

Official Report

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

69TH Sitting

Monday, 10TH February, 2014

The Assembly convened at 2.21 p.m.

Prayers

[Mr. Speaker in the Chair]

OATH OF A NEW MEMBER

Mr. Speaker: Hon. Members, on the 7th February, which would be last Friday, I was the recipient of what I consider to be very sorrowful news, that my Friend, Colleague and Sister, Hon. Deputy Speaker and Member of this Assembly, Mrs. Deborah Jan Backer, has resigned her membership of this Assembly.

I immediately thereafter communicated by way of letter with the Hon. Leader of the Opposition as well as with the representative of the list of A Partnership for National Unity (APNU), that person being Mr. Bishwaishwar Ramsaroop, inviting him to name a replacement and new Member, extracting that name from the list of candidates. As of this morning, I have, in fact, received a letter from the Guyana Elections Commission notifying me that the name of Dr. Karen Cummings has been identified to be that person. I have since met with Dr. Cummings and given her my little bit of advice about what happens in here and took the opportunity to welcome her at the same time.

Before Dr. Cummings can take part in the proceedings of the House, take her seat and fully participate, she must make and subscribe to an oath. That is an Oath that is required by Article 167 of Guyana's Constitution. Dr. Cummings is present, as I have stated. If she is prepared, without any ado, I would like to invite her to take and subscribe to that oath now. Thank you very much.

Oath administered by the Clerk of the National Assembly to Dr. Karen Cummings.

CONGRATULATIONS TO NEW MEMBER

Mr. Speaker: Hon. Members, even though we are in the midst of announcements, I would still ask that we waive the Standing Orders as Dr. Cummings makes her way to her seat. If any Member wishes to make any statement welcoming her, he or she may do so now. I recognise the Hon. Leader of the Opposition.

Leader of the Opposition [Brigadier (Ret'd) Granger]: Thank you very much, Mr. Speaker. I would like to welcome Dr. Karen Vanessa Cummings on behalf of the Opposition. She comes with considerable experience in medicine. She has also done a considerable amount of work in East Demerara. We are confident that even though the shoes of Deborah Jan Backer are hard to fill, the expertise that she brings and the commitment of which we are aware will more than compensate. We look forward to her making contributions in this National Assembly to the human development of our people. Welcome Dr. Cummings.

Mr. Speaker: Thank you. I did hear more than a murmur coming from the Government's side. I do not know if anyone...

Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]: Mr. Speaker and Hon. Members, the Government's side joins in welcoming Dr. Karen Vanessa Cummings to this honourable House. We have no doubt and we look forward to her contribution for the benefit of all Guyana. Allow me to take the opportunity to express our regrets and extend our sympathy to former Member Mrs. Backer on not being able to continue in this House.

Thank you very much.

ELECTION OF DEPUTY SPEAKER

Mr. Speaker: Hon. Members, I have not as yet been notified as to whether or not there is a candidate or a person holding himself or herself out to be elected to be Deputy Speaker of House. I wish to say to Members that the House must have a Deputy Speaker. I urge that we do so expeditiously and go through that exercise. If the House is ready today, we may do so. If it is not, please indicate, but I would expect that we do so.

Ms. Ally: Mr. Speaker, we are ready to nominate the Deputy Speaker. If I may, I would like to nominate Hon. Member Mr. Basil Williams to be the Deputy Speaker of the National Assembly.

Mr. Speaker: Hon. Members, is there a seconder for that nomination?

Dr. Roopnarine: Mr. Speaker, I rise to second that nomination.

Mr. Speaker: Are there any other nominations? I invite any other nominations. There being no other nominations, I wish to declare that the Hon. Member, Mr. Basil Williams, Member of Parliament, has been duly elected as Deputy Speaker of the National Assembly of Guyana.

I see Mr. Lumumba looking at you with great anticipation towards the after proceedings this evening. From my own part, I just wish to say that I look forward to us working together. I am here to facilitate you in any way that you wish. I anticipate that we will have a good wholesome relationship.

ANNOUNCEMENTS BY THE SPEAKER

Gratitude to Ms. Shadick

Mr. Speaker: Hon. Members, I wish to take this opportunity to thank Hon. Member Ms. Bibi Safora Shadick, who, I am told, quite and very ably, acted as Speaker and Presiding Officer on the last occasion. I wish to thank you for a job well done. Thank you very much.

Elevation of Opposition Members

Mr. Speaker: I notice that there has been the elevation of a Member to the front benches. Mr. Bulkan, we welcome you and congratulate you to your position. I know that Mr. Sharma has filled your shoes. I hope, Mr. Sharma, you could acquit yourself, and I have no doubt that you

will, in the manner that Mr. Bulkan has done. Mr. Bulkan, I can tell you, is known for his research and the manner in which he makes his presentations. He is very scholarly and erudite.

Elevation of Government Member

Mr. Speaker: This has now been brought to my attention. Sometimes you see things but they do not register. Before me is one of the ladies of the House. The House has several outstanding ladies. Dr. Cummings has now joined. Ms. Webster, the Hon. Minister, has also been elevated in terms of position in the House. So, we wish to congratulate you on the movement and trust that you will anchor yourself in that seat for the duration of the term.

Resignation of Member

Mr. Speaker: Hon. Members, I have received notification that Hon. Member Mr. Ganga Persaud has resigned his position as Minister effective... I have received the letter today, dated 10th February, from His Excellency the President Mr. Donald Ramotar, informing me that the Hon. Member, Mr. Ganga Persaud, formerly Minister of Local Government and Regional Development, has resigned that position with effect from the 31st January, 2014. I believe that we can look forward to hearing from the Hon. Member in due course, if he so desires.

Memorandum of Understanding, Grant from Canada to Facilitate Live Internet Streaming

Mr. Speaker: I wish to announce that on the 30th January, the Clerk, on behalf of the National Assembly, signed a Memorandum of Understanding with the Canadian Government, through its representative, the distinguished High Commissioner. This Memorandum of Understanding is meant to facilitate the transmission via internet of live streaming of our proceedings both in the House and in the National Assembly. The generous grant from the Canadian Government and people is to the value of \$5,244,064. That is meant, as I said, to augment our efforts to bring Parliament to the people and to ensure that persons, whether they are in the Diaspora or here in Guyana, out of the city or even in the city, in their offices or on their cellular phones or smartphones, may observe the proceedings of the House. I believe that copies of the memorandum will be circulated very shortly to every Member so that he or she may see it.

Attendance of Conference of Speakers and Presiding Officers of Commonwealth

Mr. Speaker: I wish to announce as well that from the 21st - 26th of January last, I attended the 22nd Conference of Speakers and Presiding Officers of the Commonwealth in Wellington, New Zealand. I will be preparing a report for circulation shortly.

Ruling of Chief Justice

Mr. Speaker: I would like to announce as well that on 31st January, the Hon. Chief Justice issued a ruling relative to the powers of the National Assembly to amend the annual budgetary estimates. It is a ruling which is contrary to the one that I gave in 2013. I was made a respondent as Speaker in a representative capacity on behalf of this National Assembly. I will be enquiring from the House guidance in terms of how we proceed with respect to the ruling, both in respecting it and in terms of whether or not it should be appealed and the manner in which that should proceed. So, I will be consulting with the leaders of Government, Opposition and Alliance For Change for guidance on that in a day or two.

PRESENTATION OF PETITIONS

Mr. Speaker: Hon. Members, there is a petition in the name of the Hon. Member, Mr. Sidney Allicock. Petitions have not been faring well in the House recently, Mr. Allicock, but let us see. You may present yours.

Mr. Allicock: Mr. Speaker, I beg to present to the Assembly a petition on behalf of the residents of Region 9, calling on the Lethem Power Company Inc. (LMPCI) to immediately rescind its decision in relation to the increase in tariffs. This, Mr. Speaker, does not mean that the people in Region 9 do not want to pay. It is about getting the things right. For too long we have been seeing good money go to waste. That is because of bad management. It is expected that we have a new power station. Because of this, we need to have a clean sheet and a proper administrative body in place, stationed in the Lethem area.

One of the burning issues is that across the board persons have been paying one rate. What we are asking is that the different levels of payment be made. It is to think about the poor people, to think of those who would just work for \$40,000 per month as against those who work for \$1 million a day. It is about bringing that balance. It is about developing a way of life that is in

keeping with a good and suitable opportunity for all. It would be also very useful to have an investigation so that all possible malpractices will be corrected.

Mr. Speaker: Hon. Member, one second. Are you reading the petition?

Mr. Allicock: No.

Mr. Speaker: You are to give a brief explanation of what the petition is.

Mr. Allicock: That is the end of the brief.

Mr. Speaker: Thank you.

Mr. Allicock: Thank you very much, Mr. Speaker. I move that the petition be read.

Mr. Speaker: Hon. Members, the motion is that the petition be read.

Question put and agreed to.

Motion carried.

THE HUMBLE PETITION of the Residents of Region 9 on gross dissatisfaction with the imposition of Electricity Tariffs Increase

Whereas Lethem, Culvert City, Tabatinga, St Ignatius and Moco Moco are communities in the Administrative Region Upper Takatu/Upper Essequibo;

And, Whereas Lethem, Culvert City and Tabatinga are made up mostly of Citizens from coastal Guyana with growing Amerindian populations, while St. Ignatius and Moco Moco are purely Amerindian Communities;

And, Whereas the Amerindian Community of St. Ignatius is presently required to pay electricity for the distribution of potable water to its residents;

And, Whereas these communities were accustomed to receiving free electricity under the auspices of the Regional Democratic Council throughout the early years;

And, Whereas the payment for electricity was instituted in 1995 where residents were required to pay twelve hundred dollars per month for consumption of electricity;

And, Whereas, the Lethem Power Company Inc. (LMPCI) replaced the Regional Democratic Council, Region 9 as the service provider;

And, Whereas LMPCI has, over the years, instituted increases in the tariffs for electricity in consultation with the general population of Lethem and its environs;

And, Whereas, the residents were always respectful in accepting those increases despite their economic difficulties because of their participation in the consultation process;

And, Whereas over the years, the rates for residential, commercial and industrial customers were the same across the board despite citizens' protestation who thought that that was not in keeping with National and International best practices:

And, Whereas the last tariff was decided as follows: the first fifteen (15) Kw - free, the next thirty (30) Kw - \$45 per Kwh; any consumption above that - \$55 per Kwh;

And, Whereas these decisions were sanctioned by the Hon. Prime Minister of Guyana who informed residents that according to a recent study, it was discovered that the minimum electricity any household should use is forty-the (45) Kw;

And, Whereas during the first week of January 2014, residents received a letter from the LMPCI informing that the tariff will be increased to \$75 per Kwh with effect from 1st January, 2014;

And, Whereas this has represented a 54.6% increase over the original, sanctioned tariff of \$45 per Kwh even though there has not been any recent, dramatic increase in the cost of fuel or maintenance;

And, Whereas the residents and other Stakeholders were not consulted on this occasion;

And, Whereas the residents of Lethem and its environs have viewed this imposition as disrespectful, a departure from the norm and a scheme to have them pay for assumed, potential benefits beforehand;

And, Whereas the Regional Chairman has admitted that he was assured by the Hon. Prime Minister of Guyana that there will be no increases in tariffs without the normal consultation;

And, Whereas this imposition will put the residents of Lethem and its environs at an increased disadvantage in relation to other communities in Guyana who benefits from subsidized electricity, and who pay between \$55 and \$58 per Kwh.

AND YOUR PETITIONERS AS IN DUTY BOUND AND DO HUMBLY PRAY:

That the Lethem Power Company Inc. (LMPCI) rescind its decision in relation to the increase in Tariffs immediately;

That the LMPCI meet with residents of Lethem and its environs to determine what is affordable;

That the tariffs reflect the various categories of consumers' ability and capacity to pay;

That the Public Utilities Commission (PUC) be arbitrators in this impasse;

That a suitable qualified professional be employed to head the Board which is a sensitive and technical one;

That this august body of the National Assembly instructs the Hon. Prime Minister to take all steps necessary to minimize waste and theft at the LMPCI, and to make the entity maximize on the resources appropriated to them;

Wherefore your Petitioners humbly pray that the National Assembly will be pleased to accept and adopt their Petition.

Petitioners

Sydney Alicock, Carl, A. Parker, Sandra M. Ruffino and 305 others.

Mr. Speaker: Thank you.

Mr. Hinds: Mr. Speaker, I pray that I be allowed an opportunity to respond, although the specifics have just been heard by me.

Mr. Speaker: Hon. Prime Minister, what I may suggest is that there is no debate on a petition being read, but under Personal Explanations or Statements by Ministers, which comes up in a few minutes, you may make a statement at that time if that is agreeable with you. Thank you.

ORAL QUESTIONS WITHOUT NOTICE

Santa Rosa Primary School

Mr. Speaker: Hon. Members, I have received two requests for oral questions without notice. One set is from Ms. Anna Ally, who spoke to me this morning. I have seen those. The other is from Mr. Carl Greenidge, pertaining to arrangements between the Government of Guyana and Caribbean Airlines, which I saw very late upon my arrival. So, I will allow the questions by Ms. Ally. They pertain to the situation vis-à-vis the provision of potable water to schools in Santa Rosa. I know that the Minister not only is aware of the region, but he is from that region and knows it very well. The notice is short, but I believe that the Minister is in a position to answer. If he is not, he may indicate that he is in no position and we will defer them. I will allow the questions to be asked, but if the Minister is not in a position to answer, I will have to accept his answer. I notice that it is quite late.

Ms. Ally: Thank you Mr. Speaker. I thought this was a question for the Hon. Minister of Education, but I sense that...

Mr. Speaker: Sorry. You did speak to me about it. The truth is that the actual documents were not seen by me until after 1.00 p.m. today. The Clerk has shown them to me. My presumption was that they were for the Minister of Local Government and Regional Development. I will be advised by the Clerk.

[Speaker in aside with Clerk]

Mr. Speaker: Hon. Members, as I have said, I have just seen the letter which was shown to me by the Clerk this afternoon. I have always said that questions should not be by ambush, in the sense that a Minister is taken by surprise to the point where he or she knows nothing. When we introduced Oral Questions without Notice, it was meant to be that they did not have to go through the normal curing period for notice, that is to lay on the order paper and be brought up.

The questions may be put to the Minister of Education, but with the caveat that if she is not in a position – I realised in fact that I was in error because it was not for the Minister of Local Government and Regional Development – to answer today, I will have to give her an opportunity to respond. As I said, we are meant by this process to elicit favourable responses and objective

responses. It was not meant to come and pull something out of a hat that causes embarrassment. So, if the Minister is in a position to answer she may; if not, on the next occasion, she may give the answer. Please go ahead and ask the question.

Ms. Ally: Thank you Mr. Speaker. I think the first line of the question was very clear when it stated, “Could the Hon. Minister of Education explain...” However, I understand your ruling quite clearly.

Mr. Speaker: One second Ms. Ally. What I said was that when I came today, I was shown these letters by the Clerk at about 1.45 p.m. I just did not see. The error is mine, not yours. I did not see “Education”. I skipped that line. I just presumed that it was the Minister of Local Government and Regional Development. The error is mine and I accept responsibility for that. Go ahead please.

Ms. Ally: Thank you Mr. Speaker. I rise to ask the Hon. Minister of Education this question without notice. I would like to say, Mr. Speaker, that you would recall some time ago, we, in the Opposition, carried the case and asked that in schools there be no pit latrines and that we should replace them with flush toilets and so on because of the death of a child and all of that.

In this instance, at the Santa Rosa Primary School, flush toilets, sanitary blocks, *et cetera*, were installed and large amounts of money were spent on water tanks, *et cetera*, which are all, at the moment, dysfunctional. I have here pictures of these water tanks and so on in the Region that are dysfunctional. There is no drinking water for the...

2.51 p.m.

Mr. Speaker: Ms. Ally, stick to the question please.

Ms. Ally: I just thought I should give a little background of the question so it could be understood. [An Hon. Member: Question.] Question? Okay. Since there is no drinking water, *et cetera*, and the water available has E. Coli present, hence making it unfit for drinking purposes, I would like to ask the Hon. Minister of Education to explain to this National Assembly why children of the Santa Rosa Primary School in the Moruka district have been engaged in fetching water for use in the lavatories and general uses at that location? Here I have,

Mr. Speaker, a photograph of a child fetching water in the Moruka district at the Santa Rosa Primary School.

Mr. Speaker: Let us ask the Minister whether she is in a position to answer.

Ms. Ally: I have three other parts of the question.

Mr. Speaker: We will take them one at a time.

Hon. Minister, are you in a position, having seen the display of exhibits, to give an answer this afternoon? And as I said, if you are not, you are not.

Minister of Education [Ms. Manickchand]: Sir, before I attempt to address the question in any way, I would like to indicate that Your Honour was right in directing that question to the Minister of Local Government and Regional Development. It has been determined, I believe by law, that the Ministry of Education is responsible for the creation of policy, overall supervision of that policy, getting results from the policy and so on. But it is the local government system...

Mr. Speaker: That was my understanding.

Ms. Manickchand: That was established under the Government of the Member's party. It is the local government that is responsible for the delivery of education in the regions, so the Hon. Member is directing her question at the wrong person. I would be happy, though, because this is something that would concern us all, to investigate and enquire into the matter with a view to ensuring that this temporary issue is resolved as quickly as possible. But I would do that outside of this House, Sir. I am not responsible within the House to respond to that question and I would not want to create any precedence that would confuse Members of the Opposition.

Ms. Ally: Do I understand it to mean therefore that the Minister of Local Government and regional Development would want to proffer an answer.

Mr. Speaker: Ms. Ally, we are not going left, right, up or down. I attempted to go to the Minister of Local Government and Regional Development earlier but I was told no we are going here and now we are back. There question is there. We have had an undertaking from a Minister that she, as a responsible Minister, no doubt will liaise with her counterpart, who has direct

responsibility for these matters, and provide an answer to you. Sufficed to say, you will have an appropriate answer.

Ms. Ally: Mr. Speaker, I, therefore, take it that I can ask the remaining questions.

Mr. Speaker: Yes go ahead please.

Ms. Ally: Has it become the policy of the Ministry of Education to subscribe to our young children spending tuition time doing physical chores?

Mr. Speaker: Is that the question?

Ms. Ally: The third part, Mr. Speaker, is: has there been a cleaner appointed to the Santa Rosa Primary School by the Ministry of Education?

Finally, what efforts have been made to provide drinking water for the children of the Santa Rosa Primary School?

Ms. Manickchand: I am in a position to answer the second part. Again, Sir, the questions are misdirected by the shadow Minister of Education and we would not want to confuse her further so I am not answering those questions. I can answer because the Ministry of Education is indeed responsible for overall policy and I have not had the benefit of seeing or hearing the question before, so this amounts to an ambush on the floor, I can answer easily the question as to whether the Ministry of Education now has a policy of asking students to engage in labour that would take away from their tuition.

Mr. Speaker, the People's Progressive Party/Civic (PPP/C) Government has made no secret of the fact that it believes the only way it can advance this country at a rapid pace and the only way it can develop at a pace that all Guyanese are deserving of is to invest in our people with a view to alleviating poverty amongst various populations. With that overarching ideology, we invest heavily in sectors that will bring people out of poverty. This is, in fact, a proactive approach that departs significantly from the previous Government in office of which my learned Friend is, was and remains a significant Member, third in line, it appears.

With that in mind, education receives more than 10% of the annual budget every year. That is a large chunk and those investments have seen and have manifested themselves in Guyana

achieving, under the People's Progressive Party/Civic, universal primary education. That means that children from Corentyne to Santa Rosa, to the Pomeroon to the North West can access a primary education in this country.

Mr. Speaker: The question was whether or not children are to be involved in labour intensive...

Ms. Manickchand: Sir, I am coming to the answer. I can only give you a background of where we are.

Mr. Speaker: A preamble...

Ms. Manickchand: It is not a preamble. I would expect that if a question is asked, Your Honour, and the people of Guyana, through this House, would want a full answer. I am attempting to do that, Sir.

We also have, because of this proactive investment in the education sector, more trained teachers than ever before in the history of Guyana to deliver the curriculum in these schools. We also have presently because of this deliberate policy to invest in our people through educating our children, more resources and better results across the education system than ever before in the history in Guyana.

Having said that, we do have challenges. When we are dealing with 1,000 schools and over 300,000 students and 10,000 teachers, every day there will be issues we have to address, particularly when we go further away from Georgetown where our natural and human resources get thinner or less accessible. If so, our policy is to deliver a quality curriculum and the way we deliver that quality curriculum is investing in resources as well as teachers and providing means for children to go to school, like uniforms for every single child across the education sector, like meals for every single child from nursery to Grade Two. Grade Two is in the Santa Rosa Primary School. This is how we attempt to make sure our children become better than their parents were.

We do not countenance, and this is known - of course there may be breeches - children engaging in labour if it interferes with their tuition. We do, however, encourage that children be responsible by, for example, helping to clean their surroundings, helping to keep their surroundings clean and that may involve helping to sweep a classroom at the end of the school day. We do encourage children to contribute to their own education by ensuring that the

resources that are given are properly used both by them and their teachers. We do also ask communities to be...

Mr. Speaker: I am sorry, Hon. Minister, but the Standing Orders state that we shall have 20 minutes for oral questions. We are really approaching that now and I ask that you please wrap it up, in terms of the question as to whether or not the Government supports a policy of children being involved in labour intensive work that takes away from their tuition.

Ms. Manickchand: Sir, I categorically say that the Government and the Ministry of Education do not support a policy, have not outlined a policy and are not implementing a policy where children would be engaged in labour that would take away from their tuition. To the contrary, the People's Progressive Party/Civic as a party and as a party in Government has done all that is required to ensure that that in fact does not happen. We would be happy, though, if there are breeches in our policy, to address those and that is what I undertake to do.

Ms. Ally: Mr. Speaker, I do not think my question was given a proper answer. I find it that the Minister conveniently could have answered parts of my one question and could not answer the first one.

Mr. Speaker: It was pointed out that in so far as aspects pertain to her remit, she could answer. Where it deals with policy, she could. If it deals with cleaners and water, that is the region.

Ms. Ally: Well could the Hon. Minister say whether she is aware that these children are facing this kind of situation in that school? I recall the wood fetching incident with children in Region 8. It seems to me as though this is something that is repeating itself in our Amerindian communities.

Mr. Speaker: Hon. Members, we are dealing with oral questions and not a debate.

Ms. Ally: I am kindly asking the Minister first now to say whether she is aware and what the position with the cleaner is. Has the Ministry employed a cleaner at that school and what are some of the things that the Ministry is going to do to provide drinking water for the children of the Santa Rosa Primary School?

Mr. Speaker: Minister, are you in a position to answer? Yes or no would suffice.

Ms. Manickchand: Sir, again, policy is in my remit. This is by law. A simple reading and comprehension of that will get us on the right track here.

Mr. Speaker: There is no need...

Ms. Manickchand: As it was introduced here, could I kindly say very clearly that if this is true, we will deal with it immediately. We do have to investigate to see whether it is true because the wood fetching incident, the Toshao and members of that community wrote to say that this was a posed picture. The children were asked to pose by an AFC member, a picture was taken and the Toshao and members wrote to tell us that so we would have to check to see if this is true.

Mr. Speaker: Let me just say that a parliamentary delegation visited Kato and in that school we were told that indeed there was an incident of wood carrying but it was unfortunate. That was a delegation that comprised both Government and Opposition. We were told that there was a time when firewood had to be fetched; it was regrettable and it would not happen again. I am quite surprised to hear that statement but I do not want us to degenerate into a debate. I take it that you are in no position to answer.

