

NATIONAL ASSEMBLY
MINUTES OF PROCEEDINGS
OF THE 124TH SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION
(2006-2010) OF THE NINTH PARLIAMENT OF GUYANA HELD
AT 2.00 P.M.
ON THURSDAY, 3RD JUNE, 2010
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

MEMBERS OF THE NATIONAL ASSEMBLY (70)

Speaker (1)

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

MEMBERS OF THE GOVERNMENT (41)

People's Progressive Party/Civic (40)

The United Force (1)

The Hon. Samuel A.A. Hinds, M.P. (Region No. 10 – Upper Demerara/Upper Berbice),
Prime Minister and Minister of Public Works and Communications

The Hon. Clement J. Rohee, M.P., Minister of Home Affairs

The Hon. Shaik K.Z. Baksh, M.P., Minister of Education

The Hon. Dr. Leslie S. Ramsammy, M.P. (Region No. 6 – East Berbice/Corentyne),
Minister of Health

The Hon. Carolyn Rodrigues-Birkett, M.P. (Region No. 9 – Upper Takutu/Upper Essequibo),
Minister of Foreign Affairs

*The Hon. Dr. Ashni K. Singh, M.P., Minister of Finance

The Hon. Robert M. Persaud, M.P. (Region No. 6 – East Berbice/Corentyne),
Minister of Agriculture

/...2

***Non-elected Minister**

2.

The Hon. Dr. Jennifer R.A. Westford, M.P. (Region No. 7 – Cuyuni/Mazaruni),
Minister of Public Service

The Hon. Kellawan Lall, M.P., Minister of Local Government
and Regional Development

*The Hon. Charles R. Ramson, S.C., M.P., Attorney General and Minister of Legal Affairs

The Hon. Dr. Frank C.S. Anthony, M.P., Minister of Culture, Youth and Sport

The Hon. B. H. Robeson Benn, M.P., Minister of Transport and Hydraulics

**The Hon. Manzoor Nadir, M.P., Minister of Labour

The Hon. Priya D. Manickchand, M.P. (Region No. 5 – Mahaica/Berbice),
Minister of Human Services and Social Security

The Hon. Dr. Bheri S. Ramsaran, M.P., Minister in the Ministry of Health

The Hon. Jennifer I. Webster, M.P., Minister in the Ministry of Finance

The Hon. Manniram Prashad, M.P., Minister of Tourism, Industry and Commerce

*The Hon. Pauline Sukhai, M.P., Minister of Amerindian Affairs

The Hon. Mohamed Irfaan Ali, M.P., Minister of Housing and Water

Mr. Donald R. Ramotar, M.P.

Ms Gail Teixeira, M.P.

Mrs. Indranie Chandarpal, M.P., Chief Whip

Mr. Harripersaud Nokta, M.P.

Ms Bibi S. Shadick, M.P. (Region No. 3 – Essequibo Island/West Demerara)

Mr. Albert A. Atkinson, J.P., M.P. (Region No. 8 – Potaro/Siparuni)

/...3

***Non-Elected Minister**

****Elected Member from the United Force**

3.

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

Mr. Bernard C. DeSantos, S.C., M.P. (Region No. 4 – Demerara/Mahaica)

Mrs. Shirley V. Edwards, J.P., M.P. (Region No. 4 – Demerara/Mahaica)

Mr. Mohamed F. Khan, J.P., M.P. (Region No. 2 – Pomeroon/Supernaam)

Mr. Moses V. Nagamootoo, J.P., M.P.

Mr. Mohabir A. Nandlall, M.P.

Mr. Odinga N. Lumumba, M.P.

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

***Mr. Steve P. Ninvalle, M.P., Parliamentary Secretary in the Ministry of Culture, Youth and Sport

Mr. Parmanand P. Persaud, J.P., M.P. (Region No. 2 – Pomeroon/Supernaam)

Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P., Parliamentary Secretary in the Ministry of Housing and Water

Mr. Dharamkumar Seeraj, M.P.

Mr. Norman A. Whittaker, M.P. (Region No. 1 – Barima/Waini)

Dr. Vishwa Deva Budhram Mahadeo, M.P.

Rev. Kwame Gilbert, M.P.

Mr. Lloyd J. Pereira, J.P., M.P.

Members of the Opposition (28)

(i) Members of People’s National Congress Reform-One Guyana (22)

Mr. Robert Corbin, M.P., Leader of the Opposition

Mr. Winston Murray, C.C.H., M.P. (Absent)

4.

Mrs. Clarissa S. Riehl, M.P., Deputy Speaker of the National Assembly

Mr. E. Lance Carberry, M.P., Chief Whip (Absent – on leave)

Mrs. Deborah J. Backer, M.P.

Mr. Basil Williams, M.P.

