

NATIONAL ASSEMBLY

ORDER PAPER

FOR THE 124TH SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION

(2006 - 2010) OF THE NINTH PARLIAMENT OF GUYANA TO BE HELD

AT 2.00 P.M.

ON THURSDAY, 3rd JUNE, 2010

IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

BUSINESS FOR SITTING

PRAYERS

OATH OF A NEW MEMBER-

MESSAGES FROM THE PRESIDENT-

ANNOUNCEMENTS BY THE SPEAKER-

PRESENTATION OF PETITIONS-

Private Bill

***By Mr. Donald Ramotar, M.P.**

Petition on behalf of the Guyana and Trinidad Mutual Fire Insurance Company Limited seeking to have introduced in the Assembly a Private Bill to amend the Guyana Trinidad Mutual Fire Insurance Company Limited Ordinance, Chapter 210 of the Kingdom Edition of the Laws of British Guiana (Principal Ordinance).

/...2

***Not to be proceeded with at this sitting**

2.

After the petition is read, the Speaker will put the question that the promoters be allowed to proceed.

(Circulated)

PRESENTATION OF PAPERS AND REPORTS-

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)

ORAL QUESTIONS WITHOUT NOTICE

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)

/...3

3.

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)

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)

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)

4.

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)

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?

5.

(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)

7. DIPLOMATIC PASSPORTS

Member Asking: Mr. Raphael Trotman, M.P.

Minister Answering: The Minister of Foreign Affairs

Could the Honourable Minister say-

What is the criteria used for the issuing of Diplomatic Passports by the Government of Guyana?

(Notice Paper No. 465 (Q334 Opp309) published on 2010-05-13)

6.

For Oral Replies

8. CURRICULA OF SECONDARY SCHOOLS

Member Asking: Mr. Everall Franklin, M.P.

Minister Answering: The Minister of Education

(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)

9. VIOLENCE WITHIN THE SCHOOL SYSTEM

Member Asking: Mr. Everall Franklin, M.P.

Minister Answering: The Minister of Education

*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)

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

Member Asking: Mr. Everall Franklin, M.P.

Minister Answering: The Minister of Education

*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)

STATEMENTS BY MINISTERS, INCLUDING POLICY STATEMENTS-

PERSONAL EXPLANATIONS-

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

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

INTRODUCTION OF BILLS-

PUBLIC BUSINESS -

(i) **GOVERNMENT BUSINESS**

BILLS – Second Readings

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

The Minister of Finance to move 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)

8.

BILLS – Committee and Third Readings

*2. **MARITIME ZONES BILL 2009 – Bill No. 36/2009 published on 2009-10-08**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to repeal and replace the Maritime Boundaries Act 1977, to incorporate certain provisions of the United Nations Convention on the Law of the Sea and the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001, to provide for marine scientific research, maritime cultural area, eco-tourism, marine parks and reserves and mariculture, the protection and preservation of the marine environment and for related matters.

(Read a first time on 2009-10-15)

(Read a second time and committed to the Special Select Committee on 2009-10-29)

*3. **LEGAL PRACTITIONERS (AMENDMENT) BILL 2009 – Bill No. 45/2009 published on 2009-11-26**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to amend the Legal Practitioners Act.

(Read a first time on 2009-11-26)

(Read a second time and committed to the Special Select Committee on 2009-12-21)

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***Not to be proceeded with at this sitting**

9.

BILLS – Second Readings, Committee and Third Readings

*4. **LOCAL GOVERNMENT (AMENDMENT) BILL 2009 – Bill No. 23/2009 published 2009-06-03**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to amend the Local Government Act.

(Read a first time and committed to the Special Select Committee on 2009-06-04)

*5. **FISCAL TRANSFERS BILL 2009 - Bill No. 25/2009 published on 2009-06-11**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to provide for the formulation and implementation of objective criteria for the purpose of the allocation of resources to and the garnering of resources by local democratic organs and for matters connected therewith.

