year by his junior Minister, the Hon. Mr. Norman

Whittaker. Again we were treated to an instructive presentation that contained some bold pronouncements. In the very issue of the Hansard that I referred to a moment ago, I will quote what the Hon. Member, Mr. Whittaker, had to say. He said:

“The PPP and the PPP/C Government have always viewed local government reform and the need to have Local Government Elections as important not only for development but also important for the renewal of grassroots democracy in our country. We want to hold Local Government Elections. We want to hold Local Government Elections tonight. We want to hold Local Government Elections so that we can bring much needed reinvigoration into the local government bodies and, by extension, the very communities which fall within the NDCs. For my friends these elections would necessarily facilitate and accelerate transformation and modernization of local communities by, among other things, empowering the citizens to participated in the decision making process.”

The Hon. Member, Mr. Whittaker, said further:

“For us, Local Government forms an integral part of our democracy and we have always been in the forefront of the fight for democracy in this country.”

Finally, on page 623 of the very Hansard the Hon. Minister Whittaker said:

“Sadly we are unable to hold elections, but we stand ready to move the process further.”

Then came the Hon. Minister’s exhortation to us on this side stating that the Guyanese people are watching as they continue to endure. The Hon. Minister did not elaborate or qualify what he meant by endure, but clearly what he meant was the steadily deteriorating conditions resulting from the tired and broken system. The Hon. Minister may wish to correct me when he speaks. The junior Minister was followed by the Hon. Member, Mr. Joseph Hamilton. Like his colleagues, the Hon. Member, Mr. Hamilton, endorsed...

Mr. Speaker: Hon. Members, can we have some quiet, please. There is a chatter that is...

Mr. Bulkan: Thank you, Mr. Speaker. ...the government’s commitment to the early holding of Local Government Elections and again I quote from the Hansard what the Hon. Member said, I quote from page 630 of the Hansard and he said:

“The government is ready and willing to hold the Local Government Elections.”

He ended by saying that this will be the final time that we come to the National Assembly to ask for an amendment to postpone the holding of Local Government Elections.

I will next outline what exactly unfolded and the nation will be the judge as to who is responsible for these elections not being held in 2012 or if we on this side of the House were in any way responsible for the Government not having honoured either their campaign pledge or the pious declarations or protestations of theirs that I have quoted. Before doing so, however, I have to refer to the contribution of the final government speaker on that night, one year ago, the Hon. Member, Mr. Nadir. Like his colleague, the Hon. Member Mr. Hamilton, who spoke before him, the Hon. Member Mr. Nadir, did play a sort of backhanded compliment to me on what was my maiden presentation in this Assembly, but he quickly when on to posit that I was guilty of a lot of shortcoming in terms of how the history was written. That is irrelevant. What is of matter is the substance of his presentation. The Hon. Member Mr. Nadir urged that moving the process forward, and I quote, “has to start among Members on that side of the House” and he was referring to Members on this side of the House – the Opposition, not the Government – and that we need to get to the table. It is right here in the Hansard on page 640. I am not sure what we could have achieved at this table to which we were being invited in the absence of the Bills for the reform of local government being tabled in this 10th Parliament; a table to which we were invited on which there was no cutlery, no dishes and no food. I can recall that it was after 11.00 p.m. that night when the Hon. Member spoke – the Hansard does remind us that it was some time after 11.00 p.m. and perhaps the Hon. Member was tired. Anyway, the Hon. Member further stated in his contribution:

“...but we are prepared [He said] to bring those Bills back right away and let us move forward with them because we are confident that while this National Assembly has a particular makeup further elections will see who is responsible and who has the nations interest at heart first and we can see and we will see massive reversals.”

Those were the bold statements we heard last year from government speakers. We heard the Hon. Minister a short while ago. Those pledges and words were unambiguous and unequivocal. Let us examine their actions subsequent to those words.

Mr. Speaker, allow me to remind this Hon. House of the facts that were necessary for the keeping of those promises. The first step to enable the holding of Local Government Elections is the passage of the four outstanding local government Bills that were tabled in the last Parliament and that were last year resubmitted to this Parliament. Among others, it includes the Bill to bring into being a Local Government Commission which will have responsibility for the oversight of local authorities and local democratic organs. There is, as well, the Bill to allow for fiscal transfers or the release of finances from Central Government to local democratic organs to allow for their autonomy and efficiency as dictated by the new constitutional provisions.

That debate originated in the 7th Parliament. It led to amendments to the Constitution. It led, as most of us would know, to a joint taskforce that was set up in 2001, to the deliberations of that taskforce and to the recommendations of that taskforce. For those Bills to be passed, they first have to be laid in this National Assembly. When did this happen? Two of the Bills, Bills No. 12 and 13 were laid in this House on the 30th July last year. The remaining two, Bills No. 19 and 20 were laid in this Assembly on the 9th August last year and we will recall that that was one day before Parliament went into its annual two-month recess.

The obvious questions are: Why at the end of July and August? Why not in April, May or June? If the Government was sincere about honouring its pledges, ... We can recall the words of the Hon. Member Minister Whittaker when he spoke last year as he boldly proclaimed that the his side wanted to hold those elections on that very night in March of last year, but the Bills were tabled one day before this Parliament went into recess last August.

The Minister will be free to say if the Opposition or anyone else for that matter was responsible for preventing them from brining those Bills to this National Assembly in a timely manner.

There are four factors that I can point to that I believe could be linked to the tabling of the Bills on the dates that they were and which leads me to believe that they were not a forethought- they were more of an afterthought. The first of these is that I find it strange that these four Bills were not all tabled together.

3.54 p.m.

In other words, as if it was part of a planned legislative agenda... In this regard, the words of the Leader of the Opposition, when he spoke on the motion debating His Excellency the President's address on the ceremonial opening of this Tenth Parliament, were instructive. I wish to quote the words of the Leader of the Opposition on that occasion. It is in the very issue of *Hansard* that I referred to earlier, and it is on page 581. This is what the Leader of the Opposition said:

“The ceremonial opening of Parliament should be more than a spectacular event. It should be an opportunity to present an outline of the priorities, the policies and the programmes and, particularly, the proposed legislation for the new session.”

The Leader of the Opposition went on to say:

“It should embrace, in a serious way, the intentions of these twenty Hon. Ministers of the Cabinet.”

He also said:

“It should inform the nation about the policies which it can expect during the course of the Tenth Parliament. It is a serious document. It is a serious exercise. It is not an exercise in frivolity.”

Clearly, the words of the Leader of the Opposition, which were given freely and genuinely, it would appear, were not taken.

The second thing to which I refer is a press conference that the A Partnership for National Unity (APNU) held on 5th April, 2012, in which a press statement was issued. In that press conference, the APNU alerted the public to what we termed a chaotic and destructive agenda being prosecuted by the Ministry of Local Government and Regional Development and which included an active campaign, which I alluded to earlier, to dismantle and destroy many local democratic organ that came into being as a result of the last Local Government Elections which were held in 1994. In that press conference, we further called on the Government to halt that particular campaign and instead to recommit themselves to instituting reform of the local government system in keeping with the recommendations of the joint task force set up by then President Jagdeo and the late Opposition Leader, Mr. Desmond Hoyte, in 2001 and to hold Local Government Elections without delay.

Thirdly, there was another press conference help by APNU on 13th July, 2012, some thirteen weeks later. In that press conference, and its accompanying press statement, we said that we were saddened to report to the public that not only has our call fallen on deaf ears, but the Government has intensified its campaign to trample on the system of local democracy in general, and local government in particular. The release went on to state that instead of making visible moves to facilitate the holding of Local Government Elections, the Government callously continued its campaign to dismantle duly elected councils and to replace them with Interim Management Committees (IMCs), largely comprising hand-picked loyalists and ignoring, in the process, even the most basic principle of proportionality.

The Neighbourhood Democratic Councils (NDCs), which fell victim to the wrecking ball, included Bartica, Cane Field/Enterprise, Enfield/New Doe Park, Kilcoy/Chesney, Maida/Tarlogie, Black Bush Polder, Bush Lot/Adventure, Whim/Bloomfield as well as the Corriverton Town Council. Attempts were also made on the communities of Kwakwani and Lethem but those initial attempts were met with strong resistance from the residents there. Sadly, in the end, the brave efforts of the citizens in those communities, who sought to protect their democratic rights, could not match the relentless onslaught to deny them same.

The fourth factor was a meeting held on the 26th June, 2012 between the Leader of the Opposition and His Excellency President Ramotar in which the main agenda item, then, was the question of local government. In that engagement, the Leader of the Opposition addressed, among others, the question of the arbitrary transfers of overseers of NDCs in Region 4, the active campaign of installing IMCs throughout the country, but, most importantly, the need to pass the legislation to allow for Local Government Elections to be held and finally for the holding of those elections.

I cite those factors to suggest that the Government was not being proactive, but rather reactive or responding to the urgings of the Opposition. I believe that it is legitimate to question the sincerity of the pledges of the statements made by the Hon. Members who I referred to earlier.

Whilst all of that was happening, we could see that the Ministry of Local Government and Regional Development has been very active in 2012 but in pursuance of the wrong agenda.

Mr. Speaker: Hon. Member, before you go into that agenda, it is just to note that, according to my watch, it is 4.00 p.m. We are due to take the break.

Mr. Damon rose to withdraw from the Chamber.

I am not calling the break, Mr. Damon. You are moving with lightning speed there. It is to say that because we have started a bit late, I am asking that we will allow the Member to conclude and then we will go to the break.

I am more concerned about the schoolchildren who are with us. I am asking that they be excused. I thank them for spending the afternoon with us. I hope that they have learnt enough and memorised the faces. There are refreshments for them, I am told by the Clerk, in Committee Room 1.

Ms. McIntyre and all the students of Regma Primary School, thank you very much for spending the afternoon with us. Best wishes for your examination. There is no substitute for hard work and studying. Keep at it. *[Applause]*

Students left the Chamber.

We will need a motion for the extension of your time, Mr. Bulkan. Could someone rise to ask that Mr. Bulkan be given an extension?

Deputy Speaker [Mrs. Backer]: It is obvious that I am shorter than I thought. Mr. Speaker, I respectfully move that the Hon. Member be given fifteen minutes to conclude his presentation.

Question put, and agreed to.

Mr. Bulkan: Mr. Speaker, may I enquire if my time was actually up?

Mr. Speaker: Yes. It was. Your timing was impeccable.

Mr. Bulkan: Mr. Speaker, as I said, whilst the Ministry was active in 2012 it was in pursuance of the wrong agenda. Instead of seeking to empower citizens and communities, this Ministry set about handicapping them by foisting unelected individuals to manage local democratic organs and local authorities in a partisan manner to the extent that it is now a misnomer to speak of local democratic organs as the democratic aspect is being stripped from it.

The unprincipled and undemocratic action of this Ministry has left bitter tastes in the mouths of citizens throughout this country – in Bartica, Lethem, Corriverton, Kwakwani, Port Kaituma, Anna Regina and elsewhere. It has certainly left a bitter taste in the mouth of Mr. Vibert Welch, a Councillor of Number 52 – Number 74 NDC. Mr. Welch was elected to that council in 1994 and served it faithfully for eighteen years. He was summarily dismissed and dumped when the NDC was dissolved in October of last year and an IMC installed. Mr. Welch was not delinquent in attendance or in executing his duties, but without rhyme or reason he was dismissed. I personally appealed to the Hon. Minister to correct what was clearly an injustice but, to date, no positive action has been forthcoming. This is the so-called democratic credentials of this administration. Those were the actions of this administration when it was in charge of the process. Where do we go from here?

I will end on a positive note. I am pleased to report to this honourable House that the Special Select Committee has started its work under the chairmanship of my colleague, the honourable and venerable Member Mr. Basil Williams. Whilst there have been minor hiccups, to date, I am pleased to report that the work of the Special Select Committee under the chairmanship of the Hon. Member Mr. Williams is proceeding smoothly and swiftly. I see no reason why the four Bills, before the House, cannot be completed, given goodwill and sincerity in the Special Select Committee, in four weeks from today. It will then pave the way and we will then have the ability finally to move the process forward. Now that we have the ability to influence the process, this is what we are doing and what we will continue to do. When the work of the Special Select Committee is over and, as I said, I expect that to be within four weeks, the ball will then once again be in the Government's hands for it to bring those Bills back to this honourable House for their passage.

I say, not only to the learned and Hon. Attorney General, but to this National Assembly, that I, like all citizens, long for these elections to be held and urge the Government to respect citizens' constitutional rights. We can then make a democratic start to arrest and reverse the neglect to which towns and villages have suffered for too long. We do need a renewed and reinvigorated system. Early in 2010, one political leader put it succinctly when he said that there can be no solution without devolution.

I end by restating that this Bill reeks of disdain and disrespect and I say let this be the last time that this Bill comes before this National Assembly.

I thank you. [*Applause*]

Mr. Speaker: It is now five minutes past four o'clock. I think this is an appropriate time for the suspension. Members of the House are reminded that we will now convene the meeting of the Parliamentary Sectoral Committees for the election of chairpersons in Committee Room 2. It has been over one year we have been waiting to have those Committees up and running. I urge Members, who are present and know their respective Committees, to attend immediately hereafter.

Sitting suspended at 4.07 p.m.

Sitting resumed at 5.12 p.m.

Minister within the Ministry of Local Government and Regional Development [Mr. Whittaker]: All of us in this National Assembly are aware of the reasons for the continual postponement of Local Government Elections - every one of us is aware. Lest the reasons become clouded in the inaccuracies proffered by the Hon. Member of the Opposition, Mr. Bulkan, I wish to emphasise that, simply put, constitutional reform to which we all agreed, both sides, which we placed on the table and which we agreed was a necessary prerequisite to the holding of subsequent Local Government Elections to 1994 is what has held up the process.

It could never be that the reform process is one that only the Government will take forward. It was always the understanding that it was Government and the Opposition that were expected to sit together, knock heads, put the interests of the masses of the people first and advance this process.

The first thing I want us to get is that the non conclusion of these reforms has resulted in us coming to the Parliament, annually, to seek an amendment to the required legislation to accommodate a postponement of the elections.

This brings me to the next point. If local government reform and concomitant administrative reforms are a *sine qua non* to advance the process, what has held back this process since 2001?

In my search for an answer to that question I met a few members of the task force who were integral to the legislative reform and that is where I learned that whilst there could not be meeting of minds on every single issue, which was brought to the front burner, there were other factors, extraneous to the issues before the task force, that impeded the progress. I learned of frequent absences of Members of the Opposition side who were on that task force. Earlier on I saw one of them here. I do not think that he anticipated what I would have said and disappeared – frequent absences. I learned that when the Member turned up, the task force was always required to revisit the issues that were discussed at its previous meetings. I learned that there were some issues in which the Government side was told that those were local government concern and the Opposition Members had no interest in that. I learned, in short, that there were factors that went outside of the critical issues before the task force that, in some way, hindered the progress that was expected of this body.

Here we are in this Tenth Parliament; we are before a Special Select Committee, and as I follow up what is happening at that level, I sometimes get annoyed with the Government side and I say, “Why did we not use our five-seat majority the way they are using their one-seat majority?” I asked myself that. I do not know if it is the right thing. I answered myself: “We believe in the democratic process.” We have always pointed the Guyanese people, especially our supporters, in that direction. We have always practised democracy and there is no reason why we should change. We have gone too far to turn back. I am happy that, in retrospect, we did not go down that road.

The Hon. Member, my learned friend, Mr. Bulkan, read extensively from the *Hansard* that when this Bill was debated in the Ninth Parliament, I said, among other things, that we have nothing to gain. That “we” is referring to “we” of the PPP. My friends, I hold to that position. In fact, my belief, and the belief of those who are on our side, is reinforced by what has been happening around us. The question now becomes, whilst we await the conclusion of the work of the Special Select Committee, what do we do as a Government? Is it that the business of local governance ceases? Is it that there is a disconnect among us, the local government organs and the masses of the people in the neighbourhoods and the municipalities for which we all have responsibility? Definitely, it is not. We must continue to work with them. We must continue to reach out into the neighbourhoods across the ten administrative regions and the municipalities across the ten

regions to see how they have been coming in terms of their delivery of services to the people for whom they have a responsibility. Where we find that there are deficiencies, where we find that there are shortcomings in the way this is done, we have a responsibility to intervene, and intervene we do, but keeping within the legislation that guides us every day in what we do. We do not dream and then go out there and independently do our own thing.

The framers of the existing legislation, which we use and have to continue to use until it is legally amended or removed – here I am referring to the legal luminaries of the 1960s and the 1970s – would have framed a series of legislation that guides us at the Ministry of Local Government and Regional Development and, by extension, the various local government organs, within the ten administrative regions, on how we do things.

Chapter 28:01, the Municipal and District Councils Act, provides that where the local government bodies are not performing, and by that we mean they are not delivering the goods and the services that they are expected to provide - the quality of those goods and services; the timeliness of those goods and services - there is a mechanism that allows us to intervene with a view to remedying the situation. It is not interfering; it is intervention to bring about the desired change which will reflect what is in the legislation. Chapter 28:01, may I refer the Opposition Member to section 305? He could read it now or when he gets home. May I refer him also to Chapter 28:02, section 30? He could read it now or when he gets home. Those pieces of legislation, *inter alia*, provide mechanisms for dealing with situations where the number of Members of the council, within the NDC, falls below the quorum. We did not put that there. It is not the Minister of Local Government and Regional Development which puts that there. It is not the PPP which puts that there. **[Mr. Jones: But it is the PPP that is not calling elections.]** My friends, it is the legislation that guides us. It allows us, under certain situations, to put public servants... The framers of the legislation, those brilliant lawyers of yesteryear, guided by no less a person than Mr. L.F.S. Burnham, who no doubt had wanted to centralise the powers, keep it in the centre here, in the metropolis, and that is what we follow. Until we can change that, using the correct legal methods, we have to work with that. We work with that. In addition, the legislation also provides that where the business of the council... **[Interruption]**

I wish to deal with the issue of the IMCs because that would appear to be a big issue. The implementation of Interim Management Committees is not something we created at the Ministry

of Local Government and Regional Development. It is borne out in the legislation. The legislation makes provision for where the local government body, the elected body, has become depleted, for example, the numbers, and that is one instance, where the affairs are not being managed properly, where the resources are not being utilised properly, it allows for members of that neighbourhood, that municipality, to petition the Minister. It is not to petition to remove, but to petition the Minister with an expectation that the issues that gave rise to the petition will be addressed.

5.28 p.m.

The legislation also guides us further in how this should be done. The Minister may order a public inquiry, not a private inquiry. My friends, all of the inquiries that we have done have been public inquiries. All have been advertised in the press and in the gazette. It is not confined to the petitioners only. Anybody aggrieved by the actions or decisions of that NDC is free to attend that public inquiry. In fact, when we advertised the name of the Commissioner, the place, the time and the date of the inquiry...all this information was part of the advertisement. People are free. If they do not turn up to the inquiry, you do not want the Minister to go and get them to come. The Commissioner listens to everyone who attends the inquiry. At the end of that inquiry, a report is presented. That report carries with it recommendations. Many of these recommendations come from the very people who attend the inquiry. The Commissioner is limited in terms of his/her contribution to the report. The Minister acts on the basis of the report. [**Mr. B. Williams:** So, you do not publish the report. How would we know what is in the report?] It is a public document always available.

What we have been doing at the level of the Ministry of Local Government and Regional Development is part of a reform process. While you are at the Select Committee working on your legislative reforms - and we sincerely hope that there will be a meeting of minds on these reforms - we, at the level of the Ministry of Local Government, also engage in our reforms. Our reforms are not just restricted to the employees of the Ministries who which have to go out there because they are an integral part of our oversight and guidance process, but also in the villages.

