

*NATIONAL ASSEMBLY OF THE FIRST SESSION OF
THE NINTH PARLIAMENT OF GUYANA (2006-2009)*

*REPORT OF
THE SPECIAL SELECT COMMITTEE
OF THE NATIONAL ASSEMBLY
ON THE
PROTECTION OF CHILDREN BILL 2009
BILL NO. 3 OF 2009*

PRESENTED TO THE NATIONAL ASSEMBLY

*BY
THE CHAIRPERSON OF THE COMMITTEE*

ON

30th April, 2009.



**REPORT OF THE SPECIAL SELECT COMMITTEE OF
THE NATIONAL ASSEMBLY ON THE
PROTECTION OF CHILDREN BILL 2009 – BILL NO. 3 OF 2009**

Publication

1. The Protection of Children Bill 2009 (Bill No. 3 of 2009) which seeks to provide for the protection of children at risk, children in difficult circumstances, children in general and for related matters was published on 14th January, 2009.

Introduction and First Reading

2. The Bill was introduced in the National Assembly and read for the first time on 15th January, 2009.

Committal to Select Committee

3. Following its first reading the Bill was committed by the National Assembly for consideration by a Special Select Committee on 22nd January, 2009.

Members of the Special Select Committee

4. At a meeting held on the **29th January, 2009** the Committee of Selection nominated the following Members to comprise the Special Select Committee to consider the Protection of Children Bill 2009.

Members of the People's Progressive Party/Civic (PPP/C) (6)

The Hon. Dr. Frank C.S. Anthony, M.P

The Hon. Priya D. Manickchand, M.P.

The Hon. Dr. Desrey Fox, M.P.

Mrs. Shirley V. Edwards, M.P.

Mr. Mohamed F. Khan, M.P.

Rev. Kwame Gilbert, M.P.

Members of the People's National Congress Reform – 1 Guyana

(PNC/R-IG) (3)

Mrs. Clarissa S. Riehl, M.P.

Mrs. Volda A Lawrence, M.P.

Mr. Mervyn Williams, M.P.

Member of the Alliance For Change (AFC) (1)

Mrs. Latchmin Punalall, M.P.

First Meeting of the Committee – Election of Chairperson

5. At its first meeting held on **Monday, 9th February, 2009**, the Committee elected the Hon. Priya D. Manickchand, M.P., Minister of Human Services and Social Security as Chairperson of the Special Select Committee.

Statutory Meeting

6. At the second meeting held on **4th March, 2009**, the Committee agreed to meet once per week on Wednesdays at 3.00 p.m., with a minimum of four hours deliberations .

Other Meetings of the Committee

7. The Committee met on 5 other occasions as follows:-

3rd Meeting held on Monday, 9th March, 2009

4th Meeting held on Wednesday, 18th March, 2009

5th Meeting held on Wednesday, 25th March, 2009

6th Meeting held on Wednesday, 1st April, 2009

7th Meeting held on Wednesday, 22nd April, 2009.

Procedure

8. At the first meeting, Members were informed that the Protection of Children Bill - Bill No. 3 of 2009 was drafted between 1999 and 2007 by the Guyana Association of Women Lawyers (GAWL), in collaboration with the Chambers of the Attorney General and included suggestions/recommendations from consultations with stakeholders, children, adults and Opposition Members. The last set of public consultations on the Bill were held in November, 2006.

9. The Committee agreed that there was no need to invite submissions from members of the public on the Bill since it represented the finished product that reflected the recommendations

and suggestions made by the contributors during the consultation process.

9 (a) It was then agreed that:-

- (i) the Bill would be considered Clause by Clause during its consideration;
- (ii) Clauses 1 to 40 would be considered on Monday, 9th March, 2009, since Wednesday, 11th March, 2009 was a public holiday;
- (iii) Clauses 40 to 64 would be considered on Wednesday, 18th March, 2009; and
- (iv) the meeting held on 25th March, 2009 would be used to conclude consideration of the Bill.

9 (b) It was also agreed that the same methodology would be adopted in the considerations of the other Bills, commencing with the Status of Children Bill 2009 (Bill No. 5 of 2009) followed by the Adoption of Children Bill 2009 (Bill No. 6 of 2009).

Consideration of Bill

10. The Committee considered the Short Title, Clauses and Preamble of the Bill.

11. The following Clauses were amended:-

2, 3, 6, 7, 8, 9, 14, 21, 25, 29, 30, 34, 37, 45, 46, 50, 52, 54, 55, 57, 61 and 62.

12. The following Clauses were unaltered :-

1, 4, 5, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23, 24, 26, 27, 28, 31, 32, 33, 35, 36, 38, 39, 40, 41, 42, 43, 44, 47, 48, 49, 51, 53, 56, 58, 59, 60, 63 and 64.

13. The details of the amendments to the Bill are attached at Appendix 1.

Report of the Special Select Committee

14. At its meeting held on **Wednesday, 22nd April 2009**, the Special Select Committee on the Protection of Children Bill agreed that this Report on its consideration of the Bill should be presented to the National Assembly.

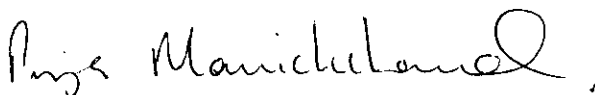
15. The Report is accordingly hereby submitted.

Minutes

16. The Minutes of Proceedings of the Committee are at Appendix II

Verbatim Records

17. Verbatim Records of the proceedings of the Committee have been prepared and are available at the Parliament Office.



Hon. Priya D. Manickchand, M.P.,
Minister of Human Services and Social Security,
Chairperson

Committees Division
Parliament Office
Public Buildings
Brickdam,
Georgetown.

.....^{28th}April, 2009.



Appendix 1

Clause by Clause consideration of the Protection of Children Bill 2009- Bill No. 3 of 2009

PART I - PRELIMINARY	
Clauses of Present Bill	Amendments to Clauses – New Clause/Remarks
Clause 1	Clause 1 was unaltered.
Clause 2 except that in the case where a child has special needs that child shall be a child under this Act regardless of his age;	Clause 2 (1) except that in the case where a person has special needs that person shall be a child under this Act regardless of his age;
PART II – GENERAL PRINCIPLES	
Clause 3 This Part shall be interpreted and administered in accordance with the following principles-	Clause 3 This Act shall be interpreted and administered in accordance with the following principles and due consideration must be given to these principles by the court or any other body or entity that is charged with the administration of these provisions-
(a). the overriding and paramount consideration in any decision made under this Act shall be in the best interests of the child;	(a). the overriding and paramount consideration in any decision made under this Act shall be the best interests of the child;
Clause 4	Clause 4 was unaltered
Clause 5	Clause 5 was unaltered

<p>PART III – PROTECTIVE INTERVENTION</p> <p>Clause 6</p> <p>Paragraph (d) is, or is at risk of, being sexually abused or exploited by a person and the child’s parent does not protect the child;</p> <p>Paragraph (j)(iv) is being exposed to drugs or obscene printed material or objects.</p>	<p>Clause 6</p> <p>Paragraph (d) is, or is at risk of, being sexually abused or exploited by a person and the child’s parent, guardian or person in whose care the child is left does not protect the child;</p> <p>Paragraph (j)(iv) is being exposed to drugs or obscene material or objects.</p>
<p>Clause 7</p> <p>Subsection(5)(b)</p> <p>a school principal, teacher, social worker, family counselor, religious leader, operator or employee of a child care service;</p>	<p>Clause 7</p> <p>Subsection (5)(b)</p> <p>a school principal, teacher, social worker, family counselor, coach, religious leader, operator or employee of a child care service;</p> <p>Inclusion of two new items as subsections (f) and (g) to read as follows:-</p> <p>(5)(f) “a person who is entrusted with the care of children”.</p> <p>(5)(g) “a mediator”.</p>
<p>Clause 8</p> <p>Subsection (2)(d) refer the child and family to other resources; or</p>	<p>Clause 8</p> <p>Subsection (2)(d) refer the child and family to other services; or</p>

