

NATIONAL ASSEMBLY
MINUTES OF PROCEEDINGS
OF THE 93rd SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST
SESSION (2015-2018) OF THE ELEVENTH PARLIAMENT OF GUYANA HELD
AT 2.00 P.M.
ON FRIDAY, 20TH JULY, 2018,
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS,
BRICKDAM, GEORGETOWN.
MEMBERS OF THE NATIONAL ASSEMBLY (69)

Speaker (1)

*Hon Dr. Barton U.A. Scotland, O.R., C.C.H., M.P., Speaker of the National Assembly

MEMBERS OF THE GOVERNMENT (36)

(i) **A Partnership For National Unity/Alliance For Change (36)**

First Vice-President and Prime Minister (1)

+ Hon. Moses V. Nagamootoo, J.P., M.P., First Vice-President and Prime Minister

Other Vice-Presidents (3)

+ Hon. Carl B. Greenidge, M.P., Vice-President and Minister of Foreign Affairs

+Hon. Khemraj Ramjattan, M.P., Vice-President and Minister of Public Security

+*Hon. Sydney Allicock, M.S., M.P., Vice-President and Minister of Indigenous Peoples' Affairs (Absent)

Attorney General and Minister of Legal Affairs (1)

+ Hon. Basil Williams, S.C., M.P., Attorney General and Minister of Legal Affairs

Senior Ministers (15)

+ Hon. Amna Ally, M.P., Minister of Social Protection and Government Chief Whip

+ Hon. Lt. Col. (Ret'd) Joseph F. Harmon, M.S.M., M.P., Minister of State

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+ Cabinet Member

*Non-Elected Member

2.

- + Hon. Dr. Rupert Roopnaraine, M.P., Minister of the Public Service
- + Hon. Ronald A. Bulkan, M.P., Minister of Communities
- + Hon. Dr. George A. Norton, M.P., Minister of Social Cohesion with responsibility for Culture, Youth and Sport
- + Hon. Winston D. Jordan, M.P., Minister of Finance
- + Hon. Raphael G.C. Trotman, M.P., Minister of Natural Resources
- + Hon. Volda A. Lawrence, M.P. (Region No. 4 – Demerara/Mahaica), Minister of Public Health
- + Hon. David A. Patterson, M.P., Minister of Public Infrastructure
- + Hon. Catherine A. Hughes, M.P. (Region No. 4 – Demerara/Mahaica), Minister of Public Telecommunications
- +*Hon. Winston G. Felix, D.S.M., M.P., Minister of Citizenship
- + Hon. Hans Dominic Gaskin, M.P., Minister of Business
- +Hon. Noel L. Holder, M.P., Minister of Agriculture
- +Hon. Dawn Hastings-Williams, M.P. (Region No. 7 – Cuyuni/Mazaruni), Minister of Public Affairs
- +Hon. Nicolette O. Henry, M.P., Minister of Education

Ministers (7)

*Hon. Keith Scott, M.P., Minister within the Ministry of Social Protection (Absent)

Hon. Annette N. Ferguson, M.P., Minister within the Ministry of Public Infrastructure

Hon. Valerie Garrido-Lowe, M.P., Minister within the Ministry of Indigenous Peoples' Affairs

Hon. Jaipaul Sharma, M.P. (Region No. 4 – Demerara/Mahaica), Minister within the Ministry of Finance

/...3

+ Cabinet Member

*Non-Elected Member

3.

Hon. Dr. Karen Cummings, M.P. (Region No. 4 – Demerara/Mahaica), Minister within the Ministry of Public Health

Hon. Simona Charles-Broomes, M.P., Minister within the Ministry of Natural Resources

Hon. Valarie Patterson-Yearwood, M.P. (Region No. 10 – Upper Demerara/Upper Berbice), Minister within the Ministry of Communities

Other Members (9)

Ms. Jennifer J. Wade, M.P. (Region No. 5 – Mahaica/Berbice)

Ms. Rajcoomarie Bancroft, M.P. (Region No. 8 –Potaro/Siparuni)

Mr. John Adams, M.P. (Region No. 3 – Essequibo Islands/West Demerara)

Mr. Richard Allen, M.P. (Region No. 1 – Barima/Waini)

Mr. Michael Carrington, M.P.

Mr. Jermaine Figueira, M.P. (Region No. 10 – Upper Demerara/Upper Berbice)

Mr. Charrandas Persaud, M.P. (Region No. 6 – East Berbice/Corentyne)

Mr. Haimraj Rajkumar, M.P. (Region No. 2 – Pomeroon/Supenaam)

Mr. Audwin Rutherford, M.P.

MEMBERS OF THE OPPOSITION (32)

(i) People’s Progressive Party (32)

Mr. Bharrat Jagdeo, M.P., Leader of the Opposition

Mr. Clement J. Rohee, M.P.