Hon. Ms. Ally, our 20 minutes are over. With your permission, I will forward your question to the Minister of Local Government and Regional Development and I have no doubt, based on what I have heard, that it would be supplied not today but in due course by the Minister, and I take the Minister of Education at her word that if in fact these circumstances exist, they will be dealt with and they will be addressed in due course.

That brings us to the end of Oral Questions Without Notice.

Hon. Member Mr. Greenidge, you have put some questions which I only did see and I share your grave concern about what I read there. Hon. Member and Minister of Public Works, there are some questions about the status of arrangements between the Government of Guyana and Caribbean Airlines in terms of the manner in which Guyanese passengers continue to be treated, so I am going to ask that those questions be sent to you with notice now and that an appropriate reply be given in written form or orally, as Mr. Greenidge would prefer. I know that many persons complain about what is termed a discriminatory practice of herding Guyanese – either keeping them aboard a plane for two hours sweating it out or taken to a little contained area as if

they are criminals waiting to make a break for it in the twin island republic. So those questions will be coming to you.

QUESTIONS ON NOTICE

For Written Replies

1. GOVERNMENT'S E-GOVERNANCE PROJECT

Lt. Col. (Ret'd) Harmon: Whereas the Government's E-Governance Project has suffered from extensive delays and there is to be modification to the design of the project.

Could the Hon. Prime Minister state:

- i. What are the costs overruns related to this project?
- ii. (a) Provide the resume of Mr. Alexi Ramotar as it relates to his prior experience with Fibre Optic cable installations, designing and managing of a project of this complex nature.

(b) What salary and allowances Mr. Alexi Ramotar, the person running this project, is paid on a monthly basis?

See appendix attached.

2. COMMISSIONER OF INFORMATION

Mrs. Hughes:

- i. Can the Hon. Prime Minister advise this House if the Commissioner of Information, in accordance with the Access to Information Act No. 21 of 2011, has published the information as stated under section 8 of the Act?
- ii. If no publication has been made, can the Hon. Prime Minister provide reasons therefore and timeframe when the publication will be made?
- iii. Can the Hon. Prime Minister State the amount of staff employed under this unit?

- iv. Can the Hon. Prime Minister share with this House the amounts paid in salary and allowances to the Commissioner of Information?
- v. Can the Hon. Prime Minister say how many applications for information were received by the Commissioner of Information to date and how many were processed?

Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]:

- i. No publication has yet been done but a Preliminary List of public Authorities has been submitted for approval and publication to meet the requirements of section 8.
- ii. Responses from several Public Authorities identified in section 2 of the Act are being evaluated and, upon due appraisal, will be published in the Official Gazette and a daily newspaper at the earliest.
- iii. Apart from the Commissioner, two members of staff have been employed.
- iv. Salary: \$1, 208,517.00 (taxable). Allowance: so far payment for cell phone calls.
- v. No application has been received so far.

3. BREATHALYSER KITS

Mrs. Hughes:

- i. Can the Hon. Minister state if all the Policing Divisions are provided with fully functioning breathalyser kits?
- ii. Can the Hon. Minister state how many persons were tested during the last quarter of 2013 and how many charges laid for persons failing such tests?
- iii. Can the Hon. Minister state the number of successful prosecutions achieved during 2013 against persons failing breathalyser tests?

Minister of Home Affairs [Mr. Rohee]: All Police Divisions were previously issued with breathalyser kits. However, some have malfunctioned and at the moment, three functioning kits are at A Division – Georgetown and the East Bank of Demerara, B Division – Berbice and D Division – West Demerara.

Arrangements are being made for an additional 40 breathalyser kits to be procured pending the approval of the 2014 Budget.

Below please find a list of persons tested, charged, convicted and reprimanded and discharged:

A Division

Number Tested: 20

Number Charged: 8

Number Convicted: 8

Number Reprimanded and discharged: Nil

B Division

Number Tested: 50

Number Charged: 31

Number Convicted: 25

Number Reprimanded and Discharged: 6

C Division

Number Tested: 17

Number Charged: 12

Number Convicted: 11

Number Reprimanded and Discharged: 1

D Division

Number Tested: 121

Number Charged: 89

Number Convicted: 89

Number Reprimanded and Discharged: Nil

E Division

Number Tested: Nil

Number Charged: Nil

Number Convicted: Nil

Number Reprimanded and Discharged: Nil

F Division

Number Tested: 1

Number Charged: 1

Number Convicted: 1

Number Reprimanded and Discharged: Nil

G Division

Number Tested: Nil

Number Charged: Nil

Number Convicted: Nil

Number Reprimanded and Discharged: Nil

For Oral Reply

4. ANTI-DOPING COMMITTEE

Mr. Jones:

- i. Could the Hon. Minister inform this House whether Guyana has an Anti-Doping Committee?
- ii. If yes, who are the members of this Committee?
- iii. (a) How were the Members selected/elected?
(b) What criteria were used for selection?
(c) When were they selected?
- iv. How many reports have the Committee submitted?
- v. Could the Hon. Minister state whether this committee conducted any tests on local athletes leading into regional or international competition?

Minister of Culture, Youth and Sport [Dr. Anthony]: Thank you Mr. Speaker. Let me thank the Hon. Member for his question. Guyana does indeed have an Anti-Doping Committee and it would normally help to educate people about anti-doping. There is a list that is published by the World Anti-Doping Agency called a Prohibited List of Substances and we help to educate national organisations to let them know what is contained in that list. We also are signatories to the United Nations Education, Scientific and Cultural Organization's (UNESCO's) International Convention against Doping in Sport and there are a number of procedures that one would have to follow if one is a signatory to that Convention. We have also signed the anti-doping code and there are also procedures there that one would have to follow. We assist national organisations in understanding these obligations.

Apart from the education that we do, we carry out advocacy so that people understand how important this topic really is and we are also involved in assisting with testing. In fact, we have been able to train a number of Doping Control Officers. We have three of those that have been trained by the Regional Anti-Doping Organisation and they have been working in Guyana.

Pertaining to the committee itself, we have five persons who are functioning in that committee. It is chaired by Mr. Alfred King, Permanent Secretary, Ministry of Culture, Youth and Sport, who is also a Director on the Regional Anti-Doping Organisation in the Caribbean. We also have Dr. Karen Pilgrim who represents the Guyana Olympic Association. We have Dr. Navendra

Rambarran who represents the medical community. There is Ms. Alicia Roach from the President Youth Award Programme and Ms. Pere Deroy who represents the NGO community. These persons were selected by their respective organisations. We had written to these organisations and we had asked them to nominate someone who is suitable to sit on the committee. The criteria really, how they were selected, are based on their organisation. Being cognisant of the functions they have to perform, they would have identified persons with suitable expertise to sit on the committee. This committee was established in 2012 but we became a signatory to the Anti-Doping Convention in 2010.

There have been a number of testing that would have been done in Guyana and it predates the formation of this committee because testing is not only done by the national committee, it can also be done by the international federations who would have responsibility for specific sports. Most of the international federations are signatory to the anti-doping code. For example, in 2007, when we hosted Cricket World Cup, we had a number of tests that were done on the cricketers who played in Guyana. So from 2007, we would have had systematic testing happening in Guyana.

Apart from that type of testing, in 2013 – I can give you some specific examples – we have had from the Boxing Federation, 10 persons who were tested and they were all negative. During the Caribbean Premiere League (CPL) tournament, 18 persons were tested and they were all negative. During the South American Youth Games, 31 persons were tested and they were negative and during the Inter-Guiana Games, 60 persons were tested and they were all negative. In power lifting, three persons were tested in 2013 and there was one positive test. Power lifters have been tested since 2008 and there have been different persons being tested over that period of time but in 2013, three persons were tested with one being positive.

Mr. Jones: Just a quick follow-up, Mr. Speaker. Could the Hon. Minister inform this House whether the one power lifter that was tested positive is the youngster who represented Guyana last year and what steps have the committee since taken in relation to this individual, whether handing back the trophy or not? That is if it is the same individual.

Dr. Anthony: Mr. Speaker, there is a procedure and it is that the International Power Lifting Federation, during its competition, tested athletes. He was one of them who were tested. They

took a urine sample from him and that sample was divided into two parts. There were sample A and sample B. Sample A, one month after, was sent to a certified laboratory and when it was tested, they found that it contained a stimulant. That stimulant could have been – and that is the athlete’s defence – a nasal decongestant. If one has a runny nose, that can be used. The athlete has claimed that prior to the competition, he did have a runny nose and he used a substance.

If he were well aware of the procedures and his coach, managers and the officials, who were with him, had informed the people conducting the competition and had asked for Therapeutic Use Exemption... The people who were with him did not ask for that exemption. Therefore, when the sample was taken and they found this stimulant, they said he was doping.

The next step was to invite him to present evidence. He then provided the information that he was using a nasal decongestant. However, they invited him to travel to go for a hearing in North America. Neither he nor his association has the financing to take him to the hearing so he was never given that fair hearing. He then opted to waive the sample B testing because the next thing they would have done if he had gone to the hearing is to request that they test sample B. But he waived the testing of sample B so, by default, he was then accused of doping. What has happened since is that the International Power Lifting Federation would have banned him for two years and imposed a fine of €2,000 which he has to pay. But if the procedures were followed and the exemptions were asked for, then we would not have been in this position that we are in right now. I think that it is unfortunate, but we have to learn from these experiences.

Mr. Speaker: Thank you. The Standing Orders state that you are allowed two supplemental questions after an oral answer, but you can go ahead Mr. Jones. I will take one question from you and one from Mr. Williams.

Mr. Jones: Thank you Mr. Speaker. I must say, Comrade Minister, I appreciate the answer.

Mr. Speaker: Are you congratulating him or are you appreciating him?

Mr. Jones: I am appreciating the answer because I am sure that a lot of people were enlightened.

Comrade Minister, noting that the individual and his organisation have financial constraints and noting that this issue has cast a dark shadow over Guyana, should the Ministry or the

Government in general not take up the cost to ensure that we get this young man there to clear his name and, by extension, clear Guyana? Why was that not done?

Dr. Anthony: Unfortunately, when the hearing and that back and forth correspondence were happening, we were not aware. The hearing had already happened and the sentence was already passed. Therefore, we are in this position. We have to learn about these things and we need to do more to get people to understand about anti-doping. Right now in the 2012 Report, there are close to 300 tests that were done. Of those, about 2% was positive.

It is an ongoing battle but to dope one has to be a country that has resources to do that because the classes of substances that are used – in some cases they use growth hormones – would require a sophisticated medical set up to be able to do it and mask it. That is not something developing countries and Third World athletes can do. What has been happening in developing countries, because people do not understand what is on the list and the prohibited substances, they can easily fall prey. A good example of that is golfing. I have gone to our golf course and have seen people imbibing, taking alcohol.

Mr. Speaker: Be careful.

Dr. Anthony: Alcohol is a prohibited substance for particular sports, and golf, for example, is one of those sports. Maybe people's lack of understanding is there and it is something that we have to deal with. More education...

3.21 p.m.

Mr. Speaker: Hon. Minister is there not a kind of moral hazard though in having the State or the Government pay to clear someone's name when in fact it is also the Government that also has to oversee the doping agency. You can very well find yourself in some difficulty if you are in charge of the agency and also financially assisting persons to clear their names; that could be a difficulty. So while you may empathise it may be difficult for you to become so intimately involved. It could have repercussions later on.

Deputy Speaker [Mr. B. Williams]: Thank you Mr. Speaker. In fact I wish to ask the Hon. Minister of Sport if the Local Anti-Doping Committee has powers to sanction our local athletes in cases of breach and if so, what is the nature of these sanctions?

Dr. Anthony: The sanction would already have been imposed by the international body.

Mr. B. Williams: The Anti-Doping Committee, can they impose sanctions if they find instances of breaches.

Dr. Anthony: No, we follow the international procedure and it is kind of a double jeopardy because the international body would have already imposed those sanctions.

Mr. B. Williams: I understand that. I am saying if you locally...

Mr. Speaker: What Mr. Williams is saying is if at your local level, a test shows positive for something, can you sanction the person here in Guyana? Why does it have to go to Europe for sanction? I think that is what Mr. Williams is trying to ask.

Mr. B. Williams: Yes.

Dr. Anthony: Let us deal with the specific first. In this specific instance, this competition was happening in the United States. Testing was done there. The international body- the International Power Lifting Federation- was in charge and those results go to the international body.

Mr. B. Williams: I understand that Mr. Minister. All I am asking is if the local Anti-Doping Committee...

Dr. Anthony: I am getting to that. There are different ways the testing is done and who the results go to. For example, locally, if we commission that test, it then has to be sent to a certified laboratory - and there are 33 of those - then they would send it back to you with the results, or they would send it back to whichever sporting association, whether cricket, football or whatever. Most of these federations, because they are signatories to the code, they follow that pattern and will invite that athlete in and will go through that procedure with them. So in a lot of cases, the local is superseded by what happens with the regional and international bodies. In most of the sports, that is how it is done.

Mr. Speaker: Thank you very much.

STATEMENT BY MINISTERS INCLUDING POLICY STATEMENTS

Mr. Speaker: Hon. Members, two statements will be made. The first will be made by the Hon. Prime Minister with regard to the Petition and the second will be made by the Minister of Public Works and Transportation, Mr. Benn, pertaining to news that came out last evening of a security situation.

PETITION OF THE RESIDENTS OF REGION NO. 9

Mr. Hinds: Mr. Speaker, Hon. Members, this Petition does not advance the needs of the poor people, and it does not advance or speak to the needs of the people of Region No.9. It speaks to people of Lethem who we recognise as our citizens. But our policy is to advance electrification equitably all across Region No.9 including Surama, and all across our country.

It is instructive if we look back at the Whereas clauses we see Nos. 4 and 5 going back to the days when some arrangement was made to provide lights generally to government buildings nearby. However we, this government, aware of the potential of Lethem to develop, redirected a grant of some \$700,000 million to install the Moco Moco Hydro in 1999 and we established a new situation. Maybe before then there may have been 100 persons at the most, receiving lights from some little Government generator. But when we established this new situation we established a company, Lethem Power Company Inc. and made it clear that the operations would be covered by the cost. The cost has to be so set that the operations including maintenance would be met.

The price tariffs were set accordingly in 2000 or so in line with receiving power from Moco Moco. However, I think we all know Moco Moco suffered a disastrous failure, a massive failure, with a landslide in 2004 and our pursuits to having it restored has not borne fruit, at least not as yet. So what we have now in Region No.9 ever since is electricity provided by diesel generation, generation with light, fuel and oil.

The Government has gone, maybe we should not have, but we have gone extremely far along the way in trying to maintain the electricity at 24 hours a day, seven days a week to Lethem. What has been happening is that the operating cost largely carried by the Government has been increasing. I remember the figure for 2011 was \$109 million. And if you look to there being 1,000 customers it works out at \$100,000 a year on the average per customer. But depending on the size of the customer and how much electricity they would take our estimates are that it goes

from \$25,000 for the really small ones to a \$1 million dollars on the other end. This is something that our country could not afford.

It is an unconscionable act for the good citizens of Lethem to be coming here with a petition of this nature. I can only assume Hon. Member Mr. Allicock and others have not taken time to look at the situation and have ignored that all through the years our position has been that we will advance electrification in the hinterland, we will cover capital costs but all operational costs, including maintenance, are to be met by the beneficiaries, the consumers. That has been clearly said.

It is inaccurate, not correct to say there was no consultation. I myself went in twice during the last year and spoke at a town meeting, to which all were invited, and the policy was accepted that Government would be putting capital requirements, because there is need for a new large station for Lethem, and the customers would pay a price that meets the operational costs including maintenance. That is the principal. It was accepted.

We were asked, however, since there were particular difficulties at that time and we were looking to bring in two new 750 kVA FG Wilson generators, for some 50 million, that we would hold increases until the generators were ordered. This was the first position. And the generators have been ordered and have been in the country for some time now. I expected them to be up there already but this morning I learnt that they are still to be taken from Georgetown to there.

So as we go forward with an electrification programme there is no way we could maintain \$100,000 average per household each year as has been happening. And with ranges from maybe \$20,000 to \$1 million we could not do that.

Mr. Speaker, Hon. Members, on this question of support to electricity - and at the same time they talk about water too - there has been a time when it was said there should not be any, but now there is acceptance there should be support. And there is acceptance that everyone should be working to everyone having some amount of electrification. The figures I see somewhere between 10 to 30 kilowatt hours of electricity. We have a position that looks after the poor. What this position is seeking to do is to entrench the million dollars of support to the few very large persons, either households or commercial buildings. That is what this petition seeks to do; to enhance that.

However, we have introduced in the hinterland area where we have a small grid the first 15 kilowatt house at absolutely no charge. So we are looking after the poor. Do not hide behind the poor; do not hide behind the frocks of the poor, do not hide behind their heads.

Mr. Speaker: Hon. Prime Minister you are to state the Government's policy on the matter and not try to engage the other side in a debate.

Mr. Hinds: We are looking after the poor, and more than that, in the case of our photo voltaic systems where we now have about 13,500 installed around the country, if you work it out with 65 watts those households are getting about 9 kilowatt hours a month of electricity basically at no charge. We do have a 500 per month covenant, that they will put aside that money so that there is money available when they will need to replace lamps and batteries from time to time; every three years or so. We have a covenant with the villages that this would be done.

So I think that we could not go on. I would request of the Hon. Member that he reconsiders his support for this Petition. I have here that I accepted on an interim way a statement about new prices and I see a certain Mr. Parker as a signature to this also.

We have at this moment other communities that are calling on us, communities of some size, to work to move them from four or six hours of electricity at night. In fact there was a question not so long ago from an Hon. Member on the other side about when I think Mabaruma or somewhere would be moved from four to six hours a night for lights to 24 hours a day by seven. And I said clearly then that the policy is that it will be done when they accept the policy that Government will put in the capital cost but the operational cost, including maintenance, has to be met from the tariffs. We could not continue a situation and extend a situation. I am for the people in the rest of Region 9, that we should advance electrification. In Aranaputa, I can sense they want 24/7 electricity; Aishalton and Karasabai are places where the economy can grow but we cannot grow on the Treasury by imposing greater and greater burdens on the Treasury. We cannot base our expectation on early times that are referred to in this like 1995 and previous when there was a supply in Lethem not metered to maybe 100, if so many, government buildings and government officers.

Two weekends ago at a retreat of the Local Government I was told by the Regional Executive Officer (REO) for Region No.7 that people at Kamarang are calling for a movement from lights

at night to some small grid. It maybe – I have not gone there recently – there are enough buildings around to make it economic to consider a small grid there. So I think this Petition is ill-informed and seeks to entrench situations which we have grown away from. If this approach is to be taken it would limit the growth, it will limit the pace at which we advance electrification. As it is at times I have heard the question of whether we are not advancing electrification too rapidly. This Government will do all it could to keep improving electrification all across our country. We would look for support, we would look for understanding and we think our policy as stated Government will endeavour to put in the capital cost and the beneficiaries, the customers, have to meet the operational cost. We think that that is quite appropriate.

I thank you. [*Applause*]

Mr. Speaker: Thank you very much Hon. Prime Minister. I invite Hon. Member and Minister of Works and Transport to make a brief statement please.

TELEPHONE THREAT TO CARIBBEAN AIRLINES

Minister of Transport [Mr. Benn]: Thank you Mr. Speaker, Hon. Members. Last Friday a telephone threat was made to the Caribbean Airlines Offices in Barbados with respect to Flight 484 travelling today out of the Cheddie Jagan International Airport (CJIA). The threat seemingly emanated from a person with a Trinidadian accent and that person rang off immediately when he was pressed for more information. The security systems and operatives and officials in the Caribbean Airlines system and also in Guyana were alerted. The highest levels of the Government were alerted and discussed this matter on Saturday morning and on Friday at 2 o'clock – 4.00 hrs that is- a high level security meeting, as is normal in these cases, was convened to assess the nature of the threat and to put measures in place with respect to the matter. As a result of that meeting measures were put in place for heightened security, security postures were elevated, the 100 per cent screening and scrubbing of passengers and areas respectively, to make sure that no sabotage would occur with respect to this flight and any other flight were put in place. As a result of that effort, the specific flight departed without incident, but with some delays as a result of extra screening, and has landed successfully at Miami International Airport.

The heightened security posture will remain in place for a number of days in the future. We have asked through the security operatives for contacts to be pursued and investigations to be pursued in Barbados, in Trinidad and Tobago and, if possible, in the United States of America (USA) with respect to putting at rest, to determining who made the threat and its specific nature. I want to assure the House, Hon. Members and the people at large, our travellers both Guyanese nationals and other people who may use the Airport and the Airlines which fly out of it, that all steps will be taken to make sure that the environment is safe, that the planes are safe both for those who are flying and those who work at the Airport or who are in the environs of the Airport.

I would also say there was indeed a 13% reduction of persons flying on the particular aircraft this morning as a result of cancellations and no-shows. Thank you.

INTRODUCTION OF BILLS

Presentation and First Reading

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

A Bill Intituled:

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

CARIBBEAN COMMUNITY (FREE ENTRY OF SKILLED NATIONALS) (AMENDMENT) BILL 2014 – BILL NO. 5/2014

A Bill Intituled:

“An Act to amend the Caribbean Community (Free Entry of Skilled Nationals) Act.” [Minister of Foreign Affairs]

PUBLIC BUSINESS

GOVERNMENT’S BUSINESS

Mr. Speaker: Hon. Members, indeed I had started to go through the list that is before us so in the order in which we have them, are we proceeding today, Hon. Prime Minister with the Local Authorities (Elections) (Amendment) Bill No. 3 of 2014?

Mr. Hinds: Yes Sir.

Mr. Speaker: Very well. There is the Wildlife Import and Export Bill which had been deferred for us to have some more be done on it, is that being deferred Hon. Minister?

Minister of Natural Resources [Mr. R. Persaud]: Yes, Mr. Speaker.

Mr. Speaker: Thank you. The Recording of the Court Proceedings Bill, Hon. Attorney General, are we proceeding with that today?

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: We are proceeding, Your Honour.

Mr. Speaker: And the Cricket Administration Bill?

Mr. Nandlall: We are deferring that one, Sir.

Mr. Speaker: Very well, thank you. Hon. Members, I propose that we commence the debate of the first Bill for this afternoon's proceedings - The Local Authorities (Elections) (Amendment) Bill and I believe that the Bill will be moved by the Hon. Minister after which, we will take the suspension. We will start with the presentation of the motion for the adoption of the Bill.

BILLS – SECOND READINGS

LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2014 – BILL NO. 3/2014

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 within the Ministry of Local Government]*

Minister within the Ministry of Local Government [Mr. Whittaker]: Mr. Speaker this Bill, No. 3 of 2014, seeks to amend Section 36(a)(1) of the Local Authorities (Elections) Act and so

allow for the extension of the date on which the next Local Government Elections may be held to a date on or before 1st December, 2014.

Almost one year ago, to be precise on 7th February, 2013, as the National Assembly considered Bill No. 8 of 2013 I confidently stood and shared the optimism of the People's Progressive Party/Civic (PPP/C). I exuded the commitment of the People's Progressive Party/Civic to have Local Government Elections during the course of that year. I reminded all, like I do today, that the People's Progressive Party/Civic has always been in the forefront of every form of democratic struggle in our country to ensure that Guyanese of all races, creed and class enjoy universally recognised basic human rights. In fact, we do have a long history of championing the cause and rights of Guyanese people including the right to be meaningfully involved in managing and developing the communities in which they live.