<p>Clause 9</p> <p>A person who has custody of a child or a person who is entrusted with the care of a child shall, at a place where the child is located, permit the child to be visited and interviewed by the Director, a social worker or someone duly appointed by the Director, in private where in the opinion of the Director or social worker or that person appointed, it is appropriate to do so.</p>	<p>Clause 9</p> <p>A person who has custody of a child or a person who is entrusted with the care of a child shall, at a place where the child is located, permit the child to be visited and interviewed by the Director, a social worker or someone duly appointed by the Director, in private where in the opinion of the Director or social worker or that person appointed, it is appropriate or necessary to do so.</p>
<p>PART IV – COURT PROCEEDINGS</p>	
<p>Clause 10</p>	<p>Clause 10 was unaltered</p>
<p>Clause 11</p>	<p>Clause 11 was unaltered</p>
<p>Clause 12</p>	<p>Clause 12 was unaltered</p>
<p>Clause 13</p>	<p>Clause 13 was unaltered</p>
<p>Clause 14</p> <p>Subsection (1)</p> <p>In the event that the various types of intervention as provided for in section 8 have failed and a Director or social worker believes that a child is in need of protective intervention, he shall obtain an order of Court to remove a child.</p> <p>Subsection (6)</p> <p>For the avoidance of doubt where the Director or social worker determines that it is in the best interest of the child to be removed from a restricted environment, the Director or social worker shall so remove the child and shall as soon as practicable thereafter make an application to the Court seeking direction for the child's care and placement.</p>	<p>Clause 14</p> <p>Subsection (1)</p> <p>In the event that the various types of intervention as provided for in section 8 have failed and the Director or social worker believes that a child is in need of protective intervention, he shall obtain an order of Court to remove a child.</p> <p>Subsection (6)</p> <p>For the avoidance of doubt where the Director or social worker determines that it is in the best interest of the child to be removed from a particular environment, the Director or social worker shall so remove the child and shall as soon as practicable thereafter make an application to the Court seeking direction for the child's care and placement.</p>

Clause 15	Clause 15 was unaltered
Clause 16	Clause 16 was unaltered
Clause 17	Clause 17 was unaltered
Clause 18	Clause 18 was unaltered
Clause 19	Clause 19 was unaltered
Clause 20	Clause 20 was unaltered
<p>Clause 21</p> <p>Subsection (2)(b)</p> <p>that the child be placed in the custody of a person or organization other than the parent from whom the child was removed, with the consent of the other person or organisation; or</p>	<p>Clause 21</p> <p>Subsection (2)(b)</p> <p>that the child be placed in the custody of a person or organization other than the parent home or environment from which the child was removed, with the consent of the other person or organisation; or</p>
Clause 22	Clause 22 was unaltered
Clause 23	Clause 23 was unaltered
Clause 24	Clause 24 was unaltered
<p>Clause 25(1)</p> <p>Where the Director has been granted a temporary order under section 20, the Director has custody of the child for the specified period and has the right to make all decisions regarding the child during the specified period, but the Director shall not consent-</p>	<p>Clause 25(1)</p> <p>Where the Director has been granted a temporary order under section 20, the Director has custody of the child for the specified period and shall have the right to make all decisions regarding the child during the specified period, but the Director shall not consent-</p>
Clause 26	Clause 26 was unaltered
Clause 27	Clause 27 was unaltered
Clause 28	Clause 28 was unaltered

<p>Clause 29</p> <p>Subsection (1)</p> <p>Where a child is returned to the parent or other person who previously had care of he child before a Court for a protective intervention hearing, the Director or social worker shall –</p>	<p>Clause 29</p> <p>Subsection (1)</p> <p>Where a child is returned to the parent or other person who previously had care of the child before a Court for a protective intervention hearing, the Director or social worker shall –</p>
<p>PART V – GENERAL COURT MATTERS</p> <p>Clause 30</p> <p>Subsection (2)</p> <p>A special measures directions may provide for the wearing of gowns to be dispensed with during the giving of the witness's evidence.</p> <p>Subsection (3)(b)</p> <p>an oral or written statement which may be video-taped; and</p>	<p>Clause 30</p> <p>Subsection (2)</p> <p>A special measures directions may provide for the wearing of gowns to be dispensed with while a witness is testifying or during any other part of the proceedings;</p> <p>Subsection (3)(b)</p> <p>an oral or written statement which may have been video-taped; and</p>
<p>Clause 31</p>	<p>Clause 31 was unaltered</p>
<p>Clause 32</p>	<p>Clause 32 was unaltered</p>
<p>Clause 33</p>	<p>Clause 33 was unaltered</p>
<p>Clause 34</p> <p>(a). shorten the time period to serve a notice under this Act, or</p>	<p>Clause 34</p> <p>(a). shorten the time period to perform any act under this Act, or</p>
<p>Clause 35</p>	<p>Clause 35 was unaltered</p>
<p>Clause 36</p>	<p>Clause 36 was unaltered</p>

<p>Clause 37</p> <p>Subsection (1) A person shall not disclose, or be compelled to disclose, at a hearing under this Act, information obtained in a family conference, mediation or other means of alternative dispute resolution, except-</p> <p>Subsection (2) A person who discloses in the media information that may lead to identification of a child commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars.</p>	<p>Clause 37</p> <p>Subsection (1) A person shall not disclose, or be compelled to produce or disclose, at a hearing under this Act, information obtained in a family conference, mediation or other means of alternative dispute resolution, except-</p> <p>Insertion of a new paragraph (d) to read as follows:-</p> <p>(d) where the disclosure is necessary for the performance of the duties of the Director or a Social Worker acting in the best interest of the child.</p> <p>Paragraph (d) was renumbered as (e)</p> <p>Subsection (2) A person who publishes or discloses to anyone information that may lead to identification of a child commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars.</p>
<p>Clause 38</p>	<p>Clause 38 was unaltered</p>
<p>Clause 39</p>	<p>Clause 39 was unaltered</p>
<p>Clause 40</p>	<p>Clause 40 was unaltered</p>
<p>Clause 41</p>	<p>Clause 41 was unaltered</p>
<p>Clause 42</p>	<p>Clause 42 was unaltered</p>
<p>Clause 43</p>	<p>Clause 43 was unaltered</p>

Clause 44	Clauses 44 was unaltered
<p>Clause 45</p> <p>A child who is removed from a person caring for the child, shall be entitled to counselling.</p>	<p>Clause 45</p> <p>A child who is removed from a person caring for the child shall be counselled.</p>
<p>Clause 46</p> <p>Subsection (2)</p> <p>A person who has the custody of a child other than temporary custody has the right to and shall, on request, be given access to information including information about the child referred to in subsection (1).</p>	<p>Clause 46</p> <p>Subsection (2)</p> <p>A person who has custody of a child other than temporary custody has the right to and shall, on request, be given access to information including information about the child referred to in subsection (1).</p>
Clause 47	Clause 47 was unaltered
Clause 48	Clause 48 was unaltered
Clause 49	Clause 49 was unaltered
<p>Clause 50</p> <p>Subsection (1)(a)</p> <p>a drug, including a narcotic substance, which is or, is such quantity that it may be harmful to the child;</p> <p>Subsection (1)(d)</p> <p>another obscene object; or</p> <p>Subsection (2)</p> <p>A person who is a holder of a license who employs a child on a licensed premise that sells intoxicating liquor under the Intoxicating Liquor Licensing Act commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars, or to a term of imprisonment of six months.</p>	<p>Clause 50</p> <p>Subsection(1)(a)</p> <p>a drug or substance, which is or, is such quantity that it may be harmful to the child;</p> <p>Subsection(1)(d)</p> <p>any other obscene object, or</p> <p>Subsection (2)</p> <p>A person who employs a child on premises that sells intoxicating liquor commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars, or to a term of imprisonment of six months.</p>

<p>Subsection (3)</p> <p>A person who employs a child in an establishment to engage in acts of prostitution commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars, or to a term of imprisonment of one year.</p>	<p>Subsection(3)</p> <p>A person who employs a child in an establishment to engage in acts of prostitution commits an offence and is liable on summary conviction to a fine of four hundred thousand dollars, together with a term of imprisonment of not less than six months.</p>
<p>Clause 51</p>	<p>Clause 51 was unaltered</p>
<p>Clause 52</p> <p>Subsection 2 (c)</p> <p>An attorney-at-law assigned to or employed by the Georgetown Legal Aid Clinic.</p>	<p>Clause 52</p> <p>Subsection 2 (c)</p> <p>An attorney-at-law assigned to or employed by a recognized Legal Aid provider.</p>
<p>Clause 53</p>	<p>Clause 53 was unaltered</p>
<p>Clause 54</p> <p>Subsection 2 (b)</p> <p>That an individual has resigned or retired in circumstances where the organisation would have considered dismissing that individual, on the grounds if he had not resigned or retired;</p> <p>Subsection 2 (c)</p> <p>Insertion of a new subsection</p>	<p>Clause 54</p> <p>Subsection 2 (b)</p> <p>That an individual has resigned or retired in circumstances where the organisation would have considered dismissing that individual, on the grounds of misconduct or that he was convicted of a sexual offence if he had not resigned or retired;</p> <p>Subsection 2 (c)</p> <p>"The individual was convicted of a sexual offence."</p>
<p>Clause 55</p> <p>Subsection (5)</p> <p>Where the misconduct of which the individual is alleged to have been guilty is the subject of any civil or criminal proceedings, an application for leave under subsection (2) may not be made before the end of the period of one month immediately following the final determination of the proceedings.</p>	<p>Clause 55</p> <p>Subsection (5)</p> <p>Where the misconduct of which the individual is alleged to have been guilty is the subject of any civil or criminal proceedings, an application under subsection (2) may not be made before the end of the period of one month immediately following the final determination of the proceedings.</p>