Ms. Gail Teixeira, M.P., Opposition Chief Whip

Mr. Mohamed Irfaan Ali, M.P. (Region No. 3 – Essequibo Islands/West Demerara) (Absent)

Mr. Mohabir A. Nandlall, M.P. (Region No. 4 – Demerara/Mahaica)

Ms. Priya D. Manickchand, M.P. (Region No. 5 – Mahaica/Berbice)

4.

Dr. Frank C.S. Anthony, M.P.

Ms. Pauline Campbell-Sukhai, M.P.

Mr. Odinga Lumumba, M.P.

Bishop Juan A. Edghill, M.S., J.P., M.P.

Mr. Dharamkumar Seeraj, M.P.

Dr. Vindhya V. Persaud, M.S., M.P.

Ms. Indranie Chandarpal, M.P. (Absent)

Mr. Joseph L.F. Hamilton, M.P. (Absent – on leave)

Mr. Collin D. Croal, M.P. (Region No. 1 – Barima/Waini)

Ms. Gillian R. Burton-Persaud, M.P. (Region No. 4 – Demerara/Mahaica) (Absent)

Dr. Bheri S. Ramsaran, M.P.

Dr. Jennifer Westford, M.P. (Region No. 7 – Cuyuni/Mazaruni)

Ms. Africo Selman, M.P.

Mr. Zulfikar Mustapha, M.P. (Region No. 6 – East Berbice/Corentyne)

Mr. Ganga Persaud, M.P.

Ms. Yvonne Pearson- Fredericks, M.P.

Mr. Neendkumar, J.P., M.P. (Region No. 4 – Demerara/Mahaica)

Mr. Komal Chand, C.C.H., J.P., M.P. (Region No.3 – Essequibo Islands/West Demerara)

Dr. Vishwa D.B. Mahadeo, M.P. (Region No. 6 – East Berbice/Corentyne)

Mr. Cornel Damon, M.P. (Region No. 2 – Pomeroon/Supenaam)

Mr. Alister S. Charlie, M.P. (Region No. 9 – Upper Takutu/Upper Essequibo)

Mr. Nigel D. Dharamlall, M.P.

5.

Mr. Adrian V. Anamayah, M.P.

Mr. Harry Gill, M.P.

Ms. Bhagmattie Veerasammy, M.P.

Mr. Vickram O. Bharrat, M.P.

Officers (2)

Mr. Sherlock E. Isaacs, A.A., Clerk of the National Assembly

Ms. Hermina Gilgeours, Deputy Clerk of the National Assembly

COMMENCEMENT OF SITTING

The Sitting commenced at 2.11 p.m.

PRAYERS

The Clerk read Prayers.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker made the following announcements:

(1) **Leave:**

Honourable Members, leave has been granted to Mr. Joseph Hamilton, for today's Sitting.

PRESENTATION OF PAPERS AND REPORTS-

By the Minister of Finance:

Customs (Amendment of First Schedule) Order 2018 – No. 25 of 2018.

(Circulated)

PUBLIC BUSINESS

(ii) **GOVERNMENT BUSINESS**

BILLS – Second Readings

CYBERCRIME BILL 2016 – Bill No. 17/2016 published on 2016-08-04

The Attorney General and Minister of Legal Affairs moved the second reading of the following Bill which was referred to a Special Select Committee for consideration and report:

A BILL intituled AN ACT to combat cybercrime by creating offences of cybercrime; to provide for penalties, investigation and prosecution of the offences and related matters.

(Read a first time and committed to a Special Select Committee on 2016-08-04)

The following Members spoke to the motion:

Mr. Clement Rohee

Mr. Charrandas Persaud

Mr. Nigel Dharamlall

Mr. Harry Gill

SUSPENSION OF SITTING

At 4.00 p.m., the Sitting was suspended for refreshments.

RESUMPTION OF SITTING

At 5.12 p.m., the Sitting was resumed.

Assembly resumed the debate on the Cybercrime Bill 2016.

The following Members also spoke to the motion:

The Minister of Public Telecommunications

Mr. Vickram Bharrat

Dr. Frank Anthony

Ms. Priya Manickchand

7.

SUSPENSION OF SITTING

At 7.05 p.m., the Sitting was suspended for refreshments.

RESUMPTION OF SITTING

At 8.01 p.m., the Sitting was resumed.

Assembly resumed the debate on the Cybercrime Bill 2016.

The following Members also spoke to the motion:

Ms. Gail Teixeira

The First Vice-President and Prime Minister

Mr. Mohabir Nandlall

Thereafter, the Attorney General and Minister of Legal Affairs replied.

Presiding by Mr. John Adams, M.P.

At 9:43 p.m., the Speaker withdrew from the Chamber and Mr. John Adams, M.P., took the Chair.

Speaker's Return to the Chamber

At 9:45 p.m., the Speaker returned to the Chamber.

SUSPENSION OF STANDING ORDER NO. 10(1)

At 9.58 p.m., the First Vice-President and Prime Minister moved that Standing Order No. 10(1) be suspended to enable the Assembly to continue and conclude the debate on the Cybercrime Bill.