The IMCs that have been installed throughout this country traverse the ten Administrative Regions of this country. It is not, as proffered by some, that we have targeted particular Regions

or particular neighbourhoods. That is not so; it is across the ten Administrative Regions. It arises out of petitions from people or conditions deteriorating within the NDC that require our immediate actions.

There are 65 NDCs across this country. If I am to be alarmed by what is said on the other side, one will think that about 50 or 60 of these NDCs are IMCs. In fact, 29 of those 65 NDCs are IMCs. Those IMCs were installed over a period of eleven years. It is not that in 2012 we started to install IMCs as many are putting out in the public purview – 29!

Training is another important aspect of our work at the Ministry. I mention these things because the message that I want to get across is that we are not sitting docile, waiting on a Select Committee to come up with the legislative agenda so that we can have... We are already part of the reform process. We have gone further than you have gone and we are preparing. In the process of preparing we have been reaching out into the villages and communities. We have been encouraging the Councils to reach out to the people. In the process, I have discerned that, for example, the municipality in Region 4 does not reach out to the people. I have gone and have asked them, “Who is your Councillor?” and they do not know. They do not reach out. This is part of the reform. We are helping you too. This is part of the reform that we are engaged in.

The implications of not having Local Government Elections are well known. We have determined that besides the depleted counties, there is also the issue of accountability. It is a big issue - accountability for resources. It is an issue that transcends Administrative Regions, that transcends NDCs and municipalities. So when we reach out like I did recently in Wismar and Linden and when I reach out as we did recently in Corriverton, we do not target specific NDCs, We have a programme that will see us reaching out to all 65 and all six municipalities. When we do, it is not only to see what is happening, it is not only to listen to the people’s concerns, but to determine with engagement with the people how we can deal with these concerns.

We are aware that the ultimate direction in which we are gravitating is the holding of Local Government Elections. That is why I started out by saying, and I have to repeat, that the non-inclusion of the legislative reforms, as set out in our Constitution, has resulted in Parliament’s continuous postponement of the holding of these Elections. The reform about which we speak is a joint activity of the Government and the Opposition.

I use this opportunity to call on that side of the House to work with us on this side of the House. Do not see this as an opportunity merely to use the one-seat majority you have to advance the process without the benefit of contributions from the Government side. May I add that, at the end of it all, we must put the Guyanese people first? As I join with my colleague, the Hon. Minister Ganga Persaud, in asking that the amendments to this legislation be approved, I ask that we see this as a collective responsibility and we make a concerted effort, a determined effort, to bring conclusion to the legislative process so that we can have these Elections. I assure you that we are prepared. I do not know about you, but we are prepared.

Thank you. [*Applause*]

Mr. Morian: Thank you, Mr. Speaker. I rise to speak on the Local Authorities (Elections) (Amendment) Bill 2013, Bill No. 3/2013. It would be remiss of me if I do not correct some of the anomalies which I have heard from my learned Friend that both of us did the walk-around in Linden. First of all, he said that every person in the House is fully well aware of why these Elections are not held. I am not aware.

Secondly, he said that the Government should have used its five-seat majority to have this business completed a long time ago. But the Government was more preoccupied to use its five-seat majority to do other things that were even contrary to law. My good Friend spoke of Cap. 28:01, but he forgot that Cap. 28:01 also spoke of the Local Government Commission. We have waited long for the Local Government Commission to which the Hon. Minister, as you serve that position to function as the entire Commission...

The approaches to the IMC are not democratic. The good Minister, my Friend, said that the process started with going around to communities and having discussions. If we all could remember, in Kwakwani, persons rejected the whole process because their names were placed on documents even without having the knowledge of what an IMC was or is. These were the approaches in Kwakwani. If there is a democratic process, one would expect that the allocation of seats will continue just as how they were before, but it is not so.

We are, yet again, here to amend the whole process. This is a challenge to the human rights of all Guyanese. We have signed on to Conventions on Human Rights that permit us to choose our own leaders every four years, three years or whenever, but our human rights are being trampled

by the Government right now. Whatever you call it, when you walk into a community and you rape my right by deciding who should be in power, what has happened to my human right and human dignity which give me the authority to choose who I want to lead me?

The Hon. Member, Ms. Vanessa Kissoon, spoke earlier concerning the employment situation as it relates to contractors. We are in Region 10. We have Local Government Authorities in Region 10 but because of the emasculation of the local organs we have total confusion because the Ministry of Local Government manages everything from Georgetown, against the rights and the wishes of the people of Region 10. Where is the democratic process?

My expectation today is that the fact that there is a Select Committee working the process, the motion for us today should have been to give the Committee a certain deadline, not to ask for postponement. There should not be a motion for postponement and prolonging; there should be a motion to speed up the process.

As my good Friend said, there are 71 supposedly Local Government organs, 65 NDCs in six towns. As I said before, these bodies were democratically elected, but the Local Government Minister and his colleagues did a Nicodemian visit. For those who do not know the Bible, what that means is to come in at night by stout; Nicodemian: while men slept, and one wakes up and finds that there are institutions set up. My Brother and good Friend, democracy 101 simply starts by saying "for the people, by the people". When I wake up overnight to find that there is an institution, what happened to my one vote? Why was my vote not counted? I submit today that the IMCs are illegal entities based on the process. I use Kwakwani as my area of pointing reference. People came in... What is funny is that we have persons purporting to be authority on Local Government business. We have persons purporting to hold some special knowledge as it relates to Local Government. I have news for those persons. I have spent 20 years also in Local Government. I am saying that, in Kwakwani, the rights of people... That is why we rejected it and will continue to reject it.

I would like to issue a caveat here - or if should I morph it openly and call it a warning - that there is a national outcry, upsurge and interest from the people to see the democratic process live again. This cuts across all parties, whether PPP/C, APNU or AFC. The Guyanese people are seeking a democratic process to live under. Under the PPP/C's approach to Local Government,

democracy is dead. We of A Partnership for National Unity (APNU) and the Guyanese people condemn this lawless approach on undemocratic impositions on the Guyanese people.

The list of malpractices, misdemeanours and undemocratic impositions on the people of Guyana cannot continue. While we are in Guyana here, it boggles the mind that we cannot manage, in a democratic process, about 750,000 people. It is very sad. What is more striking is that with all our pump and make belief knowledge, we had to be extolled concerning democracy by four persons from North America and one from the European Union, calling for Local Government Elections. I cry shame on the Government. Are we so mentally incapacitated that we cannot run a country of 750,000 people and produce a democratic process?

I wish, therefore, to put the PPP/C on notice that APNU, in support of the Guyanese people, will not sit idly by and allow important aspects of Local Government reforms to be circumvented, watered-down or misrepresented.

Our demands are consistent with the democratic process that we strive to honour. We of the APNU, in the commencement of the Local Government reform process, are asking that the books of the NDCs and the towns be added to it. It is very important. We are also asking that a deadline be set for the holding of Local Government Elections and this must not be beyond November, 2013.

What is striking here is that with all of the high-sounding language, one does not sense an urgency, on the Government's side, to move this process forward. If there are hiccups or shortcomings on either side, I would like to see those shortcomings brought into the public domain. The people of Guyana need to know who is holding up the process. My good Brother, Friend and Hon. Member said that the hold-up is over here. What I would like to see is all the mechanisms that form part of the hold-up be published. Let the Guyanese people be acquainted with what is holding up the process. Together we can work to take this thing forward.

Between now and when the elections are held, we expect that the whole Nicodemian excursion stops. It is time for this madness, as I call it, this craziness that we call IMCs and the formation 'Cs', to stop. Was it so hard, my good Brother and Hon. Member, for you to come to Linden and call the folks and say to them that the present situation is not working so tomorrow we want to hold an election in Region 10 and we want the people to come out and vote? That is what we

want to see, but, instead of that, people were placed... Mr. Speaker, trust me, if you go to Kwakwani, the persons that they put in place are not functioning because most of them do not have a clue of what an IMC is or what Local Government is.

APNU demands full Local Government reform before the holding of these Elections. We want reforms before the holding of these Elections. They call it rambling, but if I should repeat myself, the Hon. Minister should have come to this House and should have said that the whole process is in breach and he is moving a Motion that no longer beyond this time will be Local Government Elections. They do not come with so much meandering to postpone.

I got this from NCN, dated February 2, 2013; you are going to hear who is doing this at the end. "Plans are moving apace for the hosting of the long-awaited local government elections." This was at a press conference by the Hon. Minister of Local Government. That was from NCN, dated 2nd February, 2013.

Like I said, we support the Bill which calls for these Elections to be held within the prescribed time by law. We support the holding of Local Government Elections within the specified timeframe. Today, I urge all those who are working on the legislation, the reforms and all of the necessary mechanisms to make certain that Local Government Election is held in 2013 to do so with haste and with speed because come November, 2013, the Guyanese people expect to have Local Government Elections.

Thank you very much. [*Applause*]

Minister in the Ministry of Finance [Bishop Edghill]: Thank you very much, Mr. Speaker. I would have thought that the matter that is under consideration would have been a very simple and straightforward discourse and we would not have engaged in blame, and seeking to apportion blame, but we would have sought to respond to the feelings of the vast majority of the Guyanese people, that is begging for a reinvigorating of our Local Government structures, and the best way to do that is by having Local Government Elections.

Having sat here and listened to the views that were offered by some Hon. Members, I think I owe it to the people of Guyana to indicate that there is no administrative, legal, financial or institutional impediments that exist for the holding of Local Government Elections; there is none.

What exists is the political impediment. I want to indicate my Hon. Colleague, Mr. Norman Whittaker, indicated that in the Ninth Parliament we did not use our majority and our advantage, even though at the level of the Select Committee we had the majority. I would like to remind us that in the Ninth Parliament the PPP/C had 37 seats and the combined Opposition parties only had 29. It was an issue of good faith. It was an issue of good faith.

I have, in my hands, a signed copy of an agreement, by the Government of Guyana, the parliamentary political parties and the Guyana Elections Commission, on the preparation of the new National Register of Registrants by house-to-house registration prior to the holding of Local Government and all future elections, which is dated Thursday, 14th June, 2007. This agreement was signed in the presence of the International Community and the Diplomatic Community; on behalf of the Government was Ms. Gail Teixeira; on behalf of the PPP/C was Mr. Donald Ramotar, who is now President; on behalf of the PNC/Reform - 1 Guyana was Mr. Robert Corbin; on behalf of the Alliance For Change was Mr. Ramjattan; on behalf of the Guyana Action Party/Rise Organise and Rebuild (GAP/ROAR) was Mr. E. Franklin; and there was a signature from the United Force which I do not readily recognise. [*Interruption*] I did not want to be presumptuous in assuming because the lowest form of wisdom is assuming. I am advised that while I do not make it out that it is Ms. Lowe.

5.58 p.m.

This document came at a particular time in our nation's history when the cry, which was coming, was for us to have a proper voter's list. We embarked on a very expensive exercise but it was necessary to satisfy not only the political players, but all stakeholders in Guyana, to ensure that we remove all the encumbrances, all the excuses and all the impediments that may have existed to ensure that we have a clean slate, we could have a proper register, we could have Local Government Elections and that we be able to go forward.

In this agreement, the parties committed themselves to... Listen to what it says at paragraph two.

“All of the above parties agreed that a preliminary list of electors will be extracted from the National Register of Registrants (NRR) for the upcoming Local Government Elections on the basis of which a revised voters' list and a final voters' list will be prepared for that election.”

During this time, Sir, there was the active pursuit in building consensus as it relates to having all of the reforms, which were needed, in place. I do not need to go back because some of my colleagues have already dealt with this as it relates to the reason why we did not have these elections, but we want to underscore, Sir, and to ensure that the point is made that whilst the PPP/C could go ahead and call for Local Government Elections, we respect good faith negotiation. As a matter of fact, the record will show that there was even a threat or boycott of the 2010 Elections if we had gone ahead. We need to be reminded, as well, that in 2010, in this House, when the estimates for that year were considered the budgetary allocations for Guyana Elections Commission (GECOM) to host Local Government Elections was provided for and that is why I indicated there is no financial legal legislative. There is the necessary legislation and we are now hearing that there has to be the other four Bills in place in order for us to have the election and we agreed on that, and because we agreed on that in good faith, even whilst we are having the blame casting and the Government is being castigated, we have not, in the past, gone ahead and say, "Well, we are tired of this, let us have the elections." We are still waiting to have these Bills come to the House and passed, so that there could be Local Government Elections.

The inter-parliamentary parties dialogue, which took place last year, the Government made an undertaking that we will get these Bills back into the National Assembly as soon as it is practicable. We did so. It took between July and January, I think it was the 16th of this year, before we could have got the Special Select Committee going. In this Tenth Parliament where we are hearing about the new dispensation and the majority, and we have the majority, the Members of that side of the House were demanding that they have the chairmanship as well as the majority on the Special Select Committee. It took us July, August, there was a recess, then we...

[Interruption]

Mr. Speaker: Hon. Members, come on, the Member is speaking, you may say misrepresenting, but do not, please, look at another Member of this House and accused him of lying or call him a liar. It is highly unparliamentary.

Bishop Edghill: Mr. Speaker, thank you for the correction, but may I indicate to this honourable House that I am governed by a world view that people often judge others by their standards?

We will want to say today that now that there is a Special Select Committee in place, again, this time the chairmanship is with the parliamentary majority in this new dispensation. They have a majority on that committee and we expect that the same people who are pointing fingers and casting blame and saying that they are responsible that we will be able to see some movements in ensuring that there will be these necessary pieces of legislation completed at the level of the Special Select Committee, come to the House, in which they could be voted upon, and that the people of Guyana would be able to get an opportunity to elect leaders of their choice in the various local authorities.

I have noticed that the Hon. Members who spoke from the Opposition benches, both the Hon. Members Mr. Bulkan and Mr. Morian, carefully avoided discussing the IMC in Linden. They sought to stay clear from the discussion of the IMC in Linden, but they have sought to say that the Hon. Minister is going around the country demolishing elected officials and putting in hand-picked officials. I would like to hear their views on what transpired in Linden when it was the Leader of the Opposition, at that time, who requested an IMC for Linden. That very same model is what is being used in other parts of the country.

I heard the Hon. Member Mr. Morian indicate that he was not aware of why there is not Local Government Elections and he also indicated that he was not aware of the installation of IMCs in Region 10. Well, in Region 10, there are only two areas that have local authorities, Linden and Kwakwani. The Hon. Member is aware that before there could be the installation of an IMC there is a process. You just do not go to the community and call people and say that we are going to have an IMC come and elect people of your choice. There is a process. As a matter of fact, Sir, just last week I was in the Seaford/Tempe area in Region 5 where there are only three counsellors left and when I enquired... Well, what has happened is that some of the persons died, some of the persons have migrated and them not being knowledgeable of all of the persons who would have been placed on the various lists at the time, they indicated that they have exhausted all of the possibilities of extracting from the various lists. There is no more possibility. Elections have taken so long that we are now in this situation.

The people of that community still need to have services render to them. The people of that NDC still need to have their drains clean, their roads fixed, they still need to have their playgrounds maintained and all the other things that will go along with the regular functioning of a local

authority, but they do not have the personnel available. In the absence of the agreement on the necessary pieces of legislation that is required to ensure that there will be Local Government Elections, what should the Ministry of Local Government and Regional Development do - sit and do nothing? The instance that I have used is just one of the many that the Ministry of Local Government and Regional Development, in responding to the petitions that came from the citizens of those communities, would have responded to and acted in putting in the various IMCs.

I heard the challenge that was given by the Hon. Member Mr. Morian, and he said that he was sounding a warning or putting the PPP/C on notice, but I do not think he listened to the leaders of his political alliance, because I am having before me, Sir, the transcript of a press conference held on the 7th of December by the APNU and I will like to [An Hon. Member (Opposition): You were listening. Listen and learn.] It was last year, Sir, 2012. A reporter asked the distinguished persons, who were at that press conference, why does the Opposition not call an election then? Brigadier (Ret'd) David Granger said: "We cannot call the elections and I do not think that the Government is..." when he was interrupted by Dr. Roopnarine, who said:

"Let me say here that you know we have some outstanding issues in relations to elections that we would like to see resolve before any election is held, including Local Government Elections."

Mr. Speaker, why I am going to this is because whilst we are hearing today of the four Bills that are at the Special Select Committee level, we are hearing pronouncements by the leadership of the APNU about other issues.

"As you know, in 2011, we had major dissatisfaction with the running of the GECOM secretariat and there are elements in the GECOM secretariat that we will like to see the back of before we engaged on another electoral process, this matter is not before a Special Select Committee."

I continue reading, Sir.

"There is an issue in relation to national elections about the *ad hoc* electoral system that we continue to use, although we said in 2001 that we will only use as a one-off for

Herdmanston's elections, it has been with us in 2006, it has been with us in 2011, and we are really quite determine that it should not be with us for the next general elections and so there is a lot of preliminary works that has to be done before elections can be held and I think it would be one and act of extraordinary desperation on the part of Government to call it and as far as the APNU is concerned, we have some interest and some measures that we want to see implemented before any elections are called.”

This was not referring to the four Bills which are at the Special Select Committee.

I bring this to our attention to say that we wanted, at one time, a national register that is acceptable to all. We agreed and we did it. The next that we wanted was local government reform. The Government tabled the necessary Bills; they went to Special Select Committees in the Ninth Parliament; they are now at Special Select Committee, again, in the Tenth Parliament, but we are hearing now that apart from the Bills there are other matters that need to be addressed. I stand here this afternoon to say the people of Guyana want to ensure they have the opportunity to elect their local officials at the municipal level and at the district council level and Local Government Elections should be held. All that this Bill, which is before us this afternoon, is seeking to do is to identify that we were unable to keep it within the time frame when there was the last amendment and it is to let us have the extension so that we could be able to hold it now, but we all must work together and ensure that the political impediments, which exist, are now removed so that we will be able to get these elections held.

I would also like to also bring to our attention that I have noticed that the Hon. Member Mr. Morian referred to the statement that was made by the A,B,C and E countries quite recently and as if we are being chided, or we are being cajoled, or coerced into doing something that we want to do. The position of the PPP/C is that we are willing, ready and able to have Local Government Election, at anytime; that is our position.

The ball is now in the court of Mr. Basil Williams and the Special Select Committee, let them meet, let them bring to this honourable House the legislation that would have been completed and worked in the Special Select Committee; let us have the debate; let us have it passed and let us have the elections. We do not need more motions; we do not need other political ramblings. What we need are the representatives of the people put in place in Georgetown, in Linden, in

Anna Regina, in Corriverton, Rose Hall and all sixty-five NDCs to look after their garbage, to look after their drainage, to look after their markets and the people. I am sure that all of us in this House are aware that when the people voted in 1994 they never envisaged some of those people who are still governing, some of those bodies, would have been there for that amount of time. It is time for renewal.

Whilst I make this call to all of us in the House to support the Bill, as presented by the Hon. Minister Mr. Ganga Persaud, we must not merely do so as a ritual, but we must do so with a commitment in this House, this afternoon, to remove the political impediments. The PPP/C has ensured it has clear the other impediments, which exist, but we have to now remove the political impediments and that must be said, and that is what must be sounded, and that is what must be made clear to every Guyanese elector: The political impediments that exist for the holding of Local Government Elections must be removed and we need it sooner rather than later.

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

Dr. Ramayya: This afternoon I have the privilege to indicate to this House how urgent the need is for the Local Government Elections. I listened so well to Mr. Whittaker, how well he articulated the Constitution, but it is amazing that in four elections, in 1997, 2001, 2006 and 2011, to this date we cannot formulate an agreement to carry through with the Local Government Elections. I have seen so many blames were been shifted to the Opposition for the defaults and the question here can be answered very clearly. The Government Members asserted power to so many years, but yet there is the delayed in Local Government Elections because they are losing grounds in their constituents.