Dr. George A. Norton, M.P.

Mrs. Volda A. Lawrence, M.P.

Mr. Keith Scott, M.P. (Absent – on leave)

Ms Amna Ally, M.P.

Ms Cheryl Sampson, M.P.

Mr. Dave Danny, M.P. (Region No. 4 – Demerara/Mahaica)

Mr. Aubrey C. Norton, M.P. (Region No. 4 – Demerara/Mahaica) (Absent)

Mr. Ernest Barnabas Elliot, M.P., (Region No. 4 – Demerara/Mahaica)

Mrs. Judith David-Blair, M.P. (Region No. 7 – Cuyuni/Mazaruni)

Mr. Mervyn Williams, M.P. (Region No. 3 – Essequibo Island/West Demerara) (Absent – on leave)

Ms Africo Selman, M.P.

Dr. John Austin, M.P. (Region No. 6 – East Berbice/Corentyne)

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

Ms. Vanessa Kissoon, M.P. (Region No. 10 – Upper Demerara/Upper Berbice)

Mr. Desmond Fernandes, M.P. (Region No. 1 – Barima/Waini)

Ms Dawn Hastings, M.P.

5.

(ii) Alliance for Change (5)

Mr. Raphael G.C. Trotman, M.P.

Mr. Khemraj Ramjattan, M.P.

Mrs. Sheila Holder, M.P.

Mrs. Latchmin Punalall, M.P. (Region No. 4 – Demerara/Mahaica)

Mr. David Patterson, M.P.

Guyana Action Party/Rise Organize and Rebuild (1)

Mr. Everall N. Franklin, M.P.

OFFICERS (2)

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

Mrs. Lilawtie Coonjah, Deputy Clerk of the National Assembly

COMMENCEMENT OF SITTING

The sitting commenced at 2.08 p.m.

PRAYERS

The Clerk read Prayers.

REPORTS FROM COMMITTEES-

(1) By the Minister of Health (Chairman of the Special Select Committee on Persons with Disabilities Bill 2009):

Report of the Special Select Committee on Persons with Disabilities Bill 2009 – Bill No. 44/2009.

(Circulated)

(2) By the Prime Minister (Chairman of the Special Select Committee on the Conclusion of the Consideration of the 2004 Report of the Disciplined Forces Commission):

Report of the Special Select Committee on the Conclusion of the Consideration of the 2004 Report of the Disciplined Forces Commission.

(Circulated)

QUESTIONS ON NOTICE-

For Written Replies

1. REFERRAL OF PATIENT BY REGIONAL HOSPITALS

Member Asking: Mrs. Sheila Holder, M.P.

Minister Answering: The Minister of Health

Would the Honourable Minister of Health be good enough to give us some of the reasons for the many patient cases which Regional Hospitals were set up to deal with being referred by these Hospitals?

(Notice Paper No. 432(Q311 Opp286) published on 2010-03-05)

Answer:

“There were 603 referrals to the Maternity Department of the GPHC and 3,200 referrals to the Emergency Department in 2009. The Tables below give the details of the referrals. The major reasons for referrals vary from Region to Region.

/...7

7.

Some surgical cases are referred to GPHC because the local hospital may not have the surgical capacity to handle the cases. Maternity high risk cases are referred to GPHC. Complicated malaria cases are referred to GPHC.

Regions	Maternity Cases	Accident and Emergency Cases
1	115	218
2	6	72
3	46	827
4	147	1,092
5	69	479
6	22	115
7	90	166
8	35	107
9	15	27
10	58	97
Total	603	3,200

The main causes were as follows:

Main Causes	Regions										Total
	1	2	3	4	5	6	7	8	9	10	
Abdominal Pains	17	6	47	88	18	7	10	11	0	6	210
Abscess	1	0	6	5	1	0	0	0	0	2	15
Allergy	0	0	0	6	0	0	0	1	0	0	7
Appendicitis	1	0	5	7	6	0	2	0	0	3	24
Assault	11	0	5	7	3	0	3	3	0	1	33
Burns	0	0	0	0	0	8	0	0	0	0	8
Cancer	0	0	3	6	2	0	2	0	0	0	13
Cardiac	4	0	22	16	6	0	2	1	0	1	52
Diabetes	1	6	16	16	5	2	1	2	0	0	49
Diarrhea	7	0	5	9	2	0	1	2	0	1	27
Dislocation	0	0	0	0	0	0	6	0	0	0	6
Fall	9	0	42	41	18	7	10	0	0	0	127
FB	0	0	20	0	0	0	0	0	0	0	20
Fever	7	2	7	27	14	2	1	3	0	3	66
Fracture	16	11	39	40	42	18	13	8	0	11	198
Hypertension	1	2	9	12	2	0	1	1	0	0	28
Incomplete Abortion	0	0	9	12	2	0	3	0	0	1	27
Ingestion of Chemicals	2	0	32	36	14	0	0	1	0	0	85
Injuries	0	0	0	0	0	0	6	0	0	0	6
Laceration	3	0	36	4	8	0	6	9	3	1	70