(Read a first time and committed to the Special Select Committee on 2009-06-11)

*6. **MUNICIPAL AND DISTRICT COUNCILS (AMENDMENT) BILL 2009 – Bill No. 26/2009 published on 2009-06-11**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to amend the Municipal and District Councils Act.

(Read a first time and committed to the Special Select Committee on 2009-06-11)

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***Not to be proceeded with at this sitting**

10.

*7. **CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL 2009 –
Bill No. 29/2009 published on 2009-06-25**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to provide for the granting of custody, contact, guardianship and maintenance rights with respect to children and for connected purposes.

(Read a first time and committed to the Special Select Committee on 2009-06-25)

*8. **CHILDCARE AND DEVELOPMENT SERVICES BILL 2009 – Bill No. 31/2009
published on 2009-07-08**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to regulate childcare services and to provide for parameters for the granting of licences for childcare and development services and connected matters.

(Read a first time and committed to the Special Select Committee on 2009-07-09)

(ii) **PRIVATE MEMBERS' BUSINESS**

INTRODUCTION OF BILLS

Presentation and first Readings

*1. **BROADCASTING BILL 2010 – Bill No. 3/2010**

Mr. Khemraj Ramjattan, M.P., is to seek leave to present the following Bill:

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***Not to be proceeded with at this sitting**

A BILL intituled AN ACT to make provision for the establishment of a Broadcasting Authority, to provide for their functions, and to provide for the licensing of broadcasting agencies and the encouragement of production and broadcasting of television and radio programmes having relevance generally to life and culture of the people and for consequential and related matters.

*2. **FREEDOM OF INFORMATION BILL 2006 – Bill No. 26/2006**

Mr. Raphael Trotman, M.P., is to seek leave to present the following Bill:

A BILL intituled AN ACT to give access to information to members of the public.

MOTION

9. **NO CONFIDENCE IN THE MINISTER OF LABOUR, HON. MANZOOR NADIR, M.P.**

Mr. Basil Williams, M.P. to move 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;

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***Not to be proceeded with at this sitting**

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;

14.

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;

15.

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)

(iii) **COMMITTEES BUSINESS**

MOTION

10. **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) to move 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)

BILL – THIRD READING

11. **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) to move 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)

MOTION

12. ADOPTION OF THE REPORT OF THE SPECIAL SELECT COMMITTEE ON PERSONS WITH DISABILITIES BILL 2009

The Minister of Health, (Chairman of the Special Select Committee on Persons with Disabilities Bill 2009) to move the following motion:

BE IT RESOLVED:

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

(Notice Paper No. 466 (M134 Govt 84) published on 2010-05-18)

BILL – THIRD READING

13. PERSONS WITH DISABILITIES BILL 2009 – Bill No. 44/2009 published on 2009-11-19

The Minister of Health, (Chairman of the Special Select Committee on Persons with Disabilities Bill 2009) to move the third reading of the following Bill:

A BILL intituled AN ACT to provide certain rights to persons with disabilities; to provide for the promotion and protection and full and equal enjoyment of the rights; to facilitate the enforcement of the rights; to eliminate discrimination on the basis of disability; to provide for the welfare and rehabilitation of persons with disabilities; to provide for the registration of persons with disabilities; to establish the National Commission on Disabilities; and for connected purposes.

(Read a first time on 2009-11-19)

(Read a second time and committed to the Special Select Committee on 2009-11-26)

MOTION

***14. ADOPTION OF THE REPORT OF THE SPECIAL SELECT COMMITTEE ON
THE IMPACT OF GLOBAL FOOD PRICE INCREASES**

The Minister of Agriculture to move the following motion:

BE IT RESOLVED:

That the Report of the Special Select Committee on the Impact of Global Food Price Increases be adopted.

(Notice Paper No. 455 (M130 Govt 82) published on 2010-03-17)

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S.E. ISAACS
Clerk of the National Assembly

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

28th May, 2010.

***Not to be proceeded with at this sitting**