

NATIONAL ASSEMBLY

MINUTES OF PROCEEDINGS

OF THE 62ND SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST
SESSION (1992-1995) OF THE SIXTH PARLIAMENT OF GUYANA HELD

AT 2.00 P.M.

ON THURSDAY, 10TH AUGUST 1995

IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

MEMBERS OF THE NATIONAL ASSEMBLY (72)

Speaker (1)

The Hon. Derek C. Jagan, S.C., J.P., M.P., Speaker of the
National Assembly

Members of the Government - People's Progressive Party/Civic (42)

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

The Hon. Reepu Daman Persaud, J.P., M.P., Senior Minister of
Agriculture (Leader of the House)

The Hon. S. Feroze Mohamed, M.P., Senior Minister of Home Affairs
(Government Chief Whip) (Absent)

The Hon. Harripersaud Nokta, M.P., Senior Minister in the Ministry
of Public Works, Communications and Regional Development

*The Hon. Rev. Dr. Ramnauth Bisnauth, M.P., Senior Minister of
Education and Cultural Development

*The Hon. Bernard C. DeSantos, S.C., M.P., Attorney General and
Minister of Legal Affairs

*The Hon. Dr. Henry B. Jeffrey, M.P., Senior Minister of Labour,
Human Services and Social Security

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

The Hon. Gail Teixeira, M.P., Senior Minister of Health

The Hon. M. Shree Chan, M.P., Senior Minister of Trade, Tourism
and Industry

Mrs. Janet Jagan, O.E., M.P. (Absent)

The Hon. Clinton C. Collymore, M.P., Minister in the Ministry
of Agriculture

The Hon. Indranie Chandarpal, M.P., Minister in the Ministry of
Labour, Human Services and Social Security

*The Hon. F. Vibert DeSouza, M.P., Minister in the Ministry of Public
Works, Communications and Regional Development

*The Hon. George E. Fung-On, M.P., Minister in the Office of
the President

*The Hon. Bharrat Jagdeo, M.P., Minister in the Ministry of
Finance

*Non-elected Member

Mr. Moses V. Nagamootoo, M.P.
 Mr. Cyril C. Belgrave, M.P.
 Mr. Fazil M. Ali, M.P.
 Mr. Husman Alli, M.P.
 Mr. Shaik K.Z. Baksh, M.P.
 Mr. Komal Chand, M.P.
 Mrs. Shirley V. Edwards, M.P.
 Dr. Hughley H. Hanoman, M.P.
 Mrs. Una A. James, M.P.
 Mr. Alston A. Kisson, M.P.
 Dr. Moti Lall, M.P.
 Mr. Khemraj Ramjattan, M.P.
 Mr. Donald Ramotar, M.P.
 Mr. Lawrence E. Rodney, M.P.
 Mrs. Pauline Sukhai, M.P.
 Mr. Winslow M. Zephyr, M.P.
 Mr. Reuben A. Gilbert, M.P.
 Mr. Edward DaSilva, M.P.
 Mr. Khadim Bacchus, M.P. (National Congress of Local Democratic Organs)
 Mr. Samad A. Baksh, M.P. (Region No. 2 - Pomeroon/Supenaam) (Absent)
 Mr. Harrinarine Baldeo, M.P. (Region No. 5 - Mahaica/Berbice)
 Mr. Joseph DeSouza, M.P. (Region No. 1 - Barima/Waini) (Absent)
 Mr. Eugene La Cruz, M.P. (Region No. 9 - Upper Takutu/Upper Essequibo) (Absent)
 Mr. Bagot Paul, M.P. (Region No. 8 - Potaro/Siparuni) (Absent)
 Mr. Kum Karan Ramdas, M.P. (Region No. 6 - East Berbice/Corentyne)
 Mr. Ramrattan, M.P., a/k Balkarran (Region No. 3 - Essequibo Islands/
 West Demerara)

Members of the Minority (29)

(i) People's National Congress (26)