I reemphasise this afternoon that the People's Progressive Party/Civic has absolutely nothing to gain by not holding Local Government Elections; nothing at all. To the contrary we have been working assiduously to move the process forward. I, personally, have never had any doubt in my mind as to the genuineness and the determination of the people to hold Local Government Elections. We care, Sir; we have always cared.

3.51 p.m.

So it is against this historically proven background that we of the PPP express concern that Local Government Elections could not be held during 2013 as we would have wished. But may I suggest that what has passed by has gone and will forever be out of reach of the will to alter.

Let us examine how we move forward from here with a resolve to complete, permission to use the words, this social contract. For indeed, there has been progress, perhaps not as much as we would have desire. But we continue to work to build capacity in our local government organs and this we consider to be all part of preparing them for this elections, where they will take the seat of governance. We continue to work to build capacity in our local government organs, where the required capacity does not exist, to strengthen that capacity where it is weak and to empower communities and to give them more say through their elected leaders in their own development.

I want to site as an example, the annual estimates and subvention plans and programmes of the Neighbourhood Democratic Councils (NDCs) and the Municipalities. Gone are the days when the elected or appointed leaders will sit in an office, determine what needs to be done and present to us at the level of the Ministry of Local Government and Regional Development, their views on what should constitute programmes and projects for those communities.

We have to see evidence of engagements with the people; individually, collectively, we have to see that evidence. We require that all these budgets be accompanied by minutes of meetings, which our staff sample checks to ensure the involvement of people. The annual estimates and the subvention, emanates through a process of engagement and consultation with residents of the constituencies of the local authority areas across our country.

We at the Ministry of Local Government and Regional Development continuously view and involve the Regional Democratic Councils (RDCs), the Neighbourhood Democratic Councils and the Municipalities because we view them as vital organs of local democratic power. Towards this end, we invite them to join us in the task of managing and developing communities.

Mr. Speaker, I say these things to say, that it is not only about legislative reforms, important though they be, but also about improving the governance landscape. In this regard, we have made, at the level of the Ministry of Local Government and the level of Government, tremendous strides.

The Opposition political parties continue to affirm that local government legislative reform is a pre-requisite to the holding of Local Government Elections. Even as they continually do so, they continue in one form or another - in one way or another - to obstruct the process, the very process that is intended to deliver on these reforms.

But my friends, we of the People's Progressive Party have always held the view and shared the view with you that Local Government Legislative Reform must be viewed as a continual process and that necessarily implies that legislative reform is not merely about Local Government Elections, but also about local governance after the elections and that is why we need to prepare our people – potential leaders, residents; we need to prepare them.

Therefore, I re-emphasise, to say that reform is a *sine qua non* for Local Government Elections, is to suggest that the reform is merely about elections and that is not so. Often I wonder if those on that side of the House, misread, misconstrued or misinterpreted the intent of these reforms.

I wonder also, have the Opposition noticed that we have moved forward on these legislative reforms? I guess not because we are too engrossed in merely impeding the work of Government. The Fiscal Transfers Act to which His Excellency assented, that is progress. It does provide the objective criteria for resource allocation and this is what we have been asking for some while. That is progress. If it is not, tell me what is. This particular piece of legislation is what is envisaged under Section 76 – 77A of the supreme law of the land, the Constitution of Guyana, so we have fulfilled that.

In addition, the Local Government Commission Act satisfies the provisions of Section 78A of the Constitution. These two, along with the Municipal and District Councils (Amendment) Act of 2013 and the Local Authorities Elections (Amendment) Act do satisfy the requirements for the elections of members of local democratic organs.

So Mr. Speaker, we of the PPP have not been dormant; we have not merely, as some do, in meeting cries and pleas and used, we have been active. Our Government, through the Ministry of Local Government and Regional Development, has been taking a menu of measures to build and strengthen capacity at the level of the Human Resource in our Ministry; at the level of the Local Government Organs in the region; Regional Democratic Councils, Neighbourhood Democratic Councils, Municipalities. We have focused, among other things on the issue of involvement of the people in decisions as to what constitute priorities. We have focused on expenditure controls so that the taxpayers' money can be properly spent. We have focused on sanitation and environmental issues; in short we have focused on improving revenue collections, instituting expenditure controls and ensuring they are rigidly adhered to and in improving the way we deliver core services. When we do that we are also addressing issues of governance.

We are aware that good governance is essential to sustaining development and we have taken important measures to improve Government practice in this country. Public education and awareness are also part of it. May I say, we have had a number of mayors and chairmen of

municipalities, including those who head the city of Georgetown, attending our public awareness and we are happy for that; including programmes like, the Districts Tender Board.

We have made improvements, tremendous improvement. But even as I say this, I reiterate that the absence of Local Government Elections over the past 16 plus years has not helped our people, more so our young people to understand how important these elections are. So we at Ministry of Local Government and Regional Development (MLGARD) have taken steps to so educate them.

The PPP has never essayed to dominate, but to work with the Opposition to seek to arrive at a consensus on the critical issues that will support local democracy. We are of the strong view that our people would, through local democracy have a greater involvement in the making of decisions with respect to their own development. No informed open minded honest Guyanese can deny the PPP its significant role in working to meet the reformed Local Government System envisaged under Section 72-78 of our Constitution. The approval [*Inaudible*] by Parliament of the Local Authorities Elections (Amendment) Act 26/2009 provides for Local Government Elections to be held in all the existing 71 Local Authority areas using their mixed electoral system of Proportional Representation and First Past The Post. The system further provides the opportunities for voluntary groups', political parties and individual candidates to contest for seats in the Municipalities and in the NDCs.

The Guyanese people have heard *ad nauseam* the various reasons for the delay in holding Local Government Elections, but the truth is that the key legislative reform for such elections has been passed in the National Assembly and assented to by His Excellency, but we are hearing different signals coming from the other side. In this regard, we ought to be aware, we must be aware that several clauses of the Local Government (Amendment) Bill of 2013, as amended by the Opposition, have met the expectations pellucidly set out in the Constitution of Guyana.

We have come too far not to want to move to the finishing line; there must be no turning back. We have made tremendous strides in strengthening our democracy. This could be further strengthened with strong and affective local governance. Me thinks Sir, that we must seek first the Local Government Elections and all other things will be added thereafter. Some spend too much time opposing and obstructing, it is time to move forward.

We can perennially and continually debate what we are doing and what we are not doing and the concomitant effects, but the bottom line is that gets us no closer to the desired position and the desired results and that is, having Local Government Elections and of course a PPP/Civic victory. Our discussion must focus on getting there; we invite you to be part of that discussion.

We must agree that all the required legislative reforms are in place. We must appreciate that legislative reform is a continual process. We must determine that we want to have these elections and we must move forward in this process.

We of the PPP have started our work. I call on the Parliamentary Opposition political parties to support the Local Authorities Elections (Amendment) Bill, 2014 and agree to a postponement of the overdue elections, while we work collectively to conclude proper preparations for the holding of these elections on or before 31st December, 2014.

I have noted a proposed amendment under the pen of the Hon. Member Mr. Bulkan. I am sure that as he penned this proposed amendment, the Hon. Member would have been informed and therefore aware of the extent of the preparatory works that have to be done and the extent of the number of various organs, institutions and agencies involved in that preparation. These include, quite apart from Guyana Elections Commission (GECOM), the Ministry of Local Government and Regional Development. There is the issue of the preparation of registered voters; there is the issue of the preparation for conduct of claims and objections which is a continual engagement; there is the issue of logistics; there is the issue of procurement of sensitive and non-sensitive election material; and there is the issue of public awareness. We all have our own duties and responsibilities. But quite apart from that, we view the proposed amendment as an attempt to take away the executive authority that is reposed in our Government and more specifically, the Minister of Local Government and Regional Development to determine and announce by way of order, a date for the holding of these elections. We cannot appear to be going contrary to what the legislation says. When the legislation speaks we must listen, like good students.

Therefore, we cannot and will not support the proposed amendments. Notwithstanding, I wish to say to this National Assembly that we have made tremendous progress in moving towards Local Government Elections, that the issue of legislative reforms have been, as required in the Constitution - the supreme law of the land, addressed; that what is needed is to give ourselves

adequate time so that the administrative arrangements and activities that have to be engaged in can proceed efficiently and orderly. We owe it to all the stakeholders involved in this process and more specifically we owe it to the people of Guyana. Thank you very much. *[Applause]*

Mr. Speaker: Hon. Members and Hon. Minister, thank you. We will take suspension now for exactly one hour. In half an hour's time I am reminding Members of the Assembly Committee that we will convene in the Speaker's Chamber. Thank you very much.

Sitting suspended

Sitting resumed

Mr. Speaker: Hon. Member Mr. Bulkan, you may make your contribution to the debate please, thank you.

Mr. Bulkan: Thank you Mr. Speaker. It is with considerable sadness that I rise to make my contribution to this Bill before us, from this particular position because, of course, it is occasioned by the absence and resignation, as we have heard, of my Colleague and dear friend, Mrs. Backer. We have already heard from the Leader of the Opposition saying that Mrs. Backer's shoes will be difficult to fill, but nonetheless it behoves trying. I can assure we will.

The Bill before us, Bill No. 3 of 2014, standing in the name of the Hon. Member the then Minister Ganga Persaud, who we have also heard a little earlier, is no longer the Minister, with effect from 31st January. A Bill that seeks to provide, yet again, for the postponement of elections of councillors of local democratic organs and a Bill which was laid in this National Assembly on the 16th January, 2014.

Mr. Speaker, I listened to the Hon. Member, Mr. Whittaker a short while ago when he led off the debate on this Bill and the Minister said much, but I believe he said little. In fact, I would say the Minister's words, when we examine the track record of the Ministry and the Government, were hollow and empty. I would go so far as to say that the Minister's words were hypocritical.

Allow me please Mr. Speaker, to look at some of the statements made by the Hon. Member...

[Interruption]

Mr. Speaker: Is there a point of order?

Ms. Manickchand: Yes Sir. I was wondering if hypocritical might be a word we want to use in this hallowed House, given our Standing Orders.

Mr. Speaker: Was it said that the Minister was hypocritical?

Ms. Manickchand: His words are hypocritical, what do you call that?

Mr. Speaker: I would rule that a reference to a Member being hypocritical would be out of order so I will ask that it be withdrawn. The word hypocrite is in the list of words that is unparliamentarily and a reference that a Member is or has been hypocritical by extension would mean that it is imputing that the Member is less than honourable.

That is the basis of it that the honorific that a Member is an honourable madam or gentlemen is presumed and a reference to a Member being hypocritical in a stance or a position, does connote that he or she is less than honourable. If hypocrite is one of the words that is not permissible, it would follow that the imputation of hypocrisy would not be allowed. The Clerk has so reminded me.

Mr. Bulkan: Noted, Mr. Speaker. As I said, those words were empty and hollow. It is not my intention to be churlish. I do not know if you would consider the words duplicitous to be acceptable to this Honourable House? But that is my sentiment when I examine the track record as I hope to demonstrate further on in my contribution.

Mr. Speaker, let us look at some of the statements that the Hon. Member Mr. Whittaker made a short while ago. The Minister started out by referring to the contribution he made last year, almost one year ago, on the debate on this very Bill that was before the House. What the Minister said to was that when he spoke one year ago, he spoke of the optimism of the PPP and he exuded then a commitment of the PPP to have Local Government Elections in the year 2013. The Minister went on reminding that the PPP has always in the forefront of the democratic principle. I listened carefully to the Minister, so whilst the Minister has spoken a year ago of his Government's commitment to have those elections, the Minister did not proffer or offer this Honourable House any reasons why those elections could not be held in the year 2013.

The Hon. Minister said several other things. He said that the PPP/C Government has nothing to gain by not holding these Local Government Elections. I propose to offer reasons and examples

to the Hon. Minister as to why it can be seen that it is in the interest of the Government not to hold these elections. Mr. Speaker, among other things, the Hon. Minister asked the rhetorical question. He started out by saying that the elections could not be held in last year; we should not dwell on that and should not look back as to why the elections would not be held. But he asked the rhetorical question: How could we move forward? Once again I propose before and during my contribution I will offer examples to the Minister as to how we can move this process forward.

Moving on - the Hon. Member Mr. Whittaker has said that during the period while Local Government Elections were not held that things have not been dormant; that the Ministry has been very active. Once again, I will take no pleasure in pointing out that the things, the actions that the Ministry have been active in, have been for all the wrong reasons and all the wrong things that they have been active in. The only reason that the Hon. Member offered partly as to why these elections could not be held sooner, was according to him the extent of preparatory work needed; those were the Minister's words.

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Going on to say that Members of the majority of this House, Members of the Opposition, are not aware of the amount of preparatory work that is needed. The Hon. Minister said that apart from the work that GECOM has to do there is a lot of other work that the Ministry of Local Government has to do. The fact remains that the voter education work that needs to be done as it relates to the holding of these Local Government Elections under the new system that the Minister spoke about arises not from the four Bills that were unanimously approved in this House in August of last year, but arises from a bill that was passed in the previous Parliament in the year 2009, so it has been four years since the new Local Government System of Elections, as the Minister explained to us that the elections will be held with 50% of the Councils under Proportional Representation (PR) and the other 50% under constituency arrangement. It was a bill that was approved since 2009. I do not know how much more time the Minister feels is needed and the Government needs for this programme of voter education to take place; certainly not another 17 years.

Among other things the Hon. Minister accused the Opposition of opposing and obstructing the process that is necessary for the holding of these elections and having levelled that accusation against the Opposition the Minister went on to say that it is time to move forward. Whilst, as the Minister said, we are no closer to the desired results the Minister invites us to be a part of this process in supporting this bill. The fact remains that this bill provides for the postponement of elections, not the holding of election, so I think that the Minister should make up his mind if he wants us to be part of the process he is inviting us not to support the bill that is designed for the postponement of holding of elections. I believe the Minister got his message mixed up.

Mr. Speaker, you will recall that this Bill, Bill No. 3 of 2014, started out life as Bill No. 21 of 2013, which was tabled in this House...

Mr. Speaker: Hon. Members, there is a din. I am not hearing the Member clearly. There seems to be about four sub-debates going on and I do not think that we are doing ourselves any good here by not hearing clearly what is meant and intended to be said.

Mr. Bulkan: Thank you, Mr. Speaker. Thank you for that protection, but it is obvious that the Hon. Members on the other side of the House...

Mr. Speaker: It is coming from both sides, Mr. Bulkan.

Mr. Bulkan: ...are not interested. I was saying that you will recall that this Bill started out its life as Bill No. 21 of 2013 and it was laid in this National Assembly on the 12th December last year and it was scheduled to be debated on the 16th January at the last Sitting. You would also recall, Mr. Speaker, that on the order paper of the 16th January Bill No.21 of 2013 was withdrawn and it was replaced by the Bill before us, Bill No. 3 of 2014. In view of that you had invited the Hon. Minister to offer an explanation as to why a similar Bill was withdrawn and replaced with another one. Because of the direct relevance of these two Bills I trust that you would permit me a passing comment about Bill No. 21 of 2013 which was laid here in December of last year. I believe that it was as a result of an amendment that was tabled by A Partnership for National Unity (APNU) on the day before that Bill was to be debated in this House that led to the recognition of an error in the bill and its subsequent withdrawal by the Government.

The question needs to be asked and, again, it is not my intension or desire to be childish, but I am disappointed in the fact that there was an error in this Bill. We have to ask if it is a question of how sloppy we have become or is there another reason. I will refer to what was said by the Head of the Presidential Secretariat and the Cabinet Secretary, Dr. Roger Luncheon, at his weekly press conference, the week before this Bill No. 21 was tabled in the National Assembly. This is what Dr. Luncheon said in reference to that Bill; his words were: “it’s an annual exercise”. In other words what it suggests to me is that the citizens’ rights are not important; that we, that is the Government, will have those elections when it suits the Government. It is this flippant and cavalier attitude that deeply troubles us on this side of the House.

Moving back to the Bill let us be honest and let us call a spade a spade. This Bill before this House is an affront to citizens and it is an assault on local democracy. No justification exists for this Bill other than it is living proof of the callous indifference to citizens’ fundamental rights and the total disregard that this Government has for the Constitution. This Bill seeks to provide lawful cover for the postponement of Local Government Elections for the seventeenth time or 17 years. I have already said that there is no justification this time for this Bill before us because five months have passed since the four remaining Local Government Bills were unanimously approved in this House. That was ample time enough for a date to be set for the holding of Local Government Elections and for advance preparations to be made. There have been 16 previous debates on this subject matter before this House – debates here in this House.

It is not my intention to take this House back so long, heaven forbid, but rather I will refer to statements that were made in this 10th Parliament. I will confine my references solely to the first debate which was the 2012 debates which took place here in March, 2012. First to speak was the then Minister, Hon. Member Mr. Ganga Persaud, and this was on 15th March, 2012. The Minister said in his contribution to the debate in 2012 that Local Government Elections could not be held in 2011 because of general and regional elections which were held in that year. I think at that occasion the Minister had a ‘get out of jail card’, the one that is used in monopoly. The Minister then went on to say that “the PPP/Civic...” – I am quoting now from the Hansard – “...remains committed to aggressively pursuing the holding of Local Government Election in order to produce a more effective local administration with a replenishment of the leadership of the Neighbourhood Democratic Councils and Municipalities under the new Local Government

System.” Moving on, the Hon. Minister then said “The ruling party would like to restate the importance of Local Government Elections as is stated in the PPP/C Manifesto...” which he went on to quote and he said “which is to ensure that within one year of the 2011 General and Regional Elections that Local Government Elections are held to bring much needed reinvigoration into Local Government Entities.” Then the Hon. Minister became really eloquent. This is what he said, and I quote, as the Minister was speaking from right here on my left:

“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.”

The passing of time has shown and proved that those were empty words. Two years have passed, not just one, since the general and regional elections of 2011. Where, we are forced to ask, is the evidence of the PPP/C’s desire to, as the Minister said, empower the ordinary people and enhance the promotion of grassroots democracy? One would search in vain for this. I think even if we were to enlist the help of the Hubble Telescope, it would not prove to be of much help. What has been happening is the opposite. The Hon. Minister and his colleagues, since those 2011 elections have set about ruthlessly dismembering duly constituted Local Democratic Organs as well as the authority of others using the appointed element of such local democratic organs to execute this callous agenda.

It remains a fact that the Georgetown City Council had passed a motion of no confidence in this very officer but yet the Ministry not only refused to act on that motion of no confidence but they compounded the disregard for a decision of the council by appointing substantively the very person to hold that office; yet we can hear about enhancing the promotion of grassroots democracy – I emphasise ‘democracy’ – further. Where is the evidence?

I was in Mahdia in December last year, the administrative centre of Region 8, and I was able to see for myself the total lack of respect that this Government has for Local Democratic Organs and for local democracy and the hollowness when one compares statements on the part of the Government with their actions. [Ms. Teixeira: There is no NDC there.] There is an RDC, Madam, and it is a Local Democratic Organ. We are speaking about local democracy.

Mr. Speaker: Hon. Members... Mr. Bulkan, just stay focused is what I would advise. There are different dynamics in the front bench than there is in the back.

Mr. Bulkan: The PPP obtained 28% of votes in this Region, Region No.8, at the last elections. What we are seeing, however, is that the Government is using its position and in this instance an appointed officer, the REO, to subvert the authority of the RDC. This council, the RDC of Region 8, is relentlessly being neutered by the Central Government using the very appointed element as well as other Ministries in pursuance of this mission. There are many articles. Two weeks ago, 16th January of this year, there was a letter by the Regional Chairman of Region No.8 in Stabroek News... The letter articulates and it brings to the attention of the public the non-cooperation between the appointed element of this council and the elected element of the RDC of Region No.8. [**Mr. Neendkumar:** We are not speaking about municipalities here?] We are speaking about local democracy, Minister. Regional Chairman Crawford ended his letter by imploring the Government to recognise the no confidence motion that was moved by the RDC of Region No.8 and to send someone else to fill the place of the particular REO in Region No.8. This very council which is actually a regional government met only four times in 2012 and only three times in 2013. The Regional Chairman was told that there was no money to hold a statutory meeting scheduled for December of last year but the REO refuses to account to the council as to where the monies that were voted for the holding of statutory meetings of the council went.

This is not empowering people or promoting or enhancing democracy. This is despotism. The Regional Chairman of Region No.4 has a litany of complaints of how the Central Government is seeking to miniaturise and even to bypass the authority of that council. I wish to use this opportunity to urge the Hon. Member, the Minister, to practice what he preaches and to perform what he professes to believe in; were the Government to do so it will bring much dividend and good will and our citizens will be the beneficiaries.

Georgetown would not be in the sorry state that it is in if indeed we have empowering of communities and empowering of councils; the garbage and the filth and the stench that threatens to overrun the citizens of Georgetown would not be present.

I now need to turn to the then Minister's Deputy, Hon. Member Junior Minister Mr. Whittaker, and what he had to say in the very 2012 debate.

Mr. Speaker: Okay, Hon. Members, it is almost as if there is a determined and concerted effort to ensure that this Member does not get a chance to speak. That is how it is coming over and he shall have the right to speak and I am not hearing him.

Mr. Bulkan: Thank you, Mr. Speaker. I now need to turn to what the Hon. Member, Minister Whittaker, said in the very 2012 debate. The Hon. Minister went directly to the point. There was no skirting around and he said, and this is what I quote:

“The PPP and the PPP/C Government has 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.”

Now we have the kicker. Let us hear what the Hon. Minister spoke of in 2012:

“We want to hold Local Government Elections tonight.”

Just to be sure, that was 23 month ago. The Hon. Minister then provided reasons why his Government wanted those elections and this is what he said; he repeated some of the very statements a short while ago, and I quote:

“...so that we could bring much needed reinvigoration into the Local Government Bodies and, by extension, the very communities which fall within NDCs.”

“For my friends [the Hon. Member says] these elections would necessarily facilitate and accelerate the transformation and modernisation of local communities by, among other things, empowering the citizens to participate in the decision-making process.”

I am forced to ask Hon. Minister if he no longer believes it to be important to empower citizens to participate in the decision-making process. While we are at it perhaps the Hon. Minister would want to share with Members of this honourable House what the reasons were why those elections could not be held in keeping with his stated desire of two years ago. However... **[Interruption]** Do you want to have your say? It was what the Minister said next that got me thinking. The Minister said:

“We of the PPP/C have nothing to gain by postponing these elections. We have never feared facing the electorate.”

Let me suggest to the Hon. Member, Mr. Whittaker, that one thing that the PPP/C has to gain by postponing these elections is the lack of scrutiny that comes with the Interim Management Committees (IMCs) installed by the Ministry and the duo of Ministers that are stacked with hand-picked cronies. True local democracy and truly empowering local authorities would bring the disinfectant of sunlight into the current murky affairs that bedevils the award of public contracts and public procurement. It would help to address and allay the pervasive public suspicion of massive corruption that accompanies public expenditure; what the Leader of the Opposition calls ‘industrial-scale corruption’ and what led Former Speaker, Mr. Ramkarran... *[Interruption]* You bring it out.

Mr. Speaker: Okay, Hon. Members.