Malaria	0	0	3	9	1	0	0	1	1	1	16
MVA	2	1	48	33	40	10	8	2	11	7	162
Pains	7	0	27	19	2	1	12	0	1	1	70
PV Bleeding	0	0	63	61	21	1	12	8	0	7	173
Snake Bites	6	0	0	24	10	0	5	5	0	0	50
SOB	3	0	10	50	12	0	0	1	0	0	76
TB	0	0	1	6	1	0	0	4	0	0	12
Trauma	16	9	47	54	44	8	14	12	0	0	204
Vomiting	8	0	21	49	22	3	2	4	0	1	110
Total	122	37	523	659	296	67	120	79	16	47	1,966

2. OCCUPANCY LEVEL OF HOTELS/GUEST HOUSES IN 2009

Member Asking: Mrs. Sheila Holder, M.P.

Minister Answering: The Minister of Tourism, Industry & Commerce

Can the Honourable Minister say what the level of occupancy was in 2009 at the hotels/guest houses in the country?

(Notice Paper No. 433 (Q312 Opp287) published on 2010-03-05)

Answer:

The level of occupancy in percentage for 2009 at hotels/guest houses in Guyana are:

In Guyana's interior lodges (Surama, Nappi, Iwokrama, Dadanawa, Karanumbu and Rewa) operated at an average of 78% occupancy while coastal accommodation establishments operated at approximately 60%.

3. CONSUMER PROTECTION AND HIRE PURCHASE LEGISLATION

Member Asking: Mrs. Sheila Holder, M.P.

Minister Answering: The Minister of Tourism, Industry & Commerce

Can the Honourable Minister say, what is the government's position with respect to the Consumer Protection and Hire Purchase legislation?

(Notice Paper No. 434 (Q313 Opp288) published on 2010-03-05)

Answer:

“The Bill is currently undergoing a legal review which will be completed by the end of March. It will be subsequently submitted to the Attorney General Chambers for final vetting, and will then be submitted to Parliament. The Government is aiming for this to happen by mid-year.

Honourable Members, please be informed that the National Competitiveness Strategy Unit (NCSU) which falls under the purview of my Ministry has currently started to work on a Hire Purchase Bill and will present a draft for consideration in the next three months.”

4. LABELLING OF PRODUCTS

Member Asking: Mrs. Sheila Holder, M.P.

Minister Answering: The Minister of Tourism, Industry & Commerce

Can the Honourable Minister say what is the state of labelling of products, including those written in foreign languages?

(Notice Paper No. 435 (Q314 Opp 289) published on 2010-03-05)

Answer:

“Honourable Members, please be informed that the Guyana National Bureau of Standards (GNBS) which falls under the purview of my Ministry currently monitors twenty (20) categories of products under its standards compliance programme for compliance with national standards.

Domestic electrical appliances, weighing and measuring devices, textiles, garments, footwear, safety matches, new and used tyres, fertilizers, cellular phones, gas stoves, furniture, safety helmets, cigarettes, PVC Pipes, seat belts, Toys and play things, Soap Powder, Christmas Trees and decorative lighting out fits, electricity meters and water meters.

10.

The products are monitored against the relevant national standards for labeling and quality requirements at the ports-of-entry, sales outlets, bonds and warehouses. Reports received from the GNBS, indicated that these products comply with the labeling standards including foreign languages requirements. In situations where any information is missing from the labels in accordance with the relevant standards, the products are held (detained) until such information is provided, and the products labeled with the missing information.

Regarding food items, drugs, pharmaceuticals and medical devices, these products are monitored by the Food and Drugs Department under the Ministry of Health.”

5. **FUTURE TOURISM CHANGES WITH RESPECT TO THE LOW CARBON DEVELOPMENT STRATEGY**

Member Asking: Mrs. Sheila Holder, M.P.

Minister Answering: The Minister of Tourism, Industry & Commerce

With the Low Carbon Development Strategy requiring significant changes to the use of our forests, what new approaches does the Ministry propose taking with tourism in the future, whether it is eco-tourism, sports tourism, etc?

(Notice Paper No. 436 (Q315 Opp290) published on 2010-03-05)

Answer:

“Honourable Member, first of all I would like to clarify that the LCDS will not require us to stop using our forest or to significantly change to the way we use our forest. In fact, Guyana’s high forest cover of over 80% and exceptionally low deforestation rate – one of the lowest in the world, is as a result of Government’s policies on sustainable forest use and management.