I can recall the late Dr. Cheddi Jagan, in the late 1980s, when he went to the new school of social research, in the auditorium, and he indicated to the Guyanese people there that for twenty-eight years the People's National Congress (PNC) refused to give the Guyanese people a chance within their communities on how to run that area of theirs. Today, by the same token, the PPP is doing the same as the late Dr. Cheddi Jagan talked about. That audience, in which I am still in contact with, questioned the integrity of this current Government to carry through with the Local Government Elections. Mr. Whittaker has indicated in Corriverton that the IMC was doing a job with the consultation of the Neighbourhood Democratic Councils. I want to ask Mr. Whittaker:

Why was a big publication given by Mr. Bagnauth in that area about his position about him being the Chairman? He was chased out, so to speak, by the IMC.

The PPP is not accountable by the very words of the late Dr. Cheddi Jagan. The communities are not finding favours with the IMC, at this stage, because they are still reflecting and the new dispensation on the 28th of November, 2011. This is one of the weaknesses of the Government not to hold a Local Government Election because defeat is inevitable. This new dispensation today has proved that discontentment of our people and it is very important that, listening to the other side of the House, or the outreach, to win the support of the thirteen thousand voters in Berbice, it seems, today, that there will be a greater defeat in Local Government Elections. This signal doubts in my mind that whether or not this Government is ready or prepared for Local Government Elections. I ask a simple question, if Mr. Ganga Persaud is ready for a Local Government Election, then why, in four elections, that there was not a committee set up to have a Local Government Election in this country for the people of the benefits?

In our country today the Local Government is one of the strongest arm, in any country, and we must practise what we preach. It is very important for us to practise what we preach. If the Government, with the same vision and determination, as I can cite it, speaks on other issues, I cannot see the evidence that it can carry through a Local Government Elections for the people of this country. The Government Members spoke vibrantly about other things and I have listened to them in many ways but to come to an agreement to formulate the laws that govern Local Government Elections, there is no consensus at this point. I will tell you, Mr. Speaker, that with the Local Government Elections, we must, in all aspect, determine that should be carried through which will benefit this nation.

I want to cite from Mr. Andrew, from the High Commission of the United Kingdom, Mr. Brent Hart, the Ambassador of the United States of America, David Devine from Canada and Mr. Robert Copley, Ambassador for the European Union and these are the exact words:

“During Guyana 2011 National Elections on the issue on which all political parties were in full agreement was the need to hold Local Government Elections. As we celebrate the arrival of the New Year all three of the Guyana major political parties continue to publicly affirm their commitment to hold Local Government Elections.

6.28 p.m.

Given the importance and pressing need for effective local governance, we believe that 2013 should be a watershed moment for the Guyanese people - the year when they can once again democratically elect the local government. The tangible benefits of local democracy go far beyond the act of casting a vote. Throughout the world, countries and international agencies have come to recognise the vital importance of representative local government; effective and efficient public administration coupled with healthy local governance can drive development efforts. Local government institutions bring Government closer to the people, fostering greater inclusion, civic responsibility, empowerment and participation. In fact, local government offers one of the most important avenues for women and other groups typically under-represented to participate in the development of the communities and influence decision making processes that directly affect their lives.

In communities throughout the world, a new generation of democratically elected local leaders is creating change and sparking new national development. Unfortunately, Guyana has not held Local Government Elections since 1994 and this should be a shame on our nation. Although today we have the majority on this side of the House, yet for four consecutive elections they were not able to give the people of Guyana a local government election. The institution and practices of local governance have withered on the vine since that time, so we have declined tremendously from the development of this country. While the people of Guyana are familiar with the reason offered for repeated delays, I want to ask the Government whether or not it is the Opposition for the past 15 years that has delayed the process of a local government election. I want to ask the question, since they are in power for 15 years after 1994, why have we not been given a chance locally to express our democratic rights?

The key legislative foundations of local government reform have been tabled in the National Assembly and are now before a select committee. While there may be differences between the parties over the role and authority of the Minister of Local Government and over the control of scope of fiscal transfers, these issues should be resolved as a matter of urgency among all parties in select committee. Why was it not resolved? It is because the Government wants their way but has no respect for the Opposition as far as I am concerned.

The principle that should guide the Committee and the Assembly in reviewing local government reform legislation has been amply articulated in a host of national and international assessments. Guyana National Development Strategy of 2000 developed with the support of the Carter Centre called for a local government system with greatly increased authority with the power to formulate their own development - development plans and strategies for the legal right within clearly specified boundaries to enact local laws and to collect specified rates and taxes as approved by the Central Government. Moreover, all three parties have articulated their principles and commitment to this end, around which there is clear agreement.

In its 2011 manifesto, the People's Progressive Party/Civic (PPP/C) called for reinvigorating local government and pledged to ensure within one year of 2011 General Elections that the Local Government Elections will be held and this is 2013. Since 2011 they went to the people telling them, "Yes, we will have local government elections", but this is 2013 and no agreement is met at this stage for Local Government Elections to be held. A Partnership for National Unity (APNU) likewise called for the implementation of agreed local government reform and the holding of Local Government Elections. The Alliance For Change (AFC) affirms that it is the first year in office in which it would implement local government reform and have the Local Government Elections in a political environment in which the people of Guyana and the leading civic voices such as the Chamber of Commerce call for greater national unity and cooperation. This consensus for local government reform and elections is a vital opportunity for all parties to work together in 2013 in the national interest.

While Guyana has made great strides in strengthening its democracy, the continued absence of democratically elected and effective local government remains a persistent drag on Guyana's national development and its attractiveness as an investment destination. Only when people have transparent and accountable institutions at all levels of government - national, regional and local - will they have confidence in the future. In 2013, it is time for Guyana to seize its opportunity/potential by affording citizens' strong and effective local governance to build safer, more prosperous and more democratic communities. Listening to what other people have to say about the importance of Local Government Elections, we should stop the rhetoric that has been preached here and do the work we were placed here to do for the people of Guyana. Those who

have been given the mandate and the resolution they made for the people of Guyana, should continue with that commitment.

As I sit as one of the Members in the Special Select Committee on Local Government, I do not find a solution in that Committee, because if the Government does not get their way then it will not be functional. Because of that we must stop because the IMC which is handpicked, without the people's knowledge, to represent their own political interests, is not at work. As one of the speakers on this side said, the members in the NDC were not properly represented. I will tell you for a fact that I had in 1994 one third of the seats in that NDC, but I was never consulted about the IMC when it was formed. That is an insult to the people in my community. In the last election in 2011, I promised the people and that promise was kept and because of that promise, the PPP/C lost in Whim and they will lose in the county of Berbice. So we must stop this local government hypocrisy and must continue to work for the people of Guyana. I urge this House that we urgently need and should not allow 2013 to pass without the Local Government Elections.

Thank you very much. [*Applause*]

Mr. B. Williams: Mr. Speaker, I am saddened to have to speak at this time. But after so many years, from 2001 to now, I must be saddened to hear the Hon. Member Gail Teixeira saying in this Hon. House that we do not need the four Bills that are in the Select Committee. I want it to be emphasised that the Chief Whip for the Government is saying, in spite of the fact that the Bills are in Select Committee that we do not need those four Bills that are in the Select Committee. We are going to hold that up until the work of the Committee is concluded, but I am the eternal optimist and when this process...

Ms. Teixeira: Mr. Speaker, I am not aware that Members on the floor have a habit of referring to people who have heckled. But in addition to that, the Hon. Member has misconstrued and misrepresented me. I said that the four Bills were not necessary for the holding of Local Government Elections. That is the truth and I abide by that.

Mr. B. Williams: Mr. Speaker, I do not know what the Point of Order is. The Hon. Member Mdm. Teixeira has confirmed what I said. The Hon. Member is saying that against the backdrop that her Government agreed with the Opposition, signed, that there would be no Local

Government Elections unless the local government reforms were passed and in place. That is the Government's position. So is the Hon. Member telling us that the PPP/C Government is no longer honouring the undertaking they have given years ago? We will make a note of that, but as I said, I am an eternal optimist.

In 2001, those constitutional provisions in Chapter 7 of our Constitution, the fleshing out of those provisions provided for the empowering of the Guyanese people in the communities in which they live giving them greater autonomy, establishing a local government commission to regulate local democratic organs and fiscal transfers being determined by objective criteria, not just giving \$3 million across the board to 65 NDCs irrespective of size, population and resources.

President Bharrat Jagdeo, as he then was, and the late Opposition Leader, Former President Hoyte, signed a task force into being. The work of that Task Force was to be completed within 12 months. I want to make a point. I was appointed as a member of that Task Force in addition to other members. The co-chair was the Minister at the time, Mr. Collymore. On that task force the now Minister, the Hon. Member Mr. Ganga Persaud was around, he used to bring me drinks, he used to bring me cake at the time he was round. He was supplying us with drinks and cake at the time. He listened so that he would have learnt when he listened to our deliberations during that period. What happened? Eight years later the Government arbitrarily disbanded the Task Force. Without the signing off of the agreement, the President removed the Bills from the Task Force into Parliament.

But what I want to emphasise is that of those eight years, four years were boycotted by the Government; four years they boycotted the Task Force on some specious and outrageous grounds. What was clear during those periods was that the Government was totally uninterested in having local government reform in this country. They are quite content to have the Hon. Minister Ganga Persaud running around the country imposing IMCs. Let me say this: I was in the very first meeting of the select committee when we proposed to alter the composition of the Local Government Commission from six to seven and we were speaking about the seventh member being a nominee of trade unions inside the local government system. The Hon. Member Ganga Persaud said he thinks the member should come from the local democratic organs. Our member said no, Hon. Minister that cannot work because there are no democratic organs in Guyana because you have been imposing IMCs. The Minister did not speak for the rest of the

meeting. What we are saying to you is that they have come kicking and screaming throughout the eight years. That is the first thing - with kicking and screaming they had to be brought along. Then they unilaterally took the Bills to the National Assembly. And they took them to the National Assembly in breach of what we had agreed in the joint Task Force and in breach of the undertaking to give to the real "A-B-C" countries which they signed on to. We could show the signed document where they agreed to take all the Bills to Parliament which they did not do. They passed the Local Authorities Election Bill. The question arises now why did they not use their majority to pass the other four Bills. It was a simple answer. The late President Mr. Hoyte used to love to say, "*Tom drunk but Tom ent stupid.*" If they were to pass those Bills they would have been implementing local government reform, but they had no guarantee they would be in control of the Government. What happened at the last elections justified their fears. So they do not want it in no way or form, whether they have the majority or not, they are scared bad of local government reform because they do not want people to be independent and autonomous and to make decisions for themselves in the communities in which they live. They do not want that. The Hon. Member Dr. Ramayya also enlightened me that they were afraid of losing miserably at such elections. I am saying that in spite of all this, I still am an optimist.

Let us talk about this. The Government has been in power at all material times from 1994 to now. Every year they make the annual pilgrimage to a seeming "Mecca", seeking to postpone elections over and over again. Whom do they blame? They have the power, they have the majority, but they never implemented the reforms. Now true to form in Robb Street where the Bolshevik exists... On 19th December, the last day of Parliament for the year 2012, we elected a chairman of the Select Committee for Local Government. As happens in the Congress where Mr. Lumumba comes from in America they return to their homes for the yuletide season. It is no different here when the Parliament breaks, that was the last working day. Lo and behold, after Mr. Ganga Persaud lost the vote for the chairmanship, Mr. Ganga Persaud writes in the newspapers that we have the Bills stalled; and he is writing this on Boxing Day, when we are celebrating. People have gone overseas, people have gone back to their villages, to celebrate the yuletide season. The Hon. Member Mr. Persaud is writing in the newspapers that local government reform is being stalled because the Bills have been stalled in the Select Committee when there was no meeting after that meeting in which he lost the chairmanship. We had agreed that we would reassembly in the New Year. Without the Committee getting on foot the Hon.

Minister was accusing it of being stalled by the newly elected chairman. He did not explain to readers that the chairman was elected at the last day of Parliament. What disturbs me is what does this indicate? Does this indicate *bona fides* on the part of the PPP/C in dealing with the work of the select committee? My learned friend at the back of me is saying *mala fides*. I do not want to go deeply into that realm, but I am an eternal optimist.

We had another meeting, the very first meeting in the select committee. I asked whether we could have the media in place. I said I would like to have the media in place. Lo and behold, the Hon. Minister strenuously argued against that saying, "we do not want the media in here because you cannot have the media in here" and a whole long drawn out... "the Committee rules says you cannot have the media" and all of that. And that is not written in stone because we voted to have the media in there; that vote could be taken. I am just showing you the Government is happy to have the business of this Committee dealt with in the public and open. They do not want the media but that got me worried. Why would anybody not want our media to be present during our deliberations? It just did not make sense; it is the people's business.

I then proposed that we meet twice a week. I do not know if the Hon. Member Bibi Shadick would want to respond to that now in the same manner in which she responded in the committee. These are the Members who are saying the Bills are stalled and we invited them to sit twice a week and they robustly refused to have twice weekly meetings. I am worried and I am saddened about the people's business...

Ms. Teixeira: Mr. Speaker, on a Point of Order. I am a Member of that Committee, the Committee has met three times and this issue as being portrayed by the Member is totally inaccurate. The Minutes and Verbatim Records will show that.

Mr. B. Williams: Mr. Speaker, is that a Point of Order?

Ms. Teixeira: Mr. Speaker, the Point of Order I am raising is that the Member is inaccurately portraying the workings of the Committee.

Mr. Speaker: Hon. Members the Standing Orders permit a Point of Order on a Point of Clarification; Order No. 38 permits it. The Clerk is about to bring something to my attention; one second please.

The Clerk is bringing to my attention that Standing Order No. 95(9) states, “meetings of a committee shall be held in private”.

Mr. B. Williams: Mr. Speaker does the Clerk state that it could be suspended by a vote of the committee?

Could the Clerk confirm that the rule could be suspended by a vote of the committee?

Mr. Speaker: We will have to take that, to use an American term, on advisement, and do some research. It may require the House doing something to suspend the Standing Orders and not the Committee. However, I tend to agree with you that the Committee or the majority of a committee should, but we will take advice on it and report.

Mr. B. Williams: I am guided by you.

Ms. Shadick: Mr. Speaker, may I rise on a Point of Order? Sir, my name was called by Mr. Basil Williams accusing me...

Mr. Speaker: Ms. Shadick, one second. Hon. Member the Standing Orders also permit that if a member feels he or she has been aggrieved in a debate he or she can, and I will allow you as I have done for others, at the end of Mr. William’s presentation. I will like to hear Mr. Williams uninterrupted so I will allow you at the end of this to make a...

Ms. Shadick: When he is finished... for him to continue to say the things he has been saying?

Mr. Speaker: When he is finished.

Ms. Shadick; The whole effect will be lost.

Mr. Speaker: You could make notes. I would like him to be as unimpeded as possible. You will have the right to respond.

Mr. B. Williams: Thank you Mr. Speaker. As I was saying all this talk between December and January about the business of the Select Committee being stalled even though from 1994 it was with the Government, I just could not understand. So what puzzled me even further was when I was saying let us meet every Wednesday, let us get on with it, Hon. Member Teixeira and Hon.

Member Shadick, said, no, not Wednesday. These are the Hon. Members who were saying they want to get on with the work.

At the very last meeting when we had a redefinition of the “A-B-C” countries, I hurried up the stairs of this August building to come to chair the Select Committee meeting and ahead of me laboring up was the re-definer of the “A-B-C”. I said to him, “my brother what is the matter with you?” He said he was very tired; he was just doing house to house in Linden. Well, I did not believe that because I did not know which area he could go house to house in Linden. I was concerned about my brother so I slowed my pace to walk with him just in case. We went into the meeting and – I do not think it has anything to do with the staff, it must be the Devil’s print - we had Minutes to deal with that we did not recognise. We do not know if with all the select committees working at the same time if the Minutes were confused. Anyway we tried with it, but then the Hon. Member Teixeira said after an hour that these Minutes are so bad we should send back everything and let them bring it back.

6.58 p.m.

I had asked for verbatim notes because the Government side had agreed to a certain clause. There were three parts to the clause and they agreed with us to the first two and the last clause had to deal with the seventh member and we said we would park that and come back to it. Lo and behold when the Government side returned to this meeting, they had suddenly said the entire clause was up for discussion and they never agreed with anything and that caused me even greater worry. So I was saying to myself, “is this another typical PPP negotiating ploy, again?” They agreed at one meeting and then the next meeting they came back and denied they ever agreed. So I asked for the verbatim notes and you must not fear that there was a little tape in this pocket, just in case you wanted to come with different notes, but I know you all good.

Mr. Speaker, the next you know, a proposal was made that since the notes were in disarray and we needed to get proper notes so we could move on that we should adjourned the meeting there and then. When the proposal was made to adjourn the meeting...

Mr. Speaker: Hon. Members at this rate we are going to have to send for the verbatim – the transcript – of these meetings and we will go through them piece by piece. However, Hon. Members we are debating the Local Authorities Elections (Amendment) Bill tonight.

Mr. B. Williams: Mr. Speaker, this is very important because you would have been bombarded by statements from the Hon. Member, Mr. Ganga Persaud, who does not want the media inside the meeting because the media would be able to put the light to what he is saying in the newspapers to the reporters.

Mr. G. Persaud: Mr. Speaker.

Mr. Speaker: I recognise Mr. Persaud, Minister of Local Government.

Mr. G. Persaud: Mr. Speaker, the Hon. Member continues to make this statement and the records will prove that what he is saying is not factual. The question was raised with regards to the media being present; the staff of the Parliament clearly stated the meeting was not one that allowed the media. [*Interruption*]

Mr. B. Williams: I thought this was a Point of Order.

Mr. Speaker: But Mr. Williams...very well Minister... [*Interruption*] Hon. Members, if in fact it was raised at a meeting and the Clerk of the Committee informed the Membership that the press could not be invited; then it could not be correct to keep laying the blame on any Member or the Minister, when in fact, the Clerk pointed this out as per the Standing Orders.

Mr. G. Persaud: Mr. Speaker that can be confirmed by the Minutes.

Mr. Speaker: If that is, in fact, what happened, Mr. Williams... [*Interruption*]

Mr. G. Persaud: The Hon. Member needs to stop doing this.

Mr. B. Williams: I am reiterating that it is a matter of fact that Mr. Ganga Persaud said that he does not want the media in there because the rule does not provide for it. So what am I saying, I am not lying. He said that. However, I know that you can vote to suspend that clause. [*Interruption*]

Mr. Speaker: Well the Clerk advises me that a Committee on its own, based on these Standing Orders, cannot suspend that clause.

Mr. B. Williams: Sir, but you said that you would take advice, I am waiting on you.

Mr. Speaker: I take advice from the Clerk. Very well.

Mr. B. Williams: As I am saying, I am doing this now at the outset of the work of the Committee because I hope that after tonight, Members of the Committee, on both sides, will resolve to do the business for the Guyanese people. That is why I came to do this.

Why I am saying it is important to have the media inside the Committee meetings is because no sooner than the meeting is finished, press conferences all called, given *ball by ball blow*, according to the speakers, about what transpired in the meeting. Therefore, we are saying, we will have to fast track the rules to deal with suspending the Standing orders to bring the media in to be part and privy to our meetings.

However, lo and behold, articles in the newspapers, the Hon. Member, Mr. Ganga Persaud was at some press conference; the Hon. Member Neendkumar talking about Argentina, Brazil and Chile. It is a problem of density.

Mr. Speaker: Hon. Members, what should be a matter pertaining to the holding or not holding of the Local Government Election is fast descending. We are descending into a place that we do not want to go.

Mr. B. Williams: I am coming off of that. Do you know why this is important?

Mr. Speaker: No, I am hearing Mr. Neendkumar's comments about giving back "thieving money" and all of that.

Mr. B. Williams: Well that is Mr. Neendkumar.