Clause 56	Clause 56 was unaltered
<p>Clause 57</p> <p>Subsection (1)</p> <p>There shall be established a Board to be known as the Child Protection Board comprising of three persons including a Social Worker and an Attorney-at-Law, which shall exercise the jurisdiction conferred on it by or under this Act.</p> <p>Subsection(5)</p> <p>An appeal shall lie to the High Court from a decision of the Board by originating summons.</p>	<p>Clause 57</p> <p>Subsection (1)</p> <p>There shall be established a Board to be known as the Child Protection Board comprising of five persons including a Social Worker and an Attorney-at-Law, which shall exercise the jurisdiction conferred on it by or under this Act.</p> <p>Subsection (5)</p> <p>An appeal shall lie to the High Court from a decision of the Board.</p>
Clause 58	Clause 58 was unaltered
Clause 59	Clause 59 was unaltered
Clause 60	Clause 60 was unaltered
<p>Clause 61</p> <p>An appeal lies from a decision of a Court under this Act to the Court of appeal.</p>	<p>Clause 61</p> <p>An appeal lies from a decision of a Court under this Act to the Court of Appeal.</p>
<p>Clause 62</p> <p>The Minister may make regulations to give effect to the purpose of this Act and these regulations shall be subject to negative resolution of the national Assembly.</p>	<p>Clause 62</p> <p>The Minister may make regulations to give effect to the purpose of this Act and these regulations shall be subject to negative resolution of the National Assembly.</p>
Clause 63	Clause 63 was unaltered
Clause 64	Clause 64 was unaltered



APPENDIX II



THE NATIONAL ASSEMBLY OF THE FRIST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2009)

MINUTES OF THE

1ST MEETING OF THE SPECIAL SELECT COMMITTEE ON THE:

- (1) PROTECTION OF CHILDREN BILL 2009 -BILL NO. 3 OF 2009
 - (2) STATUS OF CHILDREN BILL 2009- BILL NO. 5 OF 2009
 - (3) ADOPTION OF CHILDREN BILL 2009- BILL NO. 6 OF 2009
- HELD ON MONDAY 9TH FEBRUARY, 2009 IN THE
SPEAKER'S CHAMBER, PUBLIC BUILDAING, BRICKDAM,
GEORGETOWN.

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

The Hon. Hari N. Ramkarran, S.C., M.P. Speaker
(As Presiding Officer for the election of the Chairman)

From the People's Progressive Party/ Civic (PPP/C) (6)
(Nominated by the Committee of Selection on 29th January, 2009)

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

The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security

The Hon. Dr. Desrey Fox, M.P.
Minister in the Ministry of Education

Mrs. Shirley V. Edwards, M.P.

Mr. Mohamed F. Khan, M.P.

Rev. Kwame Gilbert, M.P.

From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)
(Nominated by the Committee of Selection on 29th January, 2009)

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

Mrs. Volda A. Lawrence, M.P.

Mr. Mervyn Williams, M.P.

From the Alliance For Change (AFC) (1)
(Nominated by the Committee of Selection on 29th January, 2009)

Mrs. Latchmin Punalall, M.P.

Officers

Mr. Sherlock E. Isaacs	- Clerk of the National Assembly
Ms. Debra H. Cadogan	- Head of Committees Division (Ag)
Mr. Nickalai Pryce	- Assistant Clerk of Committees

ITEM 1: CALL TO ORDER

- 1.1 The Speaker as Presiding Officer for the election of a Chairman for the Committee called the meeting to order at 4.30 p.m.

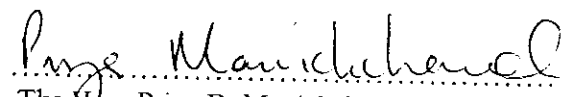
ITEM 2: ELECTION OF CHAIRMAN OF THE SPECIAL SELECT COMMITTEE ON THE PROTECTION OF CHILDREN BILL 2009 - BILL NO. 3 OF 2009, STATUS OF CHILDREN BILL 2009- BILL NO. 5 OF 2009 AND ADOPTION OF CHILDREN BILL 2009- BILL NO. 6 OF 2009.

- 2.1 The Speaker called for nominations of a Chairman for the Committee.
- 2.1.1 The Hon. Hon. Dr. Frank C.S. Anthony proposed and Mr. Mervyn Williams seconded the nomination of the Hon. Priya D. Manickchand, M.P.
- 2.1.2 There being no other nomination, the Speaker declared the Hon. Priya D. Manickchand, M.P. as Chairman of the Committee.

ADJOURNMENT

At 4.32 p.m. the meeting was adjourned *sine die*.

Confirmed this ... 4th ... day of March, 2009


The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security
Chairperson

THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006 -2009)

MINUTES OF THE
2ND MEETING OF THE SPECIAL SELECT COMMITTEE ON THE:

- (1) PROTECTION OF CHILDREN BILL 2009 – BILL NO. 3 OF 2009
- (2) STATUS OF CHILDREN BILL 2009 – BILL NO. 5 OF 2009
- (3) ADOPTION OF CHILDREN BILL 2009 – BILL NO. 6 OF 2009

HELD AT 3.10 P.M
ON WEDNESDAY, 4TH MARCH, 2009
IN THE COMMITTEE ROOM NO.2, PUBLIC BUILDINGS, BRICKDAM,
GEORGETOWN

MEMBERS OF THE COMMITTEE (10)

CHAIRPERSON PPP/C (1)

(Nominated by the Committee of Selection on 29th January, 2009)

(Elected by the Committee on 9th February, 2009)

The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security

Other Members

From the People's Progressive Party/Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 29th January, 2009)

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

The Hon. Dr. Desrey Fox, M.P.
Minister in the Ministry of Education

Mrs. Shirley V. Edwards, M.P.

Mr. Mohamed F. Khan, M.P.

Rev. Kwame Gilbert, M.P.

From the People's National Congress Reform – 1 Guyana (PNCR – 1G) (3)

(Nominated by the Committee of Selection on 29th January, 2009)

Mrs. Clarissa S. Riehl, M.P.

Mrs. Volda A. Lawrence, M. P. - (Excused)

Mr. Mervyn Williams, M.P.

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 29th January, 2009)

Mrs. Latchmin Punalall, M.P

Officers

Ms Sherene Warren - Clerk of Committee
Ms Tanzadell Bentinck - Assistant Clerk of Committee

Also in Attendance

Mr. Paul Fung-A-Fat - Deputy Chief Parliamentary Counsel

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the meeting to order at 3.10 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 **Excuses**

2.1.1 The meeting was informed that Mrs. Volda A. Lawrence, M. P. had indicated that she would be late.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the Meeting:-

- (i) Notice dated 27th February, 2009, to attend the 2nd Meeting of the Committee; and
- (ii) Minutes of the 1st Meeting held on 9th of February, 2009.

3.2 The following documents were circulated at the Meeting:-

- (i) Protection of Children Bill 2009 – Bill No. 3 of 2009
- (ii) Status of Children Bill 2009 – Bill No. 5 of 2009
- (iii) Adoption of Children Bill 2009 – Bill No. 6 of 2009

5.2 Methodology , Time and Schedule of Meetings

5.2.1 From the discussion which followed, the Committee agreed to:-

- have scheduled meetings on Wednesdays from 3.00pm
- to consider the Bills one at a time, commencing with Bill No. 3 followed by Nos. 5 and 6.
- meet on Monday, 9th March, 2009 at 3.00 pm to commence consideration of the Protection of Children Bill Clauses 1 to 40.
- to consider Clauses 41 to 64 on Wednesday, 18th March, 2009 and to conclude its work on Bill No. 3 on the 25th March, 2009 .

5.2.2 Thereafter, the Chairperson informed the Committee that even though a representative from the Attorney General's Chambers would be in attendance in future meetings, since the Bills were drafted by the Guyana Association of Women Lawyers (GAWL), a representative from the GAWL would be in attendance to give advice/clarification to the Committee if necessary.

5.2.3 She further informed the Committee that if Members had queries they could contact her via telephone or Ms. Emily Dodson of the GAWL who was responsible for the drafting of Bill No. 3.

5.2.4 The Chairperson made reference to the amendments she had circulated at the meeting and suggested that Members study the Bill(s) and highlight areas of concern for discussion at the next meeting.

5.2.5 On advice of the Clerk of the Committee, the Chairperson informed Members that they can also send their amendments/suggestions prior to the meeting to the Committees Division email address so that it could be reproduced and circulated at the meeting. The email address was noted as committees_division@yahoo.com.

5.2.6 The Chairperson further undertook to send an email with all the addresses which can be formulated into a contact group to facilitate Members' responses since, she opined that the Committee would be working consistently.