Mr. Bulkan: ...what led Former Speaker, Mr. Ramkarran, to say that our country will soon qualify... *[Interruption]*

Mr. Speaker: Hon. Members, please. Could we have some order, please? Hon. Member, Mr. Bulkan, you will require an extension if you propose to go beyond... Your time is up.

Ms. Ally: Mr. Speaker, I wish to ask that the Hon. Member be given 15 minutes to continue his presentation.

Question put, and carried.

Mr. Bulkan: Thank you, Mr. Speaker. I was saying that it would help to address and allay the pervasive public suspicion of massive corruption that accompanies public expenditure. What the Leader of the Opposition calls ‘industrial scale corruption’ and what led Former Speaker Mr. Ramkarran to say that our country will soon qualify as the ‘Kleptocratic Republic of Guyana’. Because of the nexus of transparency and the work of local authorities I trust that you could allow me to make a passing reference to the very article that I refer to, the article by Former Speaker Ramkarran which was posted... *[Interruption]*

Mr. Speaker: Hon. Members, let us take this one step at a time. Mr. Bulkan, you have an article. Could you quote the source, the date and then proceed, please?

Mr. Bulkan: The article is titled ‘The Kleptocratic Republic of Guyana’. It was posted on the website ‘Conversation Tree’ on 23rd June, 2013, and the author is your illustrious predecessor; an individual, I believe, that presided over this Assembly for over a decade. This is what Former Speaker Ramkarran said in this article:

“Guyana would soon qualify as the Kleptocratic Republic of Guyana...”

He made reference to community development councils. This is what Former Speaker Ramkaran says in his article and I quote:

“When the PPP came to office in 1992 Cheddi Jagan perceptively suggested the creation of Community Development Councils. Their initial functions involved the monitoring of contracts as an exercise in popular democracy. They were to be given copies [the CDCs] of contracts so that their works could be measured and approved.”

The article goes on:

“After 1997 the state’s interest in the CDCs began to wane and eventually withered.”

Mr. Speaker, I believe that there is a nexus and significance between the year 1997 that the CDCs were allowed to wither because that was the year that Local Government Elections were supposed to be held. Former Speaker Ramkarran goes on to say:

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“Cheddi Jagan must have understood the great danger of the emergence of corruption which he had been fighting vehemently. The focus of party groups needed to be shifted.”

He went on to speak about the scramble that was allowed to develop for jobs, gun licences, house lots and contracts. I quote briefly from Speaker Ramkarran and this is what he said:

“It is not known what percentage of roads, bridges, buildings and other infrastructure works are badly done. The complaints are plentiful and it is not mainly that the contractors are dishonest. They tell you openly that if they have to bribe so many officials then there is not enough to spend on the works to complete them in accordance with the contracts and to make a profit for themselves at the same time.”

Of course, they willingly collaborate with this state of affairs.

Mr. Speaker: One second Mr. Bulkan. I notice Mr. Neendkumar on his feet, presumably, with a Point of Order.

Mr. Neendkumar: Mr. Speaker, the Hon. Member is not speaking on the Bill, he is speaking out of some article in the newspapers which is not...**[Interruption]** It is totally irrelevant and he is encouraging it.

Mr. Speaker: May I please, Hon. Members...? Okay.

[Interruption]

Mr. Speaker: One second Mr. Bulkan. My recollection is that Mr. Bulkan prefaced his introduction of this article on the basis of corruption, the way that it has seeped into the communities and the need for transparency and opening up of the system at that level. The article did mention the creation of CDCs which were... I know that we are dealing with NDCs but at the end of the day we are dealing about grass roots politics. I believe that term was introduced earlier this afternoon. We are dealing with politics at the grass roots level. I note that there is a connection, but I also note that if we continue much longer, Mr. Bulkan, we will start to stray from...At this point in time, I believe, you are speaking to grass roots politics and what is happening on the ground. That is my understanding and it is relevant.

Mr. Bulkan's rebuttal is coming in the context of the Minister's statement as to why there is need to delay and that in fact the Government is ready, willing and able to hold elections. I believe the rebuttal is in that context.

Mr. Bulkan: Thank you very much Mr. Speaker. Despite the din that you referred to earlier, which you said was preventing you from listening to my contribution, it is obvious that you were. For the edification of the Hon. Member, I was referring to the statement made by the Hon. Minister that the Government has nothing to fear from the non holding of these elections and that is the link I am trying to establish, Mr. Speaker.

Moving on quickly, former Speaker Ramkarran said that this situation is as a direct result of the failure of the PPP to build on the work of Cheddi Jagan and to deal with corruption.

I quote and he said:

“Many of these contractors, businessmen and suppliers of goods and services have close links with the PPP, including members of the leadership.”

The article goes on to speak about manipulating of contracts and of the existence of a group of wealthy and influential businessmen who have high political connections. *[Interruption]*

Mr. Speaker: One second please. Mr. Bulkan, you are having quite a baptism in the front bench today but I believe you have expected it and you are prepared for it. Just stay focus and deliver your presentation, please.

Mr. Bulkan: I believe there is a method to the madness. I am not buying any of the platitudes that are being uttered by the Government Ministers. APNU says show us the elections. Do not tell us, as you are saying to us, that you have always been – what did the Minister said - in the forefront of the fight for democracy in this country. APNU says actions speak louder than words.

The role of local government is enshrined in our Constitution. Its absence, that is, Local Government Elections, and by implication the absence of local democracy, brings serious negative consequences. I will look briefly at some of these consequences.

The presence, and proliferation, of garbage everywhere and the prevalence of flooding, once it rains, is in large measure due to the absence and denial of local democracy and the non-functioning of local democratic organs. Government speakers will seek to say that the fault are those of the councils but what they will not tell us is the interference being practised by the Ministry that are preventing the local democratic organs from carrying out their functions. This is why I say that responsibility for these conditions lies primarily at the feet of this Government and, in particular, the Ministry of Local Government and Regional Development.

The Constitution provides for a clearly defined role of local democracy and local democratic organs of which there are currently 81, these being 10 RDCs, six municipalities and 65 NDCs. The decentralisation, which our Constitution specifies, requires that these 81 bodies be equipped and empowered to execute their mandate, not for one Ministry to be used to subvert the authority and independence of those constitutional bodies – a Ministry that is hell-bent on control, domination, in violation of the Constitution. It is to quote the words of my colleague, the Hon.

Member Dr. Roopnarine, when he spoke, at the last sitting, in which he referred to the centralist perversity.

Allow me please, to give an example of what I mean. I refer here to a publication called *Pakaraima Peaks*. It is a newsletter of the regional administration of Region 8. This newsletter tells us that it was published by the office of the Regional Executive Officer of Region 8. There is no mention here of the RDCs.

Mr. Speaker: Is there any date on it?

Mr. Bulkan: Yes Mr. Speaker. It is dated June 2013, *Pakaraima Peaks*. If we go through this publication we will see at the end of that there is a list of names. It states, “Meet the regional administration”. There is from the REO all the way down to the Assistant Accountant, all being appointed officers. There is no mention here of the duly elected Regional Democratic Council. A perusal of this publication will show you, Mr. Speaker, that on practically every page you can find photographs of the REO. In this instance he is handing over an ATV. [**An Hon. Member (Government):** Does it have a photograph?] It has photographs on every page. There is only one photograph of the Regional Chairman in this booklet which is 12 pages. [**Mr. B. Williams:** Where it is?] It is somewhere hidden.

In this publication there is a photograph of the children of Kato having a meal, but what we do not see is the photograph, which was in the newspapers last year, which was mentioned earlier today, of the very schoolchildren of Kato having to fetch logs for firewood. These are some of the things that the Ministry is engaged in.

The Ministry of Local Government and Regional Development, as currently configured and operates, does not seem to recognise that it is the problem but instead it is seeking to offer itself as the solution. Let us see what is happening.

There is an article in the *Kaieteur News*, it is two weeks ago, on January 15, 2014. The title of the article is “Expansion of Local Government Ministry on the way” and it quotes a press conference where, among others, there were the Permanent Secretary Mr. Colin Croal and others. The Permanent Secretary is quoted, in this article, as saying that the Ministry’s workforce has grown significantly resulting in the need for additional buildings and that an expansion of

this Ministry is on the way. [Mr. Neendkumar: What is wrong with that?] I will tell you what is wrong with that. What this Ministry needs is not expanding; it needs downsizing. The Government is rushing headlong in the wrong direction. The Ministers comes to this and House and talks about enhancing and improving local democracy but they are practising something else. They are practising central control.

It is important to make it clear that while Local Government Elections are a prerequisite for local democracy, by and of itself, that will not be sufficient to bring about the changes and improvements that are badly needed. For this to happen local democratic organs have to be allowed to function in keeping with the authority and autonomy that the Constitution provides. One, which is the Ministry, cannot do the work of 81. This is absurd. In fact, it is executive lawlessness.

I have said it before, in this House, and I will say it once more I am urging the Hon. Members and the Government to stop trampling on our Constitution.

Despite the amendments that APNU has brought to this House it cannot and does not support this Bill. In fact, APNU is vehemently opposed to this Bill. APNU denounces this Bill.

In closing, I call on the Hon. Minister to immediately issue the commencement order for the bringing into being of the Local Government Commission and move to have that commission constituted and operational. The Minister, when he spoke earlier, spoke of article 78(b) of the Constitution and of the fact that the Government has honoured that constitutional provision. What the Hon. Member did not say was that 78 (b) deals with the Local Government Commission and whilst the Act was assented to by the President it has not become operational because it is waiting on a commencement order from the Minister. This is an example of - I am not allowed to say hypocrisy – that I was trying to refer to.

Two, it is to see that the Local Government (Amendment) Act, which is Act No. 17/2013, is signed into law.

Thirdly, it is to fix an early date for the holding of elections for the 65 Neighbourhood Democratic Councils and the six towns. That will constitute empowerment.

Herein, lies the proof of the pudding, not the empty words that we are being fed.

Thank you. [*Applause*]

Dr. Ramayya: Listening to the Minister and the Hon. Member Mr. Bulkan... First, I want to thank the Chairman of the Special Select Committee Local Government Bill the Hon. Member Mr. Basil Williams and all of the Members who were there, including our demitted Minister, Mr. Ganga Persaud.

To add to what was said I took a good look at our late leader Dr. Cheddi Jagan and I am just wondering how he viewed this Government at this stage and at this part of the country. I listened to him before 1992 General Election and he said that the People's National Congress (PNC) deprived the people of Guyana's Local Government Elections. Today, it is ashamed that for 17 years a Local Government Election was not held in this country. We had four national elections in 1997, 2001, 2006 and 2011. I believe, strongly, that to date there are dark clouds against the Government within communities that it so governs for all of these years. To test the water today it is a problem for this Government. Deferring the Local Government Election, or what I would consider as delaying tactics, is a problem for the Government and not for the Opposition, because we are ready for Local Government Elections.

The PNC did not hold elections for 20 years and that was not right for the people. The PPP did not hold elections for 17 years and that was not right for the people. It was wrong then and, today, it is wrong now. Local Government Election is very vital to any democracy and it is to deny the people their rights. To delay a Local Government Election is to deny the people of their rights and that is what we should consider here.

There are many ways that we can define how beneficial Local Government Election is, but what I found, for the last few years, was that Interim Management Committees (IMCs) were formed by handpicking only within the constituent of the PPP. They are governing to facilitate those people and to win the votes that they have lost within those communities for the next election. As I read in today's newspaper, it is that the Public Relations Officer (PRO) for Guyana Elections Commission (GECOM) is not preparing anything for Local Government Election but he was saying that he was preparing for possibility of another national election. I am questioning why it is that the Government, for 17 years, did not prepare the people for a Local Government Election.

The social fabric of this country for the last 17 years has broken down and the infrastructure is also broken down. Only a couple of days ago I saw two workers who were being supervised, at the NDC at Whim, by one person. Imagine two persons were being supervised by one person and it is a shame how the local authorities are functioning in this country.

Our Constitution provides for people to participate in democracy and the way to do it is through Local Government Election. Where is that election to facilitate our people and give them their democratic right within their own communities to develop the infrastructure?

The PPP has betrayed and neglected our people at the grass roots level, for not having the elections in 17 years. The only reason for postponing the elections is because the PPP knows that the grass roots will pass a verdict on it. That is one of the reasons for which the election is being postponed. It is not because the Parliament and the local government body cannot formulate laws or regulations or make laws that there can be an election tomorrow. I can see the longer the Local Government Election is delayed it would be better for the coming of another national election before that. I see that we are heading in that direction at this time. The more it draws closer to a national election that will be a better reason for the Government to delay Local Government Election.

The villages and the towns are saying that they cannot wait anymore, but when I questioned the four elections which were held, was it not possible that the Local Government Bills could not have been in place for elections to be held for 17 years? In 1994 the last election was held. Why is it that today, after 17 years, we cannot hold a Local Government Election? This is something that we must ask ourselves. I listened to the Minister and he was saying that he is ready but in actuality, I think, it is only a word. As Mr. Bulkan would have said, the taste in the pudding is in the eating - carry through with the election and then we would know what is happening. The dark clouds, as I have said,... Are we prepared? Are we going to wait for another two years before we give the people a chance to govern their own village or community? The answer, to me, is no.

Local government organs in any democracy are important for the functioning of any country. Once we do not have the Local Government Election we will find all sorts of corruptions within the NDCs and the towns. There is no question in my mind...As a citizen of this country and as a member of Region 6, I can tell what is happening and transpiring in that region.

Region 6 predominantly is a PPP dominated region and it is losing that foundation. If that water should be tested tomorrow I think that will be the end result for the next election. This is one of the reasons that the elections... I do not know how much we can force local government on the Minister, that we need an election but unless that election is held we will be depriving the people of every community and every town in this country to function with their own whims and their own power.

I want to support the Opposition's proposal that before August 1st of this year we must have everything in place to carry through with this Local Government Election otherwise we will have more problems than we think that there is today and I am sure that the Government is aware of what is happening in every community and it is not a good taste for it. I urge this Government to do what is within its jurisdiction to let the Local Government Election be held before August 1st so that we can see that this country is well within the democracy as the people want it and we can go forward.

Thank you. [*Applause*]

Mr. Trotman: We, on this side of this House, are being requested today to collaborate with the party in Government to further frustrate the people by agreeing to another postponement of Local Government Elections which is long overdue. I say "to further frustrate" deliberately because for several years this exercise of getting approval from the National Assembly for the postponement of Local Government Election has been repeated without the Government's promise to hold elections within a timely manner being kept. The failure by this Government to hold Local Government Election over the years must be seen for what it is - a trampling on the rights of the people to elect their representatives at the local level.

Let us not trivialise this matter. It is too important to be wished away. Let us, therefore, confront the reality. What is the reality? It is this: In spite of the Government's continued putting off the elections the people keep lifting their voices demanding that they are held with the specific intention of exercising their rights to put their designated representatives in positions of authority at the levels of NDCs and Municipalities. As they demand the holding of elections, the people have also been resisting, as they have done in a number of communities, the identification and

imposition of pseudo community leaders by the Minister of Local Government and Regional Development. That is the reality.

The involvement of citizens at a local level should not be seen and construed as doing a favour for the people. It is something that the Constitution provides for. Article 12 prescribes that “the local government system shall be an integral part of the organisation of the state”. Article 13 requires the post political system to provide “increasing opportunities for the involvement of people in the management and decision making process of the state”. Article 71 directs that local government is a vital aspect of democracy, should be organised to involve as many people as possible in the task of managing and developing the communities in which they live.

The question we need to ask is: Why the PPP/C Government, which has sworn to uphold the Constitution, is reluctant to, over the past umpteen years, hold the elections which are intended to give meaning to the letter, spirit and intent of the Constitution?

6.51 p.m.

After listening to the General Secretary of the PPP/C at one of his recent press conferences when he announced that party's readiness to contest elections, General and Regional and or Local Government, at anytime, the mystery why Local Government Elections are not being held only deepens. One is left to wonder at the reasons why those who boast of their invincibility, and who are in control of the mechanisms, are unwilling to test their popularity by going the route of elections. I believe, Sir, that in spite of the air of bravado, one of the reasons which militate against their holding of Local Government Elections, particularly over the last three years, is the fear generated by the results of the November 2011 Elections — the fear of further rejection by citizens in those communities in which the elections are to be held.

I also believe that another element of fear, which has consumed the PPP/C, is the danger it sees in giving real meaning to the term "empowering the masses." That is why it seeks to retain control over existing local government entities by undemocratic means. Were this not so we would not have witnessed the blatant demonstration of the abuse of power by the party in Government as that party redoubled its efforts to retain its

influence and control over the decision making process of the local government entities.

Mr. Speaker, the Members on this side of the House and citizens in Guyana, who unreservedly support the entrenchment of democratic principles, are disturbed at the most recent backward and undemocratic developments in respect to the holding of Local Government Elections in Guyana. I refer here to the non assent by the President of one of the most important pieces of legislation to engage the attention of the National Assembly in respect to advancing the local government agenda. As you are aware Sir, this Tenth Parliament was asked to consider four pieces of legislation that were intended to take the local government machinery beyond where it stood for years. In its own deliberate judgement the Assembly felt that the proposals should go before a Special Select Committee from where recommendations, on the way forward, came to the full Assembly for consideration. Those recommendations were duly considered and adopted by the Assembly. However, when they finally got to the attention of the President, assent was withheld to one of them.

The President's non assent to the Local Government (Amendment Bill) 2012 is extremely worrying, and is an insult to this National Assembly, particularly...

Mr. Speaker: Mr. Trotman, the Standing Orders particularly state that you will not invoke the name of the President. I think you made a reference to the non assent and I did not intervene but to allow you to go on to speak to the President's insulting the House and so forth, I cannot allow it. I note that the President did not assent. I did not interfere with that. The Standing Orders would not allow me to allow you to go further to bring the President's name into the debate, Standing Order 41(7).

Mr. Trotman: The PPP/C's posture on the issue of ministerial oversight of local government organs can best be described as inconsistent and self-serving. What I am most disturbed about is the fact that the Bill, which has set out to do precisely what the PPP advocated on Monday, August 14th 1980, in this Assembly when it participated in the debate on the Local Democratic Organs Bill 1980, that is, to curb the Minister's

excessive powers over the Local Government organs, was not assented to.

While what I am alluding to here occurred more than 33 years ago the developments are most instructive. Leading the attack for the PPP on what he considered were the wide powers given to the Minister in the proposed legislation, the Hon. Reepu Daman Persaud examined what he saw as "contentious" areas in the Bill and pronounced on them.

Mr. Speaker, I wish to crave your indulgence to quote extensively from the contribution of the Hon. Member to the debate on that day. The quotation, which I am referring to, can be found in the text of that day's proceedings which I have a copy of here. In relation to clause 4 of the Bill, pages 16 and 17, the Hon. Member said:

"The Minister may by order divide Guyana as he may deem fit into ten regions and may in like manner divide a region into sub regions, a sub region into districts and the whole gamut of the thing. The Minister is doing that. It is like setting the boundaries for elections. One would expect if you are moving towards greater democracy, greater involvement of the people that such functions would have been informed by an independent body and not by a Minister, a Minister who will be part of the electoral process, a Minister whose party — I am dealing with the principle — a Minister whose party will be involved in the elections. He decides the boundaries, he decides where it will start and where it will end, all of that and then other parties that wish to fight elections will have to start against those disadvantages. I say also that clause 4 is also objectionable and must be opposed by us."

He then went on to say, in relation to clause 5(f), and this can be found on pages 18 and 19:

"Cde. Speaker, among other powers which the Minister has, let me tell you one. He will probably tell us, or a spokesman from the Government, how this clause, clause 5(f) will be used: "sanctions (including fines and public reprimands) against local democratic organs and any members and officers thereof for breach or dereliction of duty," the Minister by order sanction these things. How will the Minister arrive at his conclusion? The fact is the legislation gives him the authority and power and

there is no provision in this Bill to ensure that those against whom sanctions are made, that they are given a fair hearing so that the law of natural justice can prevail in such circumstances.”

Mr. Speaker, if that sounds familiar, it is because it is happening right now in the present local government system.

The Hon. Reepu Daman Persaud went on to say:

“Thus the Bill gives tremendous power to the Minister who will be responsible for local government and much more power that exists at the present time in the corresponding legislation, local authority, municipality, etc. The Minister can come by way of legislation which can be fully and thoroughly debated before he seeks to enforce any of those ideas and concepts written into clause 5 of the Bill. He has the power to dissolve on his own the local body, and he has the power to appoint a temporary body when that one has been dissolved.”

Again, if this sounds familiar, it is because of what is taking place at this present juncture.

Hon. Member Persaud went on to say:

"I remember Mr. Speaker in this very House, in the early sixties we criticized very severely what was then known as the Local Government Board. We said that it was undemocratic in every sense of the word and we must move away from that kind of institution so that the people can be involved, so that the people could make decisions and so if sanctions are to be passed, the people are going to pass sanctions. How can the government, how can the Minister argue that this Bill gives power to the people, that it extends democracy, and he labels it "Socialist Democracy" both in words and in writing, when in fact the Minister will exercise powers that no Minister should have in any democratic society and particularly if we are talking about giving greater powers to the people?..."

[**Mr. Nandlall:** Who was that Minister?] What we are talking about here is not who the Minister was but what the PPP's position was at that particular point in time. That is what we are

talking about.

“I see greater powers have been given to the Minister. He dissolves the council and he reconstitutes it by appointing people of his own choice. Therefore, if at any stage of this so-called democratic process these bodies were to make decisions which the government did not agree with, or they were to do anything which the Minister may not agree with, there could be no doubt that such persons can be disciplined with the greatest ease without any need to go to tribunal for proper enquiry and examination and sanction passed against them. More than that, they could be fined too, if one reads further into the legislation”.

Mr. Speaker, after listening to those words, that scathing attack on the powers given to the Minister in the proposed legislation by the Hon. Member Reepu Daman Persaud in 1980 and when one sets alongside it with what is current today one can only conclude that the PPP was being hypocritical then. I understand that the word “hypocritical” is not a word which can be used, Sir.

Mr. Speaker: No, so you will withdraw that.

Mr. Trotman: That the PPP was promulgating double standard then. They were only biding their time and waiting for the opportunity to exercise the powers they professed to be in disagreement with. If that is not the case where then is the greater power to the people, which the PPP promised in 1980? Where has the power of the Minister been reduced in keeping with the expressions of the Hon. Reepu Daman Persaud? In the absence of these things I am left to conclude that in refusing to assent to the recommendations sent to him by this National Assembly in 2013, recommendations which were essential to ushering the changes, the then Hon Member Reepu Daman in 1980 championed on behalf of the PPP, I am forced to conclude that the PPP was only maintaining the deceitful behaviour of that party.

Mr. Speaker: No. Let us come up with a better choice of words.

Mr. Trotman: ...that the PPP was indulging in doublespeak at that particular time.

I cannot conclude my contribution to this debate without posing the question that is

uppermost in the minds of citizens in this country: What must be done to ensure the expeditious holding of Local Government Elections, the kind of Local Government Election that gives power to the people at the level of communities? It seems to me, Sir, that when one takes the behaviour of the PPP/C Government into consideration the struggle for Local Government Elections has to be intensified. It is clear that the party in Government is not prepared to concede to the people the kind of elections the people want to have.

