

**NATIONAL ASSEMBLY**

**MINUTES OF PROCEEDINGS**  
**OF THE 3RD SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST**  
**SESSION (1998) OF THE SEVENTH PARLIAMENT OF GUYANA HELD**

**AT 2.00 P.M.**

**ON MONDAY, 16TH MARCH, 1998**  
**IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN**

**MEMBERS OF THE NATIONAL ASSEMBLY (76)**

**Speaker (1)**

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

**Members of the Government - People's Progressive Party/Civic (46)**

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

The Hon. Reepu Daman Persaud, O.R., J.P., M.P., Minister of Agriculture and  
Parliamentary Affairs

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

The Hon. Bharrat Jagdeo, M.P., Minister of Finance

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

\*The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P., Minister of Education

The Hon. M. Shree Chan, M.P., Minister of Trade, Tourism and Industry (Absent - on leave)

\*The Hon. Indranie Chandarpal, M.P., Minister of Human Services and Social Security

\*The Hon. Clinton C. Collymore, M.P., Minister in the Ministry of Local Government

\*The Hon. F. Vibert DeSouza, M.P., Minister of Amerindian Affairs

\*The Hon. George E. Fung-On, M.P., Minister of the Public Service

\*The Hon. Dr. Henry B. Jeffrey, M.P., Minister of Health and Labour

The Hon. Moses V. Nagamootoo, J.P., M.P., Minister of Information (Absent - on leave)

The Hon. Harripersaud Nokta, M.P., Minister of Local Government

\*The Hon. Satyadeow Sawh, M.P., Minister of Livestock and Fisheries

The Hon. Gail Teixeira, M.P., Minister of Culture, Youth and Sports

\*The Hon. C. Anthony Xavier, M.P., Minister of Transport and Hydraulics (Absent - on leave)

\*The Hon. Shaik K. Z. Baksh, M.P., Minister of Housing and Water

\*Non-elected Minister

2.

Mr. S. Feroze Mohamed, M.P.

Mr. Cyril C. Belgrave, M.P.

Mr. Donald Ramotar, M.P.

Mr. Fazil M. Ali, M.P.

Mr. Husman Alli, M.P.

Mr. Komal Chand, C.C.H., J.P., M.P.

Mr. Navindranauth O. Chandarpal, M.P.

Mr. Bernard C. DeSantos, S.C., M.P.

Mrs. Shirley V. Edwards, J.P., M.P.

Dr. Hughley H. Hanoman, M.P.

Dr. Cheddi B. Jagan, M.P. (Absent)

Mr. Alston A. Kissoon, M.P.

Dr. Moti Lall, M.P.

Mr. Odinga N. Lumumba, M.P.

Mr. Khemraj Ramjattan, M.P.

Mr. Hari Narayen Ramkarran, S.C., M.P.

Dr. Leslie S. Ramsammy, M.P.

Mr. Lawrence E. Rodney, M.P. (Absent - on leave)

Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P.

Mrs. Pauline R. Sukhai, M.P.

Mr. Winslow M. Zephyr, M.P., Deputy Speaker of the National Assembly

Mr. Joseph M. DeSouza, M.P. (Region No. 1 - Barima/Waini)

Mr. Heeralall Mohan, M.P. (Region No. 2 - Pomeroon/Supenaam)

Mr. Ramratan, M.P. (Region No. 3 - Essequibo Islands/West Demerara)

Mr. Geoffrey A. Fraser, M.P. (Region No. 5 - Mahaica/Berbice)

Mr. Ramsundar Sankat, M.S., M.P. (Region No. 6 - East Berbice/Corentyne)

Mr. Eustace S. Rodrigues, M. S., M.P. (National Congress of Local Democratic Organs)

Mr. Kumkaran Ramdas, M.P. (National Congress of Local Democratic Organs)

/...3

**Members of the Minority (29)****(i) People's National Congress (25)**

Mr. H. Desmond Hoyte, S.C., M.P., Minority Leader (Absent)

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

Mrs. Clarissa S. Riehl, M.P. (Absent)

Mr. Dunstan Barrow, M.P. (Absent)

Dr. Faith A. Harding, M.P. (Absent)

Miss Jean M.G. Persico, A.A., M.P. (Absent)

Mr. Ivor Allen, M.P. (Absent)

Mrs. Cyrilda A. DeJesus, M.P. (Absent)