Mr. Speaker: The point I am making is... [*Interruption*] On both sides, during this debate, comments that are unparliamentarily and unnecessary have been made on both sides. All I am saying is we are descending to a place that we do not want to go. That is what I am saying.

Mr. B. Williams: I agree with you.

Mr. Speaker: The faster we can get through this debate, conclude it and make a decision on this Bill, the better for us.

Mr. B. Williams: So let me conclude. It means therefore, that if the rule says the business must be private, it follows that really cannot run outside of the Committee and purport to disclose what is supposed to be the business of the Committee. Then when you do it, at least do it accurately. Why would you try to undermine the Committee? It was about the second meeting the Committee had and you can hear the comments in here; that we are holding up the work of the Select Committee, when there were only about two meetings. The PPP had the custody of Local Government Reform for about fifteen years.

I am disturbed at the maturity or lack of that is being displayed in this manner. It tells me that *ab initio*, there is no good faith in proceeding with the work of the people in that Committee. We are going to hold you to account, we are going to insist that the rules are suspended to bring in the media. [**Mr. G. Persaud:** The camera is that side.] No I am looking at you, I see the camera off your forehead, and it is a good mirror.

I am saying that we have to get a democratic process and we do not want when we do our work in the Committee, the work is then paraded in a manner that is not constant with what took place in the Committee and this is my last work on this matter. I expect that the Members on both sides will do their duty to the people of Guyana.

It is clear, no matter if the statute is silent on it, the justice of the Common Law will imply. You cannot go and just collect elected Members and deposit them outside to pasture without giving them a hearing. We are told that they have had enquires. Who appoints the Commissioners for these enquires? Is it that the Minister, Ganga Persaud, appoints his junior Minister as the Commissioner? Then they tell us that reports have been rendered pursuant to the work of the Committee, but where are these reports. We have instructions that in a lot of these reports, the people disagree with the IMC and yet IMCs are imposed.

We are saying that the law would require for the reports from these enquires, not to be kept in the bosom of the Minister and his junior Minister, but they must be available to the public. These are public matters. In fact, we are going to amend the law, it should be published in the NDC in a prominent place; published at the NDC's office, published at school buildings within the IMC, this is democracy, Mr. Speaker. As my Hon. Friend said, "You cannot come like Nicodemus in the night and then tell people you are no longer a member of this Committee."

And what is worse, some reasonable sense of justice ought to dictate that in recomposing the Committee, some recourse should be had to consulting with the people, who in the first instance had won seats on those Councils and try to ask them to supply representatives and consult with them. Nothing like that is done. When they tried that in Kwakwani, the people of Kwakwani roundly rejected them. It is only because I have been busy really and I know that we have to have elections shortly I do not worry with you all and these jokey IMCs you are forming. But those are things we can take to the court and question, by Prerogative Writ. You cannot say that you are imposing an IMC and you did not publish a report to the people. It must be a precondition, before you impose any Committee that you publish the report of the inquiry to the people within the NDC or within the Municipalities. So I do not know what you all think you are doing, but it is only because I know that elections will be held shortly, otherwise IMCs would go to the rack.

Then you go to Plaisance, you are testing, but that is a fig leave, ask the Hon. Bishop about a fig leave of your imagination.

The IMC at Linden really should be the model. Yes because that was a proper consultative process. The people of the town of Linden/Mackenzie were able to go and testify. They were going to testify in all of that and then the report was published. The Committee was recomposed, after consultation with the People's National Congress, who had one majority in that...

Mr. Speaker: One second Mr. Williams. It is going on 7.10 p.m.; we should have taken the suspension at 7 p.m. Members, should we suspend now, or should we go to completion of this Bill?

Mr. B. Williams: I will finish just now; I will not be much longer.

Mr. Speaker: I see.

Mr. B. Williams: That would be the model; what happened in Linden because the Minister was consulted, he worked along with the Leader of the Opposition and they determined the composition of the Committee. There was no outcry. Was there any outcry? There was no outcry and that should be a model, if you wish to go that way Hon. Member.

When all of us talk and we even put it in our manifestos in the last elections, about holding Local Government Elections, we in the APNU were not playing lip service to that. We are resolved

about that and I want to bring you along Hon. Members on the other side. I am an eternal optimist. I want bring you along and let us get the people, empower them in their communities in which they live so that they can make decisions for themselves in their communities and do not have to wait on Central Government to interfere in it. That is what we want to do.

Mr. Speaker, having at the end of the day outlined what are the important considerations, it is only on this basis that we know our resolve, that elections must be held for Local Government this year, that we would agree to this temporary postponement that this Bill essays. On that note I rest my case. [*Applause*]

Mr. Speaker: Thank you Mr. Williams. Hon. Minister you may... oh sorry my apologies.

Ms. Shadick: Mr. Speaker may I have my two minutes now, Sir.

Mr. Speaker: Yes, please my apologies.

Ms. Shadick: Mr. Speaker, the records of this Parliament will show that I have sat in this Parliament as a Member of Parliament for the past twelve years. I have belonged and assigned to many committees; standing committees and select committees. The records will show that my attendance at those committees have been impeccable. Mr. William's record, on the other hand, will show...

Mr. Speaker: Hon. Members one second. In the past... [*Interruption*] Mrs. Backer, Madam Deputy Speaker, in the past, when Mr. Greenidge had felt aggrieved, I had given him leave to address the House in a similar fashion.

Mr. Greenidge: Mr. Speaker, I do not know about that.

Mr. Speaker: Yes, you have and the records will show that. We will take the suspension now. Mr. Isaacs, could you get the records to show that Mr. Greenidge has addressed this House at my request in a similar fashion?

Sitting suspended at 7.13 p.m.

Sitting resumed at 8.23 p.m.

Mr. Speaker: Thank you Hon. Members, this session is resumed, please be seated. Hon. Members, at the time of the suspension, Ms. Shadick, was addressing the House; I will allow her to continue. In the interim, the staff is compiling the numerous instances when Members have sought to make Points of Clarification and Points of Orders and those compilations will be sent to the individual Members on completion, thank you. Ms. Shadick.

Ms. Shadick: Thank you Mr. Speaker. My point here in saying what I was saying about my attendance at meetings and so on and my record in this Parliament will attest to that. I recognise the Hon. Member, Mr. Basil Williams's wish to score political points; Local Government Elections are coming up and he wants to say that under his Chairmanship things are moving a knot. I recognise all of that, but what I will not accept is the Hon. Member seeking to blame me and calling me by name, for the fact that the Select Committee cannot meet twice a week.

Mr. B. Williams: Mr. Speaker on a Point Of Order; Standing Order No.40.

Mr. Speaker: Yes Sir.

Mr. B. Williams: I reject out of hand what the Hon. Member is saying. At no time did I speak about her attendance or blame her for anything. Our position is, there has been no delay, so I cannot blame her for...

Mr. Speaker: My recollection is, Mr. B. Williams that you said that Ms. Shadick said she could not make it on a Wednesday. You called her by name and you said that she said...

Mr. B. Williams: And that is a statement of fact and we ask for the verbatim notes. If she does not have the notes, I will ask that she abide the arrival of the notes. I maintain that she said that; she and the Hon. Member, Ms. Teixeira.

Ms. Shadick: Mr. Speaker, I object to him calling me "she". I would like to say for the records of this House, because Mr. B. Williams seems not to be able to understand what being the Chairman of a Committee has to do.

Mr. Speaker: The point is noted Ms. Shadick...

Ms. Shadick: No, but I would like to say Sir, when Mr. Williams asked...

Mr. Speaker: Yes, but I am asking you to wrap up, please.

Ms. Shadick: Yes, I am wrapping up.

Mr. Chairman: Thank you.

Ms. Shadick: When Mr. B. Williams suggested that we meet twice a week, my response was, we are in several committees, can we meet from 11 o'clock to 1 o'clock on any day. He reminded me that I was a lawyer as he was and he needed to make money.

Mr. Speaker: Mr. B. Williams reminded you. Very well.

Ms. Shadick: That is what he said.

Mr. Speaker: Hon. Members what I can say is that the committee dealing with the Guyana Cricket Administration Bill and the committee dealing with the four Local Government Bills are stretching the Hansard Department to the limit because of this very thing of who said what and who did not. The Department is under pressure and in due course the Clerk will ensure that the record, the transcript of what was said, is sent to the individual Members, but we will proceed. Hon. Minister Mr. G. Persaud, could you conclude the debate on this matter please?

Mr. G. Persaud (replying): Thank you very much Mr. Speaker. I wish to acknowledge the contributions made by all the Members who would have spoken on the proposed amendments.

A few things seemed to have been the common theme from one side of the House and that is why are we, at this time in 2013, seeking to bring this amendment, which we would have been bringing over a number of years, to this National Assembly. The reasons seem to vary from speaker to speaker and sometimes one gets the feeling that we are talking about different things at the same time.

Local Government Elections after 1994 were constitutionally due in 1997, but because 1997 was the year designated for General and Regional elections, the Local Government Elections had to give way. The aftermath of 1997 General and Regional elections resulted in the Herdmanston Accord. I am trying to be brief. That, in itself, would have resulted in the agreement which saw the establishment of the taskforce. It was very clear that the holding Local Government Elections depended on the work of the taskforce. It was somewhat disturbing to have heard at least one

member of that taskforce, who boasted about being on the taskforce and I being there, providing... [*Interruption*] drinks and cakes. Mr. Speaker, for the records, I held equal rights as that Member on the taskforce. I was a member of the taskforce, until the taskforce closed its doors on both of us.

Mr. Speaker: You are not denying that you were a purveyor of drinks and cakes though.

Mr. G. Persaud: I was just being kind to some people who do not know what kindness is and they do not show their appreciation... [*Interruption*] It seems as if being humane is a crime in the books of some people and they sought to dehumanise kind acts, but what can you do.

As I was saying, no way could have any political party, particularly, the governing party could have been held responsible for the aftermath of the General and Regional elections in 1997 which resulted in that Accord being broken and Local Government Elections being capped as, put on the burner, until the work of the taskforce.

The work of the taskforce was not completed, it was aborted and because of that, after taking from 2001-2008, the works of the taskforce then were presented to this Parliament in 2009. It was from them that this our Parliament, all of us seated here, who are in the Tenth Parliament and who were in the Ninth Parliament and are here again in the Tenth Parliament, should take responsibility. I was surprised to hear some Members speaking on this amendment, chastising themselves for having kept these four Bills here all this while through.

We cannot hold Local Government Elections still because of a principle position that was taken between the major political parties and we blew hot and cold air this evening. The very Hon. Member, Mr. Williams stood up and said, “You all are not holding the elections” and then in the very next breath, “You all cannot hold it because you all are going to breach the commitment that we made.” Mr. Speaker, I do not know if this term is unparliamentarily, forgive me, but that is hypocrisy at its max.

The situation of where we are today and the reason why this amendment is before this House is in the brief sequential way I have just outlined. Some of us seem to take pride and feed from walking on parallel pathways that are somewhat distance from the truth. And so we have heard and we have been treated to an abundance of that from some speakers this evening, particularly

the Hon. Mr. B. Williams. [Mr. B. Williams: Wrap up now.] That is very nice I am just warming up Sir because of all the things that I have to respond to.

Mr. Speaker, I do not wish to disappoint anyone who would have spoken on this Bill, so the first bit I am responding here to is on a request from the Hon. Member Mr. Bulkan, who asked that in my response I will give the reasons why this amendment is coming back to this House today and now. I really want to be respectful to the request of the Hon. Member and I will not disappoint him. In this process we heard of the formation of IMCs and person running around like headless chickens and so on... [Mr. Harmon: And Nicodemus.] And Nicodemus and all of that and some revealing statements about people's votes ought to be counted and the democratic culture of allowing persons to participate in electoral and democratic processes. These were all statements that were made here and it seems as if from 1968-1985 those statements were not statements that were applicable to our country then, so people's votes and people's rights and things to be counted... What we are doing and what this Government has been doing over the pass eleven years, in establishing IMCs, are in keeping with the law and each procedure, step by step. These are learned ladies and gentlemen and Hon. Members of this House, many of them are very much schooled within the legal environment and so I do not think they will have any difficulty in checking the legal framework that governs local democratic organs and to satisfy themselves that every aspect with regards to us trying to renew Local Government and Local Governance are in keeping with the law.

With specific reference to Kwakwani, for two years that NDC was without a quorum. The Chairperson resigned. The community requested by way of letter/petition that a hearing be held. That hearing was publicised twenty one days before, as is required by law in the newspapers. Notices were placed at the NDC offices and so based on the law it is the Minister. My good Hon. Friend will know that, you cannot have persons in whom the authority is not invested legally to seek to assume such authority. It is the Minister who is responsible for naming the commissioner and that is what we do [Mr. B. Williams: The side kicks.] You call it what kind of kicks it does not bother me, you know of those things.

8.38 p.m.

The hearing was publicised. It was conducted. Residents turned out in large numbers and participated in that hearing so I cannot understand how it would have been secret. I wanted that to be noted. There is a similar situation across. I have heard about the story in Bartica. I do not know where the discontent is but what I know is residents across the Bartica community are extremely pleased and happy that the Neighbourhood Democratic Council, through the IMC, is providing services that they had not had for a number of years.

The next issue that was ventilated here by more than one speaker was that this Minister contributed to the delays in these Bills being presented late to the National Assembly and also by the Chair of the Select Committee, the Hon. Myself, is being accused of convening a meeting on 20th December to select the Chair. That cannot be. The person who... [Mrs. Backer: The Hon. "Myself"] Yes. ...is the authorised person to so constitute a meeting of that Committee for the purpose of electing the Chair rests with you, Sir, and you called us together first and when we met for the first time you will recall, Sir, that there was a deadlock with 4:4 and you, Sir, invited us again on 20th December because we were informed at that meeting that that was when the Hon. Member who was overseas would have been available. So it is, for the record and for the memory of some of us... I cannot blame some people. God has gifted all of us but some of us either use or do not use so we lose our memory very quickly. That one is very clear.

The other one: March, 2011, I must comment Hon. Member, Mr. Bulkan, for giving us a wonderful and excellent review of our discourse using the Hansard for 2011. I think that he has done a very good job and at least it should be more than a pass if rated. The Hon. Member said that the Bills were laid in July and August – a statement of fact. The Hon. Member failed to inform this House that what the Ministry of Local Government and Regional Development sought to do was to work with the dedicated staff in the drafting department of the Ministry of Legal Affairs to incorporate into those documents all the work and agreements that would have been reached by Members who were seated on that Committee in the 9th Parliament so that would have brought to fore a tidiness in our work and for us, the present Members of the Committee, to benefit from the efforts, knowledge, expertise and discourse that took place by the Members who sat during the 9th Parliament in that Committee so it would have enhanced our work significantly but when it suits some of us our memory lapses seem to be extremely convenient.

Having said that the noted fact is that the Bills are laid and then I am extremely disappointed with the Chair of the Select Committee who sought to come here... I thought that we were reporting on the work of the Select Committee and at times I got glimpses that yes indeed it was the Committee on which I am seated. At other times I thought that I missed some meetings because what was being related here is far distant from what I knew took place in the three meetings.

I want to make this very clear. When the issue with regards to the media being present, the documents that were before us clearly stated that this meeting was not open to the public and when the Chairman made a suggestion that the media should be involved the staff directed that this is not... This was in the presence of all of us. It has to be mischievous... It has to be an extremely wicked act to attempt to deceive the facts for whatever reason, I do not know.

I am not sure that the statement made that the People's Progressive Party boycotted the work of the taskforce for four years is a statement that can be verified. I am not sure that that statement is a statement of fact.

We in the People's Progressive Party/Civic Government stated our commitment very clearly in 2011 and I wish to restate that commitment. This country needs Local Government Elections. In having these Local Government Elections there are a number of issues that need to be addressed and these issues are the issues that are in front of us here. It is easy to point fingers. At the end of the day, as someone would have said, the people out there know and they understand and so while we think that in here we will change the facts and we will seek to use propaganda to gain whatever political advantage we may see, I think that when this Assembly can deliver in a complete way the four pieces of legislation it is only then we can remove ourselves from any blame and that is a statement of fact. The legislations are here. We have to get it out and whichever political party we belong to the nation knows that from 2009 to now it is our responsibility; us here in this parliament. We can talk how much we want. It is us that are here.

I have heard the Hon. Member stating that the Government, if they do not get their way at the Select Committee, we are not going to make progress. May I remind the Hon. Member that the Opposition has five Members and the Government has four Members on that very Select Committee? I do not understand... [Ms. Teixeira: And they have the Chair.] Thank you,

Mdm. They do have the Chair. The only problem is that we may need quite a few note takers and a few more tape recorders – not hidden ones – there because the memory problem I am not sure what cure we have for it.

I would have really liked to be given that opportunity to set the date for Local Government Elections. We must not forget this same argument went on in 2011 when this discussion on this very amendment was taking place. The then President said, “prepare for Local Government Elections”. The Guyana Elections Commission was put on high alert and in 2010 we were on fast track for the holding of Local Government Elections and it is the then Leader of the Opposition who made contact with the then President of this county and it was then that this agreement... [Mr. B. Williams: Hearsay.] It cannot be hearsay when the Hon. Member, Mr. Basil Williams, reminded us not so long ago, right in this House, that that agreement existed and was chastising us for not attempting to breach it.

Mr. Speaker, we were there on fast track. The claims and objections for having the voters’ list ready were undertaken in 2010. This Government, the PPP/Civic Government, maintained its commitment to the holding of Local Government Elections but because of our decency as a political party we had maintained our commitment to our political partners, although they are on the opposite side.

I am certain that if the Opposition wants us to hold Local Government Elections with the existing draft Bill still in this Parliament the PPP/Civic Government would be only too willing to so do. We would be willing to so do. We do not have any holdup on that. I am urging the Hon. Members who are seated here to consult with their political leadership and then let them signal to our President that we can go ahead and commence the preparation for Local Government Elections and let these four Bills take their normal course through. We are ready and willing.

In closing, let me once again thank all of the persons who would have spoken and to say that it is my fervent hope that this discourse, this time, we will all work together to ensure that next year we do not have to discuss an amendment to extend the life of our local government organs. [Mr. B. Williams: You said that last year and year-before-last.] Well I hoping and maybe praying that we would not have to do it again. I therefore wish to urge all Hon. Members in this House to give their approval to the requested amendment. Thank you very much.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

Bill reported without amendments, read a third time and passed.

SUPREME COURT OF JUDICATURE (APPEAL) (AMENDMENT) BILL 2013 – Bill No. 6/2013

A BILL intituled:

“AN ACT to amend the Court of Appeal Act and the High Court Act.” *[Attorney General and Minister of Legal Affairs]*

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: Thank you very much, Mr. Speaker. This is a very simple amendment to two pieces of legislation which are in our Statute books. Simple in the sense that they are small in terms of their size but they have very far reaching ramifications.

The Court of Appeal Act, Section 6.5 (a) provides:

“No appeal shall lie under this section from any order made in any criminal cause or matter.”

The High Court Act, Chapter 3:02, Section 71 (b) provides:

“No appeal shall lie to the full court from any judgment or order of a single judge referred to in Section 6.5 or 6 of the Court of Appeal Act.”

In a nutshell, these two provisions in the law combine to deny a right of appeal in a whole category of cases. This exists in a system like ours where the hierarchical structure of our court system has in it several tiers of appeal – the Full Court, the Court of Appeal and, of course, the Caribbean Court of Justice – and outside of the these bracketed cases every other case which

commences in our system can or has the potential of travelling from the nadir of the system to its very summit by way of the appellate process but these bracketed or category of cases, unfortunately, does not enjoy that latitudinal freedom of climbing up the system. One has this inconsistency inherent in this system and it has existed in our system for a very long time and I wanted to know why it is that this deficiency exists in our system and my research led me back to an Act passed in Parliament in the United Kingdom in 1873 and perhaps it is important that I trace how that Act impacts upon the current status of our legal system. [Mr. B. Williams: Going onto 1769.]