What people want in respect of Local Government Elections is the opportunity to elect their representatives and in the process, clothe them with the power to make and implement decisions on their behalf. They want to see developments take place in their communities. They want to see garbage free communities; they want efficient, qualified administrators, not handpicked hacks, and most of all they want to be rid of the interference by the Minister in the affairs of the communities. That is what people wish for when Local Government Elections are held and this is what they must have. Are these things, these conditions only possible when people take it to the streets? Is that the only thing which this Government understands? Are negotiated settlements without street action no longer possible in this country?

I shudder to think that this may be the case. If it is, and I hope it is not, the consequences could be too great to be imagined.

Finally, I wish to state that all of us, who believe that elections at the local level is a necessary step in the empowerment of people to contribute to the development of their communities and themselves, must today draw a line in the sand and say “enough is enough”. Unless there is a clear indication here today, unless there is a clear indication here and now when Local Government Elections will be held, we, on this side of the House, must withhold our approval to the Government's request to postpone the elections. We must only support this request by the Government if the amendments, which we are posing, are accepted. To do otherwise, as I have said at the commencement of my presentation, is to collaborate with the Government in denying the people the right to demonstrate free will in so far as the choice of their representatives is concerned.

Thank you Mr. Speaker. [*Applause*]

Mr. Nandlall: I endeavour not to be as long as my predecessors. The Bill, which is before the House, is a simple one and it is one that seeks to adjourn the holding of Local Government Elections. We have heard almost every conceivable argument under the sun in relation to the benefits of local democracy, the purpose of elections, the importance of elections to our people and to our system of democracy.

I do not think that anyone, on this side of the House, or on that side of the House, would dispute the importance of holding of elections be those elections, General Elections or Local Government Elections as they are an important part of the constitutional process of our country and they are an important factor in the democratic equation of our country. I just want to put that to rest. It makes no sense for us to lament how important these elections are; we know how important they are. We live in a country where elections were, for a long period of time rigged and there was a continuous denial of democracy for 28 years. We understand the importance of democracy. We do not need to be lectured upon. [*Interruption from the Opposition Members.*] The orchestra has begun. From the time I mentioned the words “rigged elections” the band has begun to play.

Mr. Speaker, you know we speak regularly about healing and about political maturity, but unless we accept that elections were rigged from 1968 to 1992 then we cannot move beyond that point. The international observers had documented that, we have participated in the process, people have been killed, people have been murdered, the army stole ballots, ballots were found floating down the Demerara and Essequibo Rivers. Those are facts of the political life in this country.

Mr. Speaker: Mr. Attorney General, you give a very general list but you became very specific when you said that the army stole ballots. I have no doubt that I am going to be hearing from it about that so be very careful.

Mr. Nandlall: Very well, Sir.

Mr. Speaker: You are being very general.

Mr. Nandlall: Yes. I appreciate that.

Mr. Speaker: I do not know if you wish to... Let me say something. When Mrs. Backer, in this House, made a statement about the army possibly going to Haiti and ... she was brought before the Committee of Privileges for that statement.

Mr. Nandlall: I will not detain the House.

Mr. Speaker: I think I need you to withdraw on that.

Mr. Nandlall: I withdraw that, quickly, Sir. I have no difficulty with that.

The role which various agencies of the state played in the undermining of democracy by participating in the rigging of elections are well documented, Sir. I want to move beyond that because in 1992 we had a return of democracy and from since then every single general election was held and certified to be free and fair election by international observers. That is the current status. However, I concede that we have not been able to replicate that in the arena of local democracy and we have to work to change that. That is what we have to do.

I have heard the Hon. Member Mr. Bulkan and I would excuse him because he has recently entered the Parliament; the Hon. Member, Mr. Trotman spoke and he recently entered the Parliament as well, but the question of Local Government Elections in this country has had a particular history. The impression, which has been conveyed, is as if Government stood stagnant and static and idly by and omitted and refused and neglected to hold this election. There was a bipartisan and bilateral approach between the two major political parties in this country that lasted over 12 years in relation to Local Government Election.

A task force was established. In fact, Your Honour, the process initiated at the behest of the Opposition that we should have a consensus approach and formula in relation to local democracy in our country. A task force was established under the tenure of the then Hon. Leader of the Opposition Robert Corbin and a Government team was appointed, and an Opposition team was appointed. That team worked for a number of years, together, to formulate a consensus and consensual approach in relation to Local Government Election. This Bill has been coming to this Parliament...

I remember my learned friend...I want to congratulate him on his recent elevation. I pause here to congratulate the Hon. Member Basil Williams, my colleague, for his elevation to the very

prestigious position of Deputy Speaker of the National Assembly. [Ms. Ally: Do not forget he is coming after you.] It is no problem; he is my friend. I remember distinctly that my learned friend would have stood annually in this Assembly and he will say that he is part of an annual pilgrimage to adjourn this, that he was doing it unanimously. It was used to be both parties in the National Assembly that used to pass this very Bill year after year. It was only the year 2013 that we are hearing from the Opposition that it wants Local Government Election and that is as a result of the 2011 General Election. [Mr. B. Williams: What is wrong with that?] Nothing is wrong with that, but all I am doing...If we are going to debate in the highest debating forum in the land then we must accept the facts. We must not have newcomers such as Mr. Bulkan and Mr. Desmond Trotman misleading the record of this House.

I just thought that we would put the records straight. [*Interruption from the Opposition Members.*] I am not disrespecting the Hon. Members. All I am asking is that the record must reflect what our history is, recent history, in relation to Local Government Elections. It was never a one-sided affair; it was a bipartisan consensual approach until the year 2013.

Another factor, another argument, which has been completely ignored, in this entire debate, is the readiness of an important institution in relation to the holding of elections. As I said, we have had a recent history, from 1992 to now, even though elections were held and certified to be free and fair those elections results were repeatedly rejected and all manner of suspicions were cast on the process and the results which led to violence, which led to unrest, which led to all sorts of confusions in our country. Therefore armed with that history, armed with that factual precedent, we have to take into account the readiness of that important institution which the Constitution has ascribed the responsibility of administering elections in our country and that is GECOM. I have not heard anything in this debate which tends to suggest that anyone has asked GECOM what the state of its readiness is.

Mr. Speaker: Mr. Nandlall, that would go on both sides because you are asking for an adjournment without even finding out it needs for an adjournment.

Mr. Nandlall: No. I am going to tell your Honour what is our position. Our information is based upon the information that we have received from our Commissioners, I do not understand how the report has been different from the Commissioners representing the Opposition. Our report,

from our Commissioners, is that GECOM is not ready for Local Government Election now. [Mr. Felix: GECOM said it can be readied.] GECOM said it can be readied for General Elections. We have to understand that the legislation and the statutory framework, under which these elections are going to be held are new, are different and different systems have to be put into place. There are constituencies which are going to be created for these elections which never existed before. Voters' list will have to be prepared for each of those constituencies. My information is that GECOM is not prepared in relation to that process and therefore elections cannot, whether we want it or not, be held because the institution, which has to ready itself for elections to be held, is currently not ready.

There is an amendment which is being proposed by Mr. Bulkan and the amendment seeks to bring forward rather the election the date. The Government is proposing next year, the amendment is proposing that it be held August, this year. In 500 years of recorded parliamentary democracy, the executive has always held the power and the authority to fix election date, all over the world and there is no exception. The fixing of the election date is a power that has always been in the preserve of the executive.

Mr. Speaker: Explain what happens in the United States of America, for example, where it is the second Tuesday in November every fourth year. That is statutory.

Mr. Nandlall: That is statutory. In our Constitution the executive, the President, has the power to fix the date for general election. The President has the power here. The power is an executive power. The statutory position in relation to Local Government Elections is governed by an Act of Parliament passed by this very Parliament. It is the Local Authorities Elections Act, Chapter 28:03 states this. Section 35 reads as follow:

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

It is the Parliament, not the National Assembly. This is the National Assembly. The Parliament of the country has already conferred upon the Minister of Local Government and Regional Development the authority to call election.

“...and under this section it shall be published in the Gazette a copy thereof published by the local authority to which it relates.”

That is the order that has to be published.

“If the Minister is satisfied at the holding of an election on election day would be attended by danger or serious hardship, he may by order postpone the election to a day specified in the order...”

This is a recent amendment. This is not an amendment going back to the 1980s; this is an amendment passed recently by this House, in the 1990s.

7.21 p.m.

The point I am making is that the Parliament has given the Minister the power. The National Assembly cannot seek to take away that power from the Minister unless it enjoys unanimous support and, obviously, it does not enjoy unanimous support. This is an amendment that will go nowhere. Since we have no definitive word from the Guyana Elections Commission (GECOM), I suggest that we accept the Government’s position. That is the most sensible thing to do.

As I said, Parliament has resided the power with the Minister. Parliament, comprising the National Assembly and the President, has appointed the Minister to fix the date. The Minister has brought an amendment here to fix the date to a date next year and this National Assembly is seeking to force the Minister to an earlier date without any certification and without any indication from the Guyana Elections Commission as to its state of readiness. The amendment which is being sought by the Opposition is premature and, in fact, it is careless. It is complete carelessness for the National Assembly by itself to fix a date for elections without consultation and confirmation from GECOM as to the state of its readiness.

As I have said, GECOM may have said something about general elections. I have not heard a definitive report and I challenge my Friends on the other side to produce some evidence of GECOM’s readiness. They cannot. None of them has alluded to that in their presentations and there is a reason why. It is because the preparation for local government election is a work in progress at the GECOM.

For those reasons and in those circumstances, I support the Minister’s Bill and I do not support the amendment to the Bill which is sought.

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

Mr. B. Williams: In the first instance, Mr. Speaker, permit me to thank all the Members of the National Assembly who have supported the election of me as Deputy Speaker. It is going to be a difficult role to fill, coming after the Hon. Deborah Backer. In fact, it is going to be difficult for us to do without her because she certainly would have been settling my brother over there, the Hon. Minister of Finance, and giving him his right perspectives if she were here. She has a way of keeping him calm and, also, Mr. Neendkumar, who took the opportunity to stand up and represent the Hon. Minister of Finance tonight, something that would have been unthinkable if my sister were here.

I would like to identify with the presentations of the Hon. Members Bulkan, Trotman and Dr. Ramayya on this side of the House. This is the 17th year. It is an abuse of the process of this National Assembly and it is an abuse that must not continue: to come without let or hindrance to tell us another year, after giving us assurances, certainly at the advent of this Parliament - every year - that election is next year. There is the old aphorism that a promise is a comfort to a fool. I can assure you that we are no fools on this side of the House. You could fool the people some of the time, as my Brother Bob said, but you cannot fool the people all of the time. The time has come.

I have had to suffer through the presentations of the Hon. Member Whittaker and the Hon. Attorney General. I do not know if the Hon. Member Whittaker is elated that the Hon. Member Ganga Persaud is not on his back, but he has been making some statements here tonight, and I will deal with some of them but let me deal with my Hon. and Learned Friend, the Hon. Attorney General.

They seem to have these recourses into the past. We do not wish to be stranded in the past, not when we have up-to-date information. If my memory serves me correctly, in 2011, the Hon. Member Corbin and my Sister to my left, Madam Lawrence, had to leave Congress to go to GECOM because we noticed that something was wrong with the numbers they mentioned that were allocated to South Georgetown.

Talking about rigging elections in the past... It was pointed out to GECOM that 18,000 votes were missing because we were tallying within the house at Congress Place. Lo and behold, they

found the 18,000 votes. Comrade Lawrence is here; she can tell you. They went somewhere and said, “Here, look the 18,000 votes.” What is rigging, Mr. Speaker? Do we call that rigging also? Then to compound it, there was some degree of barefacedness. A man had a simple task to ascertain 10 sets of vote; that is add them together. Any common entrance child could do it. Lo and behold, the Chief Executive Officer (CEO) went to the venerable gentlemen on the Commission and said that the People’s Progressive Party/Civic (PPP/C) won by 33%. Is that rigging, Mr. Speaker? What is it?

Mr. Speaker: Alright, Mr. Williams. You may speak to complication but you directly linked the previous CEO.

Mr. B. Williams: That is a fact.

Mr. Speaker: I would not want you to go there.

Mr. B. Williams: As it pleases you, Mr. Speaker.

Could I say, though, Mr. Speaker, that after being removed, he has found comfort working within the walls of the Office of the President (OP)? Could I say that? I do not know what they are talking about. Anyway, let us move on.

Ms. Teixeira: Mr. Speaker, I am objecting. The Member is making all sorts of wrong allegations and charges. The gentleman is not working at OP as alluded to by the Hon. Member.

Mr. Speaker: Just to make a point, it ought not to be a charge or allegation to say that one is working at the Office of the President. It is as if it is akin to working in a prison. The point is: if it is that he is not there, he is not there. Mr. Williams, you are to note that the person whom you referred to is not working at the Office of the President and you need to accept that fact.

Mr. B. Williams: Thank you, Mr. Speaker. The budget will be upon us shortly and they would have to bring the list.

If I could return to the Hon. Attorney General’s case, when he speaks about certain matters, it is clear that the Hon. Attorney General is sailing. He is a sailor on this issue. He said that the Task Force was established by the Hon. Mr. Corbin. He is completely at sea. He does not know what

he is talking about and, therefore, he is in no position to tell the Hon. Members Bulkan and Trotman that they are newcomers because he does not know anything different.

We do not want to detain ourselves here responding to the Hon. Attorney General who, obviously, is out of his depth in this matter. Let me turn my attention to the Hon. Minister in the Ministry of Local Government and Regional Development. He has been really making himself large.

“There have been progress.”

That is what he said. What does he mean by that? [**Mr. Nandlall:** *[Inaudible]* has.] That is why I emphasise “have”. He is supposed to be our teacher. It is verbatim.

Anyway, he said he was building capacity and strengthening departments in local government.

Let me ask you to address your mind to the Linden Municipality, Hon. Member. You [*inaudible*]

Mr. Speaker: Okay, Mr. Williams, avoid those remonstrations. They are very strong. Who are we referring to? I may have to extend some protection. Is it the Hon. Member Whittaker or Nandlall?

Mr. B. Williams: It is the esteemed Mr. Whittaker. The Linden fiasco could in no wise be said to be capacity building. The Linden Town Council had a staff looking after the enforcement of a toll that was running for 11 years. The Minister himself cut out the toll. This led to the laying off of the workers who were enforcing the toll. Then he came to the House with some supplementary when he has been dealing with the issue for nearly two years in trying to get rid of the toll because...

Mr. Whittaker: Mr. Speaker, I rise to correct the Hon. Member. I rise on a point of order. No member of the staff of the Linden Municipality had his or her service terminated or was dismissed as a result of the removal of the toll.

Mr. B. Williams: Mr. Speaker, that is a serious statement because the Hon. Member came with a supplementary provision here requesting us to approve moneys for the Linden Town Council workers who lost their jobs as a result of him terminating the toll. [**Mr. Nandlall:** No.] Yes. When I cross-examined him here, he admitted that.

Mr. Speaker: What date is that, Mr. Williams? I may very well have to send for the transcript. Were you cross-examined? Did I miss that at some time?

Mr. Whittaker: He asked me a few questions to which I responded and he accepted the responses. The supplementary funds which we sought and got approval for was to enable the Linden Municipality to meet the additional funds required to take some of the employees to the new minimum wage.

Mr. Speaker: We will have to send for the transcript because the contrast is too stark as to be ignored.

Mr. B. Williams: I can understand why the Hon. Member appears to be still dazed. After cross-examination, he went outside, sat down and asked for a drink and he confessed that the questions came rapidly and he really was not too sure of what he said. He confessed that.

The point of fact is that he came with a supplemental because the Linden Municipality could not pay any salaries and wages because of the loss of the toll. They used to collect the money from the toll; the Minister worked to get rid of the toll and he got rid of the workers in the process. That is what he is calling “building capacity”. I will bring the documents to show you.

Let us move on. Then, about the annual estimates he says he has a democratic process of consulting here and consulting there. Let me tell you: when we made certain arrangements in this honourable House at the budget time, we got an undertaking that for Region 4 certain roads will be dealt with. When we called the Regional Executive Officer (REO), he had a different list.

Mr. Speaker: Do you have a recording of that conversation?

Mr. B. Williams: I have the Regional Chairman, Mr. Corlette. Would they like Mr. Corlette to come?

Mr. Speaker: We are using a lot of legal terms – cross-examination, confession – and that could be hearsay.

Mr. B. Williams: This is a matter of fact. The list - and assurances - given to Parliament was not the list that the REO used to execute road works on the East Coast of Demerara. The budget is coming up now. We are saying this: our roads in our communities do not exist. There are no

roads; there are no drains. Every place is flooded. There are gaping holes in the roads and they have not addressed those roads even though they indicated to us that they would. I say to you now that when you bring that budget, we will not be approving any budget to build roads unless we have a guarantee that the roads you undertook to fix on the last occasion have been fixed on this occasion, so take warning.

The Hon. Minister said that they were not being dormant; they were being active. What were they active doing? It was installing Interim Management Committees (IMCs). When they installed them, they never reset them in the ratios that they met them. That is what they did. That activity that they embarked upon was wholly unlawful.

Let me say this: they have one engineer in the department at the Georgetown Mayor and City Council (M&CC) and it has the second largest capital project to execute in Region 4.

The bridge down at Cane Grove broke down. That is how the Hon. Minister is being active and building capacity. [Ms. Teixeira: Bridges must not break down.] You built a bridge last month and it broke down. Are you condoning that, Hon. Member? [Ms. Teixeira: *Inaudible.*] It is all over the country it is happening because the Hon. Member Harmon had to go to Moruka where the same thing happened. That is how the Government has been active.

What is holding up elections? The Hon. Minister is trying to suggest that GECOM is to blame. Years ago I spoke on this matter. GECOM is an independent body and the interference of Office of the President in the operations caused it to think that it could determine whether GECOM is ready for elections or not.

Ms. Teixeira: Mr. Speaker, this is a very serious allegation that the Member is making. It is a very serious issue. Our elections in Guyana have been observed by international observers. It has never been raised in any of the documents to say that Office of the President has interfered in the functioning of the GECOM. I challenge Mr. Williams, the Hon. Member, to find me which quote from which report states that.

Mr. Speaker: Hon. Member Mr. Williams, could you qualify that statement? There have been concerns about GECOM having to go to OP for financing for different projects, for example.

Mr. B. Williams: That is correct.

Mr. Speaker: In other words, the context in which you said it... Could you qualify the statement?

Mr. B. Williams: GECOM was made a budget agency which was to reduce it from an independent status to a non-independent status. In other words, the budget agency was the Office of the President and no other than Dr. Luncheon. Dr. Luncheon had powers to deal with line items in the budget of GECOM. **[Dr. Singh: That is not true.]** That is a matter of record.

Ms. Teixeira: Mr. Speaker, Dr. Luncheon is not in this House to defend himself. Some of these statements are good for our press conferences, Hon. Speaker, but not for this House.

Mr. Speaker: A statement that an officer had the power to look at line items, I do not know that it is an offensive statement. It is not an imputation of any *mala fides*. It is just a statement. Mr. Williams, be careful as you make your statements.

Mr. B. Williams: Sir, I am very careful.

Mr. Speaker: I have been aware of commentary about budgeting.

Mr. B. Williams: Sir, you have shown a profound understanding of the issue. I am not imputing crime into Dr. Luncheon. It is a fact that it is a budget agency and the budget agency has a head. The budget agency, over the years, from my experience, could determine whether it is going to buy stationary or whether it is going to put in the biometrics. Dr. Luncheon had line control over those items.

We had the occasion in the previous Parliament to comment on the fact that GECOM must remain independent. We cannot have an Attorney General coming and telling us that GECOM is not ready. How could he speak for GECOM?

We are saying that every year - 2011, 2012, 2013 and now 2014. We are saying that they cannot keep pushing it on to the next year. The time for empowerment of the Guyanese people has come and they have to do it. We have to empower them. We are saying this: we are not going to postpone the election for another year.

The Minister said this:

“Key legislation for reform has been passed.”

Is that enough? Is passing the legislation enough? The legislation came unanimously out of the Special Select Committee. It was passed unanimously in this House and only three have been assented to. The three Bills which have been assented to have not been activated. It is not simply passing them. They have to be operationalised. I want to put on record that to operationalise those three Bills would not take half a day. The Minister’s Order could flow within a matter of hours and there could be a special extraordinary publication of the Official Gazette to publish the two other Bills that were assented to by the President.

It is mind-boggling that the President appoints his Ministers who are his creatures. He assents to the Bill. If the President assents to three Bills, it means he is sending a signal that he wants those Bills to be passed and become operative. How could a Minister buck the President? How could the Minister not act when the Local Government Commission Act states that it must be operationalised by Order of the Minister? Why has the Minister not passed an Order up to now? It seems to me that there seems to be grave problems in Robb Street. It seems to me that there are grave problems in Office of the President. If a President assents to the Bills and the Minister is not operationalising the Bills, there must to be some problem.

I want you to take warning...

Mr. Speaker: Who is this warning going to?

Mr. B. Williams: The Hon. Member Whittaker must take warning. I believe the former Member, Minister Persaud, was dismissed for that. He should take warning and operationalise those three Bills quickly.

Mr. Speaker: The record shows that Mr. Ganga Persaud resigned his position. Just be cautious.

Mr. B. Williams: I am not talking about the record. I was giving my opinion on the matter.

Mr. Speaker: Your opinion is that he was dismissed. It is official that the Hon. Member resigned. Please note.

Mr. B. Williams: That resignation might not have been voluntary. I do not know if they have pre-signed resignations. What I liked about that incident was, like us, they on that side did not

know that the event had happened and it must be very troubling for my Brothers and Sisters on that other side because they do not know who is next.

My advice to you Hon. Member Whittaker is to operationalise the man's Bills before there is a surprise in here.

On a more serious side, the fourth Bill that was sent back can be put with the others – the Supreme Court Bill and the two Fiscal Management Bills – that were sent back without his assent. The rules state that within six months of them being returned to you, Mr. Speaker, we could go by motion with a two-thirds majority and present it to him again. The point of fact is though, none of those Bills have ever been brought back to us in this House for us to examine the reasons the President proffered for his non-assent.

In India, for example, when the President sends it back with his message, it goes back to the Parliament and the Members examine it to see whether they could resolve the problems that the president experienced in causing him not to give his assent. We are saying that though the Constitution is silent about the mechanism to bring it back to us, Mr. Speaker, being in control of a procedure, you have the power to bring those Bills back to the House so that we could look at those Bills and see whether we could resolve whatever apprehensions the President might have been labouring under with respect to those things.

The reasons the President gave related to three specific provisions. We are saying that there was a mistake in relation to the first one – section 6 of the Local Government (Amendment) Bill. **[Mr. R. Persaud: Which one are you referring to?]** It is the one which he sent back. I am talking about the letter that he sent to the Speaker with the reasons attached. **[Mr. R. Persaud: I am trying to stay with you.]** Yes.

7.51 p.m.

He is saying that he has problems with clauses 6, 13 and 14. We are saying that we do not have a problem relinquishing those clauses. **[Mr. Neendkumar: Only you said so.]** We have said that publicly. What is the mechanism to get it back to us so that we could look at it and say that we do not have a problem with these three clauses and that we are prepared to relinquish them?

For example, section 13 states:

“The Minister shall have and may exercise in any village or country district any or all of the powers of a local authority whenever it appears to the Minister expedient so to do, and may exercise any or all of those powers in any of those districts, whether there is or is not a local authority thereof.”