ITEM 6:

TO COMMENCE CONSIDERATION OF THE:

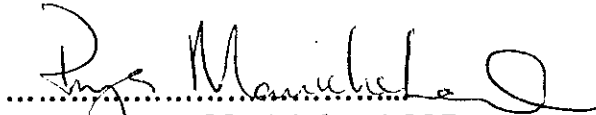
- (1) **PROTECTION OF CHILDREN BILL 2009 – BILL NO. 3 OF 2009**
- (2) **STATUS OF CHILDREN BILL 2009 – BILL NO. 5 OF 2009**
- (3) **ADOPTION OF CHILDREN BILL 2009 – BILL NO. 6 OF 2009.**

6.1 This item was deferred to the next meeting of the Committee.

Adjournment

At 3.45 p.m., the meeting was adjourned to 3:00 pm on Monday, 9th March, 2009.

Confirmed this^{9th}.....day of March, 2009


.....
The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security
Chairperson



THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006 -2009)

MINUTES OF THE
3RD MEETING OF THE SPECIAL SELECT COMMITTEE ON THE:

- (1) PROTECTION OF CHILDREN BILL 2009 – BILL NO. 3 OF 2009
- (2) STATUS OF CHILDREN BILL 2009 – BILL NO. 5 OF 2009
- (3) ADOPTION OF CHILDREN BILL 2009 – BILL NO. 6 OF 2009

HELD AT 3.10 P.M
ON MONDAY, 9TH MARCH, 2009
IN THE COMMITTEE ROOM NO.2, PUBLIC BUILDINGS, BRICKDAM,
GEORGETOWN

MEMBERS OF THE COMMITTEE (10)

CHAIRPERSON PPP/C (1)

(Nominated by the Committee of Selection on 29th January, 2009)

(Elected by the Committee on 9th February, 2009)

The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security

Other Members

From the People's Progressive Party/Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 29th January, 2009)

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

The Hon. Dr. Desrey Fox, M.P.
Minister in the Ministry of Education

Mrs. Shirley V. Edwards, M.P.

Mr. Mohamed F. Khan, M.P.

Rev. Kwame Gilbert, M.P.

From the People's National Congress Reform – 1 Guyana (PNCR – 1G) (3)

(Nominated by the Committee of Selection on 29th January, 2009)

Mrs. Clarissa S. Riehl, M.P.

Mrs. Volda A. Lawrence, M. P. - (Excused)

ITEM 4

**CORRECTIONS AND CONFIRMATION OF MINUTES OF THE
2ND MEETING HELD ON THE 4TH MARCH, 2009**

- 4.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by Mrs. Shirley V. Edwards and Mrs. Latchmin Punalall, respectively.

ITEM 5:

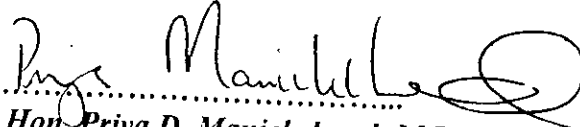
**TO COMMENCE CONSIDERATION OF THE PROTECTION OF
CHILDREN BILL 2009 – BILL NO. 3 OF 2009.**

- 5.1 The Committee proceeded to consider the Bill, Clause by Clause.
- 5.1.1 Clauses 1,4,5,10,11,12,13,15,16,17,18,19,20,22,23,24,26,27,28,31,32, 33,35,36,38,39 and 40 were *accepted as presented*.
- 5.1.2 Clauses 6,25,34 and 37 were *deferred*.
- 5.1.3 Clauses 2,3,7,8,9,14,21,29 and 30 were *accepted as amended*.
- 5.1.4 Amendments made to the Bill have been appended to the Minutes.
- 5.1.5 See matrix for amended and deferred clauses.

Adjournment

At 6.50 p.m., the meeting was adjourned to 3:00 pm on Wednesday, 18th March, 2009.

Confirmed this18th.....day of March, 2009


.....
The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security
Chairperson

<p>Paragraph (d) is, or is at risk of, being sexually abused or exploited by a person and the child's parent does not protect the child;</p> <p>Paragraph (j)(iv) is being exposed to drugs or obscene printed material or objects.</p>	<p>Paragraph (d) is, or is at risk of, being sexually abused or exploited by a person and the child's parent guardian or person in whose care the child is left does not protect the child;</p> <p>Paragraph (i) was deferred pending consideration on what "living situation" should include.</p> <p>Paragraph (j)(iv) is being exposed to drugs or obscene material or objects.</p> <p>This item was deferred pending further discussion on what constitutes the meaning "exposed to drugs".</p> <p>Clause 6 was then deferred</p>
<p>Clause 7</p>	<p>Clause 7</p> <p>Inclusion of a new item as Subsection (5)(f) to read as follows:- "a person who is entrusted with the care of children".</p> <p>Clause 7 was accepted as amended.</p>
<p>Clause 8 Subsection (2)(d) refer the child and family to other resources; or</p>	<p>Clause 8 Subsection (2)(d) refer the child and family to other services; or</p> <p>Clause 8 was then accepted as amended</p>
<p>Clause 9 A person who has custody of a child or a person who is entrusted with the care of a child shall, at a place where the child is located, permit the child to be visited and interviewed by the Director, a social worker or someone duly appointed by the Director, in private where in the opinion of the Director or social worker or that person appointed, it is appropriate to do so.</p>	<p>Clause 9 A person who has custody of a child or a person who is entrusted with the care of a child shall, at a place where the child is located, permit the child to be visited and interviewed by the Director, a social worker or someone duly appointed by the Director, in private where in the opinion of the Director or social worker or that person appointed, it is appropriate or necessary to do so.</p> <p>Clause 9 was then accepted as amended.</p>

<p>wearing of gowns to be dispensed with during the giving of the witness's evidence.</p> <p>Subsection (3)(b) an oral or written statement which may be video-taped; and</p>	<p>wearing of gowns to be dispensed with during the giving of a witness's evidence or during any other part of the proceedings;</p> <p>Subsection (3)(b) an oral or written statement which may have been video-taped; and</p> <p>Clause 30 was then accepted as amended</p>
<p>Clause 34</p>	<p>Clause 34 was deferred pending further consideration to paragraph (a)</p>
<p>Clause 37 Subsection (2) A person who discloses in the media information that may lead to identification of a child commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars.</p>	<p>Clause 37 Subsection (2) A person who published or discloses in the media information that may lead to identification of a child commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars.</p> <p>Clause 37 was deferred for further consideration of Subsection (1)(d).</p>

THE NATIONAL ASSEMBLY OF THE FRIST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2009)

MINUTES OF THE
4th MEETING OF THE SPECIAL SELECT COMMITTEE ON THE:

- (1) PROTECTION OF CHILDREN BILL 2009 -BILL NO. 3 OF 2009
- (2) STATUS OF CHILDREN BILL 2009- BILL NO. 5 OF 2009
- (3) ADOPTION OF CHILDREN BILL 2009- BILL NO. 6 OF 2009

HELD AT 3.15 P.M

WEDNESDAY 18TH MARCH, 2009

IN THE PARLIAMENT CHAMBER, PUBLIC BUILDAING, BRICKDAM,
GEORGETOWN.

MEMBERS OF THE COMMITTEE (10)

CHAIRPERSON (1)

(Nominated by the Committee of Selection on 29th January, 2009)

(Elected by the Committee on 9th February, 2009)

The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security

From the People's Progressive Party/ Civic (PPP/C) (6)

(Nominated by the Committee of Selection on 29th January, 2009)

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

The Hon. Dr. Desrey Fox, M.P.
Minister in the Ministry of Education

Mrs. Shirley V. Edwards, M.P.

Mr. Mohamed F. Khan, M.P.

Rev. Kwame Gilbert, M.P.

From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)

(Nominated by the Committee of Selection on 29th January, 2009)

Mrs. Clarissa S. Riehl, M.P. - (Excused)
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P.

Mr. Mervyn Williams, M.P.

From the Alliance For Change (AFC) (1)
(Nominated by the Committee of Selection on 29th January, 2009)

Mrs. Latchmin Punalall, M.P. - (Excused)

Officers

Ms. Jocette Bacchus - Clerk of Committee
Mr. Nickalai Pryce - Assistant Clerk of Committees

Also in Attendance

Mr. Paul Fung- A- Fat - Deputy Chief Parliamentary Counsel
Ms. Emily Dodson - Attorney- at- Law (Representative of GAWL)

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the meeting to order at 3.15 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 **Excuses**

2.1.1 The Chairperson informed the Committee that the following Members had asked to be excused:

- (i) Mrs. Clarissa S. Riehl, M.P, and
- (ii) Mrs. Latchmin Punalall, M.P., who would be out of the jurisdiction until 29th March, 2009

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the Meeting:-

- (i) Notice dated 16th March, 2009, to attend the 4th Meeting of the Committee; and
- (ii) Minutes of the 3rd Meeting held on the 9th March, 2009.

ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 3RD MEETING HELD ON THE 9TH MARCH, 2009

4.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by Mrs. Shirley V. Edwards and Mr. Mohamed F. Khan respectively.

ITEM 5: TO CONTINUE CONSIDERATION OF THE PROTECTION OF CHILDREN BILL 2009 - BILL NO. 3 OF 2009

- 5.1 The Committee proceeded to consider the Bill, clause by clause.
- 5.1.1 Clauses 41,42,43,44,47,48,49,51,53,56,58,59,60,63 and 64 were accepted as presented.
- 5.1.2 Clauses 50, 52 and 57 were *deferred*.
- 5.1.3 Clauses 45, 46, 50, 52, 54, 55, 57,61and 62 were *accepted as amended*.
- 5.1.4 Deferred clauses and amendments made to the Bill have been appended to the Minutes.
- 5.2 The Committee agreed that it would revisit all deferred clauses at a subsequent meeting.

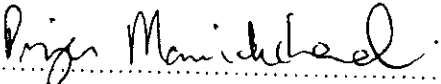
ITEM 6: ANY OTHER BUSINESS

- 6.1 BUSINESS FOR NEXT MEETING
- 6.1.1 The Committee agreed that the Status of Children Bill 2009 – Bill No.5 of 2009 would be considered at its next meeting scheduled for 25th March, 2009.

Adjournment

At 5.15 p.m. the meeting was adjourned to 3.00 p.m. on Wednesday, 25th March, 2009.

Confirmed this ...18th... day of March, 2009


.....
The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security
Chairperson

Matrix reflecting changes/amendments to clauses of the Bill from clauses 41 to 64 (Parts VI to XI) at the 4th Meeting of the Committee held on the 18th March, 2009.

PARTS VI- PLACEMENTS OF CHILDREN ON REMOVAL	Amendments to Clauses- New Clause\ Remarks
<p>Clause 45</p> <p>A child who is removed from a person caring for the child, shall be entitled to counselling.</p>	<p>Clause 45</p> <p>A child who is removed from a person caring for the child shall be counselled.</p> <p>Clause 45 was then accepted as amended.</p>
<p>PART VII- CONFIDENTIALITY AND DISCLOSURE OF INFORMATION</p> <p>Clause 46 subsection (2)</p> <p>A person who has the custody of a child other than temporary custody has the right to and shall, on request, be given access to information including information about the child referred to in subsection (1).</p>	<p>Clause 46 subsection (2)</p> <p>A person who has custody of a child other than temporary custody has the right to and shall, on request, be given access to information including information about the child referred to in subsection (1).</p> <p>Clause 46 was then accepted as amended.</p>
<p>PART VIII- OFFENCES AGAINST CHILDREN</p> <p>Clause 50</p>	<p>Clause 50</p> <p>Subsection 1 paragraph (a) was deferred to allow to provide clarity to the word "drug".</p>
<p>Clause 50 subsection (2)</p> <p>A person who is a holder of a license who employs a child on a licensed premise that sells intoxicating liquor under the Intoxicating Liquor Licensing Act commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars, or to a term of imprisonment of one year.</p>	<p>Clause 50 Subsection (2)</p> <p>A person who employs a child on premise that sells intoxicating liquor under the Intoxicating Liquor Licensing Act commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars, or to a term of imprisonment of one year.</p>

	Subsection 50 was then accepted as amended
<p>PART IX – ACCOUNTABILITY PROVISIONS</p> <p>Clause 52 Subsection 2 (c)</p> <p>An attorney-at-law assigned to or employed by the Georgetown Legal Aid Clinic.</p>	<p>Clause 52 Subsection 2 (c)</p> <p>An attorney-at-law assigned to or employed by a recognized Legal Aid provider.</p> <p>Paragraph 52 was then accepted as amended.</p>
<p>Clause 52 Subsection 2 (e)</p>	<p>Paragraph (e) was deferred pending further consideration to paragraphs.</p>
<p>PART X- PROTECTION FROM UNSUITABLE INDIVIDUALS</p> <p>Clause 54 Subsection 2 (b)</p> <p>That an individual has resigned or retired in circumstances where the organization would have considered dismissing that individual, on the grounds if he had not resigned or retired;</p>	<p>Clause 54 Subsection 2 (b)</p> <p>That an individual has resigned or retired in circumstances where the organization would have considered dismissing that individual, on the grounds</p> <p>Paragraph (b) was then accepted as amended.</p>
<p>Clause 54 Subsection 2 (c)</p> <p>Insertion of a new subsection</p>	<p>Clause 54 Subsection 2 (c)</p> <p>The individual was convicted of a sexual Offence.</p> <p>Subsection (b) was then accepted as amended.</p>

<p>Clause 55 Subsection (5)</p> <p>Where the misconduct of which the individual is alleged to have been guilty is the subject of any civil or criminal proceedings, an application for leave under subsection (2) may not be made before the end of the period of one month immediately following the final determination of the proceedings.</p>	<p>Clause 55 Subsection (5)</p> <p>Where the misconduct of which the individual is alleged to have been guilty is the subject of any civil or criminal proceedings, an application under subsection (2) may not be made before the end of the period of one month immediately following the final determination of the proceedings.</p> <p>Clause 55 was then accepted as amended.</p>
<p>Clause 57 Subsection (1)</p>	<p>Clause 57 subsection (1) was deferred pending further consideration of paragraphs.</p>
<p>Clause 57 Subsection 5</p> <p>An appeal shall lie to the High Court from a decision of the Board by originating summons.</p>	<p>Clause 57 Subsection 5</p> <p>An appeal shall lie to the High Court from a decision of the Board.</p>
<p>Clause 61</p> <p>An appeal lies from a decision of a Court under this Act to the Court of appeal.</p>	<p>Clause 61</p> <p>An appeal lies from a decision of a Court under this Act to the Court of Appeal.</p> <p>Clause 61 was then accepted as amended.</p>
<p>PART XI- MISCELLANEOUS</p> <p>Clause 62</p> <p>The Minister may make regulations to give effect to the purpose of this Act and these regulations shall be subject to negative resolution of the national Assembly.</p>	<p>Clause 62</p> <p>The Minister may make regulations to give effect to the purpose of this Act and these regulations shall be subject to negative resolution of the National Assembly.</p> <p>Clause 62 was then accepted as amended.</p>

Committees Division
Parliament Office
Public Buildings
Georgetown
20th March, 2009.

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2009)**

**MINUTE OF THE
5TH MEETING OF THE SPECIAL SELECT COMMITTEE ON THE:**

- (1) PROTECTION OF CHILDREN BILL 2009 – BILL NO. 3 OF 2009**
- (2) STATUS OF CHILDREN BILL 2009 – BILL NO. 5 OF 2009**
- (3) ADOPTION OF CHILDREN BILL 2009 – BILL NO. 6 OF 2009**

**HELD AT 3:05 P.M
ON WEDNESDAY, 25TH MARCH, 2009
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDING
BRICKDAM, GEORGETOWN**

MEMBERS OF THE COMMITTEE (10)

CHAIRPERSON PPP/C (1)

Nominated by the Committee of Selection on 29th January, 2009
(Elected by the Committee on 9th February, 2009)

The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security

Other Members

From the People's Progressive Party/ Civic (PPP/C) (5)

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

The Hon. Dr. Desrey Fox, M.P. - (Excused)

Mrs. Shirely V. Edwards, M.P.

Mr. Mohamed F. Khan, M.P.

Rev. Kwame Gilbert, M.P.

From the People's National Congress Reform – 1 Guyana (PNCR – 1G) (3)

Mrs. Clarrisa S. Riehl, M.P. - (Excused)

Mrs. Volda A. Lawrence, M.P.

Mr. Mervyn Williams, M.P. - (Excused)

From the Alliance For Change (AFC) (1)
Nominated by the Committee of Selection on 29th January, 2009)

Mrs. Latchmin Punalall, M.P. (Excused up to 29th March)

Officers

Ms. Sherene Warren - Clerk of Committee
Ms. Savitah Samwaroo - Assistant Clerk of Committee

Also in Attendance

Ms. Dhanwanti Sukhdeo - Attorney-at-law (Representative of the
Guyana Association of Women Lawyers)
Ms. Abina Solomon - Senior Parliamentary Counsel

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the meeting to order at 3:05 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 Excuses

2.1.1 The following Members had asked to be excused from the meeting:-

- (i) Mrs. Clarissa S. Riehl, M.P;
- (ii) Mr. Mervyn Williams, M.P; and
- (iii) Mrs. Latchmin Punalall, M.P.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the Meeting:-

- (i) Notice to attend the 5th Meeting dated 19th March, 2009 to be held on Wednesday, 25th March, 2009;and
- (ii) Minutes of the 4th Meeting held on the 18th March, 2009.

ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 4TH MEETING HELD ON THE 18TH MARCH, 2009

4.1 Minutes of the 4th Meeting held on the 18th March, 2009 was deferred to the next meeting of the Committee.

ITEM 5: TO COMMENCE CONSIDERATION OF STATUS OF CHILDREN BILL 2009 – BILL NO. 5 OF 2009.

5.1 Opening Remarks

5.1.1 In her opening remarks, the Chairperson informed Members that the Bill sought to repeal and re-enact the provision of Children Born Out of Wedlock (Removal of Discrimination) Act 1983. In brief, she related that the Bill would allow all children to enjoy the same rights regardless of their status(how they were brought into the world).

5.1.2 The Committee proceeded to consider the Bill, Clause by Clause.

5.1.3 The following Clauses were accepted as presented:-
1,2,3,4,6,7,8,9,11,14,16,17,18,19,20,21,23,24,25,26,27,,28,29,30,31,32, 33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52, and53.

5.1.4 The following Clauses were accepted as amended:-
5,10,12,13,15, and 22.

5.1.5 Amendments made to the Bill have been appended to the Minutes.

5.1.6 The Committee also agreed to review Clause 10(b)(iii) and Clause 15(2)(b) at its next meeting.

Adjournment

At 4:00 p.m., the meeting was adjourned to Wednesday, 1st April, 2009.

Confirmed this ~~22nd~~^{23rd} day of April, 2009

Priya D. Manickchand
.....
The Hon. Priya D. Manickhand, M.P.
Minister of Human Services and Social Security
Chairperson

Matrix reflecting changes/ amendments to Clauses of the Bill from Clauses 1 to 40 (Parts 1 to V) at the 5th Meeting of the Committee held on the 9th March, 2009.

Clauses of Present Bill	Amendments to Clauses – New Clauses/Remarks
A.D. 2009	A.D. 2008
<p>PART 11- STATUS OF CHILDREN AND CONSTRUCTION OF INSTRUMENTS</p> <p>Clause 5 (2) – Marginal Notes “No. of 2007”</p>	<p>Clause 5(2) – the Marginal Notes were deleted.</p> <p>Clause 5 was then accepted as amended.</p>
<p>PART 111 – ESTABLISHMENT OF PARENTAGE</p> <p>Clause 10(b) (ii) decree of nullity; or</p>	<p>Clause 10(b) (ii) decree nullity; or</p>
<p>Clause 10(b)</p> <p>(iii) divorce where the decree absolute of divorce was granted, within three hundred days, or a longer period as the Court may allow, before the birth of the child;</p>	<p>Clause 10(b)</p> <p>(iii) divorce where the decree absolute of divorce was granted, within three hundred and eight days, or a longer period as the Court may allow, before the birth of the child;</p> <p>Clause 10 was then accepted as amended.</p>
<p>Clause 12</p> <p>A man is presumed to be the father of a child where he was cohabiting with the mother of the child in a relationship of some permanence at any time during the period beginning not earlier than three hundred days and ending not less than one hundred and forty days before the birth of the child.</p>	<p>Clause 12</p> <p>A man is presumed to be the father of a child where he was cohabiting with the mother of the child in a relationship of some permanence at any time during the period beginning not earlier than three hundred and eight days and ending not less than one hundred and forty days before the birth of the child.</p> <p>Clause 12 was then accepted as amended.</p>

<p>Clause 13 – Marginal Notes</p> <p>Presumption of paternity arising from registration of birth.</p> <p>Clauses 15(6)</p> <p>Where a woman is impregnated with the embryo that is the result of a fertilisation procedure using ovum and sperm obtained from other persons under any agreement of surrogacy, that woman is presumed not to be the mother of the child born as a result of pregnancy under these circumstances.</p>	<p>Clause 13 – Marginal Notes</p> <p>Presumption of parentage arising from registration of birth</p> <p>Clause 13 was then accepted as amended.</p> <p>Clause 15(6)</p> <p>Where a woman is impregnated with the embryo that is the result of a fertilisation procedure using ovum and sperm obtained from other persons under an agreement of surrogacy, that woman is presumed not to be the mother of the child born as a result of pregnancy under these circumstances.</p> <p>Clause 15 was then accepted as amended.</p>
<p>Clause 22(4)</p> <p>Where circumstances exists that give rise under this Part to conflicting rebuttable presumptions of fatherhood and a Court finds on a balance of probabilities that a man is the father of the child, the Court may make a declaration to that effect</p>	<p>Clause 22(4)</p> <p>Where circumstances exist that give rise under this Part to conflicting rebuttable presumptions of fatherhood and a Court finds on a balance of probabilities that a man is the father of the child, the Court may make a declaration to that effect</p> <p>Clause 22 was then accepted as amended.</p>

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006 -2009)**

**MINUTES OF THE
6TH MEETING OF THE SPECIAL SELECT COMMITTEE ON THE:**

- (1) PROTECTION OF CHILDREN BILL 2009 – BILL NO. 3 OF 2009**
- (2) STATUS OF CHILDREN BILL 2009 – BILL NO. 5 OF 2009**
- (3) ADOPTION OF CHILDREN BILL 2009 – BILL NO. 6 OF 2009**

**HELD AT 3.00 P.M
ON WEDNESDAY, 1ST APRIL, 2009
IN THE COMMITTEE ROOM NO.2, PUBLIC BUILDINGS, BRICKDAM,
GEORGETOWN**

MEMBERS OF THE COMMITTEE (10)

CHAIRPERSON PPP/C (1)

(Nominated by the Committee of Selection on 29th January, 2009)

(Elected by the Committee on 9th February, 2009)

The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security

Other Members

From the People's Progressive Party/Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 29th January, 2009)

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

The Hon. Dr. Desrey Fox, M.P.
Minister in the Ministry of Education

Mrs. Shirley V. Edwards, M.P.

Mr. Mohamed F. Khan, M.P.

Rev. Kwame Gilbert, M.P.

From the People's National Congress Reform – 1 Guyana (PNCR – 1G) (3)

(Nominated by the Committee of Selection on 29th January, 2009)

Mrs. Clarissa S. Riehl, M.P.

Mrs. Volda A. Lawrence, M. P.

Mr. Mervyn Williams, M.P. - (Excused)

From the Alliance For Change (AFC) (1)
(Nominated by the Committee of Selection on 29th January, 2009)

Mrs. Latchmin Punalall, M.P

Officers

Ms Sherene Warren - Clerk of Committee
Ms Tanzadell Bentinck - Assistant Clerk of Committee

Also in Attendance

Mr. Charles Fung-A-Fat - Deputy Chief Parliamentary Counsel
Ms. Emily Dodson - } Attorneys at law (Representatives of the Guyana
Ms. Dhanwanti Sukhdeo - } Association of Women Lawyers)

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the meeting to order at 3.00 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 **Excuses**

2.1.1 Mr. Mervyn Williams, M.P., was excused from the Meeting.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the Meeting:-

- (i) Notice to attend the 6th Meeting dated 27th March, 2009;
- (ii) Minutes of the 4th and 5th meetings held on the 18th and the 25th March, 2009, respectively.

3.2 **Opening Remarks**

3.2.1 In her opening remarks, the Chairperson expressed condolences on behalf of the Committee, to all of Guyana, on the death of Mrs. Janet Jagan, who passed away on the 28th March, 2009.

- 3.2.2 The Committee then observed a minute of silence for Mrs. Jagan's passing.

ITEM 4: CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 4TH MEETING HELD ON THE 18TH MARCH, 2009

Correction

- 4.1 **Page 5, matrix**
- 4.1.1 The Committee noted that Clause 52, subsection (2), paragraph (e) was not deferred but was **accepted as presented**.
- 4.1.2 The Minutes were then confirmed, as corrected on a Motion moved and seconded by Mr. Mohamed F. Khan and Rev. Kwame Gilbert, respectively.

ITEM 5: CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 5TH MEETING HELD ON THE 25TH MARCH, 2009

Corrections

- 5.1 **Page 3, paragraph 5.1.6**
- 5.1.1 Clause 15, subsection (2), paragraph (b) was not committed to be reviewed but was **accepted as presented**.
- 5.2 There being no further corrections, the Minutes were confirmed, on a motion moved and seconded by Rev. Kwame Gilbert and Mr. Mohamed F. Khan, respectively.

ITEM 6: TO CONSIDER THE DEFERRED CLAUSES OF THE PROTECTION OF CHILDREN BILL AND STATUS OF CHILDREN BILL 2009.