Since the 13th century, I am going beyond what you are speaking about, in the United Kingdom there were two different sets of courts administering two different sets of legal rules and principles. One set of courts administered the common law and the other sets of courts administered the principles of equity. As litigation increased, both the common law and equity rapidly developed and advanced. These two systems became both expensive and cumbersome to administer and maintain separately. For the litigant it was similarly costly and inefficient because it became necessary on a frequent basis to file cases both in the common law courts as well as in the courts of equity in relation to a singular wrong because both systems had inherent in them jurisdictional limitations so to get a complete redress for a singular wrong sometimes the litigant was burdened with the process of filing in both sets of courts.

These and other reasons led to the enactment of two important pieces of legislation in the United Kingdom – the Judicature Acts of 1873 and 1875. The main purpose of these acts was to amalgamate the superior courts into one Supreme Court of Judicature. The Courts of Queen’s Bench, Exchequer, Common Pleas and the Court of Chancery were all placed into one Supreme Court, consisting of the Court of Appeal and the High Court with different divisions. The Supreme Court was directed to administer both law and equity so while the rules of law and equity remained distinct and disparate both systems were hence forth administered by the same courts.

This is the court system and structure which we inherited from England when we became a colony of Great Britain and today that system remains the same. That is why our whole system is called the Supreme Court of Judicature; the same system enacted in England by this legislation in 1873, consisting of a High Court with several divisions – both civil and both criminal – and a

Court of Appeal. They merged both law and equity. That is why a litigant can go to our courts and file a case for a breach of contract and before that same judge ask for the legal remedy or the common law remedy for damages for contract and, at the same time, ask for an injunction restraining a further breach of that contract; thereby asking for both legal as well as an equitable remedy in a single litigation before the said same judge. That is the history of how we inherited the court.

The Court of Appeal of Guyana, as we know it, is of comparatively recent vintage. Of course it had many predecessors. For example, the Courts for Crown Cases Reserved which was established in 1869, the Court for Criminal Appeal, established in 1952, the Federal Supreme Court of British Guiana, established in 1958 and then the British Caribbean Court of Appeal, established in 1962. All the afore said appellate tribunals had one limitation after another and when we became independent in 1966, of course the need came for us to have a singular court which would administer and preside over all appeals coming out of our judicial system and we established in 1966, by virtue of Article 83 of the 1966 Constitution, the current Court of Appeal. It is common knowledge that a right of appeal is a statutory right and therefore legislation had to have been enacted to establish this right to be exercised and that is why we enacted our Court of Appeal Act. That Court of Appeal Act which we used, which is still the Court of Appeal Act that is here being amended today was largely borrowed from the Federal Supreme Court Ordinance which was its predecessor and that Federal Supreme Court Ordinance appears to have been a replication of the 1873 Judicature Act of Great Britain to which I made reference earlier.

However, when the 1873 legislation established the court of appeal in Great Britain, it confined that Court of Appeal to only hear civil cases because it was clearly an intention at the time in the UK, to create a separate tribunal to hear criminal cases so it was a transitional process in England. Some years later the Criminal Court of Appeal was established. Hence the 1873 legislation contained the prohibition against hearing appeals which arose out of a criminal cause or matter in anticipation of the establishment of a court to hear, exclusively, criminal matters. Our draftsman unfortunately borrowed or took the 1873 legislation wholesale, not appreciating that it was part of a transitional process and they supplanted it to Guyana and that became our law here and that is why we have that historical deficiency in our system. Of course, England rectified it when they created a separate court of appeal that dealt exclusively with criminal cases

so what they did was to put a prohibition to ensure that the Civil Court of Appeal of England does not hear any cause or matter arising out of criminal law and that prohibition is what mistakenly or inadvertently was what was transplanted into our system without recognising that it was only transient and part of a developing system.

This prohibition indeed is quite unpalatable. It prevents any form of review from decisions of a single High Court Judge in a large category of cases though we have two other tiers of review in the hierarchical structure of our court system. Of course I speak of the Court of Appeal and the Caribbean Court of Justice. In short this legal hurdle makes the decision of a single judge almost invincible in a whole host of cases.

9.08 p.m.

This state of affairs simply does not sit well in a legal system which guarantees several opportunities to appeal decisions in every other type of case except the ones which are prohibited. It is logically incompatible and inexplicably discriminatory in terms of the types of cases that can be appealed against.

That is the historical explanation as to how that provision became part of our Statute books. To examine the category of cases, which fall prey to this hurdle, one would necessarily need to examine what constitutes a criminal cause or matter so that one can appreciate the category of cases which are prohibited, by this provision, from being appealed against.

The term “criminal cause or matter” has been the subject of interpretation in various cases, both in the United Kingdom as well as in Guyana. But in my humble view, I believe the best analysis of the term was done by our Court of Appeal in 1990, in the case of *Zaman Ali vs Director of Public Prosecutions* reported at 1991, *45 West Indian Law Report*, at page 196. In this case, the facts are very simple. A lawyer was accused of forging an agreement of sale in relation to a property. The person, whose property was being fraudulently taken, reported the matter to the police and criminal charges were instituted against the lawyer. The lawyer then filed a civil case in the High Court for breach of contract saying that the man should pass the title to him because he produced the agreement of sale, saying that the man sold the property to him. That was the very agreement of sale that the man was saying that he did not sign and that resulted in the institution of the criminal charges. The lawyer then filed civil proceedings in the High Court

seeking to enforce that very forged agreement. So there were two sets of litigation pending: one in the Magistrates' Court in relation to forgery and one in the High Court in relation to breach of contract of the alleged forged agreement.

The lawyer then attempted to get the proceedings in the Magistrates' Court stayed until the proceeding in the High Court was heard and determined and he made an application to the magistrate to have that done. That application was refused by the magistrate. He then filed a proceeding in the High Court and he asked a High Court judge for what is called an Order of Prohibition, restraining the magistrate from proceeding to hear and determine the criminal charges pending in the Magistrates' Court until his civil case of breach of contract is heard and determined in the High Court. The judge, before whom the application was made to stay the Magistrates' Court's proceedings, declined to grant the application and dismissed his case. He filed an appeal against that judge's refusal to stop the Magistrates' Court's proceedings to the Court of Appeal.

In the Court of Appeal – Mr. Rex McKay was his lawyer, just for the information of the House, and Ms. Clarissa Riehl, former Deputy Speaker, appeared in the Court of Appeal for the DPP - the jurisdictional point was taken, invoking section 6 (5), the very section that we are seeking to amend, and the application was made to the court that it had no jurisdiction because the matter arose out of a criminal cause or matter. Rex McKay, being the industrious lawyer that he is, said that the application that was made to the judge was not in a criminal cause or matter; it was a civil matter. It was an application for a writ of prohibition, which is a prerogative writ, and would be categorised as a remedy in civil law. Therefore this provision in the law, this restriction in the law, will not apply to preclude the appeal from going forward. That necessitated the court examining the concept.

The court reviewed over thirty cases from across the Commonwealth and, of course, the United Kingdom, and examined the term. What the court found, in all the decisions that it examined, was that the unanimous view of every judge in the Commonwealth and in England, who had the occasion to interpret this section, said that “criminal cause or matter” does not necessarily mean the case from which the decision is appealed against; it goes to the decision which originated the cause. In the case at hand, the case that was before the court, it was the criminal proceedings which caused this cause to arise and which occasioned the civil proceedings in the High Court,

and all the cases that were examined by that court led to the inescapable conclusion that it was immaterial that the decision, which was appealed against, emanated from a civil cause. What was important was that that decision related to a criminal cause or matter.

Of course, the judgements that were given by our Court of Appeal, very eminent bench, comprising of Chancellor George, Justice of Appeal Kennard and Justice of Appeal Churaman examined all the cases relevant to the area and all the cases say the same thing: firstly, that the provision must be interpreted very widely to give it the widest of connotations and that it must relate to what originated the civil proceedings. If I may quote from one of the cases, *ex parte* Woodall, the 1888 case from England, the judge in that case, Lord Esher, the master of the Rolls of England, said this:

“The principle which I deduce from the authorities I have cited and the other relevant authorities, which I have considered, is that if the cause or matter is one which, if carried to its conclusion, might result in conviction of the person charged and in a sentence of some punishment such as imprisonment or fine, it is a criminal cause or matter.”

When the proceeding was looked at in the Magistrates’ Court in which the lawyer was charged with, it was forgery. That obviously required, or contemplated, a penal sanction being imposed at the end of the process if a guilty verdict is found. Therefore the thing is a criminal cause or matter.

In this case, every one of the judges, who wrote, took the occasion to express their disquiet about the state of the law and, in particular, about the fact that this prohibition does not make any sense in our legal system.

Mr. Speaker: Hon. Attorney General, I do not mean, in any way, to be disrespectful, but I get the sense that only about four of us are following...

Mr. Rohee: No.

Mr. Speaker: I included you in the four.

Ms. Teixeira: That is a filibuster.

Mr. Speaker: It is not a filibuster. [*Interruption*] I was just making the point. It is a very good argument. I know that Mr. Rohee is keenly following. I am not saying to stop but just to say that it seems as if some Members...It is if you could just break it down a bit.

Mr. Nandlall: I am laying the basis, Sir. I am establishing what the judiciary said about the need for us to change the law. This is what Chancellor George said at the conclusion of his judgement:

“Before leaving this matter, I am constrained to express my grave disquiet at the absence of a right of appeal from decisions of the High Court in matters which fall under section 6 (5) (a) of the Court of Appeal Act.

As I have said, this provision traces its origin to similar legislation in England.

Then he continued:

“I think that the law should be suitably amended to provide for a review as it would seem that not only does the constitutional framework imply it but the dictates of justice would require that this court as the final court of recourse...”

Of course, at that time it was.

“...should have the final say on the merits of any such challenge.”

Justice of Appeal Kennard had similar sentiments to express. He said this:

“Like Chancellor George, I feel that there is need for legislation to give aggrieved persons, like the appellant, a right of appeal to this court. In England, the position has been corrected. It seems only right that this court being the final court of the land should be given powers similar to that given to the final court in England.”

Of course, Justice of Appeal Churaman rendered similar sentiments in his judgement.

Another case I would like to refer to, which really sends home the point, and I am sure many Members are acquainted with, is the case of application by Barry Dataram aka ‘Mogatani,’ very celebrated individual. The case received wide coverage in the newspapers. Recall that a request was made by the United States of America Government of the Government of Guyana, via the Minister of Home Affairs, to commence extradition proceedings in Guyana with a view of

extraditing Mr. Dataram to the United States of America where he was wanted to stand trial for several criminal offences. We begun the process in Guyana as prescribed by the relevant legislation, the Extradition Act, and when those proceedings were ongoing in the Magistrates' Court, which is the court in which those proceedings must originate, an application was filed in the High Court, by the lawyer, seeking to challenge what was going on in the Magistrates' Court. The decision of the High Court was that the Magistrates' Court's proceedings was bad in law and that the law of Guyana did not authorise the proceedings to proceed in the manner in which it was proceeding, and, therefore, quashed the Magistrate's proceedings and put a halt to the proceedings in the Magistrates' Court. [Mr. B. Williams: What about the High Court?] Well, I wanted to skip the process. It went to Justice Rishi Persaud and he refused it and a similar application was made to the Full Court of the High Court. Then the Full Court of the High Court quashed the Magistrates' Court's proceedings. Mr. Doodnauth Singh, who was our Attorney General then, proceeded to appeal to the Court of Appeal and he was met by Justice of Appeal Charles Ramson who invoking section 6 (5) of the Court of Appeal Act and relying on all the cases which were relied upon in Zaman Ali's case, and that case itself, ruled that unfortunately, the Court of Appeal cannot entertain an appeal in the matter. Therefore the State could not have challenged Barry Dataram's success in the High Court. We were left without a remedy. Of course, Justice of Appeal Ramson, in his judgement, also took the occasion to call on this Parliament to rectify that lacuna which exists in the legislation. In fact, he called on the National Assembly to awake from a slumber – that is the language I believe he used. He was saying that twenty years ago the Court of Appeal expressed a similar call and it went unheeded and he, twenty years after, was echoing that same call.

The other case that I will like to make reference to, which assumed some national significance in our country also, was the case filed by former Commissioner of Police Henry Green, now deceased. Recall, based upon allegations made to the police, a file was transmitted to the Director of Public Prosecutions (DPP) for advice; the DPP advised that the then Commissioner of Police should be charged with the offence of rape. Prior to the institution of the charge, Mr. Green, through his counsel, rushed to the High Court and sought to stop the institution of the charge of rape against him. That matter, we know, received widespread attention and it was widely reported in the press. I heard my friend say that the case filed by Mr. Greene was also roundly condemned. [Mr. Felix: It was the decision.] The case itself... The condemnation or

the criticism came in two stages. It came when Mr. Henry Greene filed the challenge in the first place and then the criticism continued when the decision was rendered because the learned High Court judge quashed the decision of the DPP and precluded the institution of the intended charge of rape.

Again, the DPP called upon me because I was the respondent; the Attorney General was the respondent in those proceedings, to appeal the decision. I prepared a three-page opinion to the DPP citing all the law, citing Zaman Ali's case, citing Barry Dataram's case and, of course, citing the provisions in the law, which is currently under review, and advised her that as much as public sentiments may demand an appeal, the law simply does not allow it. That is the state of affair in relation to what exists by virtue of these two provisions and we are given an opportunity here, tonight, to correct these deficiencies which have been with us for nearly a hundred years.

If one goes through the Bill itself one sees that there is a provision. Clause 2 states:

“Section 6 of the Court of Appeal Act is amended as follows –”

Subsection (b):

“(5A) An appeal shall lie under this section...”

So we are giving a positive where in the current law there is a negative – “no appeal shall lie”. I am reverting now to the positive. I am making that prohibition now a permissive formula to allow for an appeal.

“An appeal shall lie under this section from an order made -

(a) in any criminal cause or matter at the commencement, during or at the conclusion of the said criminal cause or matter;”

So at any stage of the criminal cause or matter, an appeal can be filed. And:

“(b) before institution of a charge in respect of a criminal cause or matter...”

The reason this was put in before was to deal with the Henry Greene's kind of situation. Remember the challenge was made prior to the institution of the charge, so I did not want to leave it up to any interpretation. I wanted to make it very clear that once the case arises out of a

criminal cause or matter, whether there is in existence a charge or not, whether a charge is imminent or not, an appeal, if one gets a decision to stay the institution of that charge, then one must have a right to challenge that decision which prohibits the institution of that charge all the way from top to bottom of the judicial system of our country because that is the right that is enjoyed by every litigant in every case other than cases that are caught by this unfortunate restriction.

Therefore this is a Bill that has great public value in the sense that it increases the citizenry's access to justice, firstly, and access to every tier of the justice system which we have provided in this country. As I have said, over and over again, it is important to our country - it is important to our democracy; it is important to our economic growth - that our judicial system functions properly and that it remains accessible to every Guyanese citizen, irrespective of class or of status. This amendment which is being proposed here will seek to augment our efforts to make the judiciary accessible and to strengthen our judicial system.

I therefore commend this Bill for a second reading.

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

Mr. B. Williams: The Bill is about twenty years too late. We have always been saying that we need to have judicial review and we need to have legislative review in Guyana on an ongoing basis. There are many anomalies in the law and really it did not take the late Henry Greene's matter to precipitate it. I think it took the Dataram's case to precipitate the move on the part of the Government. Justice of Appeal George, as he then was, in the case of Zaman Ali, had made a recommendation since 1990. But, as practitioners, we came into contact with it pretty early.

I think this will explain it very simply: If we take the dichotomy between an offence... John Jones is picked up by Bourda Market and charged by the police with robbery or larceny. He is tried and convicted. When he is convicted he could appeal that decision. In other words, he has a right of appeal. Put that aside.

Deal with the other situation: Joselyn Jones is picked up by the black clothes squad outside of Stabroek Market. He disappears. He is not seen again and so a *habeas corpus* is applied for in the High Court. The Commissioner of Police comes and he says that he cannot give any explanation

because the records do not show, and the like, but the family and the people who saw the police came into custody are insisting that he has been held and taken into custody by the police. The matter is heard before a High Court judge and the High Court judge, in light of the testimony, dismisses the application for *habeas corpus* on the ground that the police are saying that they cannot produce the body of Joselyn Jones. In that scenario, we cannot appeal and that was the grave injustice to see the mother of Joselyn Jones crying on the floor of the court room and the family wailing, but there was absolutely nothing the lawyer could have done to assuage them because the lawyer cannot appeal.

It is the same thing with bail. If a bail petition is made before the High Court judge and it is unsuccessful, the lawyer could not appeal to the Court of Appeal or any higher court because it was deemed to be in a criminal cause or matter. I would not talk about how that matter disturbed me. I had done the research my learned friend just indicated in the early instance of his presentation. That was the injustice that we needed to rectify and it took some time. It had to take the Dataram's case.

Really, we, as practitioners, devised a 'legal fiction' and that fiction was instead of going with *habeas corpus* and intituling it in the criminal jurisdiction of the court, we used to intitule it in the civil jurisdiction of the court and some judges, even a chief justice... [Mr. Nandlall: It was mistaken.] It was not mistaken. I think they knew it was illegal fiction but they were trying to do justice and they used to grant that concession. But then subsequent to that, there were some other judges who came up and they insisted that bail applications, *habeas corpus* applications, by the nature being criminal, must be intituled in the criminal jurisdiction, and so a lot of people had to suffer, remain in jail, if they were refused bail or *habeas corpus* application. We are happy now that because of the Dataram case, where the United States of America wanted him... In fact the reliance on section 6 (5) of the Court of Appeal Act, which states that one could not appeal a criminal cause or matter, prevented him from being extradited at that time.

The definition of what was a criminal cause or matter became very important because a lot of times when the issue came up the actions would really be intituled in the civil jurisdiction of the court. It was held that, in the case of Zaman Ali, that it was the originating proceedings out of which a subsequent application arises that is the decisive factor and not the nature or quality of the application itself. In other words, the case starts in the Magistrates' Court, it is criminal,

somebody makes an application to quash it by *certiorari* or in the form of a prerogative writ, which is in the civil form, and one might wish to think that he or she could appeal from that and go to the Court of Appeal. Then the objection is even though it comes in a civil form, it was originally a criminal matter or a criminal cause and that would be sufficient for the court to decline jurisdiction.

Any practitioner of the Bar would support this application, but there are other things that we need to rectify in the criminal justice system. Appeal of acquittals by the jury was a misguided provision that was introduced by this Government. We all know that the jury is sacrosanct and has, from time immemorial, been the only democratic acceptable form in criminal trials in any part of the Commonwealth and we believe that one could not challenge the decision; the State ought not to challenge the decision of the jury properly constituted and due cause. That is a matter we are inviting the Hon. Attorney General to also consider. That is why we need ongoing review.

Another important factor is, too, the Caribbean Court of Justice (CCJ). We are signalling to the learned Attorney General that he should bring some legislation to this Parliament, the honourable House, to treat with the question of fast-tracking appeals to the CCJ. We need that urgently. I expect now that we are agreeing to this proposed amendment to the Court of Appeal Act and High Court Act that the Hon. Attorney General would also do the right thing and bring fast-tracking provisions to the Caribbean Court of Justice, so that justice in Guyana will be enhanced.

That notwithstanding, we, in the APNU, support this proposed amendment to the Court of Appeal Act. [*Applause*]

Ms. Shadick: I agree that this Bill is late, but it is here and in it I can see hope especially for victims of crimes such as rape, indeed all crimes of a sexual nature.

9.38 p.m.