Guyana’s forests is a critical element of our tourism product and the basis upon which we have made significant stride in developing birding tourism, adventure tourism, and nature-based and eco tourism. It is for these reasons that tourism is one of the priority sectors within the LCDS.

Guyana's climate change advocacy and our LCDS have gained international recognition and has placed our country on the world stage – in a positive way. The tourism sector will be one of the first to benefit from this. The other elements of the LCDS – improved hinterland infrastructure, social services to communities, improved telecommunication – will all assist Guyana's tourism development.

The tourism sector will position itself to maximize opportunities created by the LCDS and in so doing will continue to improve in areas such as branding and marketing, airlift capacity and human resource development across our country.”

6. EAST DEMERARA WATER CONSERVANCY

Member Asking: **Mr. E. Lance Carberry, M.P., Chief Whip.**

Minister Answering: **The Minister of Agriculture**

- (a) With respect to the proposal to construct the East Demerara Water Conservancy Northern Relief at Hope/Doch Four East Coast Demerara, could the Hon. Minister inform this National Assembly:
- (i) When was the Feasibility Study completed?
 - (ii) Who were the Consultants that conducted the Feasibility Study?
 - (iii) What were the specific options evaluated and compared?
 - (iv) What were the findings of the Consultants for each of the specific options compared?
- (b) With respect to the Environmental Impact Study for the Deep Level Foreshore Discharge Option at Hope/Doch Four, could the Hon. Minister inform this National Assembly:
- (i) When was the Environmental Impact Study completed?
 - (ii) Who were the Consultants that conducted the Environmental Impact Study?
 - (iii) What were the findings of the Environmental Impact Study?

(c) With respect to the Sluices for the East Demerara Water Conservancy, could the Hon. Minister inform this National Assembly:

- (i) Whether the Sluices at Maduni, Lama, Kofi, Cunha and the Spill Weir at Land of Canaan are currently functioning at their original design capacity?
- (ii) What are the original Design capacity for each of the Sluices at Maduni, Lama, Kofi, Cunha and the Spill Weir at Land of Canaan?
- (iii) At what capacity are these Sluices at Maduni, Lama, Kofi, Cunha and the Spill Weir at Land of Canaan now functioning?

(d) With respect to the East Demerara Conservancy, could the Hon. Minister inform this National Assembly:

- (i) At which GD level is there a threat of overtopping?
- (ii) When did this level last occur?

(Notice Paper No. 463 (Q332 Opp307) published on 2010-05-03)

Answers:

- (i) The East Demerara Water Conservancy is a shallow impounded reservoir formed by an earthen embankment measuring 60km long and has a total catchment area of 582km. Previous studies on the conservancy under UNDAC 2005 and the Conservancy Flood Management Modeling Report 2005 has all recommended an additional outlet to address the drainage problems of the conservancy.

The Infrastructure Rehabilitation Plan prepared by Mott MacDonald in July, 2005 recommended an additional 30m wide flood relief structure to pass a 10,000 year flood to improve the safety standards of the conservancy. Hydrological and reservoir studies undertaken in 2009 determined that the conservancy does not act as a level pool with observed cross conservancy hydraulic gradient often of the order of 2ft to 3ft. The

implication of such hydraulic head difference during floods with eastern water levels above the perceived safe maximum water level of 58.50 GD is the opening of the Eastern flood relief gates (Lama and Maduni) that exacerbates flood conditions in the Mahaica/Mahaicony areas.

Interestingly, in every year since the floods in 2005, the recorded water levels at Flagstaff exceeded the maximum safe water level of 58.50 GD, with 10% of the dam overtopping in 2005 although flood relief gates were operating. The EDWC embankment has been breached in the past, and widespread overtopping and breaching would have occurred had the January, 2005 flood levels been only 60mm higher (UNDAC, 2005).

In the circumstance of the recommendations and the poor condition of the conservancy known for over 60 years, and confirmed by recent flood events, a feasibility study would stand only to re-confirm the deficiencies in flood relief capacity of the EDWC.

A consultancy contract was therefore commissioned to conduct hydrological analysis and reservoir studies of the capacity of the existing flood relief outlets to determine the required capacity of the proposed relief structure under various storms recurrences to produce design criteria in order to achieve the optimum solution.

- (ii) The justifiable need for an additional flood relief structure to improve the eastern flood control of the EDWC, the Ministry of Agriculture's NDIA contracted CEMCO/SRKN' engineering Joint Venture in association with Mott MacDonald to produce the Engineering Design for the East Demerara Water Conservancy Northern Relief Channel at Hope/Dochfour, East Coast Demerara, Region No. 4.

(iii) In the Engineering Design for the East Demerara Water Conservancy Northern Relief Channel at Hope/Dochfour, East Coast Demerara, Region No. 4, two (2) options have been considered.