Mr. H. Desmond Hoyte, S.C., M.P., Minority Leader
 Mr. Robert H.O. Corbin, M.P.
 Mr. Winston S. Murray, C.C.H., M.P. (Absent - on leave)
 Dr. Patrick L. McKenzie, A.A., M.P., Chief Whip
 Mrs. Clarissa Riehl, M.P.
 Dr. Kenneth F.S. King, M.P. (Absent - on leave)
 Mr. Deryck M.A. Bernard, M.P.
 Mr. Dunstan Barrow, M.P. (Absent - on leave)
 Miss Amna Ally, M.P.
 Miss Jean M.G. Persico, A.A., M.P.
 Mr. Arthur A. Alexander, M.P., Deputy Speaker of the National Assembly
 Mr. Simon H. Ng-See-Quan, M.P.
 Mr. David Subnauth, M.P.
 Mr. Reynold N. David, M.P. (Region No. 7 - Cuyuni/Mazaruni)
 Mr. M. Idris Deen, M.P. (Absent - on leave)
 Mr. Aftabuddin Ahamad, M.P. (Absent)
 Mrs. Cyrilda A. DeJesus, M.P.
 Mr. Kenrick Tyndall, M.P.
 Mr. Phillip Bynoe, M.P. (Region No. 10 - Upper Demerara/Berbice) (Absent)
 Mr. Andy Gouveia, M.P. (Absent)
 Mr. Hukumchand, M.P., a/k Parag
 Miss Joan C. Richards, M.P.
 Mr. John A. Fredericks, M.P. (Absent)
 Mr. Ivan Peters, M.P. (Region No. 4 - Demerara/Mahaica)
 Mr. Hubert K.H. Hyman, M.P.
 Mr. Ivor Allen, M.P. (Absent)

(ii) Working People's Alliance (2)

Dr. Rupert Roopnaraine, M.P.

Mr. Matheson Williams, M.P. (National Congress of Local Democratic Organs) (Absent)

(iii) The United Force (1)

Mr. Manzoor Nadir, M.P.

OFFICERS

Mr. Frank A. Narain, A.A., Clerk of the National Assembly

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

COMMENCEMENT OF SITTING

The Sitting commenced at 2.00 p.m.

PRAYERS

The Clerk read Prayers.

ANNOUNCEMENTS BY THE SPEAKER

(i) Statement concerning the Request by the Minority Leader to move the Adjournment of the Assembly to discuss the Release of Funds by the Government to the University of Guyana

The Speaker made the following Statement:-

"Honourable Members, as you are aware, during the last sitting of the National Assembly on August 4, 1995, the Minority Leader, the Hon. Member Mr. Desmond Hoyte, sought leave to move the adjournment of the Assembly on a definite matter of urgent public importance under Standing Order 11. I said that the matter was not urgent as the question of the Government's contribution to the University of Guyana was a continuing one for sometime and I was not satisfied that the matter could then be raised under Standing Order 11. The Hon. Member rose and said that he was bowing to my ruling. Thereupon, he and the People's National Congress Party Members left the Chamber.

Soon after the walkout, the Hon. Member, Mr. Hoyte, is reported to have told reporters that there was a "crisis" at the University and that it was an urgent matter of public importance. He further said "I think it is a proper matter for debate (in the House). Of course it is the prerogative of the Speaker to decide these matters. We have to bow that the ruling although we do not accept it and we deny that it is a fair and proper ruling".

Not to be outdone, the Hon. Member, Mr. Manzoor Nadir, expressed disappointment at the Speaker's ruling and The United Force of which he is the Leader issued a Press release stating that "the TUF felt that the development at UG is a matter of urgent national importance and the motion by the Minority Leader should have been allowed".

In view of the utterances by the two Hon. Members which had wide media coverage, I have decided to clarify the position for the benefit of Hon. Members and the Public.