The Bill was then read a second time.

Assembly resolved itself into Committee to consider the Bill clause by clause.

In Committee

On a motion by the Attorney General and Minister of Legal Affairs for the adoption of the Report of the Special Select Committee on the Cybercrime Bill 2016 was put and carried.

Clauses 1 to 8 were passed as printed.

Clause 9

The Attorney General and Minister of Legal Affairs moved the following amendments which were put and carried:

“By the substitution for the clause of the following –

“Unauthorised granting of access to or giving of electronic data.

9. (1) A person commits an offence who, through authorised or unauthorised means, obtains or accesses electronic data which –

- (a) is commercially sensitive or a trade secret;
- (b) relates to the national security of the State; or
- (c) is stored on a computer system and is protected against unauthorised access,

and intentionally and without lawful excuse or justification grants access to or gives the electronic data to another person, whether or not he knows that the other person is authorised to receive or have access to the electronic data.

(2) A person who commits an offence under subsection (1) is liable –

- (a) on summary conviction to a fine of three million dollars and to imprisonment for three years; or
- (b) on conviction on indictment to a fine of eight million dollars and to imprisonment for five years”.

Clause 9 was then passed as amended.

Clauses 10 and 11 were passed as printed.

Clause 12

Moved by Mr. Harry Gill, M.P., and seconded by Ms. Gail Teixeira, M.P., the following amendments were put and negatived:

9.

“Add the following sub-clause to clause 12(2) as 12(2)(i) which reads as follows:-

- (i) “The capacity of the Guyana Elections Commission to discharge its role and functions as provided for under the constitution and laws of Guyana”.”

Clause 12 was then passed as printed.

Clauses 13 to 17 were passed as printed.

Clause 18

The Attorney General and Minister of Legal Affairs moved the following amendments which were put and carried:

“By the substitution for the clause of the following-

“Offences
against the
State.

18. (1) A person commits an offence if the person, whether in or out of Guyana, intentionally publishes, transmits or circulates by use of a computer system, a statement or words, either spoken or written, a text, video, image, sign, visible representation, or other thing, that –

(a) advocates the use, without authority of law, of force as a means of accomplishing a governmental change within Guyana;

(b) incites, counsels, urges, induces, aids or abets any person to commit, participate in the commission of, or to conspire with another person to commit treason under section 314 or 317 of the Criminal Law (Offences) Act;

Cap. 8:01

(c) encourages, incites, induces, aids, abets, counsels any person to commit or to conspire with another person to commit any criminal offence against the President or any member of the Government;

(d) (i) encourages, entices, induces or motivates any person in or out of Guyana to join a terrorist group or to commit or participate in the commission of an offence of or in relation to terrorist financing under Part V of the Anti-Money Laundering and Countering the Financing of Terrorism Act; or

Cap. 10:11

10.

No. 15 of
2015

(ii) incites, urges, teaches or trains any person in or out of Guyana to commit or participate in the commission of a terrorist act or an offence under the Anti-terrorism and Terrorist Related Activities Act; or

(e) excites or attempts to excite ethnic divisions among the people of Guyana or hostility or ill-will against any person or class of persons on the ground of race.

(2) A person who commits an offence under subsection (1) shall be liable on conviction on indictment to imprisonment for five years.

(3) Where death of the President, any member of the Government or any other person occurs as a result of the commission of an offence under subsection (1), the person who commits the offence is liable on conviction on indictment to imprisonment for life.

(4) For the purposes of subsection (1), a statement or words, a text, video, image, sign, visible representation or other thing does not constitute an offence if it –

- (a) expresses disapprobation of the measures of the Government with a view to obtain their alteration by lawful means;
- (b) expresses disapprobation of the administrative or other action of the Government;
- (c) expresses that the President, any member of the Government or the Government has been misled or mistaken in their measures;
- (d) points out errors or defects of the Government, Constitution or Parliament; or
- (e) procures, by lawful means, the alteration of any matter of government.”

Moved by Ms. Gail Teixeira, M.P., and seconded by Mr. Clement Rohee, M.P., the following amendments were put and negatived:

“Delete entire clause 18 (1) – (4)”

Clause 18 was then passed as amended.

11.

Clauses 19 to 43 were passed as printed.

Assembly resumed

On a motion by the Attorney General and Minister of Legal Affairs the Cybercrime Bill 2016 was read a third time and passed as amended.

ADJOURNMENT

At 10.51 p.m., on a motion by the First Vice-President and Prime Minister, the Assembly was adjourned to 2.00 p.m. on Friday, 27th July, 2018.

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HON. DR. BARTON U.A. SCOTLAND, O.R., C.C.H., M.P.,
Speaker of the National Assembly

**PARLIAMENT OFFICE,
Public Buildings,
Brickdam,
Georgetown.**

20th July, 2018.