Option 1: A relief channel and associated structures at Hope/Dochfour discharging into the Atlantic Ocean and considering a deep foreshore sluice and high sill/weir.

Option 2: The Flagstaff to Mahaica River relief channel.

(iv) Option 1: **“Weir Discharge”**:- This option was found to provide a discharge of 62.1m/sec with a conservancy relief system consisting of a head regulator comprising of 3 No. 5 meters wide opening reinforced concrete structure with invert level at 14.0 m GD discharging into a 10.3km long 30m wide relief channel having a invert level of 14.0m GD. This relief channel discharges into the Atlantic Ocean foreshore via eight (8) five (5) meters wide radial gates sitting at 16.0m GD high crest weir. The estimated cost is G\$3.6B. This option produces the most practical and optimum solution in which it will reduce peak conservancy water levels in a 1000 year flood event.

“Deep Foreshore Discharge”:- This option was found to provide a discharge capacity of 66.0m/sec with a conservancy relief system consisting of 3 No. 5 meters wide opening reinforced concrete structure with a 14.0m GD invert level discharging into a 10.3km long earthen channel. Flows from this channel is discharged into the Atlantic Ocean through three (3) No. five (5) meters wide reinforced concrete sluice with invert level at 14.00m GD. However, dredging of a 2.5km long outfall channel under unstable foreshore condition will be necessary to achieve the design flows. The estimated cost is G\$3.2B excluding dredging maintenance cost. This option is considered impractical to implement and costly to maintain.

Option2: **The Flagstaff to Mahaica River relief Channel:** This is a shorter relief route measuring 3.5km. This option assess in a preliminary way the impact of taking flows from the EDWC to the Mahaica River at Belmont and its impact to water levels upstream of the Mahaica at Little Baiboo. A model simulation revealed, with an EDWC discharge of 43m/sec, the back water effect will increase at Little Baiboo by 0.1m. However, cross sections based on hydrographic survey, revealed a reverse gradient in bed level of the Mahaica creek from Mosequito Hall to Little Baiboo, undoubtedly due to sediment inflow from the Atlantic. Also, a bar existing across the mouth of the Mahaica River, inhibits full tidal drainage in the system.

The indications from the preliminary simulated results are with improved cross section in the lower 7km of the Mahaica River, it could be possible to discharge in excess of 90m/sec from the conservancy with increased water level that will impact on upstream conditions of the Mahaica River. It is also possible that drainage in Mahaica could be improved in lower return period. However, an important indication is this option would also require dredging and maintenance similar to the Hope/Dochfour option but less costly.

However, a more detailed study is required to determine the effects of discharging flows from the EDWC into the Mahaica during higher flood return period.

(b) A deep foreshore level discharge is not recommended for implementation, therefore, no impact study is required. The Environmental Protection Agency has determined that the Environmental Impact Assessment (EIA) will not be required for the construction of the relief channel and support structures. However, an Environmental Management Plan will be required and approved from the EPA.

- As required, an Environmental Management (EMP) Plan was submitted to the NDIA by the consultancy firm, CEMCO/SRKN' engineering Joint Venture in association with Mott MacDonald in February, 2010. The EMP can be made available.
 - As required, the EMP was produced by the sub consultant, Environmental Management Consultants (EMC).
 - An Environmental Impact Study was not required. However, an EMP was prepared and the findings/recommendations are available. The NDIA will be responsible for implementing the EMP.
- (c) (i) It is believed that sluices at Maduni and Lama are functioning at their design capacity. However, Kofi, Cunha and the Spill Weir at Land of Canaan are currently not functioning at their original design capacity for reasons of cross conservancy hydraulic gradients.

(ii) With the exception of the Land of Canaan Spill Weir, the estimated capacity of the Lama, Maduni and Kofi Sluices are given below:

- Maduni Sluice 55.0m/sec
- Lama Sluice(Big) 55.0m/sec
- Lama(Small) 25.0m/sec
- Cunha Sluice 55.0m/sec
- Land of Canaan Spill Water 56.6m/sec or 2000 cfs @ a water level of 57.5 GD

(iii) The capacity at which the Sluices at Maduni, Lama, Kofi, Cunha and the Spill Weir at Land of Canaan are now functioning are:

- Maduni sluice 55.0-60.0m/sec (1940 – 2120 cfs)
- Lama sluice 55.0-60.0m/sec (1940 – 2120 cfs)

17.

- Kofi sluice 55.0-60.0m/sec (1940 - 2120 cfs)
- Cunha sluice 35.0-40.0m/sec (1235 - 1415 cfs)
- Spill Weir at Land of Canaan 40.0-45m/sec (1415 – 1590 cfs)

(d) (i) At the level of 58.80 GD, there is a threat of overtopping of the East Demerara Water Conservancy Dam.