This is what they wanted to remain in the Act. This is the Local Government Act. This would fly in the face of the constitutional reform provisions. Look at what the Minister is doing right now. The Minister is dissolving and setting up Interim Management Committees (IMCs) and doing all kinds of things. One could imagine that in a reform system the Minister retains his power to take over an entire local democratic organ. Where are we going? It would be a retrograde step. We are saying no to that. The Minister cannot have this power. If it is anything, we will give the power to the new Local Government Commission. That is what we did. So, what went to the President are clauses 13 and 14. Clause 14 states:

“(1) Subject to this Act and the by-laws the Minister shall have the superintendence of all village and country districts in Guyana, and shall have and exercise general powers of supervision, inspection and control over the several local authorities and the officers and the servants thereof.”

He is an emperor. This is an emperor.

Mr. Speaker: Mr. B. Williams, when was that section passed into law?

Mr. B. Williams: This is an old section, since 1950. We have reformed it. They want to hold on to it. We are saying no; we cannot allow that. We had to change this and put instead of “the Minister”, “the Local Government Commission”. That was what went to the President. So the President is saying...

Ms. Teixeira: Mr. Speaker, I have a point of order. I know that my Friend gets excited. Sometimes, even as the Chairperson of the Special Select Committee on the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill, for the last two nights I have had to spend with Mr. Williams, I realised he gets mixed up with the recall issues. What was brought to this House was a brand new Bill called the Local Government Commission Bill. It repealed the other pieces of legislation and was a brand new Bill. It was not an amending of

the Bill, which the Hon. Gentleman is talking about. It was a brand new Bill. By the way, there was only one section where there was a vote. The rest of it was fine. When it came to this House, it was passed. I do not know why the Gentleman is misinforming this House.

Mr. B. Williams: Mr. Speaker, I would ask that the Hon. Member be caused to withdraw that statement. I am reading from a letter sent by the President as to his grounds for refusal. That is what I am reading from. I am asking that she withdraws it.

Ms. Teixeira: Mr. Speaker, the President assented to that Local Government Commission Act. It is the Local Government (Amendment) Bill that the President did not assent to. That is why I said the Gentleman has a problem with recall.

Mr. B. Williams: Mr. Speaker, could the Hon. Member withdraw her statement. She is grazing. I told her a long time ago...

Ms. Teixeira: Do I look like a 'she' to you? I am an Hon. Member.

Mr. Hinds: May I ask what is grazing? I heard a term 'grazing' I think.

Mr. Speaker: It is a lawyering term. It is a term of art in the legal profession, not a farm... Mr. Williams, if there is any disagreement, I do not think that the Hon. Member was trying to suggest that you... I think the Hon. Member was just really saying that you were speaking to the wrong Bill.

Mr. B. Williams: Sir, that is inaccurate. This is the Local Government (Amendment) Bill 2012, which the President gave his non-assent to and sent back to you with a letter.

Mr. Speaker: Hon. Members, what I would ask is that we just proceed. Let us avoid making personal statements or implications against each other and let us get through this evening as quickly as possible.

Mr. B. Williams: This is what the President's letter states that Clauses 6, 13 and 14 are therefore in collision with and ultra vires the Constitution.

He referred to the fact that under article 78A of the Constitution, Parliament shall establish a Local Government Commission, the composition and rules of which empower the Commission

to deal with it as it deems fit, *et cetera*. He said that these clauses in their current construct confer upon the Local Government Commission powers, duties and responsibilities beyond and in excess of those granted to the Local Government Commission by article 78A. That is what he said: it ultra vires the Constitution. He stated that many clauses which are contained in Bill tabled by the Hon. Minister of Local Government and Regional Development were deleted. This is what he is talking about, the Local Government (Amendment) Bill. We are not talking about the Local Government Commission Bill.

Mr. Speaker: Very well.

Mr. B. Williams: What I read here is from the Local Government Act, which was under review in the Bill that was before us. What we said is that we were not going to leave the power in the Minister. We are going to give that power to the Local Government Commission. That is what went to the President. That is why he is saying that we are giving the Commission more powers than what are in the Act.

Mr. Speaker: Let us proceed and get this Bill through. We have another one to go.

Mr. B. Williams: Sir, you probably would need to go to law school to appreciate that kind of argument.

Mr. Speaker: Mr. Williams, let us move on.

Mr. B. Williams: Mr. Speaker, what we are saying is that in the new construct that we have for the local government architecture in reform, we do not need the Local Government Commission to have power to take over an entire Neighbourhood Democratic Council (NDC), Municipality or else. So, we could relinquish that. If this is what is troubling the Hon. President, then we could relinquish this. It has to come back before the six months expire.

Mr. Speaker: I should say to the House that I wrote to the Leader of Government Business, the Hon. Prime Minister, and a reply came from Dr. Luncheon saying that the Government had no intention of recommitting the Bill as per the article of the Constitution. [**Ms. Teixeira:** *[inaudible]* bring it back.] The Government introduced the Bill, so I would have thought that it would have been the Government to bring it back.

Mr. B. Williams: Sir, this Bill was returned to you on the 14th November, 2013.

Mr. Speaker: Thereafter, I wrote to the Hon. Prime Minister asking for the Government's intention vis-à-vis the provisions about it being recommitted after six months. A response has come from Dr. Luncheon saying that the Government has no intention of recommitting the Bill for consideration.

Mr. B. Williams: It has to go within six months, but the six months have not expired.

Mr. Speaker: No.

Mr. B. Williams: So, it is the 14th November. The six months are going to expire on the 13th May, 2014.

Mr. Speaker: You can bring it and have it here waiting to go. It does not matter.

Mr. B. Williams: Sir, could I suggest, like in the Parliament of India, when it is sent back, it is brought back to us here in the House for us to look at it to see what the problem that is troubling the President is in the message sent by him? As I said, when we looked at it, it is not a problem anymore. We are willing to relinquish that. So, it will remove the...

Mr. Speaker: I will discuss with the Clerk. The Clerk and I were searching for a mechanism as to how to get a Bill that has already passed through this House back on the Order Paper.

Mr. B. Williams: It states that by motion it could come back.

Mr. Speaker: We would have to look at it. Thank you.

Mr. B. Williams: Sir, it is by motion, the Constitution states, which must get a two-thirds vote. So, if it comes back by motion, we would debate it. We are saying that we are prepared to relinquish it. Let us see what the Government's side says. We are trying to remove this impediment to empowering people in the communities in which they live. I suspect, Sir, that we are going to put them under test. We are saying that we want to go forward. Let us see what the Government wants to do. We expect that we will have a motion with the Bill in this House shortly.

Just in case the Hon. Member, who is seated and squeaking, the Hon. Chief Whip over there, does not understand it, if the Bills do not come back, they would have Bills floating around which are not going to touch ground. So, it is the same thing.

Ms. Teixeira: Mr. Speaker, I was hoping not to say this on the floor of this House.

Mr. Speaker: Do you have to, whatever it is that you are about to say?

Ms. Teixeira: I would like to because this weekend has been an extraordinarily educative weekend. I think this House and the laws of this country talk about abuse. I had been subjected personally to an extraordinary amount of abuse as the Chairperson of the Committee. Mr. Speaker, I would like to refer the Hon. Member to article 170 (4) of the Constitution, where the Bills that the Hon. Gentleman is referring to - and I am glad to hear that the Hon. Members is willing to sit down and look at what the issues are... Article 170(4) states that any Member could bring it to the House with a motion and once you get the two-thirds vote, the Constitution provides for a mechanism. So, you have to bring the motion to the House within the six months.

Mr. Speaker: Mr. Williams just said that actually.

Let us proceed and wrap this debate up please.

Mr. B. Williams: Sir, could I not be interrupted again? One does not have to go to law school therefore to understand what the issue is. If the President has a problem with these three provisions, we are saying that they are no longer a problem. Therefore, let us get the motion to bring it back so that we can say that on the records and let us see what the Government's side has to say on why they are holding up the entire process of local government reform. [**Mr. Nandlall:** You have to initiate the process. The motion does not drop out of the sky.] In that context, the Government has evinced a clear intention not to have local government reform or local government elections. That is what is happening. They have no interest in that. They want to maintain the status quo where the Minister rides roughshod over the local government system, where he employs staff in municipalities, where the elected mayors and councillors cannot get their business done, but is subverted by the people that they have employed. The Local Government Commission would take over all the employment. That is why we are having a problem.

I am saying that if a simple thing such as operationalising the three Bills cannot be done since November, 2013, how could we, on this side, in all conscience continue support Bills brought by the Government on that side?

If there is an effort to ensure that there is a meeting of minds in these matters, we are ready, willing and able to use every means necessary to do the people's work. Therefore, having done a proper perusal of the Bill before us, we have proposed, under the hand of Hon. Member Bulkan, an amendment. We are saying that we are not prepared to adjourn elections for another year. That is our first point. We are saying further that we are demanding local government elections on or before the 1st August, 2014.

Mr. Speaker, at the appropriate time, with your will, we will ask that this amendment be put to this honourable House because it is under the hand of Mr. Bulkan. He could speak to it at that time, Sir. Without more, I would like to say in closing that the APNU would not support the Bill that is before us, but we will support the Bill as amended by Mr. Bulkan's amendment.

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

Mr. Speaker: Thank you very much Mr. Williams. I invite Hon. Minister Whittaker to close the debate on this Bill, after which we will have a very brief suspension.

Mr. Whittaker (replying): Mr. Speaker, thank you very much. First, let me thank the Members on the Government's side of the House for their support. It is clear that they understand, appreciate and are committed to support and to work with us to ensure that we are adequately prepared to have local government elections on or before 1st December, 2014.

It is unfortunate that my dear Friends on the Opposition went on a journey, or should I describe it as an escapade, that, in my own humble opinion, leads to nowhere. The problem I have with that is that they want the Guyanese people to follow them down that road. We wish to try our utmost to ensure that that does not happen.

The Hon. Member, Mr. Bulkan, finds that the Minister of Local Government and Regional Development offered absolutely no reasons why these elections could not be held. Yet, he spent 23 minutes discussing the positions offered by the Hon. Minister.

I think that the average Guyanese understands clearly why it is that we have not had local government elections. I think that the average Guyanese understands that when these elections were due in 1997, because of the fact that general elections were also due, those superseded the local government elections. My understanding also is that the average Guyanese, and I am trying my best to include the Opposition in this term “average”, would recall that the then Leader of the Opposition, Mr. Hugh Desmond Hoyte, may God rest his soul, did engage our then President, Dr. Bharrat Jagdeo. There was an agreement for no local government elections until there is some local government reform. There was this agreement.

Coming out of that, we had the Task Force, which the Hon. Attorney dealt with. I merely wish to remind us also about the passive resistance by some and the active resistance by others, from the Opposition, in the Special Select Committee, in moving these reform legislations forward. Some were absent with frequency. Some came and went as they liked and consequently delayed the work of the Committee.

The frustrated Guyanese public, wanting to see the process move forward, made their voices heard and placed us in the situation where His Excellency, the then President, determined that we have to move this process forward. Therefore the Task Force was set aside and we brought it here into the National Assembly.

In short, the delay in the legislative reform process, which was one of the prerequisites agreed on, was occasioned by the ineptitude of the Opposition. To come here to seek to cast blame at the foot of the PPP Government is not the way to go.

Further, the Opposition has said that it will not participate in local government elections – their leader is on record of saying this – until His Excellency assents to all four pieces of legislation. Let me go back a little further. In 2008, the then Opposition Leader, Mr. Robert Corbin, said, “No local government elections until the reform Bills were passed.” What we have had over the years is a parroting of this position by other Members of the Opposition.

Mr. Speaker, when one examines the supreme law of the land that guides what we do - in this instance I am talking about local government - only three of those pieces of legislation are mandatory. We have dealt with, approved in this National Assembly and His Excellency has assented to those three. They are the Fiscal Transfers Act, the Local Government Commission

Act and the Local Authorities Elections (Amendment) Act. [**Brigadier (Ret'd) Granger:** They have not been operationalised.] Do not put words in my mouth please. Mr. Speaker, I would wish to continue. Those are the three pieces that are mandatory and they have passed through this way and His Excellency has written unto them.

The Hon. Member, Mr. Bulkan, attributed some ulterior motive to the PPP/C for the postponement. He said the Bill is about postponing. My Friends, this Bill that we are looking at is not merely about postponing. It is about understanding and working with the People's Progressive Party/Civic to ensure adequate preparation for local government elections. There must be adequate preparation. If at the end of this exercise, my Friends, we have an election with 15% or 20% of our electorate going to the poll, then that is a bad investment in time and money. That shows inadequate preparation. We have history to guide us here. [*Interruption*] Mr. Speaker, I wish to continue.

Some believe that going to the polls is merely by making speeches. Friends, listen to me. Have you ever considered that there is lots of homework still to be done? As I said earlier on, we have made progress. We have moved forward in spite of the impediments, but there are still lots to be done. Do we think that the recruitment of the Chief Elections Officer is an overnight thing? Do we think that is something that happens with the stroke of a pen? Do you think the issue of a GECOM Chairman is an overnight issue that happens with the stroke of a pen?

Do you think that the issues of logistics for other arrangements, for the 65 NDCs, with the constituency changes... These are things that we have to take on board. [**Mr. B. Williams:** [*Inaudible*] has to look at those problems, not you.] It is the Minister who guides His Excellency in terms of the date for the local government elections. Once I hold the portfolio, I am not prepared to misguide His Excellency. Unless we are certain that the preparations are adequate...

The Opposition Members say that they are ready. That is them. [**Mr. B. Williams:** We have launched already, you know.] This is not about the readiness of the Opposition. My Friends, this is not about the readiness of the Opposition. The holding of the elections, the timing of these elections are a function of so many variables, including, but not restricted to, the regulatory body's readiness to execute the duties and responsibilities relative to the fair and efficient

preparation and conduct of these elections. It is about people's awareness and education and readiness to be part of the process, which includes going out there to vote. All of that is part of the process. We sit down and believe that the passing of a few Bills and going out there in the public and shouting, creating a hullabaloo... [Mr. B. Williams: *Inaudible*]...project help people understand the elections...] We are in the business of helping. We have been in that business for a long time.

Mr. Speaker, I want to go to some specific points raised by some Members of the Opposition. The first is democracy. There is a suggestion that we are not working with the elected leaders in some of the Regions. Mr. Bulkan did single out Region 8 and he did specify the RDC. I would say to this House that I have devoted a lot of my time as a former Regional Chairman, an experienced one at that, to spend moments with the Regional Chairman of that Region along with some of their Councillors and the REO to deal with some of the concerns that the Gentleman has expressed. What has been happening is that the Gentleman is confused by all these people telling him all things other than the truth, other than the way forward. He is confused and I am sorry for him. Quite recently, I did engage him again because I saw that he had moved off of the road that I had set him on.

In all the Regions, we have been working with the Regional Democratic Council. In Region 4, the Regional Chairman, Mr. Corlette, I am sure, is an honourable man and he will tell you that. We have been working with Mr. Crawford in Region 8. We have been working with Mr. Bradford in Region 7 and the Hon. Member will tell you that I have engaged the Chairman of Region 10 quite frequently in discussing regional business and issues, sharing the benefit of my experience and working with them to deliver improved services to the people that they serve. If there are other distractions which take them down a wrong road, then I can only offer my sympathy.

8.21 p.m.

Mr. Speaker, I wish to comment on this business of the IMCs. Interim Management Committees are not a creation of the People's Progressive Party/Civic. They are part of the legislation, and no doubt the legal luminaries of the day who worked to prepare those important pieces of legislation envisaged that there may be occasions when we find ourselves, for one reason or another, unable

to hold elections within the constituted day and we have to make an interim arrangement. They, no doubt, can see, as the old people say, ahead of their noses. What we merely follow is what is set out in the legislation. The legislation sets out under what conditions we can have Interim Management Committees. [Mr. B. Williams: Do you follow them?] I wish to assure the Hon. Mr. Basil Williams that in 101% of the times, we follow strictly what is in the legislation.

We have IMCs in areas where people tell us are Opposition areas. The problem is that when I and other Ministers go into these areas, we do not ask if it is an Opposition area. Guyanese people are living there and we work with them. If you check - I will give you the figures - of 65 NDCs, 32 are IMCs. The IMCs... [Ms. Ally: Thirty-two are hand-picked.] The people of the NDCs petitioned the Minister. They petitioned the Minister that they are not satisfied with the conditions under which the affairs of the NDC are being managed. Most cases have to do with unaccountability for the people's money. In other cases, it has to do with the quality of works done using these moneys.

The Minister orders an inquiry. [Mr. Williams: Where could we get the reports?] The Minister does not act on the basis of the petition only. He orders an inquiry. This is advertised in the press for all Guyanese to see that the investigation would be held on such a date, at such time and at such venue. If the Hon. Member Mr. Williams is in Georgetown and the inquiry is being held in Kwakwani and he has information, he is free to go to make his contribution. At the end of it, the Commissioner prepares and submits a report based on what is presented.

Mr. Speaker, I want to point out to this House that the Interim Management Committees are not something that are set up in any willy-nilly fashion without due regard for what is set out in the laws. I want to refer to what the Hon. Mr. Williams referred to in his lively, humorous presentation laced with inaccuracies and satirical observations. He spoke about the toll and dismissals. I want to emphasise again that nobody was dismissed by any of the Ministers at the Ministry of Local Government. I want to emphasise that coming out of a request for financial support to meet the cost of bringing the wage Bill for many to the revised minimum, we decided on using our subvention to assist.

This is it. Mr. Trotman speaks about frustrating the people of Guyana and trampling on the rights of the people. I am disappointed in those statements. You were not reading from the right history

books because I could not accept that the Hon. Member can talk about trampling of rights when it is the People's Progressive Party/Civic which restored the rights of the people of this country to enjoy so much freedom: the right to vote, the right to eat what I want once I have the resources, the right to have your vote counted. It is this Government, so why would we want to trample on the very rights that we sacrificed to restore in this country? I find the points made inexplicable.

Mr. Speaker, the proposed amendment to bring the proposed date for the holding of local government election to 1st August presupposes and presumes that the People's Progressive Party/Civic is in 100% control of all mechanisms and players of the election machinery. We are not! Therefore, this is an unfair request because that is the presumption. You are presuming that we have this thing under control like a leash and we can just pull it if we want to go right or left. My Friends, that used to happen in the 1970s and the 1980s, but we do not have that control. [Mr. Williams: What is he talking about?] The election machinery.

There are two other comments on which I must make some observations. One has to do with changing lists to reflect different roads. This here I take offence to. It presupposes that we have officers, and we are privy to it, who take approved lists of projects and doctor these. That does not happen. That cannot happen and I hope that the Hon. Member would withdraw that statement because that is not so.

The final comment I wish to make is this: Attorney-at-law Mr. Nandlall, the Hon. Member, mentioned it. What is about to happen is an attempt to usurp the executive authority that is reposed in the Minister of Local Government and Regional Development and that is captured in Chapter 28:03, section 35, for those who would like to have a read. The Minister must determine and must announce by way of order a date for the holding of these elections. It cannot be otherwise so I call on my Friends on the opposite side to reconsider. I want to discern that except for the Hon. Member, Mr. Basil Williams, I think the others are thinking about reconsidering because ultimately the decision revolves in the Minister.

Mr. Speaker, I ask that the Local Authorities (Elections) (Amendment) Bill 2014 – Bill No. 3/2014 be read for a second time. Thank you.

Question put and agreed to.

Bill read a second time.

Assembly resolved itself into Committee.

Assembly in Committee.

Mr. Chairman: Dr. Cummings, our new Member, this is a process where we become a committee and we go through the individual clauses of the Bill. When the Bill becomes an Act, the clauses are changed to sections. We are now considering the clauses. We will take the clauses one by one. There are three clauses in the Bill.

Clause 1

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

Clause 2

Mr. Chairman: Hon. Members there is an amendment proposed by Mr. Bulkan with respect to clause 2. I understood you, Mr. Bulkan, to be saying that your party will not be supporting this Bill at all. However, there seems to be a slightly different position coming from Mr. Basil Williams that you would support the Bill with your amendment so I think now would be an appropriate time for you to clarify the position.

Mr. Bulkan: Thank you, Mr. Speaker. Your interpretation is correct.

Mr. Speaker, there is an amendment standing in my name that has been seconded by the Opposition Chief Whip and it seeks to amend clause 2 of the Bill. In the second line, in place of the words “17 years” could it be replaced by the words “16 years and eight months”? And in the final line of that clause, instead of the words “1st December, 2014” could it be replaced with the words “1st August, 2014”?

Mr. Williams: On or before.

Mr. Bulkan: No, that is not being altered. It is only the date. In place of “1st December, 2014”, we are putting “1st August, 2014”. These are the two proposed changes, Mr. Speaker.

Mr. Chairman: Thank you. Hon. Members, I wish to put to the House the two proposed changes. I will put the first one, that is that the time of 17 years stated there be amended to read “16 years and eight months”.

Question put and agreed to.

Mr. Chairman: I will now put the second amendment that the date be changed from “1st December, 2014” to read “1st August, 2014”.

Question put and agreed to.

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

Clause 3

Clause 3 agreed to and ordered to stand part of the Bill.

Assembly resumed.

Mr. Speaker: The Government has to report and I do not know whether the dilemma is whether to report with the amendment or not.

Mr. Whittaker: Can they reconsider while we...

Mr. Speaker: Can they what? Reconsider? Hon. Members, there is nothing written in stone that says that the Minister has to report. The House has dealt with a Bill. It is on the floor. We really need a report that says that it has been amended in Committee and the question will have to be put whether or not it has been passed as amended or not at all.

Mr. Whittaker: Mr. Speaker, the second clause of Bill No. 3/2014 has been amended and this is what I want to report to the National Assembly. I will not move the third reading.

Mr. Speaker: Hon. Members, the question I now put to you is that the Bill be now read a third time and passed as amended.

Question put and agreed to.

Bill read a third time and passed as amended.

Mr. Speaker: Thank you, Hon. Members. That concludes our deliberations of this very important Bill. I would like for us to take a very short suspension for 10 minutes and we will resume to complete the second Bill for the night and then we still have a motion to go.

Sitting suspended at 8.38 p.m.

Sitting resumed at 9.14 p.m.

RECORDING OF COURT PROCEEDINGS BILL 2014 – Bill No. 1/2014

A BILL intituled:

“AN ACT to provide for the recording of Court Proceedings and for matters incidental thereto.” [Attorney General and Minister of Legal Affairs]

Mr. Nandlall: Thank you very much, Mr. Speaker. It gives me a great sense of pride to present this Bill for its second reading. The Bill itself is comparatively inconsequential to what it symbolises to the judicial system of our country.

We have heard, for a very long time, lamentations expressed about the delay which afflicts our system and the consequential injustice which flows therefrom, both in the administration of criminal justice as well as in the civil aspect of our justice system. Any part of this country one goes, one meets a hapless complainant who would tell you about the travails they have had while waiting for their case to be heard in a court. As a Government, in recent times in particular, we have provided the resources and embarked on initiatives jointly with the judiciary in order to address this chronic, systemic and systematic problem which is so ingrained in our justice system. And perhaps we may never successfully address it because it is not a problem which is confined to Guyana. In fact, it is one that is extant throughout the Caribbean and elsewhere. But over the years, various mechanisms, including, statutory interventions and a whole host of policies and systems have been implemented with a view to bring dispatch, expediency and efficiency to the system in terms of accelerating the rate at which it disposes of cases.