- 6.1 **Protection of Children Bill**
- 6.1.1 **Clause 6, Paragraphs (a) to (d) which were deferred for merging of the paragraphs were accepted as presented.**

- 6.1.1.1 **Paragraph (i)** which was deferred pending consideration on what “living situation” should include was **accepted as presented**.
- 6.1.2 **Clause 25: Subsection (1)**
- 6.1.2.1 Substitution of the word “shall have” for the word “has” in line 2.
- 6.1.2.2 Paragraph (a) was then **accepted as presented**
- 6.1.3 **Clause 30: Paragraph (2)**
- 6.1.3.1 Insertion of the words “or during any other part of the proceedings” at the end of line 2.
- 6.1.4 **Clause 34: Paragraph (a)**
- 6.1.4.1 Substitution of the words “perform any act” for the words “serve a notice” before the word “under”.
- 6.1.4.2 Clause 34 was then **accepted as amended**
- 6.1.5 **Clause 37:**
- 6.1.5.1 The following amendments were made:
- (i) Insertion of a new paragraph (d) to read, as follows:
- “where the disclosure is necessary for the performance of the duties of the Director or the Social Worker acting in the best interest of the child”.
- (ii) Renumber paragraph (d) as (e)
- 6.1.5.2 Clause 37 was then **accepted as amended**.
- 6.1.6 **Clause 50:**
- Subsection (1), paragraph (a)**
- 6.1.6.1 Deletion of the words “including a narcotic” after the word “drugs” in line 1.
- Subsection (1), Paragraph (d)**
- 6.1.6.2 Substitution of the words “any other” for the word “another” at the beginning of the line.

Subsection (3)

- 6.1.6.3. The following amendments were made:
- (i) Substitution of the word “four” for the word “two”,
 - (ii) Substitution of the words “together with” for the words “or to” before the word “dollars”, and
 - (iii) Substitution of the words “not less than six months” for the words “one year” in the last line.

6.1.7 Clause 50 was then accepted as amended.

6.1.8 Clause 52 was accepted as presented.

6.1.9 Clause 57

6.1.9.1 Substitution of the word “five” for the word “three” in line 2.

6.1.9.2 Clause 57 was then **accepted as amended.**

6.2 STATUS OF CHILDREN BILL

6.2.1 Clause 10: Paragraph (b) (iii)

6.2..2 The words “three hundred and eight days” as amended in the matrix of the 5th Meeting were accepted as “three hundred days”.

6.2..3 Clause 10 was then **accepted as amended**

ITEM 7: TO COMMENCE CONSIDERATION OF THE ADOPTION OF CHILDREN BILL 2009 – BILL NO. 6 OF 2009.

7.1 The Committee proceeded to consider the Bill Clause by Clause.

7.1.1 The following Clauses were accepted as presented:-

1, 4, 6, 7, 9, 11, 12, 13,14, 15, 16, 18, 19, 20, 21, 22,23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39,42, 43, 45, 46.

7.1.2 The following Clauses were amended:

2, 3, 5, 8, 10, 17, 26, 40, 41, 44, 47, 48, 49, 50.

7.1.3 Amendments made to the Bill have been appended to the Minutes.

ITEM 8: ANY OTHER BUSINESS

8.1 Closing Remarks

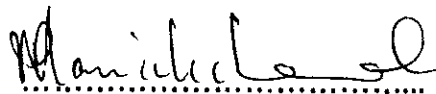
8.1.1 The Chairperson informed Members that the Committee had concluded the consideration of the three Bills and as such was anticipating submitting the reports to the National Assembly within another two weeks.

8.1.2 The Clerk of the Committee was requested to circulate the Draft Reports to Members for consideration at the Meeting on the 8th April, 2009.

Adjournment

At 7.00 p.m., the meeting was adjourned to 3:00 pm on Wednesday, 8th April, 2009.

Confirmed this22nd.....day of April, 2009



*The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security
Chairperson*

**Matrix reflecting changes/amendments to Clauses of the Adoption
of Children Bill from
Clauses 1 -50 (pages 5 – 23) at the 6th Meeting held on the 1st
April, 2009**

Clauses of Present Bill	Amendments to Clauses – New Clause/Remarks
<p>Clause 2</p> <p>“agency” means the childcare and protection agency established under section 3 of the Childcare and protection Agency Act;</p> <p>Subsection (2)</p> <p>Paragraph (b)</p> <p>That adoption is to be regarded as a service for the child, not for adults wishing to acquire the care of the child.</p> <p>Paragraph (c)</p> <p>That no adult has a right to adopt the child</p> <p>Subsection (3)</p> <p>In determining the best interests of the child, the decision maker is to have regard to the following -</p>	<p>Clause 2</p> <p>“agency” means the Childcare and Protection Agency established under section 3 of the Childcare and Protection Agency Act;</p> <p>Subsection (2)</p> <p>Paragraph (b) was deleted</p> <p>Paragraph (c) was deleted</p> <p>Paragraphs (d) and (e) were re-numbered as (b) and (c)</p> <p>Subsection (3)</p> <p>In determining the best interests of the child, the decision maker shall have regard to the following –</p> <p>Clause 2 was then accepted as amended.</p>

<p>Clause 3</p> <p>Subsection (1), paragraph (b)</p> <p>The members of the Board shall include an attorney-at-law, a retired social worker who served in a senior capacity, and the five other members who shall have skills, training in experience in child development, sociology, social work or psychology.</p> <p>Subsection (7)</p> <p>The Board shall have a secretariat that shall provide services for the carrying out of the functions of the Board.</p>	<p>Clause 3</p> <p>Subsection (1), paragraph (b)</p> <p>The members of the Board shall include an attorney-at-law, a retired social worker who served in a senior capacity, and five other members who shall have skills, training in experience in child development, sociology, social work or psychology.</p> <p>Subsection (7) was deleted.</p> <p>Clause 3 was then accepted as amended.</p>
<p>Clause 5</p> <p>Subsection (1)</p> <p>Paragraph (b)</p> <p>to make investigations concerning the adoption of child for consideration of the Court;</p> <p>paragraph (c)</p> <p>To act as guardian <i>ad litem</i> of a child in respect of whom an adoption order is sought under this Act;</p> <p>Subsection (2)</p> <p>Notwithstanding subsection (1), a child who is the subject of the application may be separately presented.</p>	<p>Clause 5</p> <p>Subsection (1)</p> <p>Paragraph (b)</p> <p>To make investigations concerning the adoption of a child for consideration of the Court;</p> <p>paragraph (c)</p> <p>To act as guardian <i>ad litem</i> of the child in respect of whom an adoption order is sought under this Act;</p> <p>Subsection (2)</p> <p>Notwithstanding subsection (1), a child who is the subject of the application may be separately presented.</p>

<p>Subsection (3)</p> <p>Notwithstanding anything under this Act, the policy and decisions of the Board and matters not covered by this Act shall be in accordance with section 4 of the Child Care and Protection Agency Act under the general provision and control of the Agency.</p>	<p>Subsection (3)</p> <p>Notwithstanding anything under this Act, the policy and decisions of the Board and matters not covered by this Act shall be, in accordance with section 4 of the Child Care and Protection Agency Act, under the general provision and control of the Agency.</p> <p>Clause 5 was then accepted as amended.</p>
<p>Clause 8</p> <p>Subsection (2), paragraph (iii)</p> <p>a non- Guyanese has not furnished the Board with requisite documentation as referred to in section (13) (2)</p>	<p>Clause 8</p> <p>Subsection (2), paragraph (iii)</p> <p>a non- Guyanese, has not furnished the Board with requisite documentation as referred to in section (13) (2)</p> <p>Clause 7 was then accepted as amended</p>
<p>Clause 10</p> <p>Subsection (2), paragraph (ii)</p> <p>if the Board has reason to withdraw its recommendation made under section 8 (1), the Board may so indicate to the agency and the Agency shall give notice in writing to the adopter of the Agency's intention not to allow the child to remain in the care and possession of the adopter, and where notice is so given, the adopter shall, within seven days of the date on which the notice was given, cause the child to be returned to the Agency.</p>	<p>Clause 10</p> <p>Subsection (2), paragraph (ii)</p> <p>if the Board has reason to withdraw its recommendation made under section 8 (1), the Board may so indicate to the agency and the Agency shall give notice in writing to the adopter of the Agency's intention not to allow the child to remain in the care and possession of the adopter, and where notice is so given, the adopter shall, within seven days of the date on which the notice was given, cause the child to be returned to the Agency or earlier, if determined to be necessary by the Agency.</p>