Standing Order 11 states, inter alia, "The Speaker shall refuse to allow the claim unless he is satisfied that the matter is definite, urgent and of public importance and may properly be raised on a motion for the adjournment of the Assembly". A matter therefore does not automatically qualify to be raised under Standing Order 11 because it is definite, urgent and of public importance. There were numerous cases where these conditions were satisfied yet the matter was not permitted to be raised. For example, if the matter did not involve the administrative responsibility of the Government or the matter raised is sub judice, that is to say: it was engaging the attention of the Court or if the matter alleged illegal action of a department.

There are also numerous cases to assist the Speaker in deciding whether the matter is definite, urgent and of public importance. The Speaker's discretion is absolute and he does not have to give any reasons for his decision. If he decides that the matter should not be submitted for debate under Standing Order 11 there can be no further debate.

Considering a similar Standing Order of the House of Commons as our Standing Order 11, Mr. Speaker Sir Robert Peel, who was a former Prime Minister, said during the last century, "What I

think was contemplated was the occurrence of some sudden emergency either in home or foreign affairs. But I do not think it was contemplated... that a question of a very wide scope, which would demand legislation to deal with it in any effective manner, should be the subject of discussion...".

In Erskine May's Parliamentary Practice, the said Standing Order was considered and referred to a number of cases for guidance. For a matter to be definite, the author states "the matter raised by the motion must be -

- (a) a single specific matter,
- (b) not offered when facts are in dispute,
- (c) not importing an argument".

For it to be urgent, the matter raised must be "of recent occurrence and raised without delay. The fact that a grievance is continuing is not sufficient if it is not of recent occurrence. If the matter is not raised at the earliest opportunity it fails in urgency".

The controversy between the Ministry of Finance and the University of Guyana as to the amount of money to be paid by the Ministry has been an on-going dispute for a number of months.

I did not have to decide whether there is a "crisis" at the University, but whether the matter raised by the Minority Leader could be made the subject of an emergency debate under Standing Order 11.

I was not satisfied that it could have been so raised.

Although I was not required to give any reason or reasons, I nevertheless, did so. As far as I am aware, neither the Hon. Member Mr. Hoyte nor the Hon. Member Mr. Nadir mentioned in their interviews with the media that I said that the matter was not of a recent occurrence but rather a continuing one.

Attacking the Speaker's ruling in the manner in which they did, the said Hon. Members in my view have committed serious breaches of the Standing Orders and the privileges of the Assembly.

As the Hon. Members may not have realised the seriousness of the matter, I do not propose to take any action, but hope and trust that there would not be a repetition of such conduct in the future."

(ii) Leave

The Speaker announced that leave for that day's Sitting had been granted to the following Members:

Dr. Kenneth King, and
Mr. Dunstan Barrow.

PRESENTATION OF PAPERS AND REPORTS, ETC.

By the Minister in the Ministry of Finance:

Ministers, Members of the National Assembly and
and Special Offices (Emoluments) Order 1995
(No. 30 of 1995), made under section 8 of the
Ministers, Members of the National Assembly and
Special Offices (Emoluments) Act, Chapter 1:07,
on 2nd August, 1995, and published in the
Gazette on 5th August, 1995.

(Circulated)

10 August

**MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE ASSEMBLY
AND MOVED BY A MINISTER**

Suspension of Standing Order No. 46(2) and (3)

At the request of the Senior Minister of Agriculture
(Leader of the House), the following motion was not proceeded upon:

BE IT RESOLVED:

That Standing Order No. 46(2) and (3)
be suspended to enable the Assembly to proceed
at its sitting on Thursday, 10th August, 1995,
with the second reading and the remaining stages
of the University of Guyana (Amendment) Bill
1995 - Bill No. 16/1995 published 31.7.95.

(Notice Paper No. 84 (M64 Govt52) published 8.8.95)

INTRODUCTION OF BILLS

Presentation and First Reading

UNIVERSITY OF GUYANA (AMENDMENT) BILL 1995 - Bill No. 16/1995
published 8.8.95

The Senior Minister of Education and Cultural Development, on behalf of the Government, presented the following Bill which was read the first time:

A BILL intituled AN ACT to amend
the University of Guyana Act.