I distinctly remember some 25 years ago, I accompanied the former Attorney General, Mr. Doodnauth Singh, to the Halls of Justice, which is the Supreme Court of Trinidad and Tobago where he presented a bail petition for Anisa Abu Bakr, the wife of Yasin Abu Bakr, in relation to

charges laid against her and her husband, among other persons, in respect of the failed attempt to overthrow the Government of Trinidad and Tobago at the time.

This was in 1990. Lawyers in the Parliament would know that a bail petition is a relatively simple exercise and it takes matters of minutes, but that one took several days. The arguments lasted for hours. I remember that after every day of argument, and this was since 1990, the team for both sides were able to retrieve from the court, verbatim record of the presentations. It was the first time that I saw that being done in my life. I say that to say that the system which we are now introducing in Guyana is long overdue. We recognise that.

In fact, in the programme which has just been completed – the Modernisation of the Justice Administration Project – did not have this initiative as part of that project, though there was a central and fundamental component of that project which dealt with speeding up the judicial system. I wrote to the International Development Bank (IDB) and requested an amendment to the project and the IDB kindly granted my request, and the amendment was to add this initiative to the project. The equipment is already here in Guyana and I am proud to say that it is the most modern equipment in the world.

I travelled to the United States and looked at the system it is using in the court system at least for the state of New York and it was that system which was ordered. We had to wait because the manufacturers informed the contractor who won the bid that should he wait for two months, he would get an updated version of that which is used in New York. The system that we have now is an updated version of that which is in the court system in New York.

The system, as I understand it, is computer-generated but there is a large human component. Apparently, technology has not reached the stage yet where they have been able to design an equipment that can capture verbatim the accent, vernacular, enunciation and the pronunciation of different people and produce a verbatim record of the same. Those of us who use Siri on our iPhone – I know the Minister of Culture, Youth and Sport usually has long conversations with his Siri – there is difficulty in getting a verbatim conversation with Ms. Siri. The system there still has a human component attached to it and though it will record that which transpires in the court as best as the machine can do, there still will have to be a human being who will be typing the record, collating that with which is generated by the machinery.

As I indicated at another session in this House, the system is going to be implemented in a few courts only simply because it was expensive and it was decided that a pilot project be launched first so that we could confront and hopefully overcome the initial problems which we anticipate. The three courts which have been identified are the Court of Appeal, the Court of the Chief Justice and the Commercial Court. Those courts at the time when the contract was awarded were the only courts in the Supreme Court edifice that were air conditioned. Again I am pleased to report that every court in the Supreme Court edifice, including the Magistrate's Court, is air conditioned so there can be a rapid implementation. If that was the objection then, it cannot be the objection now and as soon as we are able to overcome the initial difficulties, we would be able to implement the system in every court.

This Bill seeks to legitimise the record that will be produced by the equipment and processes which are attached to the equipment. In Trinidad and Tobago, a similar thing was done and I am sure the other countries in the Caribbean would have had to do the same thing. It is essentially to make the final product generated by the initiative to be the lawful record of the proceedings which they purport to record. That is what this Bill seeks to do.

It seeks to permit the recording to be used as the official record of the court. It permits the Registrar of the Supreme Court or a Clerk – and the word Clerk was inserted here so that though the Registrar of the Supreme Court will have general administration in relation to documents produced at the level of the Supreme Court and the Clerk is the official officer in charge of the magistracy in terms of clerical functions. The Clerk of the Magistrate's Court is also empowered here to certify that which is produced by the recording as an official record of the proceedings.

9.27 p.m.

I want to tell my learned Friends, the lawyers who are in the House, that a cost will be attached to the generation of these records as it is done wherever the system has been used, including, New York and Trinidad. But I am sure, with lawyers of such pre-eminence as the recently anointed Deputy Speaker, such financial obligations will not be an undue burden. [Mr. Williams: Think about the newcomers?] It is not a profit making venture. The fees are to ensure that the project itself is sustainable and self-sustainable. That is the objective behind attaching a cost recovery component to the project.

Mr. Speaker, the Bill which is before this House is a very simple Bill. And it introduces to our legal system, for the first time, automatic recording, verbatim recording of proceedings using technological apparatus. So it is a very non-contentious Bill and I invite all Members on the other side to support it.

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

Mr. B. Williams: Thank you Mr. Speaker, if it pleases you. I was perusing the Bill. We welcome the advent of technology in our courtrooms but I do not think I have seen in the legislation anything which says the transcript shall be the sole and only lawful source of the court proceedings. What happens with the lawyers notes? Sometimes we write the evidence verbatim. If there is a conflict with the lawyers note and the transcript there is nothing in the Bill that says what the solution should be. And there is also nothing in this Bill that says if there is any conflict with any note or record and the transcript that the transcript shall prevail.

That notwithstanding it is welcome but we believe to just set it up in the civil courts is somewhat misplaced. There is the Court of Appeal, the Commercial Court and the Constitutional Courts and those courts largely listen to arguments and do not necessarily everyday have trials. We believe that a pilot should have been done in the Assizes where it is very important because we still have judges in murder cases, the capital offence, writing while the witness is in the box giving evidence when that judge is also required to observe the demeanour of the witness in the box and try to ascertain the veracity of the witness, the consistency of the witness, the manner of his response to questioning etcetera.

To me, the recording system would be very apposite in criminal proceedings even more so than in civil proceedings because legal arguments are simply being given. But in the course of evidence, a particular word could be very important in a criminal matter and there might be dispute in terms of what was said and what was not said. So we believe that urgent efforts should be made. Perhaps we could divert either from the Commercial Court, I think you could divert from the Constitutional Court and put that in the Assizes so we could at least have an idea of how it would operate in a jury trial or a criminal trial or serious criminal matter in our courts.

As I said we welcome modernity in the courtrooms. The question is of the voice simulation. There is technology to mimic a voice. You would have seen it in the movie with Tom Cruise; he

has a series of them. Once you have a sample of somebody's voice you could use that and simulate the voice subsequently. I suspect you might be familiar with that type of equipment on that side.

Mr. Speaker: It may have been used.

Mr. B. Williams: Yes. In voice simulation, they are ascribing all kinds of things to a certain man which the man has no clue about. It was only when I saw the movie with Tom Cruise, then I put two and two together.

The necessity for other amenities is also important. For example, a lot of money has been spent on the new or refurbished magistrate's court. I do not know if you visited it as yet, but I was surprised not to find any facility for lawyers. There is no room for lawyers to go and meet clients. There are courts outside of the city which have those facilities. So I cannot imagine the millions that have been spent and there is no room put where lawyers could repair to, meet clients and talk with each or whatever. While waiting for cases you could go into the room and read up. It appears to me that the Hon. Member Robert Persaud does not appreciate that when you spend all that money refurbishing that building we expect to see certain things. The High Court in New Amsterdam has one. The old Leonora Court had one. I have not gone there as yet so I do not know if they put back one. Vreed-en-Hoop has one and I hope the Hon. Attorney General will see that that omission is corrected.

Mr. Speaker, the family court. We keep hearing about the family court, the family, the family court. When are we going to have this family court? Are we still going to be in a log-jam because of furniture? It is the first time I know that furniture is a problem. I do not know what kind of furniture they are looking at because millions of dollars every year is in the Budget for the furniture. When are we going to have the family court? In fact furniture was purchased and used during the Commission of Inquiry for Linden. What has happened to that furniture? As the Budget is coming up we will have to ask a lot of questions and we hope we get answers.

Now the question of amenities in courts has to be ongoing. What is the intention of the Hon. Attorney General? Are we going to use this recording equipment in Courts 1 and 2 of the Magistrate's Court? Just what do you intend to do with the equipment? Is it going to be of widespread usage? Are we going to have it in Berbice and Essequibo? Perhaps you will address

us on the scale on which you intend to have the type of equipment. But as I said to you we welcome it and we expect that it would speed up trials and at least give people the confidence that whatever they uttered in the court has been accurately recorded.

I do not wish to detain us anymore. I could regale you with other things, but I leave that for another occasion as I signal the APNU's support for this Bill.

Thank you Mr. Speaker. [*Applause*]

Ms. Manickchand: Thank you very much, Sir. May it please you, Sir, before I begin on this Bill I would like to take some time to warmly welcome the new Member Dr. Cummings to the House. This is a good place where much can be done if the environment is right, and I hope it will be right for you, because I believe when women are in positions of leadership we can influence good change. So I am very pleased you have joined us and are here with us this evening.

I do want to also offer congratulations to my learned friend Mr. Basil Williams. I am very fond of Mr. Williams and very pleased and feel a sense of pride that my friend that I have known for many years has been elevated to this Office. I do wish him all the very best and warm congratulations. I do have to say though it would be dishonest of me if I did not say I am saddened by the fact that we missed – I say we very loosely because this side of the House had very little to do with who will be elevated to that Office of Deputy Speaker – I am disappointed that the Opposition missed the opportunity to demonstrate their belief in equality, and their professed desire to see women empowered by not replacing the Former Deputy Speaker with a woman. So now we have broken this beautiful tradition that we had where at least the Deputy Speaker was female. We now have a Mr. Deputy Speaker which jarred my ears just now when Your Honour referred to Mr. Williams as Mister.

And I do have to note, Sir that I am further distressed by a new configuration I have seen on this side of the House, the Opposition side, another male, probably a good, sound male, elevated to the front bench but a woman placed far behind where she was before and should have been. That causes me worry. For the persons who are myopically saying that I should concern myself to this

side of the House I would like to suggest that... [Ms. Ally: Exactly, you do not have any business with what we do on this side.] Mr. Speaker the cause of women in Guyana, the cause of women across the world, still has to be a united cause because it is far from being met. The desires, the things we should have for true equality are far from being met. Every little demotion like we have seen here today really dents our progress as a gender.

Sir, having said that I do wish to commend the Honourable, the young, the vibrant Attorney General and Minister of Legal Affairs for bringing to this House this afternoon this Bill that will see much change in the way justice is administered and delivered in our country. It is six short clauses, but six closes to progress, six clauses to efficiency, six timely clauses. I would like to say to the Hon. Attorney General that I am fully supportive of this Bill. I am pleased to hear Mr. Williams say that APNU will fully support the Bill before the House also.

I believe we have heard so many times of appeals being delayed, both to the full court as well as the court of appeal. We have heard so many times of judgements being delayed because of records of the court being slow in coming so that they can be perused and accessed. We have heard so many times of the inconveniences that ordinary citizens suffer because of our inability, presently, to record in an efficient and speedy manner the record of the court. This Bill seeks to change that. This Bill would allow us to record efficiently and speedily what happens in the court. I have heard the Hon. Attorney General indicate this is only a pilot. Or that presently upon the passage of this Bill, on this becoming law we will be piloting this equipment in a few courts. I am very hopeful.

The Bill speaks of the Clerk of Court and also of court and goes on in the explanation section to define what court means. The suggestion that there is a Clerk of Court says to me there is every intention at some point, and some point earlier rather than later of making this facility available in the Magistrate's Court also. We would not have to come back to this House to address that.

So this is a Bill that is short, it is concise, but it is one that will bring to our ordinary citizens, one that is going to bring to an entire arm of Government, the judiciary, the kind of efficiency and the kind of speed that a 2014 Guyana deserves. Because of those reasons I wish to commend this Bill to the House for passage and say I am fully supportive of the clauses in this very short but sensible Bill. [Applause]

SUSPENSION OF STANDING ORDER NO. 10(1)

Mr. Speaker: Thank you very much. Before I invite Mr. Bond to address us Hon. Prime Minister could we have that requisite motion to move us beyond 10 O'clock?

Mr. Hinds: I move that Standing Order No. 10 be suspended so that we can conclude this and the Ethnic Relations Commission (ERC) Report and Motion as agreed between the Whips.

Question put, and agreed to.

Standing Order suspended.

Mr. Bond: Mr. Speaker, the speaker before me focused much on promotions and demotions. I wish my friend would remember service. Service cuts across race, class and I daresay sex. The last time I checked this is a House not of egos but of service. Whether a Member is in the back bench or on the front bench all Members on this side of the House are allowed to serve, and serve the people they represent. I also daresay with the treatment given my good friend Mr. Bulkan I do not want to come to the front. I think he was better safe behind here. Mr. Speaker, I would miss my friend Ms. Kissoon.

If I may say this Bill is a small step but in the right direction. From my first budget speech I proposed such measures and it is commendable that the Minister of Legal Affairs, who himself is an Attorney, heeded not only my voice but those before me who had called for technological advances to be taken inside the courtroom.

It is my manner to be slow to criticise, and my criticisms usually take the form of recommendations as I believe in the Guyana context we have not all attained the maturity to understand that criticisms, more often than not, ought to be taken in full stride whether for adoption or reflection.

The Bill before this House, I daresay, appears to be a skeletal bill. As usual skeletons are without flesh and sinews and are more so desert dry. This Bill does not state who shall be the keeper of the record, does not state where the record must be kept, and there are no considerations, general or specific, given to protect the integrity of the record from the minute it is taken in the court to the time of request and delivery of a transcript.

Secondly, clause 3 of the Bill casually states that those proceedings will be recorded by any means. Surely it is not too hard to state that such records will be done electronically or manually, and to define and state the equipment that shall be used.

Thirdly, 'as soon as practicable' is in itself impracticable. I think that is the clause 4 – forgive me please - that states 'as soon as practicable.' That is itself impracticable in the Guyana context where inordinate delays are the norm. As soon as practicable could be six months to six years. Parliament cannot be *laissez-faire*, laws must be certain, laws must be definitive.

Fourthly, the system of court reporting proceedings is to minimise mistakes on the part of the bench as well as to capture *viva voce* without interposition of terminology or dialect from bench or bar. Though the Bill contemplates transcripts being made available sometime after the proceedings may have been concluded, I believe on that very day and date that written transcripts be presented and affidavits of truth, especially in criminal matters, be sworn to by bench and bar and administrative staff.

The learned Attorney General did touch on the fact that the transcripts will be available as soon after, but it has to go further than its availability. Both bench and bar must attest to the correctness of the transcript at that particular date and time. This in itself would prevent an Attorney-at-Law on either side to come and say this was not said or that was not said, or even for the bench to say this was said or this was not said.

Fifthly, the Bill is silent with regard the taking of notes by hand by a tribunal. This Bill must explicitly state that magistrates and judges, or any properly constituted tribunal presiding over matters of law, are not required to take notes by hand. This will deal with the time factor. I have stopped taking notes Mr. Speaker. I usually use my laptop or Ipad to take notes and most times I finish in half the time the Magistrates take to write the notes the witnesses are giving. The Bill must state that magistrates and judges are no longer required by law to take hand written notes. It is not only exacerbate, or continues the waste of time we are complaining about, but sets us back and makes the equipment archaic and of no use, because the judge and magistrate still have to spend the same hour or two writing what the witnesses would have said.

Those are my observations on this Bill. But I wish to commend this Bill. It is long overdue as the Minister rightly said, but it is most welcome I am sure by both bench and bar.

Thank you. [*Applause*]

Mr. Speaker: Very interesting observations. Thank you. Mr. Nagamootoo.

Mr. Nagamootoo: Mr. Speaker, I know that this Bill is short in content but obviously it has been long in the making. The Hon. Attorney General himself attested from his experience that about 25 years ago he had seen equipment as this contemplated in Guyana in operation in Trinidad and Tobago. Sometimes progress takes a long time, but whenever it arrives I suppose that one has to welcome it because it is intended to make what was cumbersome easier. Therefore this must be a Bill that should be welcomed by all even in its pilot stage. One could be critical and one could probably have foresight and say what is and what should not be in the Bill, but for this moment I believe the introduction of the Bill is a positive step.

Like the learned Attorney General I have been introduced to the court sometime in 1970 or thereabout. It is perhaps a mere coincidence that I was in a court in association with a murder trial that after the court adjourned I walked up to two women that I had seen there and said as I approached them, you seem to have been fixtures in this court; the stenographers. On this occasion I happily saw them with mini micro cassettes. As they were taking their notes they were also recording.

Now that this Bill is before us it may not be a truism that we would do away with all manual recorders. That, of course, reminds me of a point I would like to share, though not in terms of a criticism. I hope the machine would be sustainable because of the erratic customary electricity supply we have, and we would not have an abrupt interference with its functioning in the midst of a trial or of a hearing. [**Mr. Hinds:** We have stabilisers.] We have stabilisers widely used in the electricity sector but I can point to my equipment in my house that have been damaged by erratic supply of electricity. That is no comfort for those who suffer damages, but that is not the focus of what I want to say here.

I want to say that I have observed, and I hope, as the Attorney General perhaps intended, that all courts would have this equipment after a while. I have seen where judges would take notes. I have seen one very recently and found it very difficult even in reviewing the evidence to read all the notes because it was taken in a hurried way. The point made by my learned friend Mr. Basil Williams is that one needs to observe the demeanour of witnesses and not simply become note

takers. If that is all, our magistrate and judges would become as dignified note takers, then the system of justice would suffer from a vital ingredient of our personnel on the bench observing people who would come in to court as litigants or witnesses.

Recording the proceedings in fact is a way of the future. It brought us into the future rather lately. And I go back to my observation as a journalist. When I went to the courts covering many, many trials, I had to take those notes laboriously and fighting a deadline of perhaps an hour or less to go to print. I had to review the volume of notes to get a story. Journalist could also be allowed to access the recordings, perhaps initially not simultaneously, but within a period that would make the reporting contemporaneous, so the journalist can produce better stories and with greater accuracy as to what has transpired in the proceedings.

Also as we veer into the future we would allow the relaxation of the law that excludes journalist from having cameras in the precincts of the court.

9.57 p.m.

I have seen journalists actually surreptitiously or clandestinely trying to take photographs of prisoners and litigants in court because there is a perceived restriction, but it is in the law, that one could not take pictures in the precincts of the court. But that is observed more in the breach than in the letter of the law. Perhaps the learned Attorney General, who has, in fact, introduced quite a few innovations in his stint so far, would think of that; the bringing of, as innovative features in our court system, access of journalists to proceeding. That they should no longer hide to perform their profession.

Not simply in terms of the profession; if that were all I wanted to say then it would not be the whole story. The truth that happens in trial forms an important part of the life of our society. Video and photographic expositions of who is before the courts would be important to tell that truth; to make the story accurate; to make the story graphic. I suppose those will require certain guidelines as to how the courts could be assessed in terms of cameras and how selectively there could be the videoing proceedings and also excerpts of live proceedings in court.

These, in fact, maybe new for Guyana, but they are not unknown in other jurisdictions. If we want to go along the wave of innovation; along the wave of being contemporaneous, then we

have to incorporate and include all those measures and features that would make our court, perhaps not friendly from the layman's point of view, but friendly from the point of view of those of us who have to access the court and work in the system. It is a job at the end of the day, both for those at the bench and at the bar, and for litigants also, who spend their money to litigate cases in the hope that they can receive rewards or justice, whichever is satisfactory for them.

We have to make our court system functionally friendly and functionally efficient. In that regard also I have not let it pass, what the Attorney General spoke about, the air conditioning of the courts. Of course, we are dressed in this inappropriate ways because it is a requirement to dress sometimes in a robe, in addition to just suits and ties and so on and for women the same, with gowns as well and sometimes it is very hot and uncomfortable in court. So that, in addition to having a law, hopefully soon, to permit recording of court proceedings, we have at the same time a better environment in which to function. I think it will aid the process of justice. In the Alliance For Change (AFC) we welcome this piece of legislation. [*Applause*]

Mr. Nandlall (replying): Thank you very much Mr. Speaker. I want to thank all the persons who spoke: Minister Manickchand, the Deputy Speaker, Mr. Bond and Mr. Nagamootoo, and to express the Government's gratitude for the support which they have expressed and for the congratulations, which they have echoed.

Some important points have been raised and I believe that I would be delinquent if I do not attempt to address them and I will endeavour to do so. Mr. Nagamootoo spoke about the need to review the current strictures which are legally placed on the freedom to report. I suppose verbatim or *expo facto* the proceedings of a court. We see regularly in America that that is a regular feature. We all would have seen, perhaps in its entirety or some excerpts, of the famous OJ Simpson murder trial. Recently we had the controversial killing of an Afro-American in Florida, by a Caucasian male and there were a lot of racial intonations and overtones surrounding that case. It was transmitted live.

There is a concept which is developing called Open Justice. Open Justice is interpreted to mean in certain societies or interpreted to include that justice and that which transpires in the justice system, must be open to all and that is the concept embraced in America. Unfortunately, the British tradition of which we are part... [*Interruption*]

Fortunately or unfortunately, let me be careful and do not choose a side, in the British system and the Commonwealth, in particular, have not embraced that concept fully. While there are certain exceptions, it is largely a matter which is left, in the British system and in our system, to the judges.

We have conservative judges. Many times in the political cases which have emanated from this National Assembly, while they were ongoing in the courts before the Chief Justice and before other judges, reporters wanted to take photographs of arguments, as the arguments were being presented by Mr. Williams at one time and he was... *[Interruption]*

Many reporters attempted while the case was ongoing to take a pictorial representation of the proceedings to replicate it in the newspapers, but that was prohibited by all the judges. So we have that stricture still extant in our legal culture and tradition.

I believe that my learned friend can contribute to a change by articulating his views at the Guyana Bar Association. The momentum, I believe, should come from the Guyana Bar Association. Hopefully, they will have a greater impact on the bench than the Executive trying to influence such a change because the Executive, as you know Sir, operates within certain constitutional prohibitions and it is very easy for the allegation to be made, that the Executive wants to exert pressure on the judiciary.

Another concern which has been raised is whether this initiative will extend to the Magistrates Court. I want to say yes. That is precisely why the court is defined to include Magistrates Court and that is precisely why the Bill speaks to a Clerk. It refers to the Clerk of a Magistrates Court.

Another concern that was raised dealt with whether this will be the only form of note taking and whether the recording would be the only record of the proceedings. The Act was drafted in a particular way for a reason and let me deal with clause 3 of the Bill for example. This was what the subject of the criticism was by Mr. Bond. But, it actually achieves the opposite result of what Mr. Bond accuses it of or thinks of. It says this:

“Where a written law provides that proceedings in a court shall be recorded, those proceedings maybe recorded by any means.”

That was put there in that vague language for a reason. It would be imprudent to stipulate by a law that this device shall be the only form of recording. It would also be an exercise of a lack of foresight to attempt to define the type of recording, especially having regard to the rate at which technology is developing. It would be unusual and exceptional if one is to legislate that judges cannot write their own notes, if they wish to take notes, or that they must write if they wish. This is not intended to replace anyone's desire to take notes as they sit in a court, be that person a judge, magistrate, lawyer or litigant. One can do that.

This seeks to preserve in a permanent form, the proceedings of the court and this will be the official record. Mr. Williams raised the query, what will happen if his notes collide with these notes. These notes are going to be issued under the hand of the Registrar. Therefore *omnia praesumuntur rite esse acta*, this will be the official record of the court. If Mr. William's records collide with this, then this shall prevail, obviously. That is the whole purpose of passing a law in the Assembly. We could have gone administratively, by administrative directions I suppose and set up a unit to record and it could have been done like that in a very ad hoc way, but this makes it the official record. This is the Bill that has been used by Trinidad and they have the system – almost verbatim, a few minor changes.

Mr. Bond argued that the Bill does not say what type of recording or how it is going to be recorded, but the Marginal Notes say that, "Power to record proceedings by electronic or other means – electronic or any other means. So it is wide and it provides great amplitude to allow the recorder – recorder meaning the judge or the lawyer – to use whatever means they feel comfortable with, but there will be an institutionally generated record by this method.