We picked out some things and we said Barry Dataram's case and Henry Greene's case – God rest his soul - moving, and so on, but there are things that are nearer to us. There were children who were sexually abused by predators. I remember one case where a very prominent member of the Guyanese society was charged with sexually abusing young girls of one family and the

matter went to the Magistrates' Court, but because that prominent member had money and could have taken a lawyer, he did what people with money did as in the case of the late Henry Greene, but in this case the charges were already laid. His argument was... 'I went to court fifty-one times and that matter did not finish, so the High Court must rule that the matter must be dismissed'.

Nobody, in all of this, lawyers and fees and High Court, and all of those things, thinks of the victims, those people who have no voice and were not able to speak for themselves because, in the beginning, in the Magistrates' Court, they could not have taken lawyers. They were being represented by police prosecutors.

Mr. Speaker: Ms. Shadick, I hope one of the lawyers, who speaks tonight, rebuts that, that we show no consideration for the victim.

Ms. Shadick: I am not saying that we do not show. I am saying that in the whole scheme of things, when the High Court made that decision, that that matter must finish because that person had gone on and he had been negatively impacted by this matter. He had become, whatever you want to call it,... [Mr. Nandlall: Suffered miscarriage of justice.] He had suffered miscarriage of justice because his matter had been called in the Magistrates' Court fifty-one times and not concluded.

The decision was made in favour of the perpetrator of sexual abuse against children. Those children had no voice in that. That matter, having been dismissed, and so on, could not have been appealed because of this law. There are many such as those. I agree with my honourable friend about when somebody applies for bail and it is not granted, because it originated from a criminal cause or action, the decision of the High Court, which did not grant the bail, is not appealable. I agree. Whilst it is advancing our legal system and it is revising our laws and is taking us to a place where other countries are, what I am looking at is that it is a law that will help to give those voiceless people, those victims of the criminal enterprise a little more hope that there will be justice somewhere on the horizon, whether it is with our Court of Appeal or the Caribbean Court of Justice.

We need to understand that in any criminal enterprise there is a victim and the perpetrator is the one that is charged. That one goes to court and that one gets all... He goes to that... under this

law he gets...The victims are the ones who deserve to get the justice, the people who have suffered, and those are the ones I want to remind this House about tonight. Those are the ones for whom I am extremely happy tonight that it seems as if this Bill will pass unanimously. It seems as if this Bill meets with the approbation of everybody in this House because it long overdue. We know that it is long overdue. I heard somebody said that it is twenty years too late. I do not want to say that it is too late, but it is late, and it is never too late to correct an injustice.

I agree that there are other laws that have to change. I agree that there has to be law revision, but we have to take things one step at a time. Remember that there is a division in the Attorney General's Chamber for drafting laws that is severely limited in its ability to draft new laws. All of these are realities that our country has to take into consideration.

This here comes to this House tonight. There are pieces of legislation that have been coming to this House in a steady stream. The one that recognises the right of a common law spouse to apply for letters of administration after having lived for years without the benefit of a legal marriage or marriage certificate was a little issue but it redressed an injustice that affected a big part of our population. These pieces of legislation, whilst they might be coming, according to our friend on the Opposition side - I heard when the Attorney General said that Court of Appeal Judge Mr. Ramson called on this legislative Assembly – Mr. Basil Williams said that he called on the Government. He did not call on the Government; he has to call on this body, this National Assembly, because this is where the laws are made. As the Opposition is fond of saying that in the new dispensation even if it came here and it has one extra and it says no, then it would not pass. It is this National Assembly that has to pass it. The court did not call on the Government, the court called on the legislature.

There is this toing and froing, because apparently people want to go home, but they do not want to hear the hard facts that there are so many people who are going to be positively affected by this Bill. What I am seeking to do is to remind people of those who will be positively affected by this Bill. I am hoping that those who stand up for justice and say that they are speaking for the victims would be happy that I am saying this because it is those victims and those victims' families who need the closure and the justice that they deserve. That is what this piece of legislation will help to bring to the people of this country.

With those very few words... There are so many cases (I do not want to pick out the young Jones who disappeared. I did not know him personally, but some of us pick out things for political reasons.) where appeals were denied because the person charged could afford to get a good lawyer and go to the High Court and get a decision in his or her favour which decision is not appealable because the underlying cause was criminal. That, Mr. Speaker, is what this House needs to reflect upon and needs to understand. It is not just to say, "Okay, well, we passed this piece and we have more to pass." We need to reflect on the good this piece is doing to the people of this country.

With that, I commend the Bill to this House and I am sure that all of this restlessness is saying, "Well, look, get on with this and let us go home", but everybody has a right to say what they have to say in this House and I demand that I be allowed to say what I want to say.

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

Mr. Ramjattan: I shall be very short here. I want to say that, indeed, this is a Bill that goes to quite clearly plug a loophole, I regard it, that created lots of injustice in relation to matters criminal and in relation to orders that have been made which could not be appealed against.

The learned Attorney General did indicate the two main cases, Barry Dataram and the one with now deceased Commissioner. Those two cases provided, very graphically, the scenarios under which very serious principles of jurisprudence and legal issues could not have been appealed so that we could have gotten the wisdom of senior courts on certain issues. As you know Barry Dataram was decided by the Chief Justice and also was the decision of the case against the late Police Commissioner Henry Greene. Although there were very good rationalisation behind those decisions we still had wanted a scenario whereby you could have gone up to the Court of Appeal, then to the Caribbean Court of Justice to test the jurisprudential quality of those decision, but alas, we could not have done it because of this Court of Appeal section 6 (5) stating that no appeal shall lie under this section from any order made in any criminal cause or matter.

What this Bill seeks to do is to literally obliterate that and so now those orders made by the High Court judge, in relation to matters dealing with criminal cause or matters, can now go to the Court of Appeal and thereon to the CCJ, so that they can be tested, so then we need not be governed by simply a first instance judgement.

The Alliance For Change then supports this Bill.

Mr. Bond: I rise to speak on the Bill that is before this House, at present. As my learned colleagues before me, the Hon. Members, I also rise to support the said Supreme Court of Judicature Appeal (Amendment) Bill No.6/2013.

This amendment, no doubt, streamlines not only the two Acts, which it seeks to amend, that is, the High Court Act and the Court Appeal Act, but it also streamlines our jurisprudence. I must say that I agree firmly with the principle of review in all cases and in all matters. I do believe that litigants, on both sides, should have that right of review availed to them in all circumstances, more so, the victims or the aggrieved parties as the case sees it fit.

It is with no hesitation, therefore, that I offer my support for this piece of legislation and I must say though it is long overdue it is most welcomed.

Thank you Sir. [*Applause*]

Mr. Nadir: Mr. Speaker, I do not know what the agitation is...

Mrs. Backer: Mr. Speaker...

Mr. Speaker: One second please.

Mrs. Backer: Mr. Speaker before the Hon. Member begins his, I am sure, somewhat lengthy presentation I seek, under Standing Order 10 (3) to move... which states that:

“The Assembly may at any time by motion made and carried without amendment or debates suspend or vary the provisions of paragraphs one (1) and two (2) of this Standing Order.”

Paragraph (1), of course, deals with the time for adjournment. I rise to move that the time for today’s end of sitting, ten o’ clock, be suspended so that the House can conclude the first reading of the Constitutional (Amendment) Bill and the Fiscal Management and Accountability (Amendment) Bill, both of which are for first readings today, and I so move.

Minister of Parliamentary Affairs and Prime Minister [Mr. Hinds]: Mr. Speaker, I think that we, on this side, think that to extend so far is inappropriate. We think that we are ready to

approve an extension of tonight's sitting so as to conclude the Bill that we are now considering. We think that having done that we would have accomplished enough for this session.

Mr. B. Williams: The Hon. Prime Minister might have been a bit premature. We were about to rise to second the motion...

Mr. Speaker: Let me advise both sides that normally the Speaker invites and calls on someone to move the motion. Everyone was a bit premature, to be quite frank.

Mrs. Backer: Mr. Speaker, if I may. There are two separate Standing Orders...

Mr. Speaker: Yes, the Speaker normally, in practice, calls on someone to move the motion for the suspension of the Standing Order for an extension. I was just pointing that out. I am not saying that it cannot be done, but I am saying that the practice is...

What we have are similar situations to what we had on the last occasion. Mrs. Lawrence, are you seconding Mrs. Backer motion?

Mr. B. Williams: I second that motion.

Mr. Speaker: Mr. Prime Minister, is there a seconder for your motion because...?

Ms. Teixeira: He is the Prime Minister, he does not need a seconder.

Mr. Speaker: Pardon me?

Ms. Teixeira: The Leader of the House does not need a seconder.

Mr. Speaker: I will have to put the two motions to the House. I will take the second motion put by the Prime Minister, that is, that we go until the completion of this Bill and then adjourn.

Question put, and negatived.

Mr. Speaker: I wish to put the motion in the name of Mrs. Backer, that is, that we proceed beyond ten o' clock for the completion of this Bill...

Ms. Teixeira: Mr. Speaker, the bell did not ring for a vote. I am sorry, but usually when you are putting a motion, such as this, that the bell is usually rung to bring in people. I know you have done it in the past and there may have been an omission this time.

Mr. Speaker: Thank you. I have only called for the bell when there has been a call for division to ensure that every Member, who wants to vote, is given the opportunity...

Ms. Teixeira: This is a vote – Yea and nay is a vote.

Mr. Speaker: Where a division has been called I have sought to introduce the practice of the bell, which is something I have introduced, but it is not when it is on the normal vote.

Mr. Hinds: Am I still open for a division, Sir?

Mr. Speaker: Yes.

Mr. Hinds: Well, we call for a division, Sir.

Bell rang.

Assembly divided: Noes 32, Ayes 27, as follows:

Noes

Ayes

Mr. T. Williams

Mr. Jaffarally

Ms. Marcello

Mr. Damon

Dr. Ramayya

Dr. Persaud

Mrs. Garrido-Lowe

Rev. Dr. Gilbert

Mrs. Hughes

Dr. Mahadeo

Mr. Nagamootoo

Mr. Seeraj

Mr. Ramjattan

Mr. Neendkumar

Ms. Ferguson

Mr. Chand

Mr. Morian	Ms. Shadick
Mr. Allen	Mrs. Chandarpal
Mr. Jones	Mr. Nadir
Mr. Adams	Ms. Teixeira
Mrs. Baveghems	Bishop Edghill
Mr. Sharma	Mr. Whittaker
Mr. Bulkan	Mr. Baksh
Mr. Bond	Mrs. Sukhai
Ms. Kissoon	Ms. Webster
Mr. Trotman	Mr. G. Persaud
Ms. Selman	Mr. Benn
Mr. Allicock	Dr. Anthony
Ms. Wade	Mr. Ali
Mr. Felix	Dr. Ramsaran
Ms. Hastings	Dr. Westford
Mr. Scott	Dr. Singh
Lt. Col. (Ret'd) Harmon	Mr. Nandlall
Mr. Greenidge	Mr. Rohee
Mrs. Backer	Mr. Hinds
Dr. Norton	
Mrs. Lawrence	

Mr. B. Williams

Dr. Roopnarine

Brigadier (Ret.) Granger

Motion negatived.

Mr. Speaker: I will now put the question arising from the Hon. Deputy Speaker, that is, that we proceed beyond 10 p.m. to conclude this Bill and the other Bills that are on the Order Paper.

Question put.

Motion carried.

Mr. Speaker: We may now proceed. Mr. Nadir, you may address the House.

Mr. Nadir: First, I want to express my appreciation. I am sure for most of us listened with rapt attention to the Attorney General as he...

Mr. Speaker: Mr. Bond, are you leaving? Mr. Nadir may wish to rebut some of what you said so it would be good for you to hear him.

Mr. Nadir:...with rapt attention to the Attorney General as he outlined the development in our legal system and personally I found it very interesting and enlightening.

Mr. Speaker, there was an observation I was making to a colleague of mine, as were listening to the presentations, that during this debate, and shortly after Ms. Shadick spoke and the other two Members, who spoke from the Opposition, there were deafening silence in the House except, for their voices. I know that the moment you invited me to speak the agitation started. I was not taking it personally, because I also said to my colleague that I note that the same thing happens to other speakers from this side, those disruptions coming from your left hand side of the House, but we are all elected to give our views and make our representation with respect to those people who elected us.

Whilst we have heard a lot of legal argument why this particular amendment is needed and should have come earlier, there are some other implications, and I think the Attorney General did

say in his opening that they are small in terms of size, but enormous in terms of ramifications. This is where I feel, Sir, very strongly that these simple amendments here have even more to do with the foundation of our democracy. They have more to do than the foundations that democracy is built on whilst they address some issues in the legal justice system. We do have the audience out there who want us to also explain to them what these laws, which we pass in the House, mean for them. It is not only speaking to the legalities but also the principles. I see in these simple but enormous implications, which these amendments will bring, the confidence of the citizenry. Democracy is built on us serving people and serving people's interest and governing on behalf of people in a just way. This is how I see these amendments.

Yes, they may have taken centuries to come to the House, but it is among the citizenry, not necessarily only in the courts that these particular amendments will have the enormous ramifications. Whilst the responsibility of Government is to ensure that justice is served, be that by punishing offenders through the justice system and by ensuring due process and that citizens can access the fullness of the judicial process at all levels, I again reiterate that this will redound to the confidence of the Guyanese people in the society which they live in and the democracy which is being constructed every single day. It is not a static process, but it is dynamic, and it is changing by the moment.

When I was invited to make a contribution on this particular Bill I too scratched my head and I said this seems to be something for the lawyers, but as I listened to the Hon. Attorney General and I listened to some of the challenges raised by those lawyers, who spoke before me, I think the gravity of the implications came to mind. The Attorney General mentioned the year 1873..., and I think he also mentioned that there was the combination of the two different courts, in the years 1873 and 1875, into one court in England. Sometimes things are left on the back burner, in this case, it was for centuries, but as crimes and serious issues emerge we get the gravity of these offences and the need to act immediately.

As I said, when I looked at it I remember a particular article that I read on the issue of the rape victim in India last month who died. In that particular instance, Mr. Speaker, the sexual offences legislation in India had remained largely unchanged since the year 1872. I have the particular reference which I can forward to you, Mr. Speaker.

Whilst the activists in India said that every single day, every hour in India, there is a rape victim – eighteen children suffering per day and hundreds of thousands of victims annually - these laws were never changed, but one incident sparked immediate change in legislation.

10.08 p.m.

Whilst the Parliament of India was in recess, the Cabinet approved ordinances that were signed into law immediately, less than one week and a half ago, by the President. Of course, I think, for that system, those had to be rectified within six months. In spite of similar offences happening, over and over again, the gravity of that offence sparked the national outcry, in India, and international outcry all over the world for change. It is in this light I draw the parallel with respect to the confidence of our citizenry in the system of justice and in the democracy that we are building.

I see these enormous ramifications which the Hon. Attorney General referred to and, as you had had informed him, Mr. Speaker, that he can break things down a bit for the non-lawyers in the House, I know he may have curtailed his presentation to some extent and made it even simpler. I think we need to still recognise the fact whilst this is remedying in or criminal and legal justice system it will also redound to the confidence of our citizens. Ms. Shadick mentioned “victims” and the ability of the victims now to access the judiciary at all levels.

I am also pleased that this particular piece of legislation is receiving the unanimous support of the House. It is a habit that we need to inculcate in the House. I want to call on us..., especially when the Government brings Bills, that the Opposition needs to understand that we also have that right because the PPP/C is still the elected Government of the land.

Thank you very much.

Mr. Nandlall (replying): I wish to thank all Members who have spoken on this Bill and to express and to convey my gratitude for their support. I have noted the points, which have been made. I have noted that Mr. Williams has requested that we continue to have changes in our law as we continue our efforts to rid our statute books of anachronistic and antiquated provisions which are still there. I had indicated to the Guyana Bar Association and to every lawyer, who is a Member of this House, that it would be desirable if he or she can make suggestions to me. They

do not have to do it in writing; call me or say to me, whilst I am in the National Assembly, that these amendments should be looked at, or they should be brought, or this should be amended and that would help me to accelerate the process of cleansing our statute books of all the relics that are scattered in many places.

My honourable friend made a comment about the jury system and sought to advance the argument that this Parliament fell into error when we passed a law which allowed a right of appeal in relation to the criminal cases at the assizes. I recall distinctly that I spoke at length when that Bill was promulgated through this House and I clearly distinguished that this was not an attempt to appeal a verdict of the jury. In fact, that is not possible and that is clearly excepted from the written provisions, express provisions of the Bill, now law. What it sought to do was to make the judiciary more accessible and to permeate greater fluidity in the system from bottom to top. There seems to be no rational basis to make any decision of anyone unappealable, when the system allows for appeals beyond where that particular judge sits, so that whether a judge in the High Court accepts a no-case submission prior to the enactment of the law, to which my friend made reference, that decision of the judge to accept a no-case submission at the criminal assizes was unappealable.

In my presentation then, I took the National Assembly upon an excursion through almost the entire Commonwealth to show the number of countries that have changed the law to permit an appeal at the assizes. It is not from a decision from the jury, but from a decision of the judge on questions of law. I believe that to go back and change that, which we rectified in the last Parliament, would be a retrograde and retrospect step because here it is that we are conferring a right of appeal where one never existed. We are amplifying accessibility to the various strata of the judicial hierarchy and my friend, in a retrospective suggestion, is asking that we take away a right of appeal. That simply is not the philosophy that we want this Parliament to pursue.

We want to give greater access and have greater reviewability, all in keeping with the Opposition's call for transparency, responsibility and accountability. Well, it is the same concept that I am seeking to inject in the judiciary, because it is a public institution, such as every other institution. It reviews the conduct of others and there seems to be very little sense in making it unreviewable. That is what I am seeking to do, to make everyone, public officer, who is funded

by public moneys to be as reviewable as the law permits. That is not a suggestion that I think is one that we should consider, having regard to the type of atmosphere that we are trying to create.

I think that we had a very good debate. My friends recognised that the law is of great utilitarian value and will advance the process of justice in our country. I know that my friends feel that I should not speak so much but it is important... [Mr. Ramjattan: ...[inaudible]] No Mr. Ramjattan, as you see, when we make the law we must understand [Mr. Ramjattan: It is regardless.] Do you see how my friends are abusing me, Mr. Speaker? I believe that it is my constitutional duty, as Attorney General, as legal adviser to the Government and to the Assembly and as head of the Guyana Bar Association when I bring legislation to the House, that I must bring every explanation that is available, including the historical evolution of the law, the mischief that the law seeks to remedy and the remedy that it advances to cure that mischief.

I know that my friends are in a mood to stay here very long since they have requested and voted for us to be here very long, so we are going to stay here very long. I want to thank my friends very much and I ask that the Bill be read a third time.

Mr. Speaker: It is the second report.

Mr. Nandlall: It is for a second time.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

Bill reported without amendment, read a third time and passed.

Mr. Speaker: Before we proceed, I just want to say to you, Hon. Attorney General, that I would just like to compliment you on this bit of legislation and also on the recent publication of law report. The House awaits at least three sets of volume for its reference, and the new laws. We are still using the out dated laws. In fact, every Member should have a tablet or an iPod with all the

laws loaded on before them. It is something that I am hoping that the Hon. Minister of Finance will consider.

Last, but not least, I also compliment you on your pink tie. I notice that you have been brave enough to step out in a pink tie and that takes a lot of courage. Congratulations.

Mr. Nandlall: Thank you very much for your warm words, Sir. Arrangements are being made Sir, for...

Mr. Speaker: Is it for the tablets?

Mr. Nandlall: Well yes. Actually, a law firm, Cameron and Shepherd, has agreed to modify that which exists to allow for it to be accessible that way. I am not technologically savvy, so I am unaware what has to be done. It is working to do that.