(ii) The water level in every year since January, 2005 exceeded 58.50 GD at Flagstaff.”

For Oral Replies

7. CURRICULA OF SECONDARY SCHOOLS

Mr. Everall Franklin, M.P., asked the Minister of Education the following questions:

(i) *Is the Minister aware that the curricula of many secondary schools cannot possibly be fully accommodated and/or completed within the school's timetables and thus students have to resort to extra lessons to complete the required syllabuses?

(ii) *What steps will the Minister undertake to address this situation?

(iii) *Will the Minister agree that due in part to the above, that secondary education is not free in Guyana?

(Notice Paper No. 459 (Q328 Opp303) published on 2010-04-29)

Thereafter the Minister of Education replied.

Mr. Everall Franklin, M.P., asked the Minister of Education supplementary questions.

Thereafter the Minister of Education replied.

8. **VIOLENCE WITHIN THE SCHOOL SYSTEM**

Mr. Everall Franklin, M.P., asked the Minister of Education the following question:

*Will the Hon. Minister state what steps his Ministry is taking to address the growing organized violence within the school system against students and teachers, much of which is being ascribed to gang activity?

(Notice Paper No. 460 (Q329 Opp304) published on 2010-04-29)

Thereafter the Minister of Education replied.

Mr. Everall Franklin, M.P., asked the Minister of Education a supplementary question.

Thereafter the Minister of Education replied.

9. **USE AND SALE OF NARCOTICS IN SCHOOLS IN GEORGETOWN**

Mr. Everall Franklin, M.P., asked the Minister of Education the following question:

*Can the Minister pronounce on the use and sale of narcotics in schools within Georgetown? If cases have been identified, what advice has the Ministry given school boards, teachers and parents in this regard?

(Notice Paper No. 461 (Q330 Opp305) published on 2010-04-29)

Thereafter the Minister of Education replied.

STATEMENTS BY MINISTERS INCLUDING POLICY STATEMENTS

1. **The Resuscitation of the Good Offices Process on the Guyana/Venezuela Border**

The Minister of Foreign Affairs made a statement on the resuscitation of the Good Offices Process on the Guyana/Venezuela Border.

2. **The Israel's Military operation against a Flotilla carrying humanitarian aid to Gaza**

The Minister of Foreign Affairs made a statement on the Israel's Military operation against a Flotilla carrying humanitarian aid to Gaza.

PUBLIC BUSINESS -

(i) **GOVERNMENT BUSINESS**

BILLS – Second Readings

ITEM 1 - FISCAL ENACTMENT (AMENDMENT) BILL 2010 – Bill No. 5/2010 published on 2010-04-22

The Minister of Finance moved the second reading of the following Bill:

A BILL intituled AN ACT to amend the Income Tax Act and the Corporation Tax Act.

(Read a first time on 2010-04-22)

RESIDING BY MR. HARRIPERSAUD NOKTA

While the Minister of Finance was speaking to the motion the Speaker withdrew from the Chamber and Mr. Harripersaud Nokta took the chair.

RETURN TO THE CHAMBER

While the Minister of Finance was speaking to the motion the Speaker returned to the Chamber.

The following Members spoke to the motion:

Mr. Robert Corbin

The Minister of Human Services and Social Security

Mr. Khemraj Ramjattan

Thereafter the Minister of Finance replied.

The Bill was then read a second time.

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

In Committee

Clauses 1 to 3 were **passed** as **printed**.

Assembly resumed

On a motion by the Minister of Finance, the Fiscal Enactments (Amendment) Bill 2010 was read a third time and **passed** as **printed**.

SUSPENSION OF SITTING

At 4.13 p.m., the sitting was suspended for refreshments.

RESUMPTION OF SITTING

At 5.27 p.m., the sitting was resumed.

(ii) **PRIVATE MEMBERS' BUSINESS**

MOTION

ITEM 2 - NO CONFIDENCE IN THE MINISTER OF LABOUR, HON. MANZOOR

NADIR, M.P.

Mr. Basil Williams, M.P. moved the following motion:

WHEREAS Section 4 of the Labour Act, Chapter 98:01 of the Laws of Guyana delegates powers to the Minister of Labour in cases of trade disputes including:

- (a) inquiring into the causes and circumstances of the difference;
- (b) taking such steps as to him may seem expedient for the purpose of promoting a settlement of the difference; and
- (c) with the consent of both parties to the difference, or of either of them, **or without their consent**, refer the matter for settlement to the arbitration of an arbitration tribunal consisting of one or more persons appointed by the Minister;

AND WHEREAS Section 6, of the said Labour Act gives the Minister of Labour the power to appoint an Advisory Committee in case of existing or apprehended trade disputes, which Committee shall inquire into the matters referred to it and shall report thereon and make such recommendations as it may deem expedient to the Minister;