Mr. Andy Gouveia, M.P. (Absent)

Ms Deborah Backer, M.P. (Absent)

Mr. Colin Bynoe, M.P. (Absent)

Mr. Lance Carberry, M.P. (Absent)

Mr. John S. DeFreitas, M.P. (Absent)

Mr. Milton L. Ganpatsingh, M.P. (Absent)

Mr. Andrew Hicks, M.P. (Absent)

Dr. Dagleish Joseph, M.P. (Absent)

Mr. Kadim Khan, M.P. (Absent)

Mrs. Volda Lawrence, M.P. (Absent)

Mr. Sherwood Lowe, M.P. (Absent)

Mr. Aubrey Norton, M.P. (Absent)

Mr. Neaz Subhan, M.P. (Absent)

Mr. Raphael Trotman, M.P. (Absent)

Mr. Joseph Hamilton, M.P. (Region No. 4 - Demerara/Mahaica) (Absent)

Mr. Kelly Andries, M.P. (Region No. 7 - Cuyuni/Mazaruni) (Absent)

Ms Sandra Adams, M.P. (Region No. 10 - Upper Demerara/Berbice) (Absent)

**(ii) The United Force (2)**

Mr. Manzoor Nadir, M.P.

Mr. Matthew R. Charlie, M.P. (Region No. 9 - Upper Takutu/Upper Essequibo) (Absent)

4.

**(iii) Alliance for Guyana (2)**

Dr. Rupert Roopnaraine, M.P.

Mr. Albertino Peters, M.P. (Region No. 8 - Potaro/Siparuni)

**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 2.05 p.m.

**PRAYERS**

The Clerk read Prayers.

**ANNOUNCEMENTS BY THE SPEAKER**

**Leave**

The Speaker announced that leave had been granted to-

Hon. M. Shree Chan up to 20th March, 1998, and

Hon. C. Anthony Xavier and )

Mr. Lawrence E. Rodney ) for that day's sitting.

**PRESENTATION OF PAPERS AND REPORTS, ETC.-**

**By the Prime Minister:**

Annual Report of the Guyana Fire Service for the year 1996.

(Circulated)

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

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

The Minister of Agriculture and Parliamentary Affairs moved the following motion which was put and carried:

BE IT RESOLVED:

That Standing Order No. 46(2) and (3) be suspended to enable the Assembly to proceed at its sitting on Monday, 16th March, 1998, with the second reading and the remaining stages of the Constitution (Amendment) Bill 1998 - Bill No. 2 of 1998.

(Notice Paper No. 4 (M4 Govt 4) published 10.3.98)

**Change in Order of Business**

A proposal by the Minister of Agriculture and Parliamentary Affairs that Item 2 (Second Reading of the Constitution (Amendment) Bill 1998 - Bill No. 2/1998) be taken before Item 1 (Second Reading of the Electoral Audit (Caricom Agreement) Bill 1998 - Bill No. 1/1998), under Public Business, was agreed to by the Assembly.

**INTRODUCTION OF BILLS**

**Presentation and First Reading**

**CONSTITUTION (AMENDMENT) BILL 1998 - Bill No. 2/1998 published 10.3.98**

The Attorney General and Minister of Legal Affairs, on behalf of the Government, presented the following Bill which was read the first time:

A BILL intituled AN ACT to alter the  
Constitution in accordance with  
articles 66 and 164.

**PUBLIC BUSINESS****BILLS - Second Reading, Committee and Third Reading****ITEM 2 - CONSTITUTION (AMENDMENT) BILL 1998 - Bill No. 2/1998****published 10.3.98****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.

The following Members spoke to the motion:

Dr. Rupert Roopnaraine

Mr. Manzoor Nadir.

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

The motion was then put and carried with the support of the votes of the following thirty-two (32) Members:

Mr. Peters	1	Dr. Lall	1
Dr. Roopnaraine	1	Mr. Kissoon	1
Mr. Nadir	1	Dr. Hanoman	1
Mr. Ramdas	1	Mrs. Edwards	1
Mr. Rodrigues	1	Mr. DeSantos	1
Mr. Sankat	1	Mr. Chandarpal	1
Mr. Fraser	1	Mr. Husman Alli	1
Mr. Ramratan	1	Mr. Fazil Ali	1
Mr. Mohan	1	Mr. Ramotar	1
Mr. DeSouza	1	Mr. Belgrave	1
Mr. Zephyr	1	Mr. Mohamed	1
Mrs. Sukhai	1	Miss Teixeira	1
Mrs. Sahoye-Shury	1	Mr. Nokta	1
Dr. Ramsammy	1	Mr. Rohee	1
Mr. Ramkarran	1	Mr. Persaud	1
Mr. Ramjattan	1	Mr. Hinds	1

32

The Bill was read a second time.