<p>\Subsection (7)</p> <p>A person, who contravenes subsection (2) by failing to return a child to the Agency commits an offence and is liable on summary conviction to a fine of two hundred and fifty dollars and to imprisonment for one year, and the Court by which the offender is convicted shall order the child in respect of whom the offence is committed to be returned to the Agency.</p>	<p>Subsection (7)</p> <p>A person, who contravenes any provision of this section commits an offence and is liable on summary conviction to a fine of two hundred and fifty dollars and to imprisonment for one year, and the Court by which the offender is convicted shall order the child in respect of whom the offence is committed to be returned to the Agency.</p> <p>Clause 10 was then accepted as amended.</p>
<p>Clause 17</p> <p>Subsection (1)</p> <p>An adoption order shall not be made in respect of a child unless the applicant has attained the age of eighteen years and is not older than sixty-five years and the age difference between the applicant and child is not more than forty years or less than eighteen years.</p>	<p>Clause 17</p> <p>Subsection (1)</p> <p>An adoption order shall not be made in respect of a child unless the applicant has attained the age of eighteen years and is not older than sixty-five years and the age difference between the applicant and child is not more than fifty years or less than seventeen years.</p> <p>Clause 17 was then accepted as amended</p>
<p>Clause 26</p> <p>Subsection (1)</p> <p>An application for an adoption order may be made by Originating Summons to a Judge in Chambers.</p>	<p>Clause 26</p> <p>Subsection (1)</p> <p>An application for an adoption order may be made to a Judge in Chambers.</p> <p>Clause 26 was then accepted as amended</p>

<p>Clause 44</p> <p>Proceedings for an offence under this Act shall be taken by the Board.</p>	<p>Clause 44</p> <p>Proceedings for an offence under this Act shall be taken by the Agency.</p> <p>Clause 44 was then accepted as amended</p>
<p>Clause 47</p> <p>Subsection (2)</p> <p>The Minister may make regulations subject to the negative resolution of the national assembly-</p> <p>Subsection (3)</p> <p>In any regulation under this section, the Minister may prescribe for an offence a penalty not exceeding a fine of one hundred thousand dollars and imprisonment for six months.</p> <p>Clause 48</p>	<p>Clause 47</p> <p>Subsection (2)</p> <p>The Minister may make regulations subject to the negative resolution of the National Assembly-</p> <p>Subsection (3)</p> <p>In any regulation under this section, the Minister may prescribe for an offence a penalty not exceeding a fine of two hundred thousand dollars and imprisonment for six months.</p> <p>Clause 47 was then accepted as amended</p> <p>Clause 48</p> <p>Insertion of a new Clause 48 to read as follows:</p> <p>Marginal Notes-</p> <p>Powers of the Childcare and Protection Agency</p>



**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006 -2009)**

**MINUTES OF THE
7TH MEETING OF THE SPECIAL SELECT COMMITTEE ON THE:**

- (1) PROTECTION OF CHILDREN BILL 2009 – BILL NO. 3 OF 2009**
- (2) STATUS OF CHILDREN BILL 2009 – BILL NO. 5 OF 2009**
- (3) ADOPTION OF CHILDREN BILL 2009 – BILL NO. 6 OF 2009**

**HELD AT 3.15 P.M
ON WEDNESDAY, 22ND APRIL, 2009
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN**

MEMBERS OF THE COMMITTEE (10)

CHAIRPERSON PPP/C (1)

(Nominated by the Committee of Selection on 29th January, 2009)

(Elected by the Committee on 9th February, 2009)

The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security

Other Members

From the People's Progressive Party/Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 29th January, 2009)

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

The Hon. Dr. Desrey Fox, M.P. - (Excused)
Minister in the Ministry of Education

Mrs. Shirley V. Edwards, M.P.

Mr. Mohamed F. Khan, M.P.

Rev. Kwame Gilbert, M.P.

From the People's National Congress Reform – 1 Guyana (PNCR – 1G) (3)

(Nominated by the Committee of Selection on 29th January, 2009)

Mrs. Clarissa S. Riehl, M.P. - (Excused)

Mrs. Volda A. Lawrence, M. P.

Mr. Mervyn Williams, M.P.

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 29th January, 2009)

Mrs. Latchmin Punalall, M.P

Officers

Ms Sherene Warren - Clerk of Committee
Ms Tanzadell Bentinck - Assistant Clerk of Committee

Also in Attendance

Mr. Charles Fung-A-Fat - Deputy Chief Parliamentary Counsel
Ms. Emily Dodson - } Attorneys at law (Representatives of the Guyana
Ms. Dhanwanti Sukhdeo - } Association of Women Lawyers)

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the meeting to order at 3.15 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 **Excuses**

2.1.1 The following Members had asked to be excused from the Meeting.

(i) Mrs. Desrey Fox, M.P., and

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

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the Meeting:-

- (i) Notice to attend the 7th Meeting dated 20th April, 2009;
- (ii) Minutes of the 6th meeting held on the 1st April, 2009; and
- (iii) Draft Reports of the following Bills:-
 - (i) Protection of Children Bill 2009 – Bill No. 3 of 2009
 - (ii) Status of Children Bill 2009 – Bill No. 5 of 2009.

3.2 Opening remarks

3.2.1 The Chairperson apologized for the postponement of the two previous scheduled meetings which she explained, were due to circumstances beyond her control.

ITEM 4: CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 6TH MEETING HELD ON THE 1ST APRIL, 2009

Correction

4.1 The Chairperson informed Members that in keeping with their decision at the previous meeting to make all the Bills gender neutral, the following paragraphs were inadvertently omitted and requested that it be reflected/inserted into the 6th Minutes, held on the 1st April, 2009.

4.1.1 Page 6, paragraph 7.1.4

4.1.1.2 “In order to make the Bill gender neutral, the Committee agreed to substitute the words “the child” or “a child” for the words “his” or to use “he/she” or “his/her” wherever appropriate”.

4.1.2 Page 6, Paragraph 7.1.5

4.1.2.1 The CPC was asked to note.

4.1.3 Thereafter the Minutes were confirmed as corrected, on a Motion moved and seconded by Mrs. Latchmin Punalall, M.P., and Mr. Mohamed F. Khan, M.P., respectively.

ITEM 5: TO CONSIDER THE DRAFT REPORT OF THE PROTECTION OF CHILDREN BILL 2009 – BILL NO. 3 OF 2009

The Committee proceeded to consider the report page by page.

5.1 Page 3 – Other Meetings of the Committee

5.1.1 Substitution of “22nd April” for “8th April” in the *last line*.

5.1.2 Page 5 - Report of the Special Select Committee

5.1.3 Substitution of “22nd April” for “8th April” in *line 1*.

5.1.4 There being no further corrections, the report was adopted by Rev. Kwame Gilbert, M.P., and Mrs. Volda Lawrence, M.P., respectively.

ITEM 6: TO CONSIDER THE DRAFT REPORT OF THE STATUS OF CHILDREN BILL 2009 – BILL NO. 5 OF 2009

6.1 The Committee proceeded to consider the report page by page.

Corrections

6.1.1 Page 1 – Establishment of Special Select Committee

- (i) Substitution of the word “Protection” for the word “Status” in *line 2*.
- (ii) Substitution of “3” for “5” in *line 2*.

6.1.2 Page 2 – Committal to Select Committee

6.1.2.1 Substitution of the word “Protection” for the word “Status” and “3” for “5” in the *last line*.

6.1.2.2 Paragraph 2 - Members of the Special Select Committee

- (i) Substitution of the word “Protection” for the word “Status” in *line 2*.
- (ii) Substitution of “3” for “5” in *line 3*.

6.1.3 Page 3 – First Meeting of the Committee – Election of Chairperson

- (i) Substitution of the word “Protection” for the word “Status” in *line 1*.
- (ii) Substitution of “3” for “5” in *line 2*.

6.1.4 Page 5 – Report of the Special Select Committee

6.1.4.1 Substitution of “22nd April” for “8th April” in *line 1*.

6.1.5 There being no further corrections, the report was moved and adopted by Ms. Shirley Edwards, M.P., and Mrs. Volda Lawrence, M.P., respectively.

6.1.6 Thereafter, the Chairperson requested the Clerk of the Committee to prepare the report of the Adoption Bill No. 6 of 2009 and have it circulated to Members before the next Sitting of the National Assembly.

ITEM 7: ANY OTHER BUSINESS

7.1 Draft Report – Adoption of Children Bill – Bill No. 6 of 2009

7.1.1 The Clerk of the Committee, in response to an enquiry, informed the Committee that the Draft Report of the Adoption of Children Bill would be circulated to Members by Friday 24th April, 2009.

7.1.1.2 The Committee then agreed to meet on Thursday, 30th April, 2009 during the suspension of the Sitting of the National Assembly to consider the Adoption of Children Report.

7.1.2 The Chairperson requested the Chief Parliamentary Counsel to liaise with the Clerk of the Committee to ensure that the amendments made to the Bill were correctly reflected in the changes made as identified in the reports before their submission to the National Assembly.

7.1.3 In closing, the Chairperson informed Members that the Sexual Offences Legislation was coming on-stream along with the 2 remaining children Bills.

7.1.4 She then reminded Members that they could contact the Committees Division, specifically the Clerk of the Committee or herself for any further queries/clarifications.

Adjournment

At 4.00 p.m., the Committee was adjourned to meet during the suspension of the Sitting of the National Assembly on Thursday, 30th April, 2009.

Unconfirmed