The other thing is, Sir, I have been speaking with the Clerk and as soon as the laws are available copies will be sent to the Parliament Office. As far as I am aware, Sir, arrangements are being made to send one set of the law reports to the Parliament Office. Sir, as you can see, what I am hoping to do in the very adverse financial circumstance is that I am seeking to use the moneys generated from the sales of the law books to do the outstanding five years, 2007 to 2013, and also to do a consolidated index dating back to 1930, because those are the reports that are available, from 1930 to what would be 2013, which will be a remarkable accomplishment if I am able to do so. We need the money Sir; the money will be well spent.

TELECOMMUNICATIONS BILL 2012 – Bill No. 18/2012

A BILL intituled:

“AN ACT to provide for the establishment of the Telecommunications Agency and for a regular, coordinated, open and competitive telecommunications sector and for matters incidental thereto or connected therewith.” [*Prime Minister and Minister of Parliamentary Affairs*]

PUBLIC UTILITIES COMMISSION (AMENDMENT) BILL 2012 – Bill No. 17/2012

A BILL intituled:

AN ACT to amend the Public Utilities Commission Act. *[Prime Minister and Minister of Parliamentary Affairs]*

Mr. Hinds: Mr. Speaker, Hon. Members, I rise to beg that we defer these two Bills once more. We are proceeding to work with Guyana Telephone and Telegraph Company (GT&T) and Digicel to get the Bills in a form which we hope would not attract any contest by them.

Bills deferred.

PRIVATE MEMBERS' BUSINESS

MOTIONS

THE APPOINTMENT OF A COMMISSION OF INQUIRY TO INVESTIGATE THE INCIDENCE OF CRIMINAL VIOLENCE FROM 2004 TO 2010 IN GUYANA

WHEREAS, Article 138 (1) of the Constitution of the Republic of Guyana prescribes that no person shall be deprived of his life intentionally save in the execution of the sentence of a court in respect of an offence under the Laws of Guyana of which he has been convicted;

AND WHEREAS in accordance with the Commission of Inquiry Act, Chapter 19:03, "The President may issue a commission appointing one or more commissioners and authorizing such commissioner or commissioners to inquire into any matter in which an inquiry would, in the opinion of the President, be for the public welfare";

AND WHEREAS this country has witnessed a pattern of unlawful killing of undetermined numbers of persons – including assassinations; executions; murders; extra-judicial killings by members of the Guyana Police Force Target Special Squad and other forms of criminal violence in Guyana during a period of 'troubles' on the East Coast and East Bank of Demerara and elsewhere – which were harmful to the public welfare;

AND WHEREAS several of these killings have been of a deliberate and systematic nature – particularly those which occurred at Agricola; Bartica; Buxton; Eccles; Lindo Creek; Lusignan and Bel Air, Bourda and Kitty in Georgetown – which can be classified as massacres and have engendered alarm and despondency among the population;

AND WHEREAS some killings involved members of the Guyana Police Force, the Guyana Defence Force and unidentified criminal gangs in which gangsters were equipped with a variety of electronic ‘eavesdropping’ equipment, weapons and vehicles that were provided with assistance and support by members of the Guyana Police Force;

AND WHEREAS commissions of inquiry and coroners’ inquests have not been conducted into some unnatural deaths and criminal investigation reports by the Guyana Police Force, with regard to the most egregious of these crimes, have often been inconclusive;

AND WHEREAS the National Assembly is the supreme legislative forum of our Republic wherein the people’s elected representatives discuss and determine matters of national interest and which is obliged to consider the grave threats to the public welfare and public security which prevailed during the aforesaid period of the ‘troubles’ and which remain substantially uninvestigated,

“BE IT RESOLVED:

That the National Assembly condemns the killing of citizens of Guyana which occurred during the period of the ‘troubles’ and expresses its concern that commissions of inquiry have not been convened to investigate the unlawful killings, including the assassination of a Minister of the Government in April, 2006, on the East Coast of Demerara;

BE IT FURTHER RESOLVED:

That the National Assembly calls upon the President of Guyana, in accordance with the Commission of Inquiry Act, Chapter 19:03, to appoint a Commission of Inquiry to inquire into the unlawful killing of citizens during the years 2004 to 2010.” [*Brigadier (Ret’d) Granger*]

Brigadier (Ret’d) Granger: I rise to address matters concerning this motion which is in my name. As you are aware, Mr. Speaker, the original text of my draft motion had prescribed that the years 2000 to 2010 be considered. You are aware that the decision was taken to change this to 2004. This has caused much misunderstanding and I would now like to request humbly that my original text and the original periodisation be restored so that the motion should read “2000 to 2010” instead of “2004 to 2010”.

I would also like to request that the debate on this motion be deferred particularly because other elements have raised the question of a Truth and Reconciliation Commission. As you know, Mr. Speaker, this is the sixtieth anniversary of the elections of 1953, which was the first election held under universal adult suffrage, and it was a watershed year in our political history and many people feel that the national unity, which we enjoyed, or we seem to enjoy in 1953, was shattered thereafter.

Many voices have been raised about the need to have a Truth and Reconciliation Commission to investigate a range of incidents beyond the period that I have asked in my motion and I would have no objection to that. I do believe that we are all interested in national unity and we should seek wherever the problems are to resolve those problems so that, at least from the Tenth Parliament, we move forward to ensure that this nation does not suffer from the wound of the past. I do not believe that cherry-picking events or personalities or dates will be helpful. If this is what the House wants, let us have a Truth and Reconciliation Commission dealing with the whole sixty years. I have nothing to hide, I have nothing to lose and we have much to gain.

I would like to use this opportunity not only to ask for a deferred of the debate, but to also restoration of the original dates and to invite all Members of this House, on both sides, to be part of a tripartite process so that there could be a Truth and Reconciliation Commission for however long, fifty years, sixty years, but, as I said, this is the sixtieth anniversary of the 1953 elections so maybe we can go all the way back to 1953 and see where the trouble starts, complete diagnosis of the process.

Mr. Speaker: Hon. Leader of the Opposition, in terms of the later request for the original period to be restored, in principle, I will be prepared to favourably consider it. I will speak to the Clerk about how it can be done and this is in view of that fact that there are many interventions, many suggestions, as to the periods, so what started out as a look at a decade seems now to be going into five or six decades. I believe it would be unfair to try to restrict it to one decade, but certainly there are a number of proposed amendments that will span beyond the decade. If that is going to be what seems likely to be the case, well then I do not see how four years could make a difference, in terms of the motion. I will discuss with the Clerk as to how it can be done, whether or not the Order Paper has to be republished with the amendment, or whether it could be done on the floor.

In so far as the second request for a tripartite discussion, well then that must, as of necessity, be led and driven by you and we will await the return of the motion as a collective effort. Thank you very much.

Brigadier (Ret'd) Granger: I do not know if I am misunderstood. I was suggesting that the Truth and Reconciliation Commission debate be a completely separate motion. I am prepared to bring that motion before the House.

Mr. Speaker: Very well. As to whether or not Members want to have the issue of truth - they are some speaking about a Truth Commission; some are speaking about a Truth and Reconciliation Commission - attached to this motion or to a separate motion is a matter that will be worked out between the parties, as I said, in a process that you may initiate.

THE CONSTITUTION (AMENDMENT) BILL 2013 – Bill NO. 4 of 2013

“BE IT RESOLVED:

That this National Assembly, in accordance with Standing Order No. 52 (1), grant leave for the introduction and first reading of the Constitution (Amendment) Bill 2013 – Bill No. 4 of 2013:-

A BILL intituled AN ACT to amend the Constitution of Guyana in accordance with Article 164 of the Constitution of Guyana.” [Mr. Carl Greenidge]

Mr. Greenidge: May I invite the House in accordance to Standing Order number 52 (1) grant leave for the introduction and first reading of the Constitution (Amendment) Bill, a Bill intituled an Act to amend the Constitution Bill of 2013? Mr. Speaker, I would just like to take the opportunity just briefly to say to you that the intention of this amendment is simply to remedy an omission, which may be an oversight, it does not really matter, and the oversight has resulted in article 222A, and it is Schedule three of article 222A, omitting all but selecting Rights Commission. The intention here is simply to add to the list of entities those constitutional rights bodies, which are defined in article 222A. If title one to six of the Constitution is looked at, as being independent or autonomous,... That is the simple intent of this amendment. May I take the liberty in just reminding colleagues that this particular matter has been the subject of discussion between ourselves, that is, the Members of APNU and the PPP? There is even a record of those exchanges. I think the recognition that the items were omitted was acknowledged and in those

meetings the attempted Minutes of the meetings were cast on the basis that a two-third majority was needed to effect the changes. We are now wiser and for that reason I think we are using the mechanism available to us to move forward.

Mr. Nandlall: I wish to begin by replying to the later statements by the Hon. Member, his reference to the record of exchanges between the governing party and the APNU. Indeed, there has been an exchange of correspondence on this issue and indeed, in fact, there was a resolution on how we will proceed forward. We had agreed that we will proceed by referring these and other raised to the Parliamentary Standing Committee for Constitutional Reform where they will be fully and properly ventilated. Of course, and as usual, I hate to say that, there has been a breach of the accord, which existed, and a breach of the procedure which we agreed to move forward with, in relation to this matter.

Mr. Speaker: Hon. Attorney General, I think, in fairness to the majority of Members, if there is such a record and accord, at least, lay it in the House, because we are hearing about this... and some of us, who are not present, will need to see it, because we cannot agree that there has been a breach or that they have been complied with. We have to first establish that there was such a record or an accord.

Mr. Nandlall: First Sir, your sentiments are well-founded and quite understandable, except that we may not have an official series of correspondence. It was never my intention to ask Your Honour to judge whether there a breach of the accord or not, but my friend introduced these matters and I was simply attempting to respond, so that both sides of the House can be kept abreast of what he was speaking about. More importantly, the motion which is before the House appears very innocuous *ex facie* and, in the words of the Hon. Member, it simply seeks to add certain agencies to a schedule in the Constitution. That is how it appears, if one is to superficial look at the matter...

Mr. Speaker: Hon. Member, what is before us tonight is whether or not leave should be granted for the second reading of this Bill.

Mr. Nandlall: Yes Sir.

Mr. Speaker: ...for the first reading rather and that is the motion simpliciter before us.

Mr. Nandlall: I know that, Sir. I am advocating advancing the reasons why leave should not be granted. Sir, that is why I was hoping that I could have persuaded my friend to adjourn the matter to the next occasion because I have to be long on this matter, but my friends apparently are prepared to hear me out.

Sir, what is taking place here is something that is most serious and this has nothing to do with politics. Let me say that up front - absolutely nothing to do with politics. It has to do with constitutional matters; it has to do with factors which touch and concern our Constitution. This motion and the Bill, which it proposes to introduce, cannot be considered separately from the Fiscal Management and Accountability Amendment Bill of 2013 because there is symbiotic relationship between the two pieces of proposed legislations, because one complements the other.

We have a Constitution that is founded upon certain foundational principles, one of them being the separation of powers. That doctrine dictates that certain responsibilities are going to be performed by certain arms of the State and it divides the State. It divides the actions of governance into three categories - the Parliament, the judiciary and the executive. In relation to the executive, as it relates to this Bill, it has the exclusive responsibility of the financial management of the State. That does not suffer any exception whatsoever and that is where we continue to fall into error and that is why..., unless we understand. As long as we do not understand that the executive has financial control and management of the State, then we will continue to fall into error. The National Assembly has a role to play. It has a role of oversight, of financial oversight, that is exercised largely in two ways. One, it is at the Committee of Supply when the estimates are presented by the Minister of Finance, as a delegate of the President.

10.38 p.m.

I am going to go to the Constitution to take the National Assembly through, provision by provision, and then I will relate it to this motion. There is that function at the Committee of Supply level when the National Estimates are prepared and presented.

Secondly, it is at the level of the Public Accounts Committee which is always chaired by the Opposition. It is at those two fora that the National Assembly is required to perform its financial oversight functions.

What we have seen happening in this Parliament never happened before. No other Opposition... Many Members here are not new Members. Why is it that they never attempted before to venture into a financial trespass into the province of the Executive? [**Mrs. Backer:** It could not have been passed. We have the majority now.] You could have tried it and it would have been defeated. [**Mrs. Backer:** Exactly.] Now you are trying it and the Court is telling you that what you are doing is wrong. [**Mrs. Backer:** That is misinformation. Why are you appealing the Judge's decision?] Let us go to what the judge said. I say this with the greatest of respect to my Friend – honestly. My Friend is delving into matters that are clearly outside of his competence!

Mr. Speaker: Hon. Members, let me say that this is supposed to be a simple motion to determine whether or not this Bill will be read a first time. We are venturing into the debate of the substance of the Bill. I do not know where we are heading, but we are going deeply into the realms of the contents and substantive issues of this Bill when it is really to determine whether or not leave will be granted. In fact, I do not know and we cannot anticipate the mind of the mover. It may be that this Bill is referred to a Committee. All we are to determine this evening is whether or not the Bill shall be read a first time.

Ms. Teixeira: Mr. Speaker, if you would allow me, Standing Order No. 52 (2) allows that where there is a person who is opposed to a motion that the Member is allowed to speak and to present the reasons for opposing. It is rather difficult to say one is opposing a motion without trying to develop the reasons why. Therefore, it is not always usual and it is hard to go between the lines, but this is a very important issue and I am asking that the Member who is opposing on behalf of the Government...we have abided by the request of the Opposition to have one person speak on the two Bills, one each, therefore we should be allowed some latitude to expand on the reasons why we are totally opposed to the motion which will allow a Bill to be laid which has some serious issues involved.

Thank you.

Mr. Speaker: Hon. Member, I never stopped the learned Attorney General from speaking, but, as night follows the day, if the mover of the motion is allowed a brief explanatory statement, how could the person opposing be given a full speech? It just does not follow reason. I am not

saying that the learned Attorney General cannot make his arguments but this is not as if this is the beginning and the end of any debate. The full debate is yet to come on the Bill as to its merits and demerits. It is not to say that all stands or falls on what happens tonight. This is just to say whether this matter goes onto the Order Paper so that we can have that fuller debate. I am not, in any way, saying that he cannot speak; I am just cautioning and signalling that we are getting into the debate, proper, when, in fact, we are not yet at that stage.

Continue Hon. Attorney General.

Mr. Nandlall: Thank you. Your Honour, what the Bill seeks to do... I have to say why the Bill should not be put on the Order Paper which is what I am seeking to do. The intended Bill collides with express provisions of the Constitution as well as the structure of the Constitution itself. I am saying that the proposed Bill, as well as its symbiotic twin, the Fiscal Management and Accountability (Amendment) Bill of 2013, must be looked at together; together they have that effect.

This intended Bill seeks to attach to the Third Schedule of Article 222A a list of entities. That is all that this seeks to do. As I said, this cannot be read in isolation of this, the Fiscal Management and Accountability (Amendment) Bill of 2013. What this seeks to do now is to create a whole completely new financial architecture that will govern how these entities are going to be financed and how the Estimates and their funding are going to be received by them. They are all agencies of the State.

It transfers from the Minister of Finance, who has a Constitutional duty to present Estimates to this Assembly – I will go to the Constitution shortly – and it takes it and puts it in the Clerk's functional responsibility. This is unheard of. If my Friend can find a single country where an executive function is taken away from a Minister and given to the Clerk of the National Assembly, I will sit down and that will be the end of the debate. That is what this regime of measures seeks to do. Find a single country on planet Earth where this kind of Constitutional heresy exists and I will sit! That is why I am saying that it has nothing to do with politics. How can executive functions... Let me go to the Constitution. This is what Article 218... [**Mr. Ramjattan:** You are getting into the merits.] I have to get into the merits because I am saying that the Motion should not be passed. I have to go to the merits.

Mr. Ramjattan: Mr. Speaker, on a Point of Order, it is stated in Standing Order No. 52(2) that it must be a brief explanatory statement of the Member moving and from a Member opposing it. The word brief must have meaning. It must also not mean that which will be debated on the substantial issue once we have this voted on and put on the Order Paper. We are getting into the merits of the matter now so we are breaching Standing Order No. 52(2) by allowing him to continue to go on to say how it is unconstitutional. If he is opposing it, he could simply say that it is unconstitutional. Why does he have to go into all of that? That will be on the second reading. He is abusing this.

Mr. Speaker: Hon. Attorney General, be brief.

Mr. Nandlall: Mr. Speaker, I will be as brief as I can. I did say at the beginning... I am the Attorney General. I have a responsibility to ensure that the Constitution is not violated and I am doing that! That is all I am doing! That is part of my responsibility to this House and to the people of this country! What is being done here is that the Constitution is being deguttled and raped; that is what is going on here.

Article 218 of the Constitution says this... **[Mr. Ramjattan:** It is being fleshed out here.]
You are so misinformed. Article 218 says this,

“The Minister responsible for Finance or any other Minister designated by the President...”

It is a presidential power he exercises.

“...shall cause to be prepared and laid before the National Assembly before or within ninety days after the commencement of each financial year estimates of the revenues and expenditure of Guyana for that year.”

What you are doing is giving it to the Clerk. These are entities in Guyana. Look at the entities. The entities are the Chambers of the Director of Public Prosecution which is not a private agency; it is an agency of State of the Republic of Guyana. The Judicial Service Commission is an agency of State of the Republic of Guyana, funded by public moneys. The Public Service Commission, the Police Service Commission, the Teaching Service Commission, the Public Service Appellate Tribunal, the Public Procurement Commission, the Office of the Ombudsman

and the Guyana Elections Commission... You are removing from the Minister of Finance the functional responsibility of laying the Estimates for these important agencies before this National Assembly and you are giving it to the Clerk of the National Assembly. This is insanity!

Mr. Speaker: Hon. Attorney General, one second. I believe that your point has been made. [Mr. Nandlall: That is only one!] What we have before us is a proposal for consideration and I, personally, would like to hear your arguments. If they can be reduced to written form, I would like to receive them. That is not to say that you cannot make them later on, but, at this stage, the Standing Orders do not contemplate a full debate on the merits or demerits of the proposition before us.

Mr. Nandlall: I will summarise. Out of deference and veneration for the Hon. Speaker of the National Assembly, I will endeavour to be even more concise. What I have just stated is simply the embryonic stages of my objections because they are going to develop into a giant, but Your Honour is prohibiting me.

Mr. Speaker: Hon. Attorney General, let us be cautious there. I am enforcing the Standing Orders that I met. I did not write these.

Mr. Nandlall: I appreciate that.

Mr. Speaker: Mr. Greenidge could have spent one hour advancing the argument of this Bill. He chose to speak for two minutes. He sought to comply with the Standing Orders. I am saying that the Standing Orders cannot mean one thing for one person and something else for another. A lot of latitude has been exercised here. I am saying you have cogent arguments. I am not saying that they are wrong or right; they are very cogent and I would like to hear them. All I am saying is that, at this stage, the arguments that you are advancing... Do you need instructions?

Mr. Nandlall: No, I do not need instructions, Sir. I just wanted to say that when I said that Your Honour is prohibiting me, if I conveyed the wrong impression, I wish to withdraw that absolutely. May I, at this stage, ask that my arguments on this motion be deferred to the next Sitting?

Mr. Speaker: That would not be possible. Hon. Attorney General, I am mindful to say take until tomorrow morning, but if I say so I would be breaching the Standing Orders which are before

me. The Standing Orders do not contemplate and make provision for a debate on the content of the Bill; it is just a proposal of whether we hear Mr. Greenidge or do not hear Mr. Greenidge. I believe, as I have said, that you have cogent arguments which do say that there is something that is serious here. All I am saying is that you can take two hours, three hours or a whole day at the right time; this is not the stage for those arguments.

Mrs. Backer: Mr. Speaker, in view of your ruling, I move that the question, under the same Standing Order No. 52 (2), be put.

Mr. Speaker: Hon. Members, there has been a motion that the question be put. The discretion does reside within the Speaker to allow it. If I feel, however, that the minority is affected or being suppressed, I do not have to allow it. What I will say is that I believe that the Hon. Attorney General has raised the outline or delineated the outline of his arguments that he wishes to make.