Mr. Bond also raised the concern as to who shall the official keeper of the record. The official keeper of the record of the Supreme Court of Judicature is the Registrar of the Supreme Court and that is in the High Court Act. That is why there is no need to replicate that here. The official record keeper of the Magistrates Court is the Clerk of the Magistrates Court and that is in the Magistrates Court Act. Those are already statutory defined functions.

I mentioned the name here knowing full well that the law must be read holistically.

Mr. Speaker: ...different than judges note books... [*Inaudible*]

Mr. Nandlall: That is correct. The same system that they have, which we have been using for the last hundred years in the judicial system of Guyana to store and keep records, will be the same system that will be used. This simply will be an addition to the system, in terms of the instrument being used to record instantaneously that which transpires in a court.

The Member asked, for example, about the speed at which these records were going to be made available. That also cannot be made the subject of a law because of the vagaries and the unpredictability of life. The Hon. Member Mr. Nagamootoo cites the erratic supply of electricity. I will not pretend to be blind to such a reality. Also, anything can go wrong and if one stipulates a time for the generation of these records, and the timeframe is violated, which has been statutorily prescribed then one has a whole host of other problem, whether it is admissible anymore; whether the documents and the records generated complies with the Act; what is the authenticity of it; what is the lawfulness of it, etcetera? We know and Mr. Williams knows that lawyers make up arguments all the time when they do not have a case. I want to avoid that kind of problems.

That is why the Bill does not speak to any time frame. Take for example, when the Linden Commission of Enquiry was being done, one of the prerequisite of the Commissioners was that the evidence and the records of the day's proceedings be made available to them in 24 hours. I enlisted the help of the National Assembly. The Clerk assisted greatly and we were able to assemble a team of staff of the Parliament, as well as ex-staff of the Parliament and a few of these very instrument, which are not really designed to deal with that kind of court sitting, but more designed for conferencing. But we were able to use it and generate the record, as requested by the Commissioners within 24 hours.

That will be the objective, but that can only be an administrative directive. I think it would be careless actually to put that in a law because of the possibility and the high possibility of not being able to keep within the time prescribed.

Mr. Williams spoke about furniture for the Family court, a highly irrelevant issue, but I will still speak to it. [**Mr. B. Williams:** Is it irrelevant?] Highly irrelevant to the Bill at hand; this Bill does not deal with the Family Court furniture. My report is that the furniture is currently being put into the building and hopefully... [**Mr. B. Williams:** It has been three years.] It has been

a long time Sir; let me concede, though I have no responsibility for the acquisition of the furniture. It is a matter for the Judiciary. They are in the process I know because I have visited the premises recently and they are in the process of installing the furniture. They are custom made furniture. There are unique things that one will not see in a court in Guyana, but they are getting there and it has been a long time I agree.

There will be an opening soon, but that is a matter for the Judicial Administration to deal with the opening of the courts and matters of that type. *[Interruption]*

Sir, with those few remarks, I am happy that the Bill has received the unanimous support of the House. It is an unusual occurrence when all sides of the House coincide in agreement on any given issue. This Bill has produced that result and I humbly ask that it be read a Second Time.

Question put, and carried.

Bill read a Second Time.

Assembly resolved itself into Committee.

Assembly in Committee of Supply

Bill considered and approved.

Assembly resumed.

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

COMMITTEE'S BUSINESS

MOTION

APPOINTMENT OF MEMBERS OF THE ETHNIC RELATIONS COMMISSION

WHEREAS Article 212A of the Constitution provides for the establishment of an Ethnic Relations Commission;

WHEREAS Article in accordance with Article 212 B (1) of the Constitution, the Ethnic Relations Commission shall consist of -

- (a) *“not less than five nor more than fifteen members, nominated by entities, by a consensual mechanism determined by the National Assembly, including entities, representative of religious bodies, the labour movement, the private business sector, youth and women, after the entities are determined by the votes not less than two-thirds of all elected members of the National Assembly;*
- (b) *a member who shall be a nominee, without the right to vote, chosen by and from each of the following commissions to be established under this Constitution, Indigenous Peoples’ Commission, Women and Gender Equality Commission, Commission for the Rights of the Child and Human Rights Commission.”*

AND WHEREAS the Parliamentary Standing Committee on Appointments (COA) examined the list of entities to nominate members to the Ethnic Relations Commission in accordance with article 212 B (1)(a) of the Constitution, and Resolution No. 62 of 2000 with regard to the number of members on the said Commission;

AND WHEREAS the Parliamentary Committee on Appointments recommends that the number of members on the Ethnic Relations Commission be increased to ten (10) and the categories or groups include the representatives of the Christian, Hindu, and Muslim bodies, the labour movement, the private business sector, youth and women and a new category “Cultural/ Ethnic” with one nominee each from the three (3) largest ethnic groups: Indo-Guyanese, Afro-Guyanese and Indigenous/Amerindian.

“BE IT RESOLVED:

That this National Assembly approves the increase in the number of members on the Ethnic Relations Commission from seven (7) to ten (10) as proposed by the Committee on Appointments;

BE IT FURTHER RESOLVED:

That this National Assembly approves of the inclusion of a new category “**Cultural/Ethnic**” with the right to have three (3) members, one representative each of the three largest ethnic groups;

BE IT FURTHER RESOLVED:

That this National Assembly approves the list of entities on the attached First Schedule in accordance with Article 212 (B)(1)(a);

BE IT FURTHER RESOLVED:

That this National Assembly approves that the number of nominees for each group of entities be as follows:-

Groups of Entities	Number of Members
Christian Religion	One Member
Hindu Religion	One Member
Muslim Religion	One Member
Labour Movement	One Member
Private Sector Organisations	One Member
Youth Organisations	One Member
Women Organisations	One Member
Cultural/Ethnic Organisations	
- Indo-Guyanese	One Member
- Afro-Guyanese	One Member
- Indigenous/Amerindian	One Member

AND BE IT FURTHER RESOLVED:

That this National Assembly approves the consensual mechanism for the nomination of the members by the entities as set out in the Second Schedule attached.” [Dr. Norton]

Mr. Speaker: Hon. Members, we have come to the final item on our agenda for today and that is the consideration of the Report of the Appointment Committee with regards to the Ethnic Relations Commission. I now call on the Chairman of that very important Committee to report to the House. Please Mr. Chairman, go ahead.

Dr. Norton: Mr. Speaker, I rise to move the following motion brought in my name, Appointment of Members of the Ethnic Relations Commission. Before I go on Mr. Speaker, just allow me to say that congratulations are in order for Doctor the Honourable Karen Vanessa Cummings, who is honouring us here in this Honourable House with her charm and beauty, being female and her youth of course. I am looking forward to the help that she will offer to me in particular, being a member of the medical fraternity in that portfolio which I shadow at present. Likewise, congratulations are in order for my colleague, the Hon. Basil Williams, who is now elevated to the position of Deputy Speaker. Also, to the Hon. Ronald Bulkan, who has now moved to the front bench. I must say with his baptism of fire, he demonstrated amply that he himself, like ambition, is made of sterner stuff and no amount of lickling can cause him to buckle. *[Interruption]*

Mr. Speaker, pursuant to Article 119 C of the Constitution and under the provision Standing Order No. 84, the Standing Committee on Appointments established under the Constitution has agreed to move this motion addressing matters related to the appointment of members of the Ethnic Relations Commission (ERC). This Committee was entrusted by the National Assembly to discharge mainly three functions to the appointment of members of the Ethnic Relations Commission:

- (1) To identify, consult and receive nominations of appropriate bodies for the appointment of relevant members of the Ethnic Relations Commission;
- (2) To recommend to the National Assembly a consensual mechanism, and that can be seen in the second schedule of this report, for the appointment of members to the ERC;
- (3) To report to the National Assembly in relations to the Ethnic Relations Commission as soon as possible.

The mandate of this Committee is given by Article 212 B(1)(a) of the Constitution to nominate for the President to appoint, members to the Ethnic Relations Commission not less than 5 nor more than 15 members, nominated by entities, by consensual mechanism determined by the National Assembly, including entities representative of religious bodies, the labour movement, the private business sector, youth and women, after the votes are determined by votes of not less than two-thirds of all elected Members of the National Assembly.

There was some urgency of this Committee in establishing the ERC since its life was expired. The database base of the entities/agencies consulted for nominations of members was that which was developed by the previous Committee of Appointments. All entities were written to, to ascertain whether they were in existence. The criteria for selection of the entities were established. This motion seeks the approval of the National Assembly for these entities.

It was decided to increase the membership of the ERC from seven to ten by adding a new entity called Cultural/Ethnic Group, which would have three nominees, one representing each of the three major ethnic groups of Guyana; that is the Indo-Guyanese, Afro-Guyanese and the Indigenous Guyanese. Actually this was decided after considering three options.

The Committee also agreed to place entities which fell under the Inter-Religious Organisation (IRO) under the three major religious bodies. The Committee agreed to write four entities, namely, the Ananda Marga, the Bakja Health Movement, the Family Federation for World Peace and the National Spiritual Assembly of the Baha'I of Guyana that were unclassified under those three religious bodies to ascertain under which religious category they preferred to be included, to be consulted to submit nominees, to be appointed to the Ethnic Relations Commission.

In addition, it was agreed that should the entities fail to accept being included under one of the religious categories, they would be excluded from the list of the ERC entities submitted to the National Assembly. Based on their response, two of the entities, Ananda Marga and the National Spiritual Assembly of the Baha'I of Guyana were excluded from the entities. The Bakja Health Movement was listed under the category of Muslim Bodies and the Family Federation of World Peace was listed under the category of Christian Bodies.

Mr. Speaker, the Committee seeks the approval of the National Assembly of the number of nominees for each group of entities to be as follows: The group or body Hindu - the number of

representatives would be one; Muslims – one; Christian – one – Labour – one; Women – one; Youth – one; Business – one; and the Cultural/Ethnic Group, that new category, would have three. That gives us a total of 10 members.

The other two options that we considered both had 14 members. In one, we considered the new cultural/ethnic group and that had its three members, along with Business – two; Youth – two; Women – two; Labour – two; and one for Hindu, Muslim and Christian, giving us a total of 14. The other group that we considered, but did not find favour with, was without the Cultural/Ethnic Group and we doubled all of their number of representatives by two, so we had a total of 14.

The Committee seeks the approval of this National Assembly for the consensual mechanism for the nomination of members of the entities, as was set out in the Second Schedule that is in the Report.

The Committee agreed that the motion as well as a Report should be tabled in the National Assembly, hence, this motion and report is accordingly hereby moved. Thank you very much.
[Applause]

10.27 p.m.

Minister of Agriculture [Dr. Ramsammy]: Thank you, Mr. Speaker. In standing to give support to the motion moved by our colleague the Hon. Dr. George Norton I want to endorse all of the congratulatory remarks that were made without going through all of them but I think it will be remiss on my part were I not to specifically extend my congratulations to the Hon. Member Dr. Karen Cummings given our long relationship in the health sector. Welcome. It is a real family no matter now and then we get out of hand.

Mr. Speaker, also I think it would be remiss of me were I not to especially mention the contributions to the Appointments Committee of the Former Member of our Parliament, the Hon. Mrs. Deborah Backer. I think that she was a Member from the beginning. She came in a little later but she served for an extended period on the Committee and was a fierce participant in this Committee and, for a while, led her delegation. I think that we will all miss her as much as she was a fierce representative of her Party and of her views.

The ERC motion before us seeks merely to endorse the various organisations that we will invite to participate in the eight categories appointing ten Members. When Dr. Norton, the Hon. Member went through the eight categories of membership to the ERC... One of the things that I think I should mention is that I fully support the representation made by the Hon. Member. I should mention that Non-Governmental Organisations (NGOs) and organisations that will in fact be invited through a mechanism that the Parliament... There are several mechanisms by which they will get together to nominate members of the ERC. In the past one was qualified by any criteria. Anybody could have called themselves an organisation. We have sought to retain the flexibility to allow as many organisations to participate but for the first time we now have certain basic eligibility requirements for these groups. This is a work that we started many years ago when the late Sheila Holder was a Member of the Appointments Committee. We have now concluded those eligibility requirements. It is still basic. It is still intended to be as flexible as we can have it to allow as many people to participate but we do require some basic eligibility requirements for the NGOs to participate.

I want to express my own gratitude because as one of the, what we can call, founding members of this Committee of Appointment as I was there, Ms. Teixeira was there from early on; I think the Hon. Member Ms. Amna Ally was there. We have worked long and hard and at a time when we should have had the ERC continuously functional... We all know the history that brought the Commission, itself to an end in 2011. I think we have a mandate and the mandate is to ensure that once we have passed and endorsed this motion that we begin the work of having the Members nominated and appointed so that the Commission can begin the very important work that it was intended to do right away. I would urge that we move to the next stage, endorse this motion, have the nominations made as rapidly as possible and appoint the members of the Commission as soon as possible. Once again, we would like to support the motion, as moved by the Hon. Member. [*Applause*]

Mrs. Garrido-Lowe: Thank you, Mr. Speaker. First of all, on behalf of the Alliance For Change, I would like to welcome the Hon. Dr. Karen Cummings to this Parliament and to recognise the promotion of the Hon. Mr. Ronald Bulkan and of course my friend the Hon. Jennifer Webster... Sorry. ...and the Hon. Deputy Speaker, Mr. Basil Williams.

Mr. Speaker: I thought I heard you say something about Ms. Kissoon but I could not be sure.

Mrs. Garrido-Lowe: Thank you. On behalf of the Alliance For Change I rise in support of the motion carried in the name of the Hon. Member Dr. George Norton, Chairman of the Committee of Appointments, to increase the number of members appointed to the Ethnic Relations Commission from seven to ten members and to include a new category, 'Cultural Ethnic', with a right to have three members being one representative each of the three largest ethnic groups and the list of entities on the attached first schedule in accordance with Article 212 (i) AB.

Arriving at this consensual agreement was a slow and tedious process. We had to thoroughly scrutinise previous lists of legitimate religious bodies – Hindu, Muslim and Christian – the labour movement, private sector bodies, youth bodies and women bodies. Letters were then sent out to each and every one of these bodies, hundreds of them, to ascertain whether they were still functioning or not and Guyanese, being Guyanese, took their gracious time to reply although a deadline was given.

However, from responses received a new list was prepared to be brought to this august House. There is genuine need for an expanded Ethnic Relations Commission. Indeed we are a nation of six races and here I choose to omit the category of the European race from our regular list of six races in Guyana and would like start acknowledging our beautiful mixed race that is growing larger every day in all ten Regions of this country. If one were to be totally honest one would naturally come to the conclusion that the mixed race right now, besides the indigenous, is one of the fastest growing ethnic groups in Guyana.

Many a time, especially during our elections period I would hear persons lamenting the fact that Guyana has six races but they do not fit into any of them and this is a cry that comes especially from our young people. For instance there is the youth of Indian Guyanese and African Guyanese parentage and what ethnic description do we officially ascribe to this individual? Mr. Speaker, there is none except the Creole word, 'Douglá'. Then there is the child born of Indigenous and African Guyanese parentage whom, in Creolese, is referred to as 'Buffiano' and every day we socialise in some way or the other with persons born of Chinese and African Guyanese parentage, Indian Guyanese and Indigenous Guyanese parentage, Portuguese and Indigenous Guyanese parentage and some from parentages of all ethnic groups.

They are our brothers and sisters, our aunts and uncles, our parents and grandparents and our neighbours. These Guyanese contribute to Guyana having a genuine mixed race and this information should be seriously acknowledged and officially categorised as such. This is a matter that could be addressed by the Ethnic Relations Commission as early as possible. Since it is a fact that our nation still suffers at times from the scourge of racism the inclusion of the Cultural Ethnic category with the addition of one representative from the three major ethnic groups will give voice to more persons with complaints to be heard.

The Alliance For Change is pleased to support this motion in its entirety and wishes to thank the Chairman and the Members of the Committee of Appointments and those from the Parliament's staff who worked patiently and tirelessly in support of the Committee to make sure that the process to arrive at the final list was a truly democratic one. Thank you. [*Applause*]

Ms. Teixeira: Thank you, Mr. Speaker. I do not want to repeat what other Members have said except in particular to highlight the absence of Mrs. Backer who worked with me when I was Chairperson of the Committee of Appointment, starting in 2004, I think. Tonight coming here with the ERC motion, I believe, is a contribution of all the Members of the Committee and included some of the work we did on the draft motion.

I would like the Committee to acknowledge that Mrs. Backer, as I think my colleague Dr. Leslie Ramsammy said, was a fierce advocate but one know where one stood with her and so in the Committee of Appointment we hope that the work that has been started by this Committee in the 10th Parliament only started around January of last year, 2013, after the new Parliament started.

We have now a situation of having several Rights Commissions expired and so I want to urge that whilst I think we have made a major step forward with the ERC which was blocked, voted against and could not get it in with a two-thirds majority in the 8th and the 9th Parliament at the same time, I think that this is a very important achievement that we are making here tonight.

I also want to caution that we have the Women and Gender Equality Commission, the Rights of the Child that expired, the Service Commissions have expired, all within 2013 and we need to have the Committee of Appointment to address these plus in some of the legislation, including the one that was raised by Mr. Williams earlier tonight with the Local Government Commission; the Committee of Appointment plays a role in there as well.

We have a lot of work to do this year and I hope that in the beginning of 2014 we will be able to work in the same manner we were able to work on the ERC in 2013 so that we can move expeditiously forward and in a fair way. That is one issue that I want to raise.

The second thing is that Dr. Ramsammy talked about the NGO criteria and this is also to acknowledge it as he did. Mrs. Sheila Holder, one of her major concerns was ensuring that the Committee was in fact selecting organisations that were bona fide; that they had some criteria and that whilst we talked about governance in Government and in Parliament and in other places that the NGOs we were also looking at were of a high standard and so finally. Dr. Ramsammy is the one who drafted the document that eventually we discussed and was fine-tuned in the Committee of Appointments. I want to acknowledge both Mrs. Holder and Dr. Ramsammy.

The third issue I want to raise quickly: I think sometimes we hear a lot of things about non-inclusion but if you were to just sit and look at the list of organisations in this motion there are 183 NGOs. The first ERC motion that was brought in, I think, 2003, had over 100. The second motion which was defeated in 2007 had 168 NGOs. We have now increased the NGOs to 188.

I think people need to really appreciate that when we come up with these lists we try to ensure that there are a broad spectrum, that they are representative bodies and that we should be proud of the fact that we are the only one that has this model in the Region where civil society... and in these cases under this Rights Commission it deals with religious, labour, private sector, women and youth and now the new category that has been added on.

In relation to the new category of the representatives of the three major ethnic groups, we are dealing with NGOs that are relating to those groups on a cultural bases or on an ethnic basis and therefore these are organisations for the first time on the back are being included in the ERC.

This was an issue when the Constitution was amended and this Commission was added there were questions by a number of NGOs of why there was an Ethnic Relations Commission where there was no representation, culturally or ethnically, of people of different ethnic groups and so forth.

I think the combination and the inclusion, while still keeping to the constitutional requirements is an important initiative of the Committee of Appointment and I believe that if we can work like

this in the 10th Parliament in the Committee of Appointment the constitutional bodies that are the mandate of the Committee of Appointment and we do not get into what we got into in the 8th and 9th Parliament it will be a very good development for this Parliament and for Guyana.

Thank you very much. [*Applause*]

Dr. Norton (replying): I would just like to thank both sides of the House for the support we had. I hope that you will support us, especially now that we, according to the Hon. Ms. Teixeira as she has outlined the work that we have ahead of us, but we already have that eligibility for the NGOs as well as the consensual mechanism all in place so it should not be difficult for us to go and achieve that we will set out to do this year and I can say to you that the general atmosphere in our meetings was cordial and it was not contentious and I think everybody has exercised their good behaviour. Thank you very much.

Mr. Speaker: Thank you, Hon. Members. I have heard a lot of the events over the weekend here. It is good to hear that there is a Committee that achieved consensus with minimum acrimony and disagreement. Hon. Members, I now put the motion before you for your approval or disapproval.

Motion put and carried

Ms. Teixeira: ...if you would allow me. This is a motion that requires two-thirds majority and therefore we would like to make sure that there is two-thirds majority, which is 43 persons who have to vote in support. Whilst I have no doubt, it is not one where people should be silent.

Mr. Speaker: Very well. We will take a division. I will have the division bell sounded. Hon. Members, I am going to ask, as has been recommended, that Members use their microphones when indicating their preference in terms of the voting. If you are going to abstain you may not use your microphone but if you are going to say 'yes' or 'no' please do so by use of the microphone. This is to avoid all doubt as to how a Member intended to vote or intends to vote. Thank you.

Members voted accordingly.

Ayes

Mr. T. Williams.

Mrs. Garrido-Lowe

Mr. Nagamootoo

Mr. Ramjattan

Ms. Fergusson

Mr. Morian

Ms. Williams

Mr. Jones

Mr. Adams

Ms. Baveghems

Mr. Sharma

Mr. Bulkan

Mr. Bond

Ms. Kisson

Mr. Trotman

Ms. Selman

Mr. Allicock

Ms. Wade

Mr. Felix

Ms. Hastings

Mr. Scott

Lt. Col. (Ret'd) Harmon

Mr. Greenidge

Dr. Cummings

Dr. Norton

Mrs. Lawrence

Mr. B. Williams

Ms. Ally

Dr. Roopnarine

Brigadier (ret'd) Granger

Mr. Jaffarally

Mr. Damon

Dr. Persaud

Rev. Dr. Gilbert

Dr. Mahadeo

Mr. Seeraj

Mr. Neendkumar

Mr. Lumumba

Mr. Chand

Ms. Shadick

Mrs. Chandarpal

Mr. Nadir

Ms. Teixeira

Bishop Edghill

Mr. Whittaker

Mr. Baksh

Mrs. Sukhai

Ms. Webster

Ms. Manickchand

Mr. Benn

Dr. Anthony

Mr. Ali

Dr. Ramsaran

Dr. Westford

Mr. R. Persaud

Dr. Singh

Mrs. Rodrigues-Birkett

Mr. Nandlall

Dr. Ramsammy

Mr. Rohee

Mr. Hinds

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Absent

Dr. Ramayya

Ms. Marcello

Mrs. Hughes

Mr. G. Persaud

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Motion carried.

ADJOURNMENT

Mr. Speaker: Thank you. Hon. Members, that concludes our business for this evening. The Clerk will make the necessary adjustments to the tabulation. I invite the Hon. Prime Minister to...

Mr. Hinds: I move that the House be adjourned to Thursday, 27th February.

Mr. Speaker: The 27th February and should we be needed to be recalled for the Anti-Money Laundering Bill... There is nothing in between that.

Mr. Hinds: I understand that the Whips have been speaking about potential progress. If we need to meet earlier we will.

Mr. Speaker: Very well. Hon. Members, we stand adjourned until the 27th February. May I now therefore take the opportunity to extend happy Mashramani greetings to Members. I did not anticipate that we would be meeting after Mashramani so please let us enjoy Mashramani and celebrate it for what it is meant to signify. Members may recall and some may have received an invitation that there is a flag raising ceremony that takes place here at just about 6.30 a.m., the morning of the 23rd and this year the Clerk has agreed to provide breakfast for the guests. We will see how it goes this year. Thank you very much and I hope to see you perhaps in the festivities. Have a good evening.

Adjourned accordingly at 10.52 p.m.