AND WHEREAS the Trade Union Recognition Act, Chapter 98:07, provides for the improvement and promotion of industrial relations by the establishment of procedures for the certifying of trade unions as recognised majority unions and for the matters connected therewith;

AND WHEREAS Section 23(1) of the said Trade Union Recognition Act states that where a trade union obtains a certificate of recognition for workers comprised in a bargaining unit, the employer shall recognise the union, and the union and the employer shall bargain in good faith and enter into negotiations with each other for the purpose of collective bargaining;

AND WHEREAS Section 23(3) of the said Act states that an employer who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine, and, in addition, to a fine for every day the breach continues until the employer has complied with such provisions;

AND WHEREAS Section 26(1) of the said Act states that no worker shall be dismissed, or have his employment adversely affected, or his position altered by his employer, by reason of the circumstances that the worker:

(a) is an officer, delegate or member of a trade union; or

(b) has for reasonable cause absented himself from work without leave after he has made an application for leave for the purpose of carrying out his duties under the Act as an officer or delegate of a trade union and such leave has been unreasonably refused or withheld;

AND WHEREAS the said Act states that an employer who contravenes any of the provisions of subsection (1) and (2) shall be guilty of an offence and liable on summary conviction to a fine, and, the magistrate making the order for conviction, shall also order that the worker be reimbursed any wage lost by him and direct that, notwithstanding any rule of law to the contrary, the worker be reinstated in his former position or in a similar position with terms and conditions of employment no less favourable;

AND WHEREAS the Minister of Labour is charged with the responsibility of ensuring that the provisions of the Labour Act and the Trade Union Recognition Act are complied with and section 37(1) of the Trade Union Recognition Act further empowers the Minister to make regulations generally for carrying out the provisions of this Act, including, regulations prescribing anything which is to be prescribed under this Act;

AND WHEREAS the Guyana Bauxite and General Workers Union (G.B.&G.W.U) is the recognized Trade Union for workers employed with the RUSAL (Russian Aluminium) and the Government of Guyana owned Bauxite Company of Guyana Inc. (BCGI) at Aroaima and Kwakwani, Berbice and that Union, representing their members, entered into negotiations as a result of which there exists a Collective Labour Agreement (C.L.A.), which is of three (3) years duration – beginning from 1st January, 2008 and ending on the 31st December, 2010;

AND WHEREAS Article 28(A)(1) of the Labour Amendment Act No. 9 of 1984 makes every written Collective Labour Agreement legally enforceable, except where the Parties agree otherwise;

AND WHEREAS in the exercise of their constitutional and legal rights the bauxite workers of BCGI proceeded on strike on 22nd November, 2009 and in retaliation, BCGI issued suspension and dismissal letters to most of the workers, fifty-seven (57) of whom are union leaders;

AND WHEREAS on 1st December, 2009, the company notified the Ministry of Labour, that it had arbitrarily terminated the Collective Labour Agreement and commenced the process of derecognizing the legitimate union;

AND WHEREAS despite letters, from the President of the GB&GWU (13th January, 2010), the Leader of the Opposition (13th January, 2010), the Secretary General of the Trade Union Confederation of the Americas (28th January, 2010) and the President of the American Federation of Labour and Congress of Industrial Organisations (17th March, 2010), requesting his intervention, using the powers vested in him by Law, to resolve the trade dispute between the GB&GWU and the BCGI (which is owned by RUSAL and the Government of Guyana), the Minister of Labour has failed to carry out his legal responsibility for the settlement of this trade dispute;

AND WHEREAS the Minister has an obligation to equally protect the rights of the workers and ensure that the Laws of Guyana are not willfully and wantonly disregarded but has persistently refused to carry out his obligation to protect the interest of Guyana's workers,

BE IT RESOLVED:

That this National Assembly expresses its lack of confidence in the Minister of Labour, Hon. Manzoor Nadir, M.P., for his failure to carry out his legal responsibilities for the settlement of trade disputes particularly, the dispute between the GB&GWU and the Bauxite Company of Guyana Inc. which is owned by RUSAL and the Government of Guyana;

BE IT FURTHER RESOLVED:

That this National Assembly calls on the Minister of Labour to observe, and on the Government of Guyana to honour, the many conventions of the ILO, particularly ILO Conventions Nos. 87, 98, 135, 154, 158 and 163, to which it is a signatory and also to ensure that the labour Laws of Guyana are honoured by all employers more particularly, the RUSAL and Government of Guyana owned, Bauxite Company of Guyana Inc.;

BE IT FURTHER RESOLVED:

That this National Assembly condemns BCGI's unlawful, arbitrary and unilateral de-recognition of the GB&GWU in violation of the Trade Union Recognition Act;

BE IT FURTHER RESOLVED:

That this National Assembly supports the demands of the GB&GWU for the reinstatement of the dismissed workers and the impartial and professional intervention in the dispute by the Chief Labour Officer consistent with the Labour Laws and the Collective Labour Agreements (CLA);

BE IT FURTHER RESOLVED:

That this National Assembly initiates an international appeal for support from all Parliaments in those countries in which RUSAL is presently carrying out any type of business operations as well as seek solidarity and support from all relevant international Organisations.