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

**In Committee**

Clauses 1 - 4 were passed as printed.

**Assembly resumed.**

**Third Reading**

Following a motion by the Attorney General and Minister of Legal Affairs that the Constitution (Amendment) Bill 1998, be read the third time, the Bill was supported at the final voting in the Assembly by the votes of the following thirty-three (33) elected Members present:

Mr. Peters	1	Dr. Lall	1
Dr. Roopnaraine	1	Mr. Kissoon	1
Mr. Nadir	1	Dr. Hanoman	1
Mr. Ramdas	1	Mrs. Edwards	1
Mr. Rodrigues	1	Mr. DeSantos	1
Mr. Sankat	1	Mr. Chandarpal	1
		Mr. Chand	1
Mr. Fraser	1	Mr. Husman Alli	1
Mr. Ramratan	1	Mr. Fazil Ali	1
Mr. Mohan	1	Mr. Ramotar	1
Mr. DeSouza	1	Mr. Belgrave	1
Mr. Zephyr	1	Mr. Mohamed	1
Mrs. Sukhai	1	Miss Teixeira	1
Mrs. Sahoye-Shury	1	Mr. Nokta	1
Dr. Ramsammy	1	Mr. Rohee	1
Mr. Ramkarran	1	Mr. Persaud	1
Mr. Ramjattan	1	Mr. Hinds	1
			33

(As this Bill received the support of the votes of less than two-thirds of all the elected Members of the Assembly, it could not, in accordance with article 164 of the Constitution, be submitted to the President for assent.)

**ITEM 1 - ELECTORAL AUDIT (CARICOM AGREEMENT) BILL 1998 - Bill No. 1/1998**

**published 2.3.98**

**Second Reading**

The Attorney General and Minister of Legal Affairs, on behalf of the Minister of Trade, Tourism and Industry, moved the second reading of the following Bill:

A BILL intituled AN ACT to provide for the conduct  
of the Independent Electoral Audit provided for in  
the Caricom Agreement dated 17th January, 1998.

(Read a first time on 5.3.98)

The following Members spoke to the motion:

Mr. Manzoor Nadir  
The Prime Minister  
Dr. Rupert Roopnaraine  
The Minister of Foreign Affairs  
The Minister of Agriculture and  
Parliamentary Affairs.

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

**FOR**

**DECLINED TO VOTE**

Mr. Peters	1
Dr. Roopnaraine	1
Mr. Ramdas	1
Mr. Rodrigues	1
Mr. Sankat	1
Mr. Fraser	1
Mr. Ramratan	1
Mr. Mohan	1
Mr. DeSouza	1
Mr. Zephyr	1
Mrs. Sukhai	1

Mr. Nadir	1
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9.

Mrs. Sahoye-Shury	1
Dr. Ramsammy	1
Mr. Ramjattan	1
Mr. Lumumba	1
Dr. Lall	1
Mr. Kissoon	1
Dr. Hanoman	1
Mrs. Edwards	1
Mr. DeSantos	1
Mr. Husman Alli	1
Mr. Fazil Ali	1
Mr. Ramotar	1
Mr. Belgrave	1
Mr. Mohamed	1
Miss Teixeira	1
Mr. Nokta	1
Mr. Persaud	1
Mr. Hinds	1

29

The Bill was read a second time.

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

### **In Committee**

#### **Clause 1**

The following amendment by Mr. Nadir was put and negatived:

Deletion of “(Caricom Agreement)”.

Clause 1 was passed as printed.

#### **Clause 2**

The following amendments by Mr. Nadir were put and negatived:

Substitution of the following for the definition of “Audit” in paragraph (a):

“Audit” means an independent inquiry to -

- (a) review, in the first stage, the due process of the count on or after 15 December 1997 (including the role of the Elections Commission) with a view to ascertainment of the votes cast for the political parties that contested these elections,

/...10

(b) review aspects of the electoral process including the post-balloting phase;’

Deletion of paragraphs (c) and (d).