(At this stage, the Members of the People's National Congress withdrew from the Chamber).

PUBLIC BUSINESS

ITEM 1 CONSTITUTION (AMENDMENT) BILL 1995 - Bill No. 15/1995
published 31.7.95

Second Reading

The Attorney General and Minister of Legal Affairs moved the second reading of the following Bill:

A BILL intituled AN ACT to alter
the Constitution in accordance
with articles 66 and 164.
(Read a first time on 4.8.95)

The following Members spoke to the motion:

Dr. Rupert Roopnaraine

Mr. Manzoor Nadir

The Senior Minister of Health

The Senior Minister of Agriculture (Leader of
the House).

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

The motion that the Constitution (Amendment) Bill 1995 was then put and was supported by the votes of the following thirty-two (32) elected Members present:

Mr. Nadir
Dr. Roopnaraine
Mr. Ramratan
Mr. Ramdass
Mr. Baldeo
Mr. Bacchus
Mr. DaSilva
Mr. Gilbert
Mr. Zephyr
Mrs. Sukhai
Mr. Rodney
Mr. Ramotar
Mr. Ramjattan
Dr. Lall
Mr. Kissoon
Mrs. James
Dr. Hanoman
Mrs. Edwards
Mr. Chand
Mr. Baksh
Mr. Husman Alli
Mr. Fazil Ali
Mr. Belgrave
Mr. Nagamootoo
Mrs. Chandarpal
Mr. Collymore
Mr. Chan
Miss Teixeira
Mr. Rohee
Mr. Nokta
Mr. Persaud
Mr. Hinds

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

In Committee

Clause 1 was agreed to as printed.

Clause 2 was agreed to with the following correction:

Substitution of "article" for "articles" in the first line of paragraph (a) on page 2.

Substitution of "offices" for "officer" in the third line of the proposed article 161A(1) on page 4.

Assembly resumed.

Third Reading

Following a motion by the Attorney General and Minister of Legal Affairs that the Constitution (Amendment) Bill 1995, be read the third time, the Bill was supported at the final voting in the Assembly by the votes of the following thirty-two (32) elected Members present:

Mr. Nadir
Dr. Roopnaraine
Mr. Ramratan
Mr. Ramdass
Mr. Baldeo
Mr. Bacchus
Mr. DaSilva
Mr. Gilbert
Mr. Zephyr
Mrs. Sukhai
Mr. Rodney
Mr. Ramotar
Mr. Ramjattan
Dr. Lall
Mr. Kissoon
Mrs. James
Dr. Hanoman
Mrs. Edwards
Mr. Chand
Mr. Baksh
Mr. Husman Alli
Mr. Fazil Ali
Mr. Belgrave
Mr. Nagamootoo
Mrs. Chandarpal
Mr. Collymore
Mr. Chan
Miss Teixeira
Mr. Rohee
Mr. Nokta
Mr. Persaud
Mr. Hinds

MOTION

ITEM 3 - CONFIRMATION OF THE CUSTOMS DUTIES (AMENDMENT) ORDER 1995
(No. 29)

The Minister in the Ministry of Finance moved the following motion which was put and carried:

BE IT RESOLVED:

That this National Assembly, in accordance with section 9 of the Customs Act, Chapter 82:01, confirm the Customs Duties (Amendment) Order 1995 (No. 29 of 1995), which was made on 30th June, 1995, under section 8 of the Customs Act, Chapter 82:01, and published in an Extraordinary issue of the Official Gazette dated 26th July, 1995.

(Notice Paper No. 83 (M63 Govt51) published 4.8.95)

ADJOURNMENT

At 3.35 p.m., on a motion by the Senior Minister of Agriculture (Leader of the House), the Assembly was adjourned to a date to be fixed.



D.C. JAGAN

Speaker of the National Assembly

PARLIAMENT OFFICE,
Public Buildings,
Georgetown.

10th August, 1995.