(Notice Paper No. 458 (M133 Opp 36) published on 2010-04-28)

The following Members spoke to the motion:

The Prime Minister and Minister of Public Works and Communications

Mr. Raphael Trotman

SUSPENSION OF SITTING

At 7.45 p.m., the sitting was suspended for refreshments.

RESUMPTION OF SITTING

At 8.10 p.m., the sitting was resumed.

The following Members also spoke to the motion:

Mr. Odinga Lumumba

Mr. Neendkumar

The Minister of Labour

Mr. Robert Corbin

SUSPENSION OF STANDING ORDER NO. 10(1)

At 9.55 p.m., on a motion by the Prime Minister and Minister of Public Works and Communications, Standing Order No. 10(1) was suspended to enable the Assembly to continue its business uninterrupted.

Mr. Robert Corbin continued and concluded his speech.

Mr. Mohabir Nandlall also spoke to the motion.

Thereafter Mr. Basil Williams replied.

STANDING ORDER NO. 39(2)

In accordance with Standing Order No. 39(2) the Minister of Labour concluded the debate on the motion which was critical of the Government.

The motion was then put and negatived on the following division:

FOR

Mr. Franklin

Mr. Patterson

Mr. Trotman

Ms Hastings

AGAINST

Mr. Pereira

Rev. Gilbert

Dr. Mahadeo

Mr. Whittaker

Mr. Fernandes
Ms Kissoon
Ms Wade
Dr. Austin
Miss Selman
Mrs. David-Blair
Mr. Elliot
Mr. Danny
Mrs. Sampson
Miss Ally
Mrs. Lawrence
Dr. Norton
Mr. Basil Williams
Mrs. Backer
Mrs. Riehl
Mr. Corbin

Mr. Seeraj
Mrs. Sahoye-Shury
Mr. Parmanand Persaud
Mr. Neendkumar
Mr. Lumumba
Mr. Nandlall
Mr. Khan
Mrs. Edwards
Mr. DeSantos
Mr. Atkinson
Miss Shadick
Mr. Nokta
Mrs. Chandarpal
Miss Teixeira
Mr. Ramotar
Mr. Ali
Mr. Prashad
Ms Webster
Dr. Ramsaran
Ms Manickchand
Mr. Nadir
Mr. Benn
Dr. Anthony
Dr. Westford
Mr. Robert Persaud
Mrs. Rodrigues-Brikett
Dr. Ramsammy

Mr. Baksh

Mr. Rohee

Mr. Hinds

20

34

(iii) **COMMITTEES BUSINESS**

MOTION

**ITEM 3 - ADOPTION OF THE REPORT OF THE SPECIAL SELECT COMMITTEE ON
THE CREDIT REPORTING BILL 2009**

The Minister of Finance (Chairman of the Special Select Committee on the Credit Reporting Bill 2009) moved the following motion:

BE IT RESOLVED:

That the Report of the Special Select Committee on the Credit Reporting Bill 2009 – Bill No. 37 of 2009 be adopted.

(Notice Paper No. 457 (M132 Govt 83) published on 2010-04-23)

The following Members spoke to the motion:

Ms Africo Selman

Mr. David Patterson

Thereafter the Minister of Finance replied.

The motion was then put and carried.

BILL – THIRD READING

ITEM 4 - CREDIT REPORTING BILL 2009 – Bill No. 37/2009 published on 2009-10-22

The Minister of Finance (Chairman of the Special Select Committee on the Credit Reporting Bill 2009) moved the third reading of the following Bill:

A BILL intituled AN ACT to establish a credit reporting industry with the aim of enabling more reliable, competitive, and responsible credit lending while protecting borrowers' rights.

(Read a first time on 2009-10-29)

(Read a second time and committed to the Special Select Committee on 2009-11-12)

Thereafter the Credit Reporting Bill 2009 was read a third time and passed as amended.

ADJOURNMENT

At 11.35 p.m., on a motion by the Prime Minister and Minister of Public Works and Communication, the Assembly was adjourned to 2.00 p.m., on Thursday, 10th June, 2010.

.....
HON. HARI N. RAMKARRAN, S.C., M.P.,
Speaker of the National Assembly

PARLIAMENT OFFICE,
Public Buildings,
Brickdam,
Georgetown.

3rd June, 2010.