Re-numbering of paragraph (e) as paragraph (c).

Deletion of paragraph (f).

Re-numbering of paragraph (g) as paragraph (d).

Substitution of “paragraph 2 (a)” for “paragraph 1 (i)(a) of the Caricom Agreement” in the re-numbered paragraph (d).

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

Substitution of “section 4” for “section 3 “ in paragraph (b).

Deletion of the word “of” where it occurs for the first time in paragraph (d).

Insertion of the following as paragraph (h)-

“(h) references to members or staff of the Elections Commission include references to persons who were members or staff of the Elections Commission at the time of the Elections, whether or not they are members or staff of the Elections Commission at the time of the Audit.”

Clause 2 was passed as amended.

Clause 3 was passed as printed.

**Clause 4**

The following amendments by Mr. Nadir were put and negatived:

Substitution of the following for subsection (1):

“An Audit shall be carried out by an independent Commission, proposed by the Chairman of Caricom and agreed to by the political parties that contested the elections. The terms of reference of the Commission are:

**THE FIRST PHASE:**

- (a) A recount of all ballots cast in the elections
- (b) An examination of the process of the count from the close of polls to the declaration of the final results of the elections by the Elections Commission
- (c) The validity of all relevant documents
- (d) And, the ascertainment of votes that were duly cast for the political parties that contested the elections.

**THE SECOND PHASE:**

- (a) An enquiry into the post-balloting phase of the elections but will not be confined to that phase
- (b) An enquiry into the electoral arrangements as planned and as actually carried out”.

Deletion of subsection (2).

The following amendment by the Attorney General and Minister of Legal Affairs was put and carried:

Insertion of the following after “comprising -” in subsection (1):

- “(a) Honourable Justice Ulric Cross (Chairman), Trinidad and Tobago
- (b) Mr. Justin Daniel, Saint Lucia
- (c) Ms. Carol Jerome-Horsford, Grenada
- (d) Dr. Dinanath Gajadhar, Trinidad and Tobago
- (e) Mr. Noel Lee, Jamaica
- (f) Mr. Frank Phillips, Trinidad and Tobago
- (g) Mr. Denis Smith, Barbados.”

12.

Clause 4 was passed as amended.

Clause 5 was passed as printed.

Clause 6

The following amendment by Mr. Nadir was put and negatived:

Substitution of the following for clause 6

“There shall be a Secretary to the Commission selected from among one of the Commissioners. The Secretary shall perform such functions relating to the work of the Commission as the Commission may determine”.

Clause 6 was passed as printed.

Clauses 7-9 were passed as printed.

Clause 10

The following amendment by Mr. Nadir was put and negatived:

Substitution of the following for clause 10:

“The findings of the first stage of the audit, as certified under the hand of the Chairman of the Audit Commission shall be used to determine the presidency and to allocate seats in the National Assembly and the Regional Democratic Councils, to parties that contested the elections and in accordance with laws of Guyana.”

Clause 10 was passed as printed.

Clauses 11 and 12 were passed as printed.

Clause 13

The following amendment by Mr. Nadir was put and negatived:

Re- numbering of clause 13 as clause 13(a).

Addition of the following as paragraph (b), (c), (d) and (e):

“(b) Each party that contested the elections shall be entitled to have a scrutineer present during the entire audit process

(c) During the Second phase of the audit the Commission shall invite submissions from all contesting parties

(d) Parties that contested the elections shall have the right to question all those giving evidence

(e) The sessions shall be opened to the public.”

Clause 13 was passed as printed.

Clauses 14-17 were passed as printed.

Schedule

The following amendment by Mr. Nadir was put and negatived:

Deletion of the schedule.

The schedule was passed as printed.

Assembly resumed.

Third Reading

On a motion by the Attorney General and Minister of Legal Affairs, the Electoral Audit (Caricom Agreement) Bill 1998 was read the third time and passed as amended.

**ADJOURNMENT**

At 4.56 p.m., on a motion by the Minister of Agriculture and Parliamentary Affairs, the Assembly was adjourned to a date to be fixed.



**D. C. JAGAN**

**Speaker of the National Assembly**

**PARLIAMENT OFFICE,  
PUBLIC BUILDINGS,  
GEORGETOWN.**

**16TH MARCH, 1998.**