I will, Sir, afford you two minutes to wrap up.

Mr. Nandlall: Thank you very much, Sir. I am very grateful for the patience that you have exercised in this matter.

I think that the Parliament and Your Honour have gotten a very clear impression of where I am going. This motion is the genesis of what will be a constitutional travesty of the greatest proportion. Therefore, the motion will result in the contravention of several expressed provisions of the Constitution, including Article 218, Article 222A, Article 219 and Article 164 of the Constitution.

It will also collide with the constitutional, foundational principle of the separation of powers in that it is seeking to take away functions that are intrinsically executive functions and placing them with a public officer, the Clerk of the National Assembly. It is violating and trampling upon the provisions of the Financial Management and Accountability Act. The purpose of that Act was to create a regime of accounting mechanisms and a particular architecture. [*Interruption*]

Mr. Speaker: Allow the Member to conclude, please. Thank you.

Mr. Nandlall: It is defeating a whole regime of architecture installed in the FMAA that was designed to ensure that there is transparency and accountability in public spending and in public organisation. I, therefore, Sir, have no hesitation in withholding the Government's support in relation to the motion.

Mr. Speaker: Hon. Members, I will put the motion. Before I do, I wish to say that, as Speaker, I believe that I do have a duty to enquire into the due regularity, constitutionality and even functionality of some of these Bills. I will be seeking some advice because serious issues have been raised and, I believe, we all have a collective duty to ensure that whatever we send forth is due and proper. With that said, I wish to put the motion that leave be granted for the introduction of the Constitution (Amendment) Bill 2013, Bill No. 4/2013.

Question put.

Mr. Hinds: Division.

Division bell rang.

Assembly divided: Ayes 32, Noes 27, as follows:

Ayes

Mr. T. Williams

Ms. Marcello

Dr. Ramayya

Mrs. Garrido-Lowe

Mrs. Hughes

Mr. Nagamootoo

Mr. Ramjattan

Ms. Ferguson

Mr. Morian

Noes

Mr. Jafarally

Mr. Damon

Dr. Persaud

Rev. Gilbert

Dr. Mahadeo

Mr. Seeraj

Mr. Neendkumar

Mr. Chand

Ms. Shadick

Mr. Allen	Mrs. Chandarpal
Mr. Jones	Mr. Nadir
Mr. Adams	Ms. Teixeira
Ms. Baveghems	Bishop Edghill
Mr. Sharma	Mr. Whittaker
Mr. Bulkan	Mr. Baksh
Mr. Bond	Mrs. Campbell-Sukhai
Ms. Kissoon	Ms. Webster
Mr. Trotman	Mr. G. Persaud
Ms. Selman	Mr. Benn
Mr. Allicock	Dr. Anthony
Ms. Wade	Mr. Ali
Mr. Felix	Dr. Ramsarran
Ms. Hastings	Dr. Westford
Mr. Scott	Dr. Singh
Lt. Col. (Ret'd) Harmon	Mr. Nandlall
Mr. Greenidge	Mr. Rohee
Mrs. Backer	Mr. Hinds
Dr. Norton	
Mrs. Lawrence	
Mr. B. Williams	

Dr. Roopnarine

Brig. (Ret'd) Granger

Motion carried.

Bill read a first time.

Mr. Speaker: Hon. Members we will now move to consider the motion in the name of Mr. Greenidge for the introduction of the Fiscal Management and Accountability (Amendment) Bill No. 2013, Bill No. 5 of 2013.

**THE FISCAL MANAGEMENT AND ACCOUNTABILITY (AMENDMENT) BILL 2013
– Bill No. 5 of 2013**

BE IT RESOLVED:

That this National Assembly, in accordance with Standing Order No. 52(1), grant leave for the introduction and first reading of the Fiscal Management and Accountability (Amendment) Bill 2013 – Bill No. 5 of 2103:-

A BILL intituled AN ACT to amend the Fiscal Management and Accountability Act 2003. *[Mr. Greenidge]*

Mr. Greenidge: Mr. Speaker, Be It Resolved that this National Assembly, in accordance with Standing Order No. 52(1), grant leave for the introduction and first reading of the Fiscal Management and Accountability (Amendment) BillNo. 5 of 2013, A Bill intituled the Fiscal Management and Accountability (Amendment) Bill.

I will be equally brief about this particular Bill. I will remind you that it is being preceded by the Bill of 2012 at which time our colleagues on the other side did also make interventions in an attempt to block the passage of that Bill. The basis which the Attorney General was so kind to highlight is only tangentially related to the point that he makes.

First of all, let me say that it is our view, and we have pointed this out before, that the original Fiscal Management and Accountability Act was unconstitutional. It is surprising that, at this stage, our colleague should evince surprise at this. May I read you, Mr. Speaker, the relevant

passage of the Constitution which pertains to those entities that are listed in the amendment which the House has just agreed should be considered in relation to the Amendment Bill. I am reading Article 222A which refers to the Schedule 3A as well as the constitutional entities listed. It states this:

“In order to assure the independence of the entities listed in the Third Schedule –

- (a) The expenditure of each of the entities shall be financed as a direct charge on the Consolidated Fund, determined as a lump sum by way of an annual subvention approved by the National Assembly after a review and approval of the entity’s annual budget as a part of the process of the determination of the national budget;”

Mr. Speaker, the Fiscal Management and Accountability Act directly contravenes these. The agencies listed in the Constitution have not... [Mr. Ali: It speaks about the process.] Who asked you anything? Read the Constitution.

Mr. Speaker: Hon. Members, we are supposed to be having a brief explanation as to why this Bill should be introduced and then we are going to get into the debate at a later stage. Thank you.

Mr. Greenidge: Mr. Speaker, the purpose of the exercise, the Fiscal Management and Accountability (Amendment) Bill that is before you is to enforce the decisions reflected in this Article of the Constitution. I have gone through it before, drawing to the House’s attention that the Judiciary, the Chambers responsible for public prosecutions, for example, is not given a lump sum, and when the moneys are approved, the Minister can routinely cut those moneys after this House has approved them. That is not what the Constitution says. That is the sense in which we have financial oversight. We have a responsibility to ensure that by slipping these entities into a Schedule that nobody paid attention to, in relation to the Act in 2003, the Government does not continue to abuse the law and to infringe the Constitution.

If the point that the Attorney General was making was worth one iota of salt, then this Government would not have removed the Audit Office from the Schedule and not recognise that this was going to cause Armageddon. The Government has moved it and it has not caused Armageddon, but it is telling us that these additional changes, consequential and related changes, will cause Armageddon. It is nonsensical.

11.08 p.m.

Mr. Speaker, I invite you to allow the House to pass the first reading of this Bill and let the Attorney General and his colleagues bring their substantive objections when we come to the second reading, and to show us at that time where in the Estimates these entities are given block votes. [*Interruption*] If you look in the Estimates you will find block votes only for the Ethnic Relations Commission.

Mr. Speaker: Is there any Member opposing?

Dr. Singh: Thank you very much, Mr. Speaker. I rise to make a contribution on the debate on the motion moved by the Hon. Member Mr. Carl Greenidge, that the Assembly should grant leave for the introduction and first reading of the Fiscal Management and Accountability (Amendment) Bill 2013.

There are a number of extremely compelling reasons why we on this side of the House are convinced that this Assembly should not grant the leave being sought. The Attorney General has given an insight into some of these arguments. Without repeating the points he has already made – extremely relevant points they are – I would say that we need to be extremely careful not to make the mistake of thinking that this is a trivial or simple or inconsequential matter. On the contrary what this Bill and - as the Attorney General described - its symbiotic twin, the Constitutional Amendment Bill we just considered seek to do in fact goes to the core of the constitutional and legislative architecture for managing the finances of Guyana. So I would urge some caution in treating simplistically with this matter, that it is merely to introduce constitutional third schedule entities into the Fiscal Management and Accountability Act (FMAA) schedule or to introduce some new kind of budgetary arrangement for these entities. One could not pursue those objectives without calling into serious question, challenging and colliding with the integrity of our constitutionally established architecture for managing the finances of Guyana.

If I may Sir, very briefly, without like I said repeating the arguments made by the Attorney General, make the point that the Constitution is very clear about vesting in the Executive responsibility for managing the economy and achieving certain economic outcomes in our country. It is for that reason in Article 171 of the Constitution, an Article which contents are

replicated in our own Standing Orders, a wide range of matters pertaining to the fiscal operations of government of our country cannot be brought before this National Assembly and considered by the Assembly without leave being granted, without the consent of the Cabinet as signified by a Minister. This is a matter, of course, incurring expenditure, adjusting taxes etcetera. The Constitution is clear that imposition of a charge on the Consolidated Fund cannot be introduced legislatively into this House without the consent of the Cabinet. The cardinal principle espoused, embraced and represented by that constitutional article, is the vesting of the responsibility for economic management, and particularly fiscal management, in the Executive of our country. The Attorney General alluded to other articles that address bringing to the National Assembly, by the Executive, estimates of expenditure of revenue of Guyana.

Mr. Speaker, over and beyond the Constitution the Fiscal Management and Accountability Act is very clear. The Fiscal Management and Accountability Act assigns to the Minister and Ministry responsible for Finance certain specified duties. In fact part two of the FMAA, which the current Bill before us endeavours to amend, is crystal clear. It says that among other matters the Minister responsible for Finance shall be responsible for a long list of things, including managing and accounting for the finances and the public debt of the State. It goes on to say that the responsibilities of the Ministry as they pertain to the budget function shall include monitoring, controlling and reporting on key fiscal aggregates during budget execution. The Fiscal Management and Accountability Act is clear in this regard because the entire architecture that governs the management of our finances recognises the role of the Executive in fiscal management. One cannot, then, simplistically and naively pluck a few entities selectively, remove them from the purview of the constitutionally vested Executive role as it relates to fiscal management and place them outside of that architecture. If I may, the constitutional affront committed by this Bill is clear when one examines Article 222(a) which says very clearly that the budgets for those entities, the third schedule constitution entities, shall be included in the national budget after review and approval of the entities and their budget as part of the process of determination of the national budget. That part of Article 222(a) Mr. Greenidge often likes to selectively ignore as part of the process of determination of the national budget. To put it very simply, and to go to the crux of the matter, if you will vest in the Executive responsibility for achieving certain fiscal outcomes then you cannot remove from the purview of the Executive certain responsibilities as it relates to budget preparation and budget execution. You cannot for

example, demand of the Executive and hold the Executive accountable for the achievement of certain fiscal outcomes if you will say to the Executive you have no role to play in determining these budgets. That is precisely what is happening here. How can you expect to hold this Executive or any other successor in office to the achievement of certain fiscal outcomes if you are removing from the Executive any role whatsoever in budget preparation, budget approval and budget execution with respect to these entities. You cannot have your cake and eat it.

Mr. Speaker: Please wrap up Hon. Minister of Finance.

Dr. Singh: Indeed, Sir, I am wrapping up. What occurs is a direct collision. If Mr. Greenidge wants to take these entities which are significant consumers of budgetary resources, if he wants to take these entities out of the purview of the Executive and remove the Executive's participation in any shred or form in the budgetary process as it relates to these entities then Mr. Greenidge must also look at the other sections of the Fiscal Management and Accountability Act and relieve the Executive of any responsibility for the ultimate fiscal outcome. You cannot have your cake and eat it. That is the reality.

So this Bill goes to the very foundation of fiscal responsibility. What is being said is if the Executive no longer has a role to play in determining budgets one might as well say one is no longer going to hold the Executive accountable for the achievement of fiscal outcomes. One might as well say one will no longer hold the Executive accountability for whatever happens to public debt. That is the reality. [*Interruption*] They spend public monies so they will impact fiscal outcomes.

Mr. Speaker: Hon. Minister, try not to respond to what comes from across the floor and let us conclude.

Dr. Singh: That, Sir, is the fundamental crux of the objection to this Bill. There are other objections and if I might mention them very briefly, and one in particular. Mr. Greenidge has developed something of a reputation for bringing Bills to this Parliament riddled with fundamental flaws. He refers for example in this Bill to something called a constitutional agency but does not define what he means by a constitutional agency. Is he referring to the list of entities in the Constitutional Amendment Bill he brought today? Is he referring to the list of entities in the Fiscal Management and Accountability Bill he brought last year? Those two lists are not the

same. However, Mr. Greenidge has developed a reputation for inattention to detail. Once again if one peruses this Bill it is riddled with such obvious fundamental flaws that suggest it would not benefit even from the remotest of scrutiny before it got to this House.

But the substantive argument is the one I articulated earlier. I urge this House to do the responsible thing and reject roundly this attempt to shake the foundations of the constitutional structures that have been established for managing public moneys in our country.

Thank you very much, Sir. [*Applause*]

Mr. Speaker: Again, Members, grave and serious and substantial concerns have been raised and I do believe we all have a duty – the Clerk, the Speaker and all of us - to ensure they are addressed. The process does allow for several filters as I said, at the stage of the Clerk when it is submitted, at the stage of this House when it is debated, when it goes for even for assent and even at the level of the high court. The system does have filters but, as I said, at each stage we do have a duty to ensure that we do our best to comply with the laws and more particularly with the Constitution of Guyana. I will be doing some checks. It will be helpful if we can find any jurisdiction that insulates its agencies to this extent, at this stage of the debate, and how it is done.

Question put and agreed to.

Bill read a first time

RESTORATION OF GEORGETOWN

WHEREAS Georgetown is the capital city of Guyana, commonly known as ‘Garden City of the Caribbean’;

AND WHEREAS the expanded boundaries of the city of Georgetown have placed severe strain and pressures on the drainage systems. In addition the heavy siltation of canals, the dumping of refuse and various other kinds of items which block drains, the lack of maintenance of the outfall channels have all led to poor drainage of the city;

AND WHEREAS refuse collection and disposal have reached a critical point where large amounts of garbage are being dumped on street corners, open spaces and canals, creating public nuisance and health hazards;

AND WHEREAS many construction sites continue to block drains and dispose of waste on city parapets and in many instances create stagnant pools of water that encourage the breeding of mosquitoes;

AND WHEREAS the Georgetown City Council is unable to carry out its mandate as prescribed in the Municipal and District Councils Act of 1969 and the Local Democratic Organs Act of 1980, due to the severe under-collection of taxes, rents and fees as well as the miserly subvention received from Central Government,

“BE IT RESOLVED:

That this National Assembly of the Parliament of Guyana commits its support towards the restoration of our Capital City, Georgetown;

BE IT FURTHER RESOLVED:

That this National Assembly calls upon the Government to:

- (i) Utilize every machinery, work force, and agencies at its disposal and command in conjunction with the Georgetown City Council, Members of the National Assembly, the business and commercial sector, NGOs, Clubs and citizens in the removal of garbage, abandoned vehicles and builders waste as well as the de-siltation of canals and alleyways over the next three (3) months in an effort to “Restore Georgetown to the Garden City of the Caribbean”; and
- (ii) That the Government establishes a Committee consisting of Members of Parliament, Officials of the Georgetown City Council, Ministry of Local Government and Regional Development and the Ministry of Transport and Hydraulics to monitor the progress of the restoration of Georgetown and report to the National Assembly within four (4) months of the establishment of the Committee.” [Mrs. Volda Lawrence]

Motion Deferred

ADJOURNMENT

Mr. Speaker: Hon. Members I believe that concludes our business for the House this evening.

Before inviting the Hon. Prime Minister to move the motion for the adjournment I would just like to say that earlier this evening there was uproar when I allowed the Hon. Member Ms. Shadick to give a Point of Clarification at the end of a presentation. The Hansard Department has been busy and we have found multiple cases where that privilege was afforded to Members, but on the 15th March, 2012 in particular two members of this House were allowed to address the House on the conclusion of presentations by Members as they both felt that statements made during the other Member's presentation offended. I have since sent the records to those Members. I believe that puts an end to the matter because this is not the first time...
[Interruption] It is okay. We are not in the business of doing that.

Thank you Hon. Members. Hon. Prime Minister.

Mr. Hinds: Mr. Speaker, Hon. Members, the Government proposes that the House be adjourned unto Thursday 21st March.

Mrs. Backer: Mr. Speaker, I would want to amend that. I propose an amendment to that motion. The amendment being that the House be adjourned to next week Thursday the 14th February.

Mrs. Lawrence: Mr. Speaker, I wish to second that motion.

Mr. Hinds: Sir, I made a mistake. It was the 21st February.

Mrs. Backer: My amendment still stands.

Mr. Speaker: Hon. Members, something as simple as this we cannot get agreement on. It used to be that the Whips would speak to each other and work out dates suitable because on both sides of the House Members are travelling, Members are inconvenienced. The intent and objective is to arrive at a mutually convenient date because on both sides there is dislocation and Members are back and forth.

Mrs. Backer: Mr. Speaker, we did speak extensively but unfortunately we were unable to come to an agreement. My amendment to the Hon. Prime Minister's motion still stands. I think it has been seconded by Mrs. Lawrence.

Ms. Teixeira: Mr. Speaker, the convention of this Parliament and most Parliaments is that the Government and the Leader of the House directs the date of the next sitting. I challenge you to look at Erskine May's and the Standing Orders of this House. In this Parliament we have had an occasion where the Prime Minister, as convention dictates, named the date and has been challenged by a motion. As a result of that we have tried from time to time to make sure there is some agreement for peace. At the same time the prerogative of the date for the next sitting is for the Leader of the House on the Government side. Therefore, if we look at Standing Orders 11(2) the sentence starts with if:

“If the Assembly is in Committee at the time the Chairperson shall leave the Chair forthwith report to the Assembly and the Committee shall be directed to sit again on such day as Leader of Government Business shall direct then at the time appointed for the determination of the sitting in paragraph one (1) of Standing Order 10, the Speaker shall adjourn the Assembly without question put.”

I am asking Mr. Speaker that whilst we try to reach consensus we cannot be held to ransom in this way. The Leader of the House has a right to set the date and the Standing Orders support that. We are asking, as a matter of fact we do not have to ask. The Leader of the House names the date; there is no question or debate on it. We have developed in this House an attempt to find agreement from time to time but where the agreement cannot be found the Leader of the House... **[Interruption]** Mr. Ramjattan does not know what he is talking about because for the last umpteen sittings the Chief Whip... Mrs. Deborah Backer is doing double duty today. She is the Chief Whip of the Opposition and the Deputy Speaker. The Chief Whip and I have worked for months and finding agreement and sometimes giving here and giving there. It is not true that we have come to this House with dates in recent times since March 2012 when we were voted against. We cannot agree on every single occasion. If there is 99 percent consensus the one time there is not the Leader of the House has the role and I ask that we move ahead and set the date for 21st February. Mr. Speaker, there is no debate on this issue the Standing Orders are clear.

Mrs. Backer: Mr. Speaker, I do agree with the Hon. Member there is no debate. I have proposed an amendment to the motion. It has been seconded and I am asking that we have a vote on it once the question is put. [*Interruption*] It has been seconded by Mrs. Lawrence. I am asking that the question be put. There is no debate; I agree with that.

Mr. Speaker: Hon. Members it is unfortunate, as I said, that we cannot even agree on a mutually convenient date for a sitting. It really is disappointing to me. In the past I know the Prime Minister has moved a motion and Ms. Anna Ally sought to amend that motion. The Clerk had advised that once a motion is put it is within the purview of the House, and so based on that precedent where a motion moved by the Prime Minister for an adjournment was amended in the past during the currency of this Tenth Parliament as advised I will have to put the amendment to the House and have the opinion of the House.

Amendment to motion put and carried

We stand adjourned to 14th February. Before we rise just to say I will more than likely be in Linden and if I am not back in time the Deputy Speaker will Chair the proceedings.

Thank you.

Adjourned accordingly at 11.30 p.m.