

NATIONAL ASSEMBLY

MINUTES OF PROCEEDINGS

ON THE 31ST SITTING OF THE NATIONAL ASSEMBLY OF THE SECOND

SESSION (1990) OF THE FIFTH PARLIAMENT OF GUYANA HELD

AT 2.00 P.M.

ON FRIDAY 28TH SEPTEMBER, 1990

IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

MEMBERS OF THE NATIONAL ASSEMBLY (74)

Speaker (1)

*Cde. Sase Narain, O.R., S.C., J.P., M.P., Speaker of the National Assembly

Members of the Government - People's National Congress (61)

Prime Minister (1)

+Cde. H. Green, M.P., Prime Minister

Other Vice-President and Deputy Prime Minister (1)

+Cde. Viola V. Burnham, O.R., M.P., Vice-President, Culture and Social Development and Deputy Prime Minister

Attorney General and Minister of Legal Affairs (1)

*+Cde. K.S. Massiah, O.R., S.C., M.P., Attorney General and Minister of Legal Affairs

Other Deputy Prime Minister (2)

+Cde. W.A.L.H. Parris, C.C.H., M.P., Deputy Prime Minister, Planning and Development (Absent)

+Cde. R.H.O. Corbin, M.P., Deputy Prime Minister, Public Utilities

Senior Ministers (9)

+Cde. R.E. Jackson, M.P., Minister of Foreign Affairs

+*Cde. C.B. Greenidge, M.P., Minister of Finance (Absent)

+Cde. S. Prashad, M.P., Senior Minister in the Ministry of Planning and Development (Absent-on-Leave)

+Cde. W.S. Murray, C.C.H., M.P., Minister of Trade and Tourism

+Cde. J.R. Thomas, M.P., Minister of Regional Development

Cde. Yvonne V. Harewood-Benn, M.P., Senior Minister in the Office of the President

*Cde. Dr. P.L. McKenzie, A.A., M.P., Minister of Agriculture

Cde. D.M.A. Bernard, M.P., Minister of Education (Absent)

*Cde. J.R. Kranenburg, M.P., Minister of Communications and Works

Ministers (8)

Cde. Urmia E.H. Johnson, M.P., Minister in the Ministry of Regional Development

+Cde. C.G. Sharma, A.A., J.P., M.P., Minister of Labour and Co-operatives

Cde. D. Sawh, M.P., Minister in the Ministry of Public Utilities

*Cde. V.V. Parvatan, M.P., Minister in the Ministry of Agriculture (Absent)

Cde. J.T. Kissack, M.P., Minister in the Office of the Prime Minister

Cde. Dr. Faith A. Harding, M.P., Minister of the Public Service

Cde. Stella Odie-Ali, M.P., Minister of Home Affairs (Absent)

Cde. Jean M.G. Persico, A.A., M.P., Minister in the Ministry of Culture and Social Development

+ Cabinet

* Non-elected Member

Parliamentary Secretary (1)

*Cde. L.E. Scotland, M.P., Parliamentary Secretary, Office of the Prime Minister

Government Chief Whip (1)

Cde. Jennifer A. Ferreira, M.P., Government Chief Whip

Other Members (25)

Cde. K.B. Bancroft, M.P.
Cde. Philomena A. Rayman, M.P.
Cde. A.K. Habibulla, M.P. (Absent)
Cde. E.H.A. Fowler, M.P. (Absent)
Cde. Joyce Gill-Mingo, M.P.
Cde. M. Ally, M.P.
Cde. Elaine B. Davidson, M.P. (Absent)
Cde. H. Doobay, M.P.
Cde. Joyce M. Munroe, J.P., M.P.
Cde. Edwina Melville, M.P.
Cde. Anna Ally, M.P.
Cde. N. Calistro, M.P.
Cde. F.M. Cumberbatch, M.P.
Cde. M.I. Deen, M.P.
Cde. Cyricula A. DeJesus, M.P.
Cde. Edith Deygoo, M.P.
Cde. Clarice A. Edwards, M.P.
Cde. C.L. Geddes, M.P.
Cde. G. Marshall, M.P.
Cde. B. Persaud, J.P., M.P.
Cde. K. Sankar, M.S., M.P. (Absent)
Cde. E.L. Fraser, M.P.
Cde. Mignon D. Griffith, M.P.
Cde. P.E. Rockliffe, M.P.

(There is one Vacancy)

Members from the National Congress of Local Democratic Organs (2)

Cde. Rose I. Semple, M.P.
Cde. P. Singh, J.P., M.P.

Members from the Regional Democratic Councils (10)

Cde. Nellie R. Charles, M.P., (Region No. 7 - Cuyuni/Mazaruni)
Cde. R. Bishop, M.S., M.P., (Region No. 4 - Demerara/Mahaica)
Cde. C. Vandenburg, M.P., (Region No. 10 - Upper Demerara/Berbice)
Cde. Y. Khan, M.P., (Region No. 2 - Pomeroon/Supenaam)
Cde. Enid E. Abrahams, M.S., J.P., M.P., (Region No. 3 - Essequibo Islands/West
(Demerara)
Cde. I. Ally, M.P., (Region No. 8 - East Berbice/Corentyne)
Cde. S.I. McGarrell, M.P., (Region No. 6 - Potaro/Siparuni) (Ab
Cde. M. Stephens, M.P., (Region No. 9 Upper Takutu/Upper Essequibo) (Absent)
Cde. M. Ajoodhia, J.P., M.P., (Region No. 5 - Mahaica/Berbice)
Cde. D. Fernandes, M.P., (Region No. 1 - Barima/Waini) (Absent)

Members of the Minority (11)

(i) People's Progressive Party (6)

Minority Leader (1)

Cde. Dr. C. Jagan, M.P. Minority Leader (Absent)

Deputy Speaker (1)

Cde. Reepu Daman Persaud, J.P., M.P., Deputy Speaker of the National Assembly

Other Members (6)

Cde. Janet Jagai, M.P. (Absent)
Cde. G.C. Collymore, M.P.
Cde. S.F. Mohamed, M.P., Minority Chief Whip
Cde. H. Nokta, M.P. (Absent)
Cde. I. Basir, M.P.
Cde. C.C. Belgrave, M.P.

(ii) United Force (2)

Mr. M.F. Singh, C.C.H., J.P., M.P. (Absent)
Mr. M.A. Abraham, A.A., M.P., (Absent)

(iii) Working People's Alliance (1)

Mr. E. Kwayana, M.P.

OFFICERS

Cde. F.A. Narain, A.A., Clerk of the National Assembly
Cde. G.E.F. Moses, Deputy Clerk of the National Assembly

PRAYERS

The Clerk read Prayers.

ANNOUNCEMENTS BY THE SPEAKER

LEAVE

The speaker announced that leave had been granted to Cde. Prashad for that day's sitting.

PRESENTATION OF PAPERS AND REPORTS, ETC.

(1) By the Minister of Finance:

Tax Laws (Modification) Order 1990 (No. 59 of 1990),
made under section 51 of the Petroleum (Exploration
and Production) Act 1986 (Act No. 3 of 1986), and
published in the Gazette on 13th September, 1990.

(GNRA:18/26/56/1) (circulated)

(2) By the Minister of Regional Development:

- (i) Local Democratic Organs (Areas) Order 1990
(No. 47 of 1990) made under section 4 of the
Local Democratic Organs Act 1990, and published
in the Gazette on 3th August, 1990.

(Circulated)

- (ii) Local Democratic Organs (Neighbourhood Democratic
Councils) Order 1990 (No. 51 of 1990) made under
sections 5 and 12 of the Local Democratic Organs
Act 1980, (no. 12 of 1980), on 10th August, 1990,
and published in the Gazette on 14th August, 1990.

(Circulated)

(3) By the Minister of Agriculture:

Annual Reports (2) of the Guyana Marketing Corporation for the years 1988 and 1989

(Circulated)

REQUEST FOR LEAVE TO MOVE THE ADJOURNMENT OF THE ASSEMBLY ON DEFINITE MATTERS OF URGENT PUBLIC IMPORTANCE -

INCREASE IN PRICE OF FUEL

Mr. Kwayana moved the above amendment this was rejected since the same matter was dealt with earlier and rejected.

PUBLIC BUSINESS

BILL - Second and Third Readings

ITEM 1 - ELECTION LAWS (AMENDMENT) BILL 1990 - Bill No. 26/1990 published 1990-09-18

GAZETTE PUBLICATION OF BILL

Referring to Standing Order No. 46(3), the Deputy Speaker claimed that the Assembly should not proceed with the second reading of the above Bill as it was not published in the Gazette seven days as prescribed by the aforementioned Standing Order.

The Speaker pronounced that the Bill had satisfied all the requirements of the Standing Orders and that therefore it was in order for the Assembly to proceed at that sitting with it.

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

Bill intitled an Act to make certain amendments in the laws relating to elections to choose the President the members of the regional democratic councils and for matters connected therewith.

The Deputy Speaker spoke to the motion.

Mr. Kwayana moved the following amendment which was ruled out of order as the issue was settled:

The word "now" be left out and the following words be added:

"on a day after the expiration of seven days from the date of its publication in the Gazette as required by Standing Order 46(3)".

Mr. Kwayana was speaking to the motion when the time for the suspension was reached.

SUSPENSION OF SITTING

At 4.23 p.m. the sitting was suspended.

RESUMPTION OF SITTING

At 4.30 p.m. the sitting was resumed.

Mr. Kwayana continued and concluded his speech.

Thereafter the Attorney General replied.

The motion was put and carried.

The Bill was read a second time.

The Deputy Speaker moved and Cde. Mohamed seconded that the Bill be referred to a Select Committee.

The motion was put and negatived.

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

In Committee

Clauses 1 and 2 were passed as printed.

Clause 3: Mr. Kwayana moved the following amendment:

Insertion of the following sub-section (11) after sub-section (10):

- (a) Each political party may nominate by writing under the hand of the secretary of the party, persons for appointment as scrutineers and the Commission shall appoint the persons so nominated as scrutineers:

Provided that no one political party may nominate more than one scrutineer for any one division and one scrutineer as chief scrutineer.

- (b) The Commission
- (i) shall, at the request of the political party which nominate a scrutineer, remove him from office;
- (ii) may remove a scrutineer from office, if, in the opinion of the Commission, such scrutineer is unable to perform the functions of his office (whether arising from infirmity of mind or body or any other cause) or has been guilty of misconduct.

- (c) A scrutineer shall be entitled to be present at registration proceedings under the regulations in the division for which he is appointed.

Provided that if he is absent such proceedings shall not on that account be invalidated.

- (d) A scrutineer may inspect any of the following documents whether completed or not, in the possession of the divisional registrar of the division for which he is appointed, namely -
- (i) applications;
- (ii) identity papers;
- (iii) notices of disallowance.
- (e) A scrutineer shall not interfere with a divisional registrar in the performance of his duties.

- (f) A chief scrutineer shall be entitled to be present at registration proceedings in any division and may inspect any of the documents specified in the regulations in the possession of the registrar.
- (g) A scrutineer may submit a claim on behalf of any person in the division for which he is a scrutineer who has, by virtue of this regulation, a right to submit a claim to be registered correctly, as the case may be. Both the scrutineer and the person on whose behalf he
- (h) Scrutineers appointed by the Commission shall be paid by the Commission from monies voted by the National Assembly.

The amendment was put and negatively on the following division:

<u>For</u>	<u>Against</u>
Mr. Kwayana	Cde. Njoodhia 1
Cde. Belgrave 1	Cde. I. Ally 1
Cde. Basir 1	Cde. Abrahams 1
Cde. S.F. Mohamed 1	Cde. Khan 1
Cde. Collymore 1	Cde. Vandenburg 1
Cde. Reepu 1	Cde. Charles 1
Persic 1	Cde. P. Singh 1
	Cde. Semple 1
	Cde. Rockcliffe 1
	Cde. Griffith 1
	Cde. Fraser 1
	Cde. Marshall 1
	Cde. Geddes 1
	Cde. Edwards 1
	Cde. Deygoo 1
	Cde. DeJesus 1
	Cde. Doen 1
	Cde. Calistro 1
	Cde. Melville 1
	Cde. Munroe 1
	Cde. Doobay 1
	Cde. Gill-Mingo 1
	Cde. P. Rayman 1
	Cde. Bancroft 1
	Cde. Ferreira 1
	Cde. Persico 1
	Cde. Kissoon 1
	Cde. Sawh 1
	Cde. Thomas 1
	Cde. Murray 1
	Cde. Jackson 1
	Cde. Corbin 1
	Cde. Burnham 1
	Cde. Green 1
Total: 6	Total: 34

The Deputy Speaker moved the following amendment which was put and negatived.

THAT Clause 3(1) be amended by deleting the words "ONE MONTH" from the first line and substituting therefor the words "TWO MONTHS".

THAT in the proviso of the same clause substitute the words "two months" for the words "One month".

THAT clause 3(2) be deleted and the following clause inserted

"For the purposes of sub section (1) the date with reference to which the preliminary list shall be prepared, under section 14 of the National Registration Act, shall be 31st December, 1990"

THAT Clause 3(3) be renumbered as Clause 3 and the following clause be added as clause 3(3) and all other sub clauses to Clause 3 be appropriately renumbered -

"That the Preliminary list shall be prepared subsequent to registration being carried out pursuant to section 6 (4) of the National Registration Act"

That the following clause be added as clause 3(12) -

"That each political party represented in the National Assembly may nominate by writing under the hand of the Secretary of the Party not more than one scrutineer each to be appointed by the Commission for the purposes of observing the process of registration".

Clause 3 was then passed as printed.

Clause 4 Mr. Kwayana moved the following amendments which were put and negatived.

Addition of the following as subsection (3) and (4).

(3) For the removal of doubt it is hereby declared that the procedures set out in the Representation of the People Act for the counting of votes notwithstanding, the Elections Commission's powers and functions under the Constitution shall include the power if requested to do so by any one Representative of a List or of its own motion to instruct the Chief Elections Officer to order a preliminary count of the votes cast at each polling place and to design and issue the forms on which the votes received by each list and the rejection votes shall be recorded, as well as the procedures to be followed for reporting the preliminary count to the appointed counting places and to the Elections Commission.

(4) Any directions of the Elections Commission to Presiding Officers to allow agents of lists to accompany ballot boxes to the respective counting places be unconditional and include instructions to the Presiding Officers and to the appointed counting officers to allow the said Agents to follow the ballot boxes into the places of counting and to remain in full view of the ballot boxes at all times until the commencement of the counting."

Clause 4 was then passed as printed.

Clauses 5 to 8 were passed as printed.

Clause 9 The following amendment by Mr. Kwayana was put and negatived.

Insertion of the following as subsection 1(c).

- 1 (c) appointed from among persons who hold or have held appointments in an executive or clerical capacity with any firm registered in Guyana under the Companies Act, the Partnership Act, the Co-operative Societies Act, the Trade Union Act or in a non-governmental organisation, or who is a Marriage Officer, qualified Attorney-at-Law, a physician or other professional required to buy a practice certificate under the Tax Act, an entrepreneur or person employed in a teaching capacity."

Clause 10 The following amendment by Mr. Kwayana was put and negatived.

Renumbering of clause 10 as 10(1) and insertion of the following as subsection (2):

Notwithstanding any provision in any Act or in the Public Service Commission Rules, the Commissioner of National Registration and Elections Officer shall be appointed by the Public Service Commission on the unanimous recommendation of the Election Commission signified to the Commission in writing and the number of the Elections Act.

Clause 13

Clause 14 The following amendment by the Deputy Speaker was negatived.

On a motion by the Attorney General and Minister of Legal Affairs the Bill was read the second time and passed as printed.

MOTION

ITEM 2. AFFIRMATION OF THE TAX LAWS (MODIFICATION) ORDER 1990
(No. 59)

The Minister of Trade and Tourism, on behalf of the Minister of Finance moved the following motion which was put and

BE IT RESOLVED:

That this National Assembly affirm the Tax Laws (Modification) Order 1990 (No. 59 of 1990), which was made under section 51 of the Petroleum (Exploration and Production) Act 1986 (No. 3 of 1986) and published in the Gazette on 13th September, 1990.

ADJOURNMENT

At 6.35 p.m., on a motion by the Minister of Regional Development, the Assembly was adjourned to a date to be fixed.

S. NARAIN
SPEAKER

PARLIAMENT OFFICE
Public Buildings
